

Effective December 28, 2022

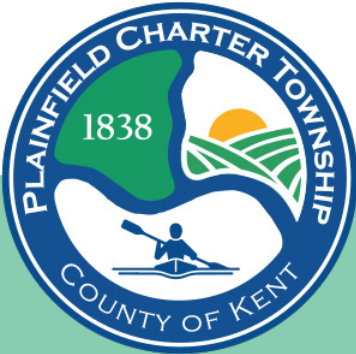
---

ZONING **PLAINFIELD**  
ORDINANCE **CHARTER**  
**TOWNSHIP**

---

williams&works

**ZONING ORDINANCE** **PLAINFIELD CHARTER TOWNSHIP**



# CONTENTS

## Chapter 1. Short Title, Purpose & Scope ..... 1-1

Section 1.01 - Short Title .....	1-1
Section 1.02 - Purpose .....	1-1
Section 1.03 - Scope .....	1-2

## Chapter 2. Definitions ..... 2-1

Section 2.01- Construction Of Language .....	2-1
Section 2.02 - A .....	2-1
Section 2.03 - B .....	2-6
Section 2.04 - C .....	2-9
Section 2.05 - D .....	2-12
Section 2.06 - E .....	2-14
Section 2.07 - F .....	2-15
Section 2.08 - G.....	2-17
Section 2.09 - H .....	2-18
Section 2.10 - I.....	2-18
Section 2.11 - J.....	2-19
Section 2.12 - K .....	2-19
Section 2.13 - L .....	2-19
Section 2.14 - M .....	2-21
Section 2.15 - N .....	2-23
Section 2.16 - O .....	2-24
Section 2.17 - P .....	2-25
Section 2.18 - Q Reserved .....	2-28
Section 2.19 - R .....	2-28
Section 2.20 - S .....	2-29
Section 2.21 - T .....	2-34
Section 2.22 - U .....	2-35
Section 2.23 - V .....	2-35
Section 2.24 - W.....	2-36
Section 2.25 - X Reserved .....	2-36
Section 2.26 - Y.....	2-36
Section 2.27 - Z .....	2-37

## Chapter 3. General Provisions..... 3-1

Section 3.01 - Accessory Buildings & Structures .....	3-1
Section 3.02 - Animals .....	3-8
Section 3.03 - Area Or Space Required .....	3-8
Section 3.04 - Automotive Vehicle Repair .....	3-8
Section 3.05 - Swimming Pools.....	3-9
Section 3.06 - Building Height Exceptions .....	3-9
Section 3.07 - Buildings, Moving .....	3-9
Section 3.08 - Building, Razing, And Filling Of Excavations .....	3-10
Section 3.09 - Buildings And Structures, Temporary .....	3-11
Section 3.10 - Residential Driveway Requirements .....	3-10
Section 3.11 - Dwellings, Single-Family .....	3-11
Section 3.12 - Front, Side, And Rear Yard Setback Requirements – Basis Of Determination .....	3-13
Section 3.13 - Governmental Buildings And Essential Services .....	3-14

Section 3.14 - Grade Levels, Establishing .....	3-14
Section 3.15 - Flags .....	3-14
Section 3.16 - Home Occupations .....	3-15
Section 3.17 - Keyholing/Funneling .....	3-16
Section 3.18 - Reserved .....	3-17
Section 3.19 - Recreational Vehicle And Trailer Storage In Residential Districts .....	3-17
Section 3.20 - Commercial Vehicle Storage .....	3-18
Section 3.21 - Principal Use .....	3-18
Section 3.22 - Dumpster Enclosures .....	3-18
Section 3.23 - Marihuana .....	3-19
Section 3.24 - Registration Of Property .....	3-19
Section 3.25 - Reserved .....	3-19
Section 3.26 - Access Standards And Requirements .....	3-19
Section 3.27 - Fences And Walls .....	3-25
Section 3.28 - Garage Sales / Yard Sales .....	3-27
Section 3.29 - Wireless Communication Facilities. ....	3-27
Section 3.30 - Grading, Natural Feature Protection, And Adequate Lot Drainage .....	3-31
Section 3.31 - Amateur Radio Stations .....	3-33
Section 3.32 - Antennas/Residential Receiving Systems .....	3-34
Section 3.33 - Small-Scale Solar Energy Systems .....	3-34
Section 3.34 - Wind Energy Systems.....	3-36
Section 3.35 - Mechanical Equipment (Non-Residential) .....	3-37
Section 3.36 - Infrastructure and Service Needs.....	3-38

#### **Chapter 4. Nonconforming Uses & Structures ..... 4-1**

Section 4.01 - Purpose And Intent.....	4-1
Section 4.02 - General Provisions For Nonconformities .....	4-1
Section 4.03 - Nonconforming Uses.....	4-2
Section 4.04 - Nonconforming Buildings And Structures.....	4-4
Section 4.05 - Nonconforming Lots.....	4-4
Section 4.06 - Nonconforming Site and Building Elements.....	4-5

#### **Chapter 5. Mapped Districts ..... 5-1**

Section 5.01 - Zone Districts.....	5-1
Section 5.02 - Zoning Map.....	5-2
Section 5.03 - Boundaries Of Districts .....	5-2
Section 5.04 - Construction And Use Of Land And Buildings .....	5-2
Section 5.05 - Table of Land Uses.....	5-4

#### **Chapter 6. RP Rural Preservation ..... 6-1**

Section 6.01 - Purpose .....	6-1
Section 6.02 - Permitted Uses .....	6-1
Section 6.03 - Permitted Uses Subject To Special Conditions.....	6-2
Section 6.04 - Uses Requiring Special Land Use Approval .....	6-2
Section 6.05 - Height & Area Regulations .....	6-3
Section 6.06 - Requirements For Public Water, Sanitary Sewer Service, And Sidewalks .....	6-3

#### **Chapter 7. RE Rural Estate Residential..... 7-1**

Section 7.01- Purpose .....	7-1
Section 7.02 - Permitted Uses .....	7-1
Section 7.03 - Permitted Uses Subject To Special Conditions.....	7-2
Section 7.04 - Uses Requiring Special Land Use Approval .....	7-2



Section 7.05 - Height & Area Regulations..... 7-3  
 Section 7.06 - Requirements For Public Water, Sanitary Sewer Service, And Sidewalks ..... 7-3

**Chapter 8. R-1A Residential ..... 8-1**

Section 8.01 - Purpose ..... 8-1  
 Section 8.02 - Permitted Uses ..... 8-1  
 Section 8.03 - Permitted Uses Subject To Special Conditions..... 8-2  
 Section 8.04 - Uses Requiring Special Land Use Approval ..... 8-2  
 Section 8.05 - Height & Area Regulations..... 8-2  
 Section 8.06 - Requirements For Public Water, Sanitary Sewer Service, And Sidewalks ..... 8-3

**Chapter 9. R-1B Residential ..... 9-1**

Section 9.01 - Purpose ..... 9-1  
 Section 9.02 - Permitted Uses ..... 9-1  
 Section 9.03 - Permitted Uses Subject To Special Conditions..... 9-2  
 Section 9.04 - Uses Requiring Special Land Use Approval ..... 9-2  
 Section 9.05 - Height & Area Regulations..... 9-2  
 Section 9.06 - Requirements For Public Water, Sanitary Sewer Service, And Sidewalks ..... 9-3

**Chapter 10. R-1C Residential ..... 10-1**

Section 10.01 - Purpose ..... 10-1  
 Section 10.02 - Permitted Uses ..... 10-1  
 Section 10.03 - Permitted Uses Subject To Special Conditions ..... 10-2  
 Section 10.04 - Uses Requiring Special Land Use Approval ..... 10-2  
 Section 10.05 - Height & Area Regulations ..... 10-2  
 Section 10.06 - Requirements For Public Water, Sanitary Sewer Service, And Sidewalks ..... 10-3

**Chapter 11. R-2 Residential ..... 11-1**

Section 11.01 - Purpose ..... 11-1  
 Section 11.02 - Permitted Uses ..... 11-1  
 Section 11.03 - Permitted Uses Subject To Special Conditions ..... 11-2  
 Section 11.04 - Uses Requiring Special Land Use Approval ..... 11-2  
 Section 11.05 - Height & Area Regulations ..... 11-2  
 Section 11.06 - Additional Requirements For More Than One Two-Family Dwelling On A Lot..... 11-3  
 Section 11.07 - Requirements For Public Water & Sanitary Sewer Service..... 11-3  
 Section 11.08 - Minimum Floor Area ..... 11-3

**Chapter 12. R-3 Residential ..... 12-1**

Section 12.01 - Purpose ..... 12-1  
 Section 12.02 - Permitted Uses ..... 12-1  
 Section 12.03 - Permitted Uses Subject To Special Conditions ..... 12-2  
 Section 12.04 - Uses Requiring Special Land Use Approval ..... 12-2  
 Section 12.05 - Height & Area Regulations ..... 12-2  
 Section 12.06 - Additional Requirements For Multiple Family Dwellings ..... 12-3  
 Section 12.07 - Requirements For Public Water & Sanitary Sewer Service ..... 12-4

**Chapter 13. R-4 Residential ..... 13-1**

Section 13.01 - Purpose ..... 13-1  
 Section 13.02 - Permitted Uses ..... 13-1  
 Section 13.03 - Permitted Uses Subject To Special Conditions ..... 13-2  
 Section 13.04 - Uses Requiring Special Land Use Approval ..... 13-2  
 Section 13.05 - Height Regulations ..... 13-2  
 Section 13.06 - Construction And Occupancy ..... 13-2

Section 13.07 - Preliminary Plan Approval .....	13-2
<b>Chapter 14. C-1 Commercial .....</b>	<b>14-1</b>
Section 14.01 - Purpose .....	14-1
Section 14.02 - Permitted Uses .....	14-1
Section 14.03 - Permitted Uses Subject To Special Conditions .....	14-2
Section 14.04 - Uses Requiring Special Land Use Approval .....	14-2
Section 14.05 Height Regulations .....	14-3
Section 14.06 - Area Regulations .....	14-3
Section 14.07 - Additional Requirements .....	14-3
<b>Chapter 15. VC Village Commercial .....</b>	<b>15-1</b>
Section 15.01 - Purpose .....	15-1
Section 15.02 - Permitted Uses .....	15-1
Section 15.03 - Permitted Uses Subject To Special Conditions .....	15-2
Section 15.04 - Uses Requiring Special Land Use Approval .....	15-3
Section 15.05 - Height Regulations .....	15-3
Section 15.06 - Area Regulations.....	15-3
Section 15.07 - Additional Requirements.....	15-3
<b>Chapter 16. Mixed-Use Commercial (MXU) .....</b>	<b>16-1</b>
Section 16.01 - Purpose .....	16-1
Section 16.02 - Permitted Uses .....	16-1
Section 16.03 - Permitted Uses Subject To Special Conditions .....	16-2
Section 16.04 - Uses Requiring Special Land Use Approval .....	16-3
Section 16.05 - Site Regulations .....	16-4
Section 16.06 - Building Design Regulations.....	16-7
Section 16.07 - Bonuses.....	16-11
Section 16.08 - Additional Requirements .....	16-11
<b>Chapter 17. RESERVED .....</b>	<b>17-1</b>
<b>Chapter 18. Commuter Commercial (CC).....</b>	<b>18-1</b>
Section 18.01 - Purpose .....	18-1
Section 18.02 - Permitted Uses .....	18-1
Section 18.03 - Permitted Uses Subject To Special Conditions .....	18-2
Section 18.04 - Uses Requiring Special Land Use Approval .....	18-3
Section 18.05 - Height Regulations .....	18-3
Section 18.06 - Area Regulations.....	18-3
Section 18.07 - Additional Requirements .....	18-4
<b>Chapter 19. C-5 Commercial .....</b>	<b>19-1</b>
Section 19.01 - Purpose .....	19-1
Section 19.02 - Permitted Uses .....	19-1
Section 19.03 - Permitted Uses Subject To Special Conditions .....	19-2
Section 19.04 - Uses Requiring Special Land Use Approval .....	19-2
Section 19.05 - Height Regulations .....	19-2
Section 19.06 - Area Regulations.....	19-2
Section 19.07 - Additional Requirements.....	19-3
<b>Chapter 20. O Office .....</b>	<b>20-1</b>
Section 20.01 - Purpose .....	20-1
Section 20.02 - Permitted Uses .....	20-1

- Section 20.03 - Permitted Uses Subject To Special Conditions .....20-2
- Section 20.04 - Uses Requiring Special Land Use Approval .....20-2
- Section 20.05 - Height Regulations .....20-2
- Section 20.06 - Area Regulations .....20-2
- Section 20.07 - Additional Requirements .....20-3

**Chapter 21. LI Light Industrial..... 21-1**

- Section 21.01 - Purpose .....21-1
- Section 21.02 - Permitted Uses .....21-1
- Section 21.03 - Uses Permitted Subject To Special Conditions .....21-2
- Section 21.04 - Uses Requiring Special Land Use Approval .....21-2
- Section 21.05 - Height Regulations .....21-3
- Section 21.06 - Area Regulations .....21-3
- Section 21.07 - Lot Coverage .....21-4
- Section 21.08 - Required Conditions .....21-4

**Chapter 22. I Industrial ..... 22-1**

- Section 22.01 - Purpose .....22-1
- Section 22.02 - Permitted Uses .....22-1
- Section 22.03 - Uses Permitted Subject To Special Conditions .....22-2
- Section 22.04 - Uses Requiring Special Land Use Approval .....22-2
- Section 22.05 - Height Regulations .....22-3
- Section 22.06 - Area Regulations .....22-3
- Section 22.06 - Required Provisions .....22-4
- Section 22.07 - Additional Requirements .....22-4

**Chapter 23. North East Beltline Overlay District ..... 23-1**

- Section 23.01 - Description And Purpose .....23-1
- Section 23.02 - Setbacks .....23-1
- Section 23.03 - Pedestrian Access .....23-2
- Section 23.04 - Landscaping And Signage .....23-2

**Chapter 24. 10 Mile Road Overlay District ..... 24-1**

- Section 24.01 - Purpose .....24-1
- Section 24.02 - Applicability And Boundary .....24-2
- Section 24.03 - Right-Of-Way And Lot Line Setbacks .....24-2
- Section 24.04 - Landscaping/Preservation Of Existing Vegetation .....24-3
- Section 24.05 - Commercial And Office Architectural Façades And Building Design.....24-3

**Chapter 25. NR Natural Rivers Overlay District ..... 25-1**

- Section 25.01 - Purpose And Description .....25-1
- Section 25.02 - Definitions .....25-2
- Section 25.03 - Exempt Uses .....25-3
- Section 25.04 - General Provisions And Permitted Uses .....25-4
- Section 25.05 - Dimensional Regulations .....25-10
- Section 25.06 - Specifically Prohibited Actions And Uses .....25-11

**Chapter 26. Floodplain Overlay..... 26-1**

- Section 26.01 - Purpose .....26-1
- Section 26.02 - Basis For Establishing The Areas Of Special Flood Hazard .....26-2
- Section 26.03 - Definitions .....26-2
- Section 26.04 - Special Flood Hazard Overlay Boundaries.....26-6
- Section 26.05 - Substantial Improvements, Residential .....26-8

- Section 26.06 - Substantial Improvements, Non-Residential .....26-8
- Section 26.07 - General Construction Standards .....26-8
- Section 26.08 - Use .....26-10
- Section 26.09 - Nonconforming Uses .....26-11
- Section 26.10 - Administration .....26-11
- Section 26.11 - Zoning Board Of Appeals.....26-12
- Section 26.12 - Amendments .....26-14
- Section 26.13 - Disclaimer Of Liability .....26-14

**Chapter 27. Wellhead Protection Overlay ..... 27-1**

- Section 27.01 - Purpose And Description.....27-1
- Section 27.02 - Definitions .....27-1
- Section 27.03 - Specifically Prohibited Uses And Actions .....27-4
- Section 27.04 - Uses Requiring Special Approval .....27-4
- Section 27.05 - General Conditions .....27-5
- Section 27.06 - Information Required For Site Plan Review .....27-6

**Chapter 28. PUD Planned Unit Development..... 28-1**

- Section 28.01 - Intent And Purpose .....28-1
- Section 28.02 - Qualifying Conditions .....28-2
- Section 28.03 - Permitted Uses .....28-3
- Section 28.04 - Reserved .....28-4
- Section 28.05 - Zoning Requirements .....28-4
- Section 28.06 - Procedures, Generally .....28-7
- Section 28.07 - Pre-Application Conference And Optional Planning Commission Review .....28-7
- Section 28.08 - Pud Concept Plan And Pud Rezoning .....28-8
- Section 28.09 - Pud Concept Plan And Rezoning Standards For Approval .....28-11
- Section 28.10 - Pud Final Site Plan Review By The Planning Commission .....28-11
- Section 28.11 Approved Puds .....28-12

**Chapter 29. Special Land Uses..... 29-1**

- Section 29.01 - Purpose .....29-1
- Section 29.02 - Application Procedure .....29-1
- Section 29.03 - Special Land Use Review Standards.....29-2
- Section 29.04 - Approved Special Land Uses .....29-3
- Section 29.05 - Standards For Specific Special Land Uses.....29-4
- Section 29.06 - Airfields .....29-4
- Section 29.07 - Artisan Food & Beverage Production Facilities With Service From Outside Areas (Open after 10 P.M.).....29-5
- Section 29.08 - Automobile Rental Facilities .....29-5
- Section 29.09 - Bars, Taverns, & Restaurants With Service From Outside Areas (Open after 10 P.M.).....29-6
- Section 29.10 - Reserved .....29-6
- Section 29.11 - Billboards.....29-6
- Section 29.12 - Campgrounds And Travel Trailer Parks .....29-6
- Section 29.13 - Reserved .....29-7
- Section 29.14 - Colleges, Universities .....29-7
- Section 29.15 - Adult Foster Care Congregate Facilities Or Adult Assisted Living Centers. ....29-7
- Section 29.16 - Reserved .....29-7
- Section 29.17 - Golf Courses And Country Clubs .....29-8
- Section 29.18 - Hospitals .....29-8
- Section 29.19 - Reserved .....29-8
- Section 29.20 - Indoor Recreation Facilities .....29-8

Section 29.21 - Manufacturing, Assembly, Or Processing Facility, Heavy.....	29-8
Section 29.22 - Reserved .....	29-9
Section 29.23 - Junk Yards .....	29-9
Section 29.24 - Kennels .....	29-10
Section 29.25 - Reserved .....	29-10
Section 29.26 - Reserved .....	29-10
Section 29.27 - Outdoor Recreational Uses .....	29-10
Section 29.28 - Outdoor Storage Yards .....	29-11
Section 29.29 - Permitted Uses Not Conducted Within A Completely Enclosed Building .....	29-11
Section 29.30 - Permitted Uses W/ Drive-In Or Drive-Thru Service As Part of an Integrated Facility.....	29-12
Section 29.31 - Public And Private Stables .....	29-12
Section 29.32 - Private Transportation Facility.....	29-12
Section 29.33 - Rendering Plants.....	29-13
Section 29.34 - Reserved .....	29-13
Section 29.35 - Sanitary Landfills & Transfer Stations.....	29-13
Section 29.36 - Special Controlled Uses.....	29-13
Section 29.37 - Reserved .....	29-15
Section 29.38 - Vehicle Repossession And/Or Seizure And Auction Facility (Applies To I).....	29-15
Section 29.39 - Reserved .....	29-15
Section 29.40 - Wireless Communication Facilities.....	29-15
Section 29.41 - Wireless Communication Facilities.....	29-17

## **Chapter 30. Uses Subject To Special Conditions..... 30-1**

Section 30.01 - Intent And Purpose .....	30-1
Section 30.02 - Adult Foster Care Small Group Home.....	30-1
Section 30.03 - Adult Foster Care Medium Group Home .....	30-2
Section 30.04 - Adult Foster Care Large Group Home .....	30-2
Section 30.05 - Animal Clinic, Small .....	30-3
Section 30.06 - Animal Clinic, Large.....	30-3
Section 30.07 - Animal Grooming Or Training Facility.....	30-3
Section 30.08 - Artisan Food And Beverage Production Facility .....	30-3
Section 30.09 - Artisan Food and Beverage Production Facility with Service from Decks, Porches, or Other Outside Areas (Open Until 10 P.M.).....	30-4
Section 30.10 - Automotive Commercial Truck And Trailer Sales And Rental Facility.....	30-4
Section 30.11 - Automotive Repair Facility, Major .....	30-5
Section 30.12 - Automotive Repair Facility, Minor.....	30-5
Section 30.13 - Automotive Sales Facility .....	30-5
Section 30.14 - Automotive Service Station Or Gas Station.....	30-7
Section 30.15 - Automotive Wash Establishment.....	30-8
Section 30.16 - Bars, Taverns, and Restaurants with Service from Decks, Porches, or Other Outside Areas (Open Until 10 P.M.).....	30-8
Section 30.17 - Bed And Breakfast Establishment.....	30-8
Section 30.18 - Brewery Or Distillery .....	30-9
Section 30.19 - Building Materials Sales.....	30-9
Section 30.20 - Child And Adult Day Care Centers.....	30-9
Section 30.21 - Group Child Care Home Or Adult Group Day Care Home.....	30-10
Section 30.22 - Contractor's Offices And Showrooms With Yards.....	30-10
Section 30.23 - Contractor's Offices And Showrooms Without Yards.....	30-11
Section 30.24 - Convalescent Homes .....	30-11
Section 30.25 - Equipment Rental Services.....	30-11
Section 30.26 - Funeral Home.....	30-12

Section 30.27 - Lawn Maintenance, Landscaping, And Snow Plowing Establishments .....	30-12
Section 30.28 - Light Manufacturing, Processing, or Assembly Facility .....	30-12
Section 30.29 - Live Entertainment.....	30-13
Section 30.30 - Mini-Warehouse Or Self-Storage .....	30-13
Section 30.31 - Mixed Use Residential Building .....	30-14
Section 30.32 - Multi-Family Dwellings, Ground Floor .....	30-14
Section 30.33 - Outdoor Equipment Sales Facility .....	30-15
Section 30.34 - Outdoor Storage Yards .....	30-15
Section 30.35 - Permitted Uses Not Conducted Within A Completely Enclosed Building .....	30-15
Section 30.36 - Permitted Uses With Drive-In Or Drive-Through Service .....	30-16
Section 30.37 - Religious Institution, Auditoriums, and other Places of Assembly .....	30-16
Section 30.38 - Research, Development, And Testing Facilities .....	30-16
Section 30.39 - Sidewalk Café .....	30-16
Section 30.40 - Temporary Structures and Uses .....	30-17
Section 30.41 - Twenty-Four-Hour Operations.....	30-21
Section 30.42 - Utility Scale Solar Energy Systems .....	30-22

## **Chapter 31. Signs .....** **31-1**

Section 31.01 - Description And Purpose.....	31-1
Section 31.02 - Definitions.....	31-1
Section 31.03 - Signs Prohibited .....	31-5
Section 31.04 - Signs Exempted .....	31-5
Section 31.05 - Sign Regulations Applicable To All Districts.....	31-6
Section 31.06 - Temporary Signs .....	31-8
Section 31.07 - Reserved .....	31-9
Section 31.08 - RP, RE, R-1A, R-1B, R-1C, R-2, R-3 And R-4 Residential Zone Districts .....	31-9
Section 31.09 - C-1, CC, And C-5 Zone Districts.....	31-10
Section 31.10 - MXU and VC Zone Districts .....	31-11
Section 31.11 - O, LI & I Zone Districts .....	31-12
Section 31.12 - Ten Mile And East Beltline Signage.....	31-13
Section 31.13 - PUD Planned Unit Development District.....	31-15
Section 31.14 - Sign Permits And Application.....	31-15
Section 31.15 - Design, Construction, And Maintenance .....	31-16
Section 31.16 - Nonconforming Signs, Illegal Signs, And Signs Accessory To Nonconforming Uses....	31-17
Section 31.17 - Discontinuance Or Abandonment .....	31-17

## **Chapter 32. Parking And Loading .....** **32-1**

Section 32.01 - Scope And Intent .....	32-1
Section 32.02 - Applicability.....	32-1
Section 32.03 - General Provisions .....	32-1
Section 32.04 - Collective On-Site Parking.....	32-3
Section 32.05 - On-Site Parking Space Layout, Standards, And Construction .....	32-5
Section 32.06 - Parking Space Requirements .....	32-6
Section 32.07 - Deferred and Reduced Parking .....	32-10
Section 32.08 - Maintenance And Use Of Parking Facilities .....	32-12
Section 32.09 - Off-Street Loading .....	32-13
Section 32.10 - Pedestrian Access and Circulation .....	32-13

## **Chapter 33. Lighting .....** **33-1**

Section 33.01 - Purpose And Intent.....	33-1
Section 33.02 - Applicability.....	33-1
Section 33.03 - General Provisions .....	33-2

Section 33.04 - Lighting Requirements.....	33-3
<b>Chapter 34. Landscaping &amp; Buffering Provisions .....</b>	<b>34-1</b>
Section 34.01 - Scope And Intent.....	34-1
Section 34.02 - Landscaping Plan And Requirements .....	34-1
Section 34.03 - Parking Lot Landscaping.....	34-7
Section 34.04 - Performance Guarantees.....	34-11
Unaccredited Species .....	34-12
<b>Chapter 35. Site Plan Review.....</b>	<b>35-1</b>
Section 35.01 - Purpose .....	35-1
Section 35.02 - Site Plan Review Required .....	35-1
Section 35.03 - Site Plan Review Procedure .....	35-3
Section 35.04 - Application For Site Plan Review .....	35-4
Section 35.05 - Review Standards.....	35-6
Section 35.06 - Changes To Approved Site Plans.....	35-7
Section 35.07 - Administrative Departures.....	35-7
Section 35.08 - Duration Of Approval.....	35-8
Section 35.09 - Appeals .....	35-9
<b>Chapter 36. Administration &amp; Enforcement.....</b>	<b>36-1</b>
Section 36.01 - Administrative Officials .....	36-1
Section 36.02 - Building/Zoning Permits .....	36-1
Section 36.03 - Reserved .....	36-2
Section 36.04 - Occupancy.....	36-3
Section 36.05 - Remedies And Enforcement .....	36-3
Section 36.06 - Amendments.....	36-4
Section 36.07 - Public Hearing And Notice Requirements.....	36-6
Section 36.08 - Fees And Applicant Escrow Accounts.....	36-7
Section 36.09 - Performance Guarantees.....	36-8
<b>Chapter 37. Zoning Board Of Appeals.....</b>	<b>37-1</b>
Section 37.01 - Creation, Membership, Term Of Office.....	37-1
Section 37.02 - Rules Of Procedure.....	37-2
Section 37.03 - Powers And Duties.....	37-2
Section 37.04 - Compensation.....	37-4
Section 37.05 - Meetings And Records.....	37-4
Section 37.06 - Procedure .....	37-4
Section 37.07 - Imposition Of Conditions .....	37-5
Section 37.08 - Decisions Of The Board .....	37-5
<b>Chapter 38. Miscellaneous.....</b>	<b>38-1</b>
Section 38.01 - Separability .....	38-1
Section 38.02 - Repeal .....	38-1
Section 38.03 - Effective Date .....	38-1



# PLAINFIELD CHARTER TOWNSHIP ZONING ORDINANCE

Plainfield Charter Township, Kent County, Michigan, does ordain as follows:

The Zoning Ordinance of said Township is hereby created and/or amended to read as follows:

An ordinance for the establishment of zoning districts in the unincorporated portion of Plainfield Charter Township within which districts the use of land for agriculture, forestry, recreation, residence, trade, industry, natural resource conservation, and additional uses of land may be encouraged, regulated, or prohibited, and for such purposes dividing the unincorporated portions of the township into districts of such number, shape, and area as deemed best suited to fulfill the provisions of this ordinance; and for each such district designating or limiting the location, height, number of stories, and size of dwellings, buildings, and structures that may hereafter be erected or altered, and the specific uses for which dwellings, buildings, and structures may hereafter be erected or altered; the area of yards, courts and other open spaces, and the sanitary, safety, and protective measures that shall be required for such dwellings, buildings and structures; the maximum number of families which may be housed in dwellings, buildings, and structures hereafter erected or altered; and to provide for the administration and enforcement of this ordinance and penalties for the violation of its provisions in accordance with the provisions of Act 110 of the Public Acts of Michigan in 2006, as amended.



# CHAPTER 1

## SHORT TITLE, PURPOSE & SCOPE

### SECTION 1.01 - SHORT TITLE

This Ordinance shall be known as the "Plainfield Charter Township Zoning Ordinance."

### SECTION 1.02 - PURPOSE

This Ordinance shall affect the use and occupancy of all land and every building in the unincorporated portions of the Township. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, such provisions are intended to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the streets, to reduce hazards to life and property, to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land and resources, to conserve property values and natural resources, and to encourage orderly growth.

## **SECTION 1.03 - SCOPE**

Zoning affects every structure and use and extends vertically. Except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

It is not intended by this Ordinance to repeal, abrogate, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas, or larger yards or open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this ordinance shall control.

The existing permitted uses in the P 1, Planned Development Zone, and R-5, Residential of the Zoning Ordinance adopted April 7, 1969 which have been placed in PUD, Planned Unit Development Zone, by the zoning map adopted herewith, may continue subject to such restrictions as may have been imposed upon such use.

# CHAPTER 2

## DEFINITIONS

### SECTION 2.01- CONSTRUCTION OF LANGUAGE

For the purpose of this ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular number. The word "shall" is always mandatory and not merely directory. The term "person" shall mean an individual, partnership, corporation, association or their agents, or other legal entity. Terms not herein defined shall have the meanings customarily assigned to them.

### SECTION 2.02 - A

**ACCESSORY BUILDING:** A building or structure, or a portion thereof, on the same lot with a main building, occupied or devoted to a subordinate or accessory use. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered a part of the main building.

**ACCESSORY STRUCTURE:** A subordinate or supplemental structure, not including a building, located on the same lot as the principal building. Accessory structures include, but are not limited to playground equipment, children's playhouses, sports courts, swimming pools, pet accommodations, radio and television antennas, decks and patios and similar types of structures. Sidewalks, handicap ramps and barrier free design facilities providing access to a building, driveways, fences, light posts, utility poles and signs are not considered accessory structures and are excluded from regulation unless specifically stated otherwise in other sections of this ordinance.

**ACCESSORY USE** See [USE, ACCESSORY.](#)

**ADMINISTRATIVE DEPARTURE:** A minor deviation from the requirements of this ordinance, as provided for in this ordinance and the individual zone districts, and as reviewed and approved by the Community Development Department in accordance with section 35.07.

**ADULT DAY CARE FACILITY:** An establishment having as its principal function the receiving of one (1) or more persons 18 years of age or older for the provision of supervision, personal care and protection for periods of less than 24 hours a day, four or more days a week for two or more consecutive weeks. Adult day care facilities may be further defined as follows:

- A. ADULT DAY CARE CENTER:** A facility other than a private residence, receiving more than six adults for group care periods of less than 24 hours a day.
- B. ADULT FAMILY DAY CARE HOME:** A private residence in which one but less than seven adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption.
- C. ADULT FAMILY GROUP DAY CARE HOME:** A private residence in which more than six but not more than 12 adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption.

Adult day care facilities do not include adult foster care facilities or child care organizations as defined in this Chapter.

**ADULT FOSTER CARE FACILITY:** A governmental or nongovernmental establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation to adults, pursuant to Act 218 of 1979, (MCL 400.701 et. seq.) as amended. An Adult Foster Care Facility does not include any of the following:

- A.** A nursing home licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- B.** A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- C.** A hospital licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- D.** A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.
- E.** A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
- F.** A child caring institution, children’s camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
  - 1.** Two, if the total number of residents is 10 or fewer.

2. Three, if the total number of residents is not less than 11 and not more than 14.
  3. Four, if the total number of residents is not less than 15 and not more than 20.
  4. Five, if the total number of residents is 21 or more.
- G.** A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.
- H.** An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
- I.** A facility created by 1885 PA 152, MCL 36.1 to 36.12

**ADULT FOSTER CARE FAMILY HOME:** An adult foster care facility that is a private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

**ADULT FOSTER CARE SMALL GROUP HOME:** An adult foster care facility, other than an adult foster care family home, with the approved capacity to receive 6 or fewer adults to be provided with foster care.

**ADULT FOSTER CARE MEDIUM GROUP HOME:** An adult foster care facility with the approved capacity to receive at least 7 but not more than 12 adults to be provided with foster care.

**ADULT FOSTER CARE LARGE GROUP HOME:** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care

**ADULT FOSTER CARE CONGREGATE FACILITY:** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

**AGRICULTURE:** Commercial farming operations as defined by the Michigan Right to Farm Act, MCL 286.472 et. seq.

**AIRFIELD:** A privately or publicly owned parcel of land that is used for the landing, take off, parking and fueling of aircraft.

**AIRPORT:** An area of land that is used for or incidental to the landing, take off and parking of aircraft, including buildings and facilities. For the purposes of this definition, airport related buildings and facilities may include control towers, passenger terminal buildings, fixed base operators, hangars, rental car facilities, aircraft fueling facilities, air cargo facilities, fire and rescue equipment and facilities, visual and electronic navigational aids, meteorological equipment and stations, airport maintenance facilities and buildings, automobile parking for employees and passengers, viewing areas and contiguous reserve land held for such uses and purposes.

**ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, and any substantial change in the roof, or an addition to or diminution of a building or structure.

**ANIMAL:** For the purposes of the regulations in this Zoning Ordinance, the following definitions of animals shall apply:

- A.** Domestic animals mean an animal that the Township determines is not likely to bite without provocation nor cause death, maiming or illness of a human, including but not limited to the following animals:
  - 1. Caged Amphibian (turtles, frogs, etc.)
  - 2. Bird (caged)
  - 3. Cat (domestic)
  - 4. Chinchilla
  - 5. Ferret
  - 6. Dog (domestic)
  - 7. Fish
  - 8. Lizard (non-venomous)
  - 9. Caged Domesticated Rodents (e.g. hamster, gerbil, guinea pig, rabbit, etc)
  - 10. Snake (non-venomous)
  - 11. Spider (non-venomous or non-poisonous)
- B.** Farm animal means any horse, swine, cattle, sheep, goat, llama, chicken, goose, duck, waterfowl, or turkey. Farm animal also means any other animal, raised for commercial profit, slaughter, or more than two breeder rabbits, and apiaries.
- C.** Wild animal means any animal that is not a domestic animal or farm animal as defined in this Section.

**ANIMAL GROOMING/TRAINING FACILITY:** An establishment providing bathing, trimming or training of domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of 48 hours incidental to the grooming or training services provided.

**ANIMAL CLINIC, LARGE:** A facility providing for the treatment and temporary housing of livestock and farm animals, for the purposes of animal welfare. These animals may include, but are not limited to, horses, camels, llamas, large birds such as emus and peacocks, as well as other less typical species.

**ANIMAL CLINIC, SMALL:** A totally enclosed building which provides for the medical treatment and care of household pets including but not limited to cats, dogs, and exotics. Temporary boarding of household pets requiring treatment is permitted in a small animal clinic. Treatment of farm animals, maintenance of outdoor runs or cages, maintenance of crematoriums, and boarding of any animal or pet, except as provided herein, is prohibited.

**ARCHITECTURAL ELEMENTS:** That portion of a building containing any architectural projection, relief, cornice, column, change of building material, or window or door opening. Also, ornamentation or decorative features attached to or protruding from an exterior wall that add detail and/or finely-scaled features to a façade. Examples are plinths, cornices, knee braces, columns, belt courses, chimneys, bay windows and other decorative ornaments. Synonymous

with Architectural Detail.

**ARCHITECTURAL METAL:** Metal panel systems, either coated or anodized, metal sheets with expressed seams, metal framing systems, or cut, stamped, or case ornamental metal panels, but not including ribbed or corrugated metal panel systems

**ARTICULATION:** Shifts in the plane of walls, setbacks, step-backs, reveals, overhangs, and details in order to create variations in a building's façade. Variations of a building's mass through the use of deep recesses, diminishing upper floor areas, and/or projecting roof overhangs.

**ARTISAN FOOD AND BEVERAGE PRODUCTION FACILITY:** A facility that manufactures or processes food and/or beverage products, which includes the preparation and service of food and/or beverage products manufactured on site as an accessory use. Examples of artisan food and beverage production facilities includes, but is not limited to, breweries, wineries, spirit distilleries, bakeries, confectionaries, and coffee roasters.

**ASSISTED LIVING FACILITY:** A supervised personal care facility that provides room, board, and supervised personal care to 21 or more unrelated, nontransient individuals 60 years of age or older. An assisted living facility or home for the aged includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home

**AUTOMOBILE:** Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, other public ways, or private streets.

- A. AUTOMOBILE GAS STATION:** A building or structure used for the retail sale of fuel and lubricants for motor vehicles. A gas station may include a convenience retail store, but shall not include automobile repair, service stations, or any other service to motor vehicles, nor shall it include a bulk fuel distribution facility.
- B. AUTOMOBILE RENTAL FACILITY:** A building, structure, or combination thereof used for the leasing or renting of automobiles and motorcycles, including incidental parking and servicing of vehicles for rent or lease.
- C. AUTOMOBILE REPAIR, MINOR:** Any activity involving the general repair of motor vehicles or trailers, including but not limited to, repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, tire replacements and repairs, wheel alignment and balancing, repair and replacement of shock absorbers, and similar uses.
- D. AUTOMOBILE REPAIR, MAJOR:** Any activity involving the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including collision servicing, including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle rust-proofing; and similar activities.
- E. AUTOMOBILE REPOSSESSION OR AUCTION FACILITY:** A facility that conducts the legal repossession of automobiles, either operable or inoperable, and the offering of such vehicles for sale to persons who bid on the vehicles in competition with each other.
- F. AUTOMOTIVE SALES FACILITY:** A facility where new or used passenger automobiles, motorcycles, and/or recreational vehicles in operating condition are displayed in the open for sale or trade. Automotive sales facilities may also include minor repair facilities

and service stations as accessory uses.

- G. AUTOMOBILE SERVICE STATION OR GAS STATION:** A structure or structures and space combined and used solely for servicing motor vehicles with the usual operating commodities such as gasoline, oil, batteries, tires, and other minor accessories, or services such as hand washing, waxing, and lubricating, and in connection with which there is no major repair or refinishing of motor vehicles, except that the repair of tires, lights, changing of batteries, or minor automobile repairs and adjustments shall be permitted.
- H. AUTOMOBILE WASH ESTABLISHMENT:** A facility used for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. For the purposes of this ordinance, coin-operated washing, vacuuming, and similar devices operated on a self-service basis shall be considered automobile wash establishments.
- I. AUTOMOTIVE COMMERCIAL TRUCK AND TRAILER SALES AND RENTAL:** A facility where new or used commercial trucks, vans, and similar vehicles in operating condition are displayed in the open for sale, trade, or rent. Automotive commercial truck and trailer sales and rental facilities may also include minor repair facilities and service stations for commercial trucks, vans, and similar vehicles as accessory uses.

**AVERAGE GRADE:** See [GRADE, AVERAGE](#).

## SECTION 2.03 - B

**BACK OF CURB:** That portion of the back side of a street curb, typically 6 inches from the face of the curb and where the sidewalk or tree lawn begins. The face of the curb is the point where the curb meets the street gutter line. The Required Building Line is measured from this line.

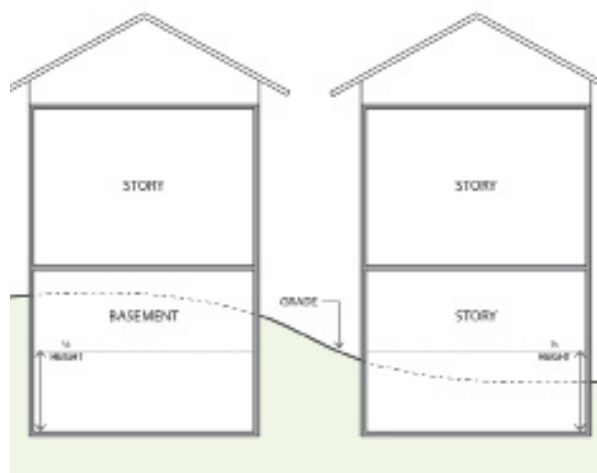
**BALCONY:** A platform that projects from the exterior wall of a building above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

**BAR OR TAVERN:** A establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars includes taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor, but shall not be construed to include restaurants, although bars/taverns may include the service of food that is only incidental to the sale of beverages.

**BASEMENT:** That portion of a building between the floor and the ceiling which has more than ½ its height located below grade. (See Figure 2.1)

**BED & BREAKFAST ESTABLISHMENT:** A use which is subordinate to the principal use of the dwelling unit as a single-family residence that offers sleeping accommodations to transient tenants in 10 or fewer rooms for rent

Figure 2.21.





at the innkeepers residence in which the innkeeper resides while renting the rooms to transient tenants and serves breakfast at no extra cost to its transient tenants.

**BERM:** A man-made mound of earth in excess of 2 feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

**BILLBOARD:** A sign, usually significantly larger in size than other types of signs, the principal purpose of which is to dramatically attract the attention of the travelling public and not related to the premises on which the sign is located, as regulated in Article VI of Chapter 8 of the Plainfield Charter Township Code of Ordinances.

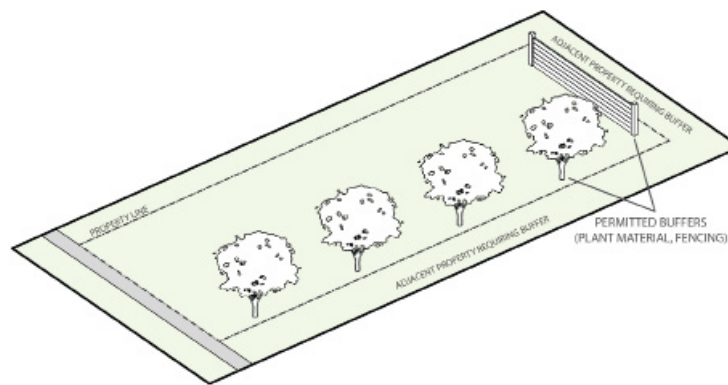
**BLOCK:** An area of land bounded by public or private streets, or by a combination of such streets and railroad rights of way, shorelines of lakes or rivers, or corporate boundaries.

**BLOCK FACE:** Land abutting one side of a street and lying between the two nearest intersecting or intercepting streets, railroad rights-of-way, water bodies, or un-subdivided land.

**BOARD OR TOWNSHIP BOARD:** The Plainfield Charter Township Board of Trustees.

**BREWERY OR DISTILLERY:** A facility at which beer, ales, wines, distilled beverages, or other similar beverages are manufactured and consumed off-site where the volume of production may not exceed 5,000 barrels a year.

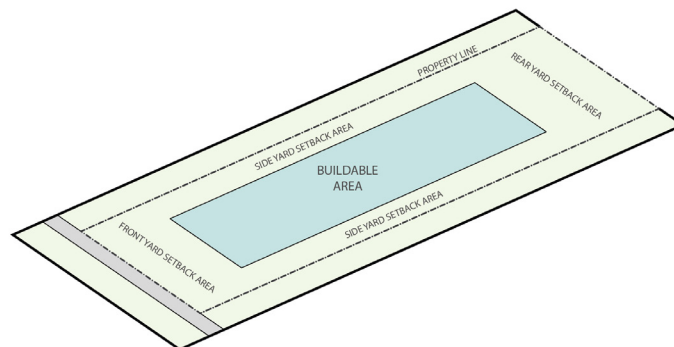
Figure 2.2



**BUFFER:** A strip of land abutting exterior boundaries of a lot (including any right-of-way line) and reserved solely for plant material or fencing (if otherwise permitted) to be used as a visual, sound, or privacy barrier. (See Figure 2.2)

**BUILDABLE AREA:** The developable area of a lot that is the space remaining after the minimum yard and open space requirements of this ordinance have been satisfied. (See figure 2.3)

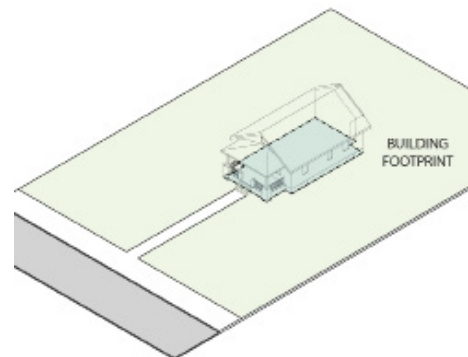
Figure 2.3



**BUILDING:** An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses. A building may or may not include or require a permanent location on the ground.

**BUILDING AREA OR FOOTPRINT:** The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building, excluding unroofed porches, terraces, patios, stoops, awnings, and nonpermanent canopies. (See figure 2.4)

Figure 2.4



**BUILDING ELEVATION:** The front, side, or rear of a structure.

**BUILDING FAÇADE:** The exterior elevation of a structure or building as viewed from a single vantage point.

**BUILDING FAÇADE, FRONT:** Those portions of a façade which face and are most closely parallel to the front lot line.

**BUILDING FRONTAGE:** The length of any side of a building which fronts on a public street, a public or private parking area, or a pedestrian walk where customer access to the building is available.

**BUILDING HEIGHT:** The vertical distance measured from the average grade elevation of the surface of the ground or finished material anywhere around the perimeter of a building, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to a point which is half way between the eaves and the ridge of gable, hip, or gambrel roofs, unless excepted by the provisions of section 3.06 of this ordinance.

**BUILDING LINE:** The edge of any required setback line in the zone district, and the corresponding boundaries forming the buildable area of a lot.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot upon which it is situated.

**BUILDING MASS:** The three-dimensional bulk of a building using: height, width, and depth.

**BUILDING MATERIALS SALES:** A commercial enterprise where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, landscaping products, and other building materials are stored and sold to contractors or the public. Building materials sales facilities may also process lumber by performing millwork, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products including tools and fasteners.

**BUILDING PERMIT:** The written authority as issued by the appropriate officer of the township permitting the construction, moving, alteration, or use of a structure in conformity with the provisions of this ordinance.

**BUILDING, TEMPORARY:** A structure permitted under this ordinance to exist during periods of construction or for special uses or events.

**BULK FUEL DISTRIBUTION FACILITY:** A place where crude petroleum, gasoline, naphtha, kerosene, benzene, or any other liquid such as will stand a test of 150DF, which is stored for

wholesale purposes where the aggregate capacity of all storage tanks is more than 6,000 gallons.

**BUSINESS OR PROFESSIONAL SCHOOL:** A school established to provide for the teaching of industrial, clerical, business, managerial, or artistic skills and similar facilities that are owned and operated privately for profit and that do not offer a complete educational curriculum.

## SECTION 2.04 - C

**CAMPGROUND/TRAVEL TRAILER PARK:** A parcel or tract of land on which sites are offered for the use of the public or a member of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units. A campground does not include a seasonal mobile home park licensed under the Mobile Home Commission Act, 1987 PA 96, MCL 125.2301 to 125.2349.

**CANOE LIVERY:** A location, together with associated buildings and other facilities, near or adjacent to a stream or river and operated for the purpose of renting and otherwise providing canoes and similar watercraft for recreational travel on the river or stream, including an off-street parking area.

**CATERING ESTABLISHMENT:** A facility primarily used for the preparation of food and meals on the premises and where such food and meals are delivered to another location for consumption and are not consumed on the premises.

**CEMETERY:** Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

**CHILD CARE ORGANIZATIONS:** A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973, as amended. Such organizations shall be further defined as follows:

- A. CHILD CARE CENTER OR DAY CARE CENTER:** A facility, other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, playgroup, before- or after-school program, or drop-in center. Child care center or day care center does not include any of the following:
1. A Sunday school, a vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
  2. A facility operated by a religious organization where children are in the religious organization's care for not more than 3 hours while persons responsible for the children are attending religious services.
  3. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

4. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

**B. FOSTER FAMILY HOME:** A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the Michigan Adoption code, chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian. The licensee shall be a member of the household and an occupant of the residence.

**C. FOSTER FAMILY GROUP HOME:** A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the Michigan Adoption Code, chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian. The licensee shall be a member of the household and an occupant of the residence.

**D. FAMILY CHILD CARE HOME:** A private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**E. GROUP CHILD CARE HOME:** A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**CLEAR GLASS:** Clear or lightly tinted glass in windows, doors, and display windows with a glass Visible Light Transmittance (VLT) as regulated in section 16.13. See TRANSPARENCY.

**CODE ENFORCEMENT OFFICIAL:** The Community Development Department Director for Plainfield Township, the official charged with the administration and enforcement of this Ordinance, or another duly authorized representative.

**COIN OPERATED AMUSEMENT DEVICE:** Any amusement machine or device operated by means of insertion of coin, token, or similar object, for the purpose of amusement or skill. This definition shall not include coin operated music devices or machines dispensing food, drink, or miscellaneous items.

**COLLEGE OR UNIVERSITY:** A post-secondary institution for higher learning, other than a trade school, that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

**COMMERCIAL VEHICLE:** A vehicle designed, maintained, or used primarily for the transportation of property or passengers in furtherance of a commercial enterprise, including, but not limited to, tow trucks, semi-trucks, dump trucks, and delivery and service vans.

**COMMISSION OR PLANNING COMMISSION:** The Planning Commission for Plainfield Charter Township.

**COMMUNITY CENTER:** A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs designed to accommodate and serve segments of the community.

**COMMUNITY DEVELOPMENT DEPARTMENT:** The Community Development Department for Plainfield Charter Township.

**COMMUNITY EVENT:** A temporary outdoor use of land for the purposes of a gathering, including but not limited to a fair, festival, celebration, or fundraiser.

**CONDOMINIUM:** A form of ownership which includes a divided interest in a building and/or lot and an undivided interest in all other lands and improvements, which are maintained through an association of co-owners. This form of ownership is most often applied to multi-family residential uses; however, it also can apply to single-family homes, commercial and industrial developments, boat slips, and many other land uses.

- A. CONDOMINIUM ACT:** Public Act 59 of 1978, as amended.
- B. CONDOMINIUM DWELLING:** The structure built upon a lot or condominium unit which is intended for residential purposes.
- C. CONDOMINIUM UNIT:** That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.
- D. CONDOMINIUM COMMON ELEMENTS:** The portions of the condominium project other than the condominium units.
- E. CONDOMINIUM LIMITED COMMON ELEMENTS:** The portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.
- F. CONDOMINIUM GENERAL COMMON ELEMENTS:** The common elements other than the limited common elements.
- G. CONDOMINIUM LOT:** For purposes of determining zoning compliance of site condominiums, the term "lot" as defined in this ordinance shall mean an individual condominium unit along with any limited common element or general common element.
- H. CONDOMINIUM MASTER DEED:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- I. CONDOMINIUM MOBILE HOME PROJECT:** A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

**J. CONDOMINIUM SUBDIVISION:** Shall be a division of land on the basis of condominium ownership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

**CONSTRUCTION:** The construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings and structures. Excavations, fill, drainage, and the like shall be considered part of construction.

**CONTRACTORS OFFICE OR SHOWROOM WITHOUT YARDS:** Buildings used by plumbers, electricians, building material suppliers, decorator, or similar trades primarily used for offices or display of its products or merchandise and the making, assembling, remodeling, repairing, altering, finishing, or refinishing of its products or merchandise is incidental to the office and indoor display areas.

**CONTRACTOR'S OFFICE OR SHOWROOM WITH YARDS:** A place where a construction contractor maintains its principal office, showrooms, or a permanent business office, that includes an outdoor area to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

**CONVALESCENT HOME, NURSING HOME, OR HOME FOR THE AGED:** An institutional facility other than a private home or facility defined in this chapter having as its principal function the provision of care, and supervision of individuals for 24 hours a day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978, as amended.

**COUNTRY CLUB:** See [GOLF COURSE](#).

**CREMATORIUM:** A facility containing properly installed, certified equipment used for the act of cremation.

**CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED):** Architectural design, site design, and landscape design principles and standards intended to reduce the fear and incidence of crime, and to improve quality of life.

**CURB LEVEL:** The mean level of the established curb in front of the building.

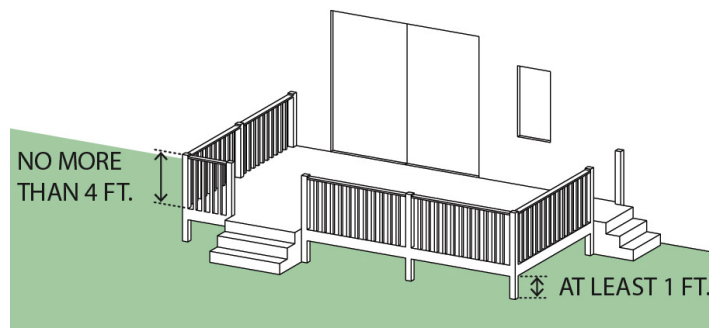
## SECTION 2.05 - D

### **DATA PROCESSING CENTER:**

An establishment primarily involved in the compiling, storage, processing, and maintenance of electronic documents, records, and other types of electronic data. This term does not include general business offices, computer-related sales establishments, and business or personal services.

**DECK:** A platform structure without walls or roof, raised at

Figure 2.5



least 1 foot above average grade. A deck may include a railing not exceeding a height of 4 feet above the platform or privacy type structure (i.e. lattice) not exceeding of height of 8 feet above the platform. (See Figure 2.5)

**DENSITY:** The gross number of dwelling units per acre of land, calculated by dividing the number of dwelling units on a site by the gross acreage of the site, including dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and lot lines.

**DEVELOPER:** An individual, corporation, partnership, or other entity that prepares raw land for the construction of buildings or causes to be built physical building space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

**DEVELOPMENT:** All improvements on a site, including buildings, other structures, signs, parking and loading areas, landscaping, paved, or graveled areas, and areas devoted to exterior display, storage or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

**DISPLAY WINDOW:** A window integrated into the façade of a building behind which is an area intended for the display of retail goods or promotional materials that is not intended for occupancy or which does not provide a direct line of sight into the habitable space beyond.

**DISTRICT OR ZONE:** A portion of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations apply under the provisions of this ordinance.

**DONATION OR RESALE FACILITIES:** A facility that accepts donated items from the public and engages in retail sales of such previously used merchandise, such as clothing, household furnishings or appliances, and sports/recreational equipment, but not motor vehicle parts or accessories.

**DRIVE THROUGH OR DRIVE-IN SERVICE:** A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

**DRIVEWAY:** A public or private driveway.

**DRY CLEANER OR LAUNDROMAT:** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry, including the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

**DWELLING, DWELLING UNIT OR APARTMENT:** A building or portion thereof containing independent cooking and sleeping facilities and constituting a separate, independent housekeeping establishment, including mobile homes, one-family, two-family, and multiple-family buildings, but not including motels, tourist rooms, or trailers.

- A. DWELLING, ACCESSORY.** A secondary and clearly subordinate dwelling unit that is contained within a detached single-family dwelling (primary dwelling unit), included within an accessory structure, or separate from but located on the same lot as a detached single-family dwelling. Also known as a "granny flat."



- B. DWELLING, ATTACHED SINGLE-FAMILY.** A single-family dwelling attached by a common vertical wall. This term includes town houses and row houses.
- C. DWELLING, MICRO-UNIT.** A dwelling unit, included as part of a multi-unit development and located in a Mixed-Use Commercial zone district, with a total gross floor area of no more than 475 square feet.
- D. DWELLING, MOBILE HOME:** A vehicular portable structure built on a permanent chassis which, in accordance with section 6.03 (6) of the National Manufactured Housing and Safety Standards Act of 1974, being 42 USC & 5401 through 5426, cannot be removed, and designed to be used with or without a permanent foundation as a dwelling when connected to required utilities and which is or is intended to be attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days; and which is registered with the State of Michigan, for which a certificate of title is granted, and, further, is constructed to the minimum standards as required by the Department of Housing and Urban Development.
- E. DWELLING, MODULAR OR PRE-MANUFACTURED:** Modular or pre-manufactured is an assembly of materials or products intended to comprise all or part of a building or structure by a repetitive process under circumstances intended to insure uniformity of quality and material content, and that is assembled at other than the final location of the unit of the building or structure.
- F. DWELLING, MULTIPLE-FAMILY:** A building or portion thereof containing 3 or more dwelling units. This shall include apartment houses, townhouses, and condominiums, but does not include mobile home parks Each unit of which is totally separated from the other units, any 2 or more of which may be provided with a common entrance or hall; this includes dwelling units on upper stories of a structure with non-residential uses on other stories..
- G. DWELLING, SINGLE-FAMILY:** A detached building used or designed for use as a single dwelling unit by one family.
- H. DWELLING, TWO-FAMILY:** A detached building containing 2 dwelling units. It may also be termed a duplex.

## SECTION 2.06 - E

**EMERGENCY MEDICAL SERVICES FACILITY:** A facility for the dispatch, storage, and maintenance of emergency medical service vehicles.

**EQUIPMENT RENTAL SERVICES:** An establishment providing the rental of tools, lawn and garden equipment, party supplies, trailers, recreational vehicles, and similar goods and equipment, including storage and incidental maintenance, but not including a motor vehicle rental facility.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the



public health or safety or general welfare. Essential services shall not include cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

## SECTION 2.07 - F

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

**FARM:** The land, plants, animals, buildings, structures, ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**FARM OPERATION:** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- A.** Marketing produce at roadside stands or farm markets.
- B.** The generation of noise, odors, dust, fumes, and other associated conditions.
- C.** The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- D.** Field preparation, ground and aerial seeding, and spraying.
- E.** The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- F.** Use of alternative pest management techniques.
- G.** The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
- H.** The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- I.** The conversion from a farm operation activity to other farm operation activities.
- J.** The employment and use of labor.

**FARM BUILDING:** Any building or structure, other than a dwelling unit, which is used incidental to the farm use, such as a barn for the housing and care of farm animals, grain bin, silo, farm

vehicle, or implement storage building.

**FARM MARKET:** A place or an area where transactions between a farm market operator and customers take place, including roadside stands, where at least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a 5-year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state, and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state, and federal regulations.

**FENCE:** Any permanent barrier, partition, or structure erected as a dividing structure, or as an enclosure, and not part of a structure requiring a building permit.

**FINANCIAL INSTITUTION:** Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

**FISH HATCHERY:** A fish farm facility intended for the propagation and rearing of fish.

**FLAG:** A lightweight piece of cloth, fabric, or other similar material that is attached either to a pole used exclusively for the purpose of flag display or attached directly to a permanent building using a flagpole.

**FLEX OFFICE:** A facility including office, research, laboratory, manufacturing, clean assembly, warehousing, or other related activities whose configurations and construction methods allow for easy conversion of interior and exterior space.

**FLOOR AREA:** The area of all floors computed by measuring the dimensions of the outside walls of a building or from the center lines of common walls, excluding porches, patios, terraces, breezeways, carports, verandahs, garages, basements, or portions thereof not meeting Township Building Code requirements for ingress and egress and attics or portions thereof with headroom of less than 7 ½ feet. (See Figure 2.6)

Figure 2.6



**FLOOR AREA, NET:** The area of all floors in a building computed by measuring the dimensions of the outside walls or from the center lines of common walls of a building excluding elevator shafts, stairwells, floor space used for basic utilities such as heating and cooling equipment, mezzanines, attics or portions thereof with a headroom of less than 7 ½ feet, verandas, porches, patios, carports, parking garages, terraces, atriums, and decks. (See Figure

2.6)

**FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; and facilities for cremation. A funeral home may also contain a funeral chapel.

## SECTION 2.08 - G

**GARAGE, COMMERCIAL:** A building, other than a private garage, used for the care, repair, or equipment of motor vehicles, or where such vehicles are parked or stored for remuneration, hire, or sale.

**GAZEBO:** A free standing structure with solid or trellis roof, usually open on the sides, used for outdoor living and not for storage purposes.

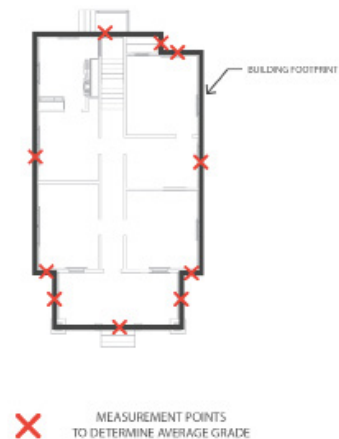
**GOLF COURSE:** A facility for the playing of golf at which there may be a clubhouse, including restrooms and locker rooms. A country club or golf course may provide additional services customarily furnished such as swimming, outdoor recreation, retail sales, restaurant, bar/tavern, and may be open only to members or to the public.

Figure 2.7

**GOVERNMENTAL OR PUBLIC UTILITY BUILDING:** A building or structure owned, operated, or occupied by a governmental agency or public utility to provide a service to the public.

**GRADE:** A reference plane representing the finished ground level adjoining the building at all exterior walls.

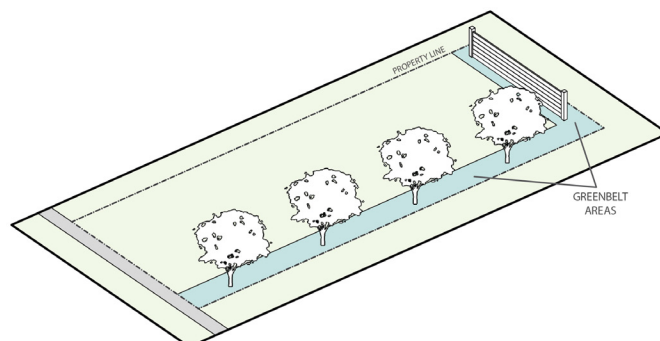
**GRADE, AVERAGE:** When the terrain is sloping, the finished grade shall be the average of the elevation of the ground for each side of the structure, as measured 6 feet from the exterior walls of the structure. (See Figure 2.7)



**GREENBELT:** A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this ordinance. (See Figure 2.8)

Figure 2.8

**GREENSPACE:** All natural pervious open space at grade, including land covered with soil (and usually with lawns, landscaping, or other plant materials) and water bodies,



as required by this ordinance, and does not include permanent structures, sidewalks, patios, decks, or pavement of any type including gravel.

**GROUND FLOOR or GROUND LEVEL ESTABLISHMENT:** A building or portion thereof under separate ownership, lease, or management, which fronts on and has its floor at the closest level to the street and has a public entrance from a street.

## SECTION 2.09 - H

**HEALTH CLUB OR GYM:** An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas, and related accessory uses.

**HELIPORT:** An area designed to be used for the landing or takeoff of helicopters, including operations facilities such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

**HOME OCCUPATION:** Any profession or occupation conducted in a single-family dwelling as an accessory use that is clearly incidental and secondary to the use of the dwelling.

**HOSPITAL:** An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

**HOTEL OR MOTEL:** A facility offering transient lodging accommodations to the public with access from interior lobbies and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

**HOT TUB AND SPA RENTAL FACILITY:** A facility where hot tubs, Jacuzzi tubs, and similar amenities are offered for temporary use to customers on the premises, including related uses such as dressing rooms, showers, and wardrobe areas.

## SECTION 2.10 - I

**IMPERVIOUS SURFACE:** Any material that prevents the absorption of stormwater into the ground.

**INDOOR RECREATION FACILITIES:** A facility containing facilities for recreational activities, such as tennis, bowling, billiards, karate, gymnastics, platform games, swimming, exercise rooms, handball, and similar activities.

**INTEGRATED COMPLEX/FACILITY:** A building or group of buildings contained within a larger development under one (1) or more approved plans. An integrated complex/facility contains two or more occupied spaces with shared walls that are of relative proportionate size, and which work together to create, or be part of, a larger cohesive development. An outlot is not part of an integrated complex/facility.

**INTENSITY:** The degree to which land is used, referring to levels of concentration or activity in uses, expressed in lot coverage, dwelling units per acre, parking needs, height, traffic volume,

or other measurement.

## SECTION 2.11 - J

**JUNK YARD OR SALVAGE YARD:** An open space where waste, surplus, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including, but not limited to, house-wrecking and structural steel materials and equipment, automobile wrecking, and other manufactured goods that are worn, deteriorated, or obsolete.

## SECTION 2.12 - K

**KENNEL:** Any place on which 5 or more dogs, cats, or other household pets 4 months of age or older are kept either temporarily or permanently for any reason other than veterinary medicine, including boarding, breeding, or sale.

## SECTION 2.13 - L

**LABS/TECHNOLOGY CENTER:** A place devoted to experimental study, testing, or analyzing, but not devoted to the manufacturing of a product or products.

**LANDSCAPING:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material.

**LAWN AND GARDEN EQUIPMENT SALES OR NURSERY:** A facility engaged in the retail sales of plants, flowers, nursery products, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety products, tools, and utensils.

**LAWN MAINTENANCE, LANDSCAPING, AND SNOW PLOWING ESTABLISHMENT:** A facility providing lawn care, snow plowing, and similar services to customers off-site and may include the storage of related equipment.

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

**LINER BUILDINGS:** A series of smaller buildings that are part of a façade of a larger structure or as standalone perimeter structures positioned to break up the mass of the structure. Typically used in conjunction with parking structures.

**LIVE ENTERTAINMENT:** Any event performed live by one (1) or more persons, whether done for compensation and whether admission is charged, including but not limited to: Musical acts, karaoke, theatrical acts, standup comedy, plays, revues, dance, magic acts, disc jockey functions.

**LIVE-WORK DWELLING UNIT:** A dwelling unit that contains limited commercial activities on the ground level of a multiple story building.

**LOT:** A plot, parcel, or unit of land having frontage and access upon a public or approved

Figure 2.9

private street whether or not the plot or parcel is part of a recorded plat or site condominium project.

- A. LOT AREA:** The total area encompassed within the property lines of a lot, excluding street rights-of-way, private street easements, storm water retention or detention easements located on any lot, or any area that is a designated wetland. (See Figure 2.9)

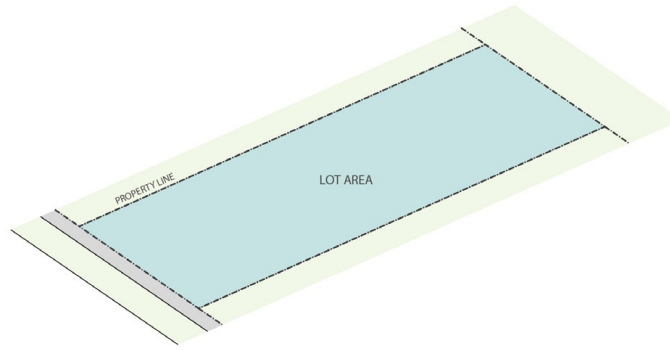


Figure 2.10

- B. LOT COVERAGE:** The portion of a lot, stated in terms of percentage, that is covered by the area beneath the roof and its projection of all roofed structures located thereon. This shall be deemed to include all buildings, porches, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs, or full roofs, but shall not be deemed to include fences, decks without a roof, walls, hedges used as fences, or swimming pools with no roof. (See Figure 2.10)

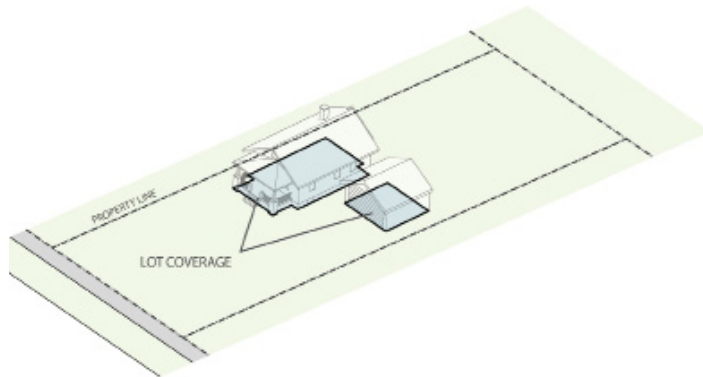
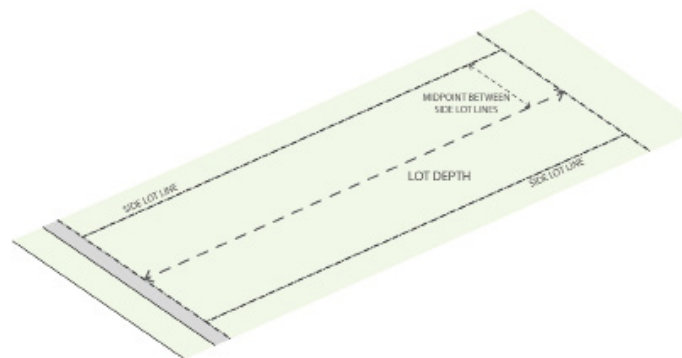


Figure 2.11

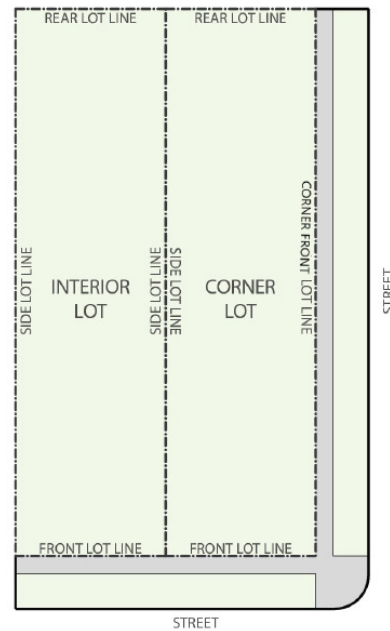
- C. LOT DEPTH:** The horizontal distance between the front and rear lot lines, as measured along the midpoint between the side lot lines. (See Figure 2.11)



- D. LOT, NONCONFORMING:** A legally existing lot at the effective date of this ordinance which does not meet the requirements of the ordinance because of inadequate lot area, access, width, depth, area, or any combination thereof.
- E. LOT LINES:** The property lines bounding the lot.
  - 1. FRONT LOT LINE:** The line separating such lot from the street right of way or private road easement.

- a. In the case of a corner lot, there shall be a front lot line and a corner front lot line. The front lot line shall be the shorter of the two lot lines adjacent to a street, provided, however, where a front lot line has been established by the erection of a structure, such front lot line shall take precedence. The remaining front lot line shall be the corner front lot line. In the case of the two front lot lines being equal, the Community Development Department shall determine the front and corner front lot lines, and once determined, shall remain as such.
- b. In the case of a through lot, the front lot line shall be the boundary to which the building is oriented. If there is no building on the lot, the front lot line shall be determined by the Community Development Department, and once determined, it shall remain as such.
- c. In the case of a waterfront lot, the lot line separating such lot from the street right of way shall be the front lot line.

Figure 2.12



**2. REAR LOT LINE:** That lot line opposite and most distant from the front lot line.

- a. In the case of a waterfront lot, the line separating such lot from the water's edge shall be the rear lot line.
- b. In the case of an irregular or triangular lot, the rear lot line shall be a line at least 10 feet in length entirely within the lot generally parallel to and at the maximum distance from the front lot line.

- c. In cases where none of these definitions are applicable or the rear lot line is unclear, the Community Development Department shall designate the rear lot line and once determined, it shall remain as such. (See Figure 2.12)

**3. SIDE LOT LINE:** Any lot line that is not a front or rear lot line.

**4. IRREGULAR LOTS:** In cases where none of the definitions 1-3 above are applicable or the lot lines are unclear, the Community Development Department shall designate the lot line and once determined, it shall remain as such.

**F. LOT TYPES.**

- 1. **LOT, CORNER:** A lot located at the intersection of 2 streets which form an angle of 135 degrees or less. (See Figure 2.12)
- 2. **LOT, INTERIOR:** A lot other than a corner lot. (See Figure 2.12)
- 3. **LOT, THROUGH:** An interior lot having frontage on 2 streets. (See Figure 2.12)
- 4. **LOT WIDTH:** The horizontal distance between the side lot lines, measured parallel to the front lot line at the established building setback line.

**LOT OF RECORD:** A tract or parcel of land which is part of a subdivision shown on a plat map



or a unit in a site condominium project which has been recorded in the Office of the Register of Deeds for Kent County, Michigan, or a tract or parcel of land described by metes and bounds which is the subject of a deed or land contract recorded at the Office of the Register of Deeds for Kent County, Michigan.

## **SECTION 2.14 - M**

**MANUFACTURING, ASSEMBLY, OR PROCESSING FACILITY, HEAVY:** A facility performing compounding, processing, fabricating, packaging, treating, or assembling of materials, with the potential for nuisance factors such as noise or odor, including, but not limited to:

- A.** Chemicals and chemical products such as plastics, synthetic fibers, and cosmetics.
- B.** Rubber manufacturing or reclaiming, and tire recapping.
- C.** Stone, clay, brick, or cement
- D.** Foundries, smelting, or refining of metals or alloys, rolling, and extruding.
- E.** Pulp and paper manufacturing.
- F.** Asphalt manufacturing or refining.

**MANUFACTURING, ASSEMBLY, OR PROCESSING FACILITY, LIGHT:** A facility performing processing, packaging, treating, or assembly of materials that are already in processed form and have a limited potential for nuisance factors such as noise or odor, including, but not limited to:

- A.** Food products, limited to baked goods, confectionery, and beverages.
- B.** Drugs and pharmaceutical products, cosmetics, and toiletries.
- C.** Toys, jewelry, novelties, and athletic goods.
- D.** Furniture, fixtures, and office equipment.
- E.** Signs and displays.
- F.** Engineering, optical, medical, photographic, and similar instruments
- G.** Electrical instruments and supplies
- H.** Apparel and other finished products made from fabrics, leather, canvas, fur, or similar materials.
- I.** Printed, published, or bound materials.
- J.** Plastic injection moldings.
- K.** . Glass products.

**MANUFACTURED OR MOBILE HOME COMMUNITY:** A parcel upon which 3 or more mobile



homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is in accordance with the requirements of the Mobile Home Commission Act, being Act 419 of the Michigan Public Acts of 1976, as amended.

**MARIHUANA CAREGIVER:** Marihuana primary caregiver or caregiver as defined by and registered in accordance with the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 et seq.), as amended.

**MARIHUANA ESTABLISHMENT:** Marihuana establishment as defined by the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 et seq.), as amended.

**MARIHUANA FACILITY:** Marihuana facility as defined by the Medical Marihuana Facility Licensing Act, PA 281 of 2016 (MCL 333.27101 et seq.), as amended.

**MEZZANINE:** An intermediate floor in any story occupying more than 1/3 of the floor area of that story.

**MINI WAREHOUSE:** See [SELF-STORAGE FACILITY](#).

**MIXED-USE DISTRICT:** The development of an area or zone district where a variety of land uses are grouped into a visually compatible and functional arrangement. Uses may be mixed by building, site, or some other format. Cohesion may occur over time as the district transitions from auto-oriented to pedestrian-oriented design.

**MIXED-USE SITE:** The development of a site with 2 or more primary land use components, such as residential and commercial uses that may be contained within a building or buildings or are presented separately with one use per building on the same lot.

**MIXED-USE RESIDENTIAL BUILDING:** Buildings containing residential uses and commercial, office, or other nonresidential uses.

**MOTOR FREIGHT TERMINAL:** Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading and unloading goods, including garaging and maintenance of equipment, freight forwarding, packing, and crating services.

## SECTION 2.15 - N

**NON-ACADEMIC SCHOOLS USES:** See [SCHOOL, NON-ACADEMIC USES](#).

**NONCONFORMING CURB CUT OR DRIVEWAY:** An existing curb cut or driveway providing access to a lot or parcel from a public or private street which at the time of the effective date of this ordinance did not meet the minimum spacing and/or design requirements applicable to the district in which it is located.

**NONCONFORMING BUILDING ELEMENT:** Portions or the physical parts of buildings or structures at the effective date of this ordinance which do not conform after the passage of this ordinance, or amendment thereto, with the building elements requirements of the district in which it is situated. Building elements may include, but are not limited to, building materials,

façades, entrances, expression lines, transparency, and other similar elements.

**NONCONFORMING BUILDING OR STRUCTURE:** Any building or structure that existed on the effective date of this ordinance, or any amendment thereto, which does not conform after the passage of this ordinance, or amendment thereto, with one or more of the physical requirements of the district in which the building, lot, or structure is located. By way of example, non-conforming physical requirements include such things as building setbacks, parking facilities, landscaping, and so forth.

**NONCONFORMING LOT:** See [LOT, NONCONFORMING](#).

**NONCONFORMING SITE ELEMENT:** All or portions of site related features located on a parcel at the effective date of this ordinance which do not conform after the passage of this ordinance, or amendment thereto, with the site elements requirements of the district in which it is situated. Site elements may include, but are not limited to, parking, landscaping, lighting, access, and other similar elements as regulated by this Chapter.

**NONCONFORMING SIGN:** A permanently affixed sign which was legally erected, constructed, installed, placed, or located on the effective date of this ordinance or amendments thereto, but which no longer conforms to the sign type, height, size, area, or location requirements; including, but not limited to, any temporary event sign, banner, or placard, including those affixed to the interior or exterior of windows.

**NONCONFORMING USE:** Any building or land occupied by a use at the effective date of this ordinance, which does not conform after the passage of this ordinance, or amendment thereto, with the use requirements of the district in which it is situated.

## SECTION 2.16 - O

**OPEN SPACE:** Land retained for use as active or passive recreation areas or for resource protection that is maintained or preserved in a predominately undeveloped state.

**OPEN SPACE, USABLE PUBLIC:** Open space required for certain developments in the MXU zone district.

**OUTDOOR ACTIVITY:** Any enterprise, operation or activity that occurs outside of an enclosed building or structure as part of a permissible use of a lot, including any outdoor display of materials, machinery, vehicles or other items that may or may not be for sale or rent.

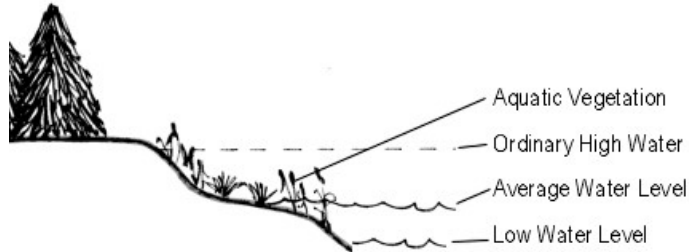
**OUTDOOR DISPLAY:** Merchandise displayed for public viewing in any space which is not enclosed, including, but not limited to, balconies, patios, terraces, walkways, parking areas, lawns, or gardens. Merchandise in outdoor displays shall be of a size that a person could easily hold or carry items, and such items are movable into a building when daily business operations cease.

**OUTDOOR EQUIPMENT SALES AND RENTAL FACILITY:** A facility that sells or rents outdoor equipment such as boats, travel trailers, snowmobiles, truck campers, recreation equipment, tents, and similar equipment or products which require outdoor display.

**OUTDOOR RECREATIONAL USES:** A commercial recreational land use conducted primarily outdoors, including driving ranges (when not part of a golf course), go-cart tracks, miniature golf courses, BMX or motorcycle tracks, and similar establishments.

**OUTDOOR SEATING:** An enclosed area where seating is provided in association with a commercial use, including, but not limited to seating on balconies, patios, terraces, walkways, lawns, or gardens.

Figure 2.13



**OUTDOOR STORAGE YARDS:**

A facility that contains goods for sale, storage, or display that have a large size, mass, or volume and are not easily moved or carried, such as railroad ties, large bags of feed, or fertilizer, wood, masonry or concrete, mulch, and similar products.

**ORDINARY HIGH WATER MARK (OHWM):** That line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. (See Figure 2.13)

**OWNER:** The owner of freehold of the premises or lesser estate in their premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property or his or her duly authorized agent.

## SECTION 2.17 - P

**PARAPET:** A low wall or railing raised above the edge of a roof.

**PARCEL:** See [LOT](#).

**PARK:** A noncommercial, not-for profit facility designed to serve the recreation needs of the residents of the community, primarily in the outdoors. Parks may also include ballfields, playgrounds and playground equipment, restrooms, gazebos, community centers, pavilions, and other buildings or structures accessory to the park. Commercial amusement facilities, such as water slides, sports stadiums, go-cart tracks, and miniature golf courses shall not be considered parks.

**PARKING:** An area on a street, in a paved lot, or in a structure used for the temporary or permanent storage of a vehicle.

**PARKING AREA OR LOT:** A storage area for motor vehicles, including parking spaces, drive aisles, and access routes.

**PARKING, DEFERRED:** A portion of the required parking associated with a use that is not installed at the time of construction, but delayed or deferred until the additional required parking is determined to be needed.

**PARKING LOT LANDSCAPING:** Landscaped areas in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment, and improve the appearance of the parking area and site.

- A. PARKING LOT LANDSCAPING, INTERIOR.** Vegetative material, structures (walls and fences), berms, and associated ground cover within the interior of a parking lot or other vehicular use area for the purposes of providing visual relief and heat abatement.
- B. PARKING LOT LANDSCAPING, PERIMETER.** Vegetative material, structures (walls and fences), berms, and associated ground cover around the perimeter of a parking lot or other vehicular use area for the purposes of screening the parking lot from off-site views when those areas are adjacent to a street right-of-way or other development.

**PARKING, OFF-SITE:** A parking area intended to serve one or more nonresidential use(s) provided on a different lot than the use(s) it is intended to serve.

**PARKING, ON-SITE:** A parking lot in a structure or in the open, which has access to a public or private street and is not within the right-of-way of any public or private street or part of any off-street loading space.

**PARKING, SHARED:** An off-street parking facility shared by 2 or more uses that are in proximity to one another, and that have different operational characteristics such that utilization of the parking facilities by one use will not generally overlap with the utilization by the other use(s).

**PARKING SPACE:** A storage area for a motor vehicle that is directly accessible to an access aisle, street, or alley, and which is not located on a public right-of-way, unless specifically permitted by this ordinance.

**PATIO:** A level, surfaced area directly adjacent to a principal building which is not more than 12 inches above grade, and without walls or a roof.

**PEDESTRIAN:** A person traveling on foot under their own power. For purposes of this Chapter, the term pedestrian shall also include a wheelchair user.

**PEDESTRIAN-ORIENTED DEVELOPMENT or ENVIRONMENT:** Development designed with an emphasis primarily on sidewalks and pedestrian access to the site and building rather than on vehicular access and parking. In most cases, the building is built close to the sidewalk, building walls along the sidewalk include large windows, and the main entrance is oriented to the sidewalk. Synonymous with pedestrian-friendly development or environment.

**PEDESTRIAN SCALE:** The use of human proportioned architectural features and site design elements clearly oriented to pedestrian activity. These elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials and architectural details.

**PERFORMANCE ART SCHOOLS:** A public or private educational facility school where classes in the various arts (e.g. dance, painting, sculpting, singing) are taught to students.

**PERSON:** Any individual, partnership, corporation, joint stock association, or any city or state or any subdivision thereof; and includes any trustee, receiver, assignee, or personal representative thereof.

**PERSON, RESPONSIBLE:** Any person related to the use or development of the land, including participating, assisting, directing, creating, causing, or maintaining a condition that results in a violation of this ordinance. The responsible person may include an: architect, engineer, contractor,

developer, agency, property owner, landowner, tenant or occupant, or any other person who has control over, or responsibility for, the property. Synonymous with responsible party.

**PERSONAL SERVICE ESTABLISHMENT:** Enterprises providing services for individuals including, but not limited to, barber shops, beauty salons and spas, photographic studios, tattoo parlors, travel agencies, radio or television repair shops, and similar facilities.

**PERVIOUS SURFACE:** Area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground.

**PLACEMAKING:** The process and features that serve to create and identify specific and memorable qualities of a location, including placemaking elements such as landscaping, pedestrian amenities, unique architecture, places of historic significance, and other similar features that together create a unique sense of place for the viewer.

**PLANNING ACT:** The Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, or any successor acts.

**PLANT MATERIALS NURSERY:** An area, building, or structure for the storage of live trees, shrubs, or plants, offered for retail sale on the premises, including products for gardening or landscaping. The definition of greenhouse or nursery, within the meaning of this ordinance, does include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

**PLAYGROUND:** An area for recreational use primarily by children, usually consisting of play equipment.

**PLAYHOUSE OR TREEHOUSE:** A structure with no electrical or plumbing connections that is enclosed on 3 or more sides for the use of children's play.

**PLAZA:** A publicly- or privately-owned square or similar open area intended as a gathering space that is typically paved and includes pedestrian elements such as benches, seating, fountains, landscaping, and public art.

**POND:** An outdoor body of standing water, accumulated in a basin or depression in the earth, either above or partly above and partly below grade, capable of holding water in a depth greater than 2 feet when filled to capacity.

**PORCH:** A horizontal surface consisting of a deck, slab, or other similar construction attached to a principal building and designed for outdoor seating or as a means of entry to the building.

**PRIMARY ENTRANCE:** The means of ingress and egress to a property or development which would be reasonably perceived as the principal means of access to the property or development.

**PRINCIPAL USE:** See [USE, PRINCIPAL](#).

**PRIVATE CLUB OR LODGE:** A facility only open to members that may hold regular meetings and that may maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of paying members and their guests.

**PRIVATE TRANSPORTATION FACILITY:** Property, structures, improvements, buildings, equipment, vehicle parking, or other facilities, land, and rights-of-way, or any combination thereof, used or useful for the purposes of transportation for the use or enjoyment of particular persons and not the general public.

**PROFESSIONAL OFFICE:** A building or portion thereof that is primarily used for offices for members of a recognized profession maintained for the conduct of business in professions such as medical, dental, architectural, engineering, accounting, law, administrative, real estate, sales representatives without the sale of goods on the premises, and other similar professions.

**PUBLIC UTILITY STORAGE OR SERVICE YARD:** A land, or portion thereof, and any building or structure located thereon, used or intended to be used by any public utility for the storage, service, or maintenance of public utility equipment or vehicles, including related improvements such as a parking lot for parking vehicles or automobiles to serve a public utility.

## SECTION 2.18 - Q RESERVED

## SECTION 2.19 - R

**RADIO AND/OR TELEVISION STATION:** Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, such as television studios or radio stations. Radio and television stations are not considered essential services as defined by this ordinance.

**RECREATION VEHICLE:** Any motor home, truck camper, travel trailer, bus, camper, trailer coach, or similar vehicle transportable under its own motor power or transported on or by another vehicle. Recreational vehicles are used, designed, and intended as occasional or short-term living quarters for recreational, camping, or travel purposes.

**REDEVELOPMENT:** Any expansion, addition, renovation, or major change to an existing building, structure or aspect of development.

**RELIGIOUS INSTITUTION:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. Uses accessory to a religious institution may include a rectory or convent, meeting hall, offices for administration of the institution, licensed child or adult daycare, playgrounds, cemeteries, and similar uses.

**RENDERING PLANT:** A facility that converts waste, kitchen grease, livestock carcasses, and similar wastes into industrial fats and oils (such as tallow for soap) and various other products (such as fertilizers).

**REQUIRED BUILDING LINE (RBL):** A line to which all or part of a building is required to be built. Compare with SETBACK.

**RESEARCH DEVELOPMENT, AND TESTING FACILITY:** A facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering, product development, and testing, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

**RESIDENTIAL DISTRICTS:** The RP, RE, R-1A, R-1B, R-1C, R-2, R-3, and R-4 zoning districts.

**RESTAURANT:** A business establishment at which food and drinks are provided to the public, primarily for on-premises consumption by seated patrons.

**RESTAURANT, DRIVE-IN/DRIVE-THROUGH:** A business establishment with drive-in or drive-through facilities so that patrons may be served ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, and while remaining in their vehicles.

**RETAIL BUSINESS:** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are generally available for immediate purchase and removal from the premises by the purchaser. Such establishments may include, but are not limited to, bakeries, candy or ice cream stores, grocery stores, butcher shops, automotive parts stores, book stores, clothing stores, furniture stores, drug stores, hardware stores, jewelry stores, and other facilities supplying products for use or consumption off the premises.

**RETAINING WALL:** Any fence or wall built or designed to retain or restrain lateral forces of soil or other materials being similar in height to the height of the wall.

**RIGHT-OF-WAY (ROW):** An area owned or maintained by the Township, Kent County, State of Michigan, federal government, public utility, railroad, or private concern for the placement of utilities or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

**RIPARIAN AREA:** The interface between land and a river or stream; relating to wetland areas adjacent to rivers and streams.

**ROADSIDE STAND:** A temporary building or structure operated for the purpose of selling produce raised only on the same premises by the property owner and/or the owner's family.

## SECTION 2.20 - S

**SANITARY LANDFILLS & TRANSFER STATIONS:** A facility for the burial of nonhazardous and nonmedical farm, residential, institutional, commercial, or industrial waste, or a facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent sanitary landfill or other disposal site.

**SCHOOL:** Any building used primarily for the education of children grades K-12, but not including colleges, universities, professional or trade schools, performance art schools, or schools operated as commercial enterprises.

**SCHOOL, NON-ACADEMIC USES:** Any building, structure, or area that is owned by a school administration and primarily used for a purpose incidental or accessory to a school, such as administrative offices not included within a school building, vehicle or other maintenance facilities, athletic facilities, bus and truck storage areas or garages, and residential or dormitory facilities.

**SCREEN OR SCREENING:** A method of visually shielding or obscuring an abutting or nearby structure or use from another by fencing, walls, berms, gates, parapets, penthouse enclosures, features of a building, or plantings of sufficient height, length, and opacity to form a visual barrier.

**SEASONAL SALES:** The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce, normally conducted by a single vendor.

**SELF STORAGE FACILITY:** A building or group of buildings with controlled access and which contain individual, compartmentalized, and locked units or lockers for the storage of personal



property.

**SEPARATE OWNERSHIP:** A person owning a lot and having no legal property rights in adjacent properties so that the adjacent properties cannot be used with said separately owned lot for building purposes. Separate ownership shall not include owners of adjacent land who are members of the same family, as defined in this ordinance, where the property can, without undue hardship, be included as part of the lot.

**SETBACK:** The minimum distance between the lot line and the nearest point of any building or structure, including such things as a building facia and soffit, overhangs exceeding 2 feet, and bay windows, provided, however, the distance shall be measured from the street right-of-way on any lot line abutting a public street or private road. (See Figure 2.14)

**SETBACK LINE:** The line situated at ground level being parallel to a lot line or street right-of-way line, which defines the actual distance of the nearest point of a building or structure from a street or lot line. (See Figure 2.15)

**SETBACK, REQUIRED:** The minimum horizontal distance necessary to achieve the minimum front, side, and rear setback requirements of this ordinance. (See Figure 2.16)

**SIDEWALK CAFÉ:** Any outdoor dining area located in any public sidewalk or right-of-way that is associated with a restaurant, bar, taverns, or other establishment that serves food or beverages on the parcel.

**SIGN:** Any object or device, or part thereof, not including a flag, situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination, or projected images. (Specific sign types are defined in section 31.02 of this ordinance.)

**SITE PLAN:** A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, accessory buildings, structures, accessory structures, parking, loading facilities, street, driveways, buildings, planting, landscaping, yard spaces, sidewalks,

Figure 2.14

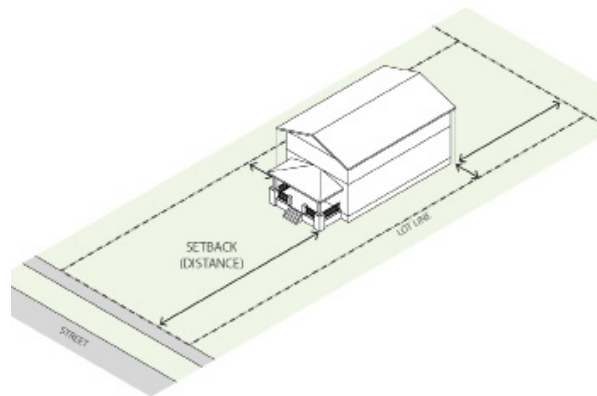


Figure 2.15

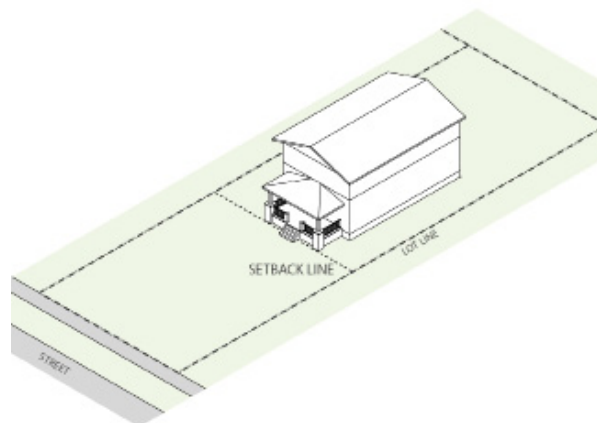
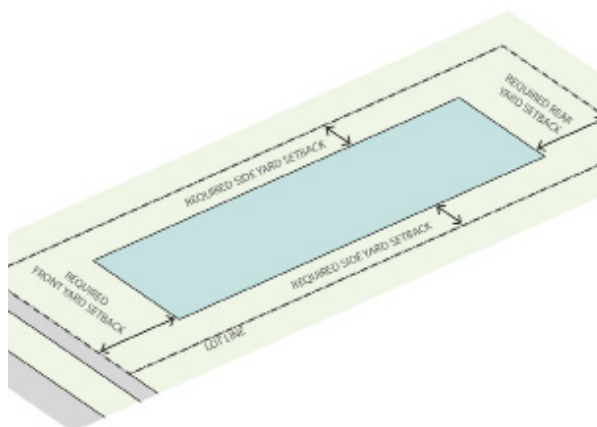


Figure 2.16





signs, drainage facilities, water supply, sewage systems, and any other items that may be required by chapter 35 of this ordinance.

**SOLAR ENERGY COLLECTOR OR SYSTEM:** A system or facilities (including solar collector surfaces and panels and/or ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and/or distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

- **ANCILLARY SOLAR EQUIPMENT:** Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.
- **BUILDING-MOUNTED SOLAR ENERGY COLLECTOR:** A solar energy collector attached to the roof or wall of a building, or that serves as the roof, wall, or other element in whole or in part of a building. Also This also includes building-integrated photovoltaic systems (BIPV”).
- **GROUND-MOUNTED SOLAR ENERGY COLLECTOR:** A solar energy collector that is not attached to and is separate from any building on the lot on which the solar energy collector is located.
- **PHOTOVOLTAIC SYSTEM:** A collection of solar panels, related equipment, and components used to convert light or heat into electrical power.
- **SMALL-SCALE SOLAR ENERGY COLLECTOR:** A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be comprised of the following: building-integrated photovoltaic (BIPV) systems (“BIPV”), ground-mounted solar energy collectors, and/or building-mounted solar energy collectors.
- **SOLAR COLLECTOR SURFACE:** Any part of a solar energy system that absorbs solar energy for use in the system’s transformation process. The collector surface does not include frames, supports, and mounting hardware.
- **SOLAR ENERGY:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.
- **UTILITY SCALE SOLAR ENERGY SYSTEM:** A solar energy system that meets one or more of the following:
  - A.** It is primarily used for generating electricity for sale and /or distribution off site to an authorized public utility or other firm for use in the electrical grid;
  - B.** The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
  - C.** It is not considered an accessory use or structure by the Community Development Department.

**SPECIAL CONTROLLED USE:** In the development and execution of this ordinance, 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 in near proximity

to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this ordinance.

As used in this ordinance, the following terms shall have the indicated meanings:

- A. ADULT-ORIENTED BUSINESS:** A business or commercial establishment engaging in 1 or more of the following enterprises [as such enterprises are defined in the Adult-Oriented Businesses Ordinance (Ordinance #756)]: (a) adult cabaret; (b) adult merchandise store; (c) adult motel; (d) adult theater; (e) escort agency; (f) nude model studio; and (g) sexual encounter center.
- B. MASSAGE ESTABLISHMENT:** Any building, room, place, or establishment where body massage is regularly practiced on the human body, to club members, or to the general public for a charge. The term "massage establishment" shall not include:
1. Hospitals, nursing homes, medical clinics;
  2. The office of a state-licensed physician, surgeon, osteopath, or chiropractor;
  3. The establishment of a barber, manicurist, beautician, or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet, or shoulder;
  4. The establishment of a myomassaologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification;
  5. Nurses who are licensed under the laws of this state and who administer a massage in the normal course of his or her nursing duties; or
  6. Any athletic trainer who has been certified by the National Athletic Trainers Association or who is employed by one of the public schools or state approved non-public schools, as those terms are used in MCL 380.1561, and who is performing massage on school premises.
- C. MASSAGE:** Any method of applying pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the body, for remedial or hygienic or other purposes, with the hands, with or without the aid of any mechanical, magnetic, or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.

**SPECIAL LAND USE:** See [USE, SPECIAL](#).

**STABLE:** A building, group of buildings, animal enclosures, riding arenas, corrals, paddocks, pens, and/or other structures used for the boarding, breeding, raising, rehabilitation, riding training and/or performing of horses, by the owners, occupants, or persons other than the owners of the

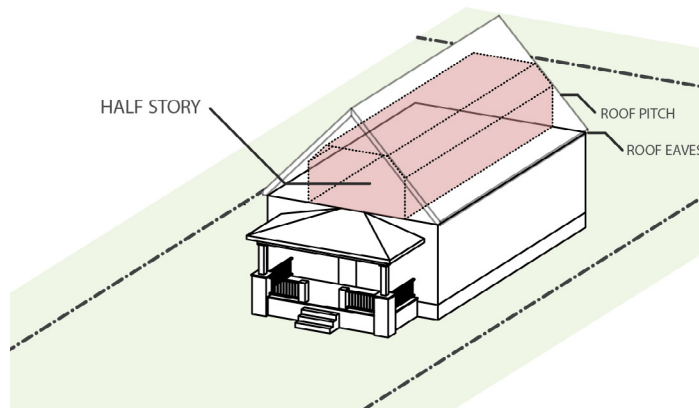
occupants of the premises for commercial or not for profit purposes. This definition does not apply to the keeping of horses owned by a property owner or occupant for non-commercial or not for profit purposes.

**STACKING AREA:** The space specifically designated as a waiting area for vehicles where occupants will be patronizing a drive-through business.

**STATE LICENSED RESIDENTIAL FACILITY:** A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, being sections 400.701 to 400.737 of the Michigan Compiled laws, or Act No 116 of the Public Acts of 1973, as amended, being sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for 6 or fewer persons under 24-hour supervision or care for persons in need of that supervision or care. "A State Licensed Residential Facility" includes, for example, a Foster Family Home, a Foster Family Group Home, or an Adult Foster Care Small Group Home as defined by this ordinance.

**STEP-BACK:** A horizontal portion of a building or structure that is recessed a specified distance from the façade of the story immediately below it. The step-back provides a gradual transition in height.

Figure 2.17



**STONE MONUMENT WORKS:** An establishment primarily engaged in the cutting, shaping, and finishing of marble, granite, slate, and other stone for building and miscellaneous uses. It also includes establishments primarily engaged in buying or selling partly finished monuments and tombstones.

**STORY:** The portion of the building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

**STORY, HALF:** That portion of a building between the eaves and ridge lines of a pitched roof. (See Figure 2.17)

**STREET:** An existing or planned public or private right-of-way or easement that is designed, dedicated, or used principally for travel by pedestrians, cyclists, transit, freight, and/or motor vehicles and which may provide access to abutting land.

- A.** A public street is an easement, right-of-way, or other interest in land which has been conveyed or dedicated to, and accepted by, the township, county, or other governmental body for the purpose of providing access to abutting land.
- B.** A private street is a non-public street that provides access to abutting land.
- C.** A service drive is a minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

**STREET FRONTAGE:** The distance that a lot line adjoins a public or private street from one (1) lot line intersecting the street to the furthest lot line intersecting the same street.

**STREET FURNISHINGS:** Outdoor amenities, including but not limited to tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and other similar items that help to define pedestrian use areas.

**STREET WALL:** An opaque wall or building façade placed parallel to a public or private street built along the Required Building Line or setback, which aligns with other Required Building Lines, setbacks, or buildings or structures along the same street frontage.

**STREETSCAPE:** The various components that make up the street, both in the right-of-way and on private lot frontages including pavement, permitted signs, parking spaces, landscaping and street trees, streetlights, sidewalks, etc.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including, but not limited to, buildings, signs, billboards, tennis courts, swimming pools, fences, and pergolas. Sidewalks, patios, and driveways shall not be considered structures for the purposes of this ordinance.

**SWIMMING POOL:** A basin for the holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than 2 feet of water and does not include ponds as defined in this chapter.

## SECTION 2.21 - T

**TAVERN:** See [BAR OR TAVERN](#).

**TEMPORARY STRUCTURE:** A structure of limited duration, including those for special events that comply with this ordinance and are removed upon the conclusion of the event.

**THEATER, INDOOR:** Any building primarily used for dramatic presentations, shows, movies, or similar entertainment, which building has a roof sheltering performers and patrons, open to the public, with or without charge.

**THROUGH TRAFFIC:** Vehicular traffic not destined for individual sites or uses within an immediate area.

**TRAIL:** An access way, either paved or unpaved, that is intended to serve multiple modes of travel, including walking, jogging, bicycling, or other forms of non-motorized transport.

**TRANSIT:** The movement of people by public conveyance in a high occupancy vehicle, including buses, carpools or vanpools, light rail, streetcars, and trains.

**TRANSPARENCY:** The ability to see through with clarity. An opening in the building wall allowing light and views between interior and exterior. Measured as clear glass areas for buildings and as open areas for parking structures. Compare to CLEAR GLASS.

**TREE (TYPE):** The leaves, stems, trunk, bark, roots, and any other portion of a woody plant typically growing as a single stem (rarely a multiple stem) in an upright form.

- A. **TREE CANOPY.** The layer of leaves, twigs, branches, and stems of trees that cover the ground, buildings, and other surfaces when viewed from above. Tree Canopy Cover is measured as a percent of area covered by tree canopy.
- B. **TREE DIAMETER AT BREAST HEIGHT (DBH).** The diameter in inches of a tree measured in inches at 4½ feet above the existing grade.
- C. **TREE HEIGHT.** For a deciduous or evergreen tree, height shall be measured from the top of the tree to the surrounding ground elevation or top of the ball (location where fabric containing root system meets the exposed trunk).
- D. **TREE SIZE.** Small, medium, and large tree sizes at full maturity relative to species, as determined by Article 11, Landscaping and Green Infrastructure and the City Forester.

**TRELLIS:** A patio cover with an open roof and less than 50 percent coverage which is not enclosed on the side, except for required roof supports.

**TRUCK AND TRAILER SALES AND RENTAL:** A facility engaged in the rental and/or sale of semitrucks, tractor trailers, and similar heavy equipment not typically for personal use, including incidental parking and servicing of such vehicles.

**TWENTY-FOUR HOUR (24) OPERATIONS:** A business operation that has the potential to negatively impact adjacent properties and the surrounding neighborhood due to the following hours of operation: open any time between 2:00 a.m. and 5:00 a.m. or for 20 within a consecutive 24hour period.

## SECTION 2.22 - U

**USE:** Any purpose for which a building or other structure or lot may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

- A. **USE, ACCESSORY:** A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises. (See Use, Principal)
- B. **USE, PERMITTED BY RIGHT:** A use or uses which by their very nature are allowed within the specified zoning district, provided all applicable regulations of Plainfield Township are met. Permitted use includes the principal use of the land or structure, as well as accessory uses, unless specifically stated to the contrary.
- C. **USE, PRINCIPAL:** The primary purpose for which land, a structure, or building is used.
- D. **USE, SPECIAL:** A use or uses which, by their very nature may not be compatible with other uses within the specified zoning district and therefore requires approval pursuant to **CHAPTER 29** of this ordinance. Special uses include the principal use of the land or structure, as well as their accessory uses and/or buildings, unless specifically stated to the contrary.
- E. **USE, TEMPORARY:** A use or activity which is permitted only for a limited time and subject to specific regulations.

## SECTION 2.23 - V

**VEHICLE:** Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power used exclusively upon stationary rails or tracks and excepting mobile homes.

**VETERINARY CLINIC:** See [ANIMAL CLINIC](#).

## SECTION 2.24 - W

**WAREHOUSE OR DISTRIBUTION CENTER:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, and characterized by extensive warehousing, frequent heavy trucking activity, or storage of material, but not involved in manufacturing or production.

**WETLAND:** Land characterized by the presence of hydric soils or water at a frequency and duration sufficient to support wetland vegetation or aquatic life as defined in the Wetlands Protection Act, part 303, 1994 PA 451, MCL 324.30301 to 324.30329.

**WIRELESS COMMUNICATION FACILITIES:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham or amateur 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" are not Essential Public Services as defined in this ordinance.

- A. ATTACHED WIRELESS COMMUNICATIONS FACILITIES:** 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.
- B. WIRELESS COMMUNICATION SUPPORT STRUCTURES:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.
- C. COLLOCATION:** The location by 3 or more wireless communication providers of "wireless communication facilities" on a common structure, wireless communication support structure, or building, with the intention of reducing the overall number of structures required to support wireless communication antennas within the community.

**WORKFORCE HOUSING:** Any form of group living or household living intended for low- or moderate-income persons and families with incomes at or below 80 percent of area median income, adjusted for family size, and where monthly shelter costs do not exceed a designated percentage of that person's or family's income, as used by the U.S. Department of Housing and Urban Development (HUD) or the Michigan State Housing Development Authority (MSHDA).

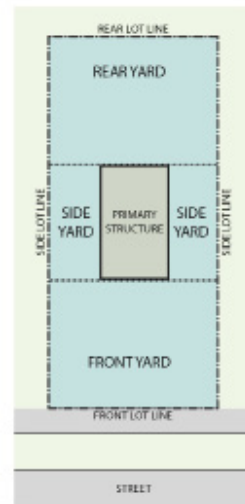
## SECTION 2.25 - X RESERVED

Figure 2.18

## SECTION 2.26 - Y

**YARD:** An open space on a lot extending the full width of the lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and defined herein: (See Figure 2.18 (See also [SECTION 2.13 L](#))

- A. YARD, FRONT:** The open space between the front lot line and the nearest point of the principal building. In the case of a waterfront lot, the front yard shall be the open space between the street right of way and the nearest point of the principal building, including attachments thereto and unenclosed porches.
- B. YARD, CORNER FRONT:** The open space between the corner front lot line and the nearest point of the principal building.
- C. YARD, REAR:** A the open space between the rear lot line and the nearest portion of the principal building.
- D. YARD, SIDE:** A yard between a principal building and the side lot line, extending from the front yard to the rear yard. The width shall be measured from the nearest point of the side lot line to the nearest portion of the principal building.



## SECTION 2.27 - Z

**ZONING DISTRICT:** Refers to a specific geographic area that is subject to municipal land use controls. Municipalities designate these areas and establish controls over types of land uses, density, and lot requirements in each zone.

**ZONING BOARD OF APPEALS:** The Plainfield Charter Township Zoning Board of Appeals.

**ZONING PERMIT:** An approval issued by the Community Development Department upon determination that the construction and use of land and any structure is in compliance with this ordinance.

# CHAPTER 3

## GENERAL PROVISIONS

### SECTION 3.01- ACCESSORY BUILDINGS & STRUCTURES

In any zoning district, an accessory building (sheds, pole barns, car ports, attached garages, non-farm greenhouses, and similar accessory buildings) or an accessory structure (decks, swimming pools, gazebos and similar accessory structures) as defined in this ordinance may be attached to or detached from the permitted principal building. The size of all attached accessory buildings shall be limited by the size of the principal building as provided in [SECTION 3.01 E.1.](#) and shall comply in all respects with the requirements of this ordinance applicable to the permitted building.

- A. Exceptions.** The following accessory buildings or accessory structures are permitted and shall not be subject to a number limitation, except as expressly noted below:
1. One child's playhouse or child's treehouse not to exceed 200 square feet. A building permit is required for a treehouse exceeding 200 square feet in area. Such structure shall not be used for storage. A playhouse or treehouse shall be limited to a single story, and shall not be located in the required front or corner front yard.
  2. Play structure: jungle gym, swing set, slide, platform, garden trellises, and similar above-ground yard equipment accessory to a residential use. A play structure shall not exceed 14 feet in height or be taller than the principal building, whichever is less, and cannot be located in the required front or corner front yard.
  3. One gazebo not to exceed 200 square feet. A gazebo shall not exceed 14 feet in height or be taller than the principal building, whichever is less.



4. Doghouses, covered pens and other similar structures for the housing of household pets, but not including kennels. Such structures shall not be used for storage and cannot be located in the required front or corner front yard.
5. Below ground fallout shelters.
6. One school bus shelter, no greater than 50 square feet in area. School bus shelters are permitted in the front or corner front yard provided they are 10 feet from the front or corner front property line and less than 6 feet in height. Such structure shall not be used for storage.
7. Swimming pool accessory buildings and pump houses shall be less than 30 square feet, no more than 10 feet in height, and shall not be located within the required district setbacks.
8. A deck that may include a railing not exceeding a height of 4 feet above the platform or privacy type structure (i.e. lattice) not exceeding of height of 8 feet above the platform, subject to setback requirements of [SECTION 3.12\(F\)](#).
9. Buildings within the RP or RE zoning districts used solely for commercial agricultural purposes, as further defined by the Right to Farm Act, Act 93 of 1981 (MCL 286.472, et. seq.) are exempt from the provisions of this section; except that if such buildings are converted to a non-agricultural use, the provisions of this ordinance shall apply.

**B. Sketch Plan Required.** A sketch plan reviewed and approved by the Community Development Department shall be required prior to the placement of all accessory buildings and structures, except for those exempted by subsection 3.01 A above, pursuant to [SECTION 35.02](#) of this ordinance. Additional requirements may be attached to the approval of accessory buildings or structures, and the use thereof, when the Community Development Department determines it necessary to avoid or mitigate adverse impacts on surrounding properties.

**C. General Provisions for All Accessory Buildings and Structures.**

1. **Principal Use and Exceptions.** Unless otherwise permitted by this ordinance, an accessory building or accessory structure can only be constructed on a lot or parcel on which there is a principal building and it shall not be permitted to remain on the property if the permitted principal building is removed.
2. **Building Permits.** A building permit is required for accessory buildings 200 square feet and greater in area.
3. **Agricultural Buildings.** Agricultural buildings shall not be located within a required setback and any agricultural building greater than 1,200 square feet in area shall be located at least 20 feet from any rear or side lot line.
4. **Architectural Standards.** The architectural character, roof lines, materials, and siding of all attached accessory buildings and detached accessory buildings over 200 square feet in area shall be compatible and similar to the principal building. Exterior finish materials shall be those materials customarily used for residential construction.
5. **Easements.** Accessory buildings and accessory structures shall not occupy any portions of drainage, stormwater, or similar utility easement without approval from the benefiting party of said easement as recorded with the Kent County Register of Deeds.

- 6. Methods of Attachment.** Accessory buildings or accessory structures shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous breezeway, portico, covered colonnade, or similar architectural device. Any accessory building sharing a common wall or access with another accessory building shall be considered a single building.
- 7. Portable Accessory Buildings.** Portable accessory buildings (excluding temporary storage containers) shall meet all of the requirements of this section, except as described for Temporary Uses in Section 30.37. In addition, portable accessory buildings shall be permitted only in the rear yard, behind the principal building. Portable accessory buildings shall also be properly anchored in a method approved



by the Building Inspector. (See images)

- 8. Temporary Storage Containers.** Temporary storage containers shall meet all of the requirements applicable to accessory buildings. In addition, temporary storage containers shall be properly anchored in a method approved by the Building Inspector and the use of such containers shall not exceed 14 days unless an extension is granted by the Community Development Department upon demonstration by the



applicant that there are extenuating circumstances that justify such extension. (See images)

- 9. Walkout Basements.** An attached or detached accessory building may include a walkout level provided any walkout level wall or door is not visible from any street.

The square footage of the walkout level shall not be included as part of the permitted square footage of accessory buildings. The square footage of the walkout level accessory building cannot exceed 60 percent of the main floor area of the dwelling.

**10. Platted Access Walkways.** In residential zoning districts, there are lots, both improved and unimproved, under common ownership which are separated by unimproved platted walkways or unimproved road rights of way. These lots shall be treated as a single lot except that the property owner(s) shall record a deed restriction requiring the removal of the accessory building(s) or structure(s) prior to the sale of the property (if sold separately), if the accessory building(s) or structures(s) are located on the lot without the principal structure. An accessory building or accessory structure need not be razed or removed under these conditions if the lot(s) are transferred to an adjacent lot or parcel as part of a boundary change approved by the Community Development Department.

**11. Concurrent Construction.** If a detached accessory building or accessory structure and a principal building are being constructed concurrently, a building permit shall not be issued for any detached accessory building or structure until the construction of the principal building is at least 50 percent complete.

**12. Door Openings.** In residential districts, no accessory building shall have a door opening greater than 14 feet in height.

**D. Accessory Buildings on Waterfront Lots.** On residentially zoned properties fronting on Mead Lake, Dean Lake, Secluded Lake, Scott Lake, Freska Lake, Little Pine Island Lake, Grand River, and Rogue River, one detached accessory building may be located on a lot that does not have a principal building, under the following circumstances:

1. If the lot is directly across a public or private street from a lot improved with a dwelling to which the building is accessory; or
2. If the lot is adjacent to a side lot line of a lot directly across a public or private street from a lot improved with a dwelling to which the building is accessory.
3. The lot upon which the accessory building is constructed shall be held in common ownership. A restrictive covenant confirming such common ownership and prohibiting the separate conveyance of either lot shall be recorded with Kent County Register of Deeds prior to the issuance of a building permit or installation of any accessory building. The Community Development Department may require landscaping.
4. Such accessory buildings shall have a front yard of at least 25 feet, a rear yard of at least 20 feet, and side yards shall meet the minimum requirements for principal buildings in the district in which the lot is located.

**E. Single-Family and Two-Family Residential Uses.** The following standards apply to buildings accessory to single-family or two-family dwellings in residential districts, legally nonconforming residential uses in other zone districts, or in a residential PUD:

**1. Attached Accessory Buildings.**

- a. The maximum allowable size of any individual attached accessory building shall not exceed 864 square feet for the first 1,200 square feet of habitable (finished) floor area contained in the dwelling.
- b. For each whole increment of 5 square feet that the habitable floor area contained in the principal building exceeds 1,200 square feet, the floor area of the attached

accessory building may be increased by 1 square foot.

Example:

Step 1: 1,400 sq. ft. of habitable floor area - 1,200 sq. ft. = 200 sq. ft.

Step 2: Divide 200 sq. ft. by 5 = 40 sq. ft. of additional attached accessory square footage permitted

Step 3: 864 sq. ft. (permitted attached square footage) + 40 sq. ft. = 904 sq. ft.

- c. In no case shall an attached accessory building exceed 1,200 square feet.

## **2. Detached Accessory Buildings.**

- a. On lots in residential districts, the maximum area of detached accessory buildings shall not exceed those set forth in subsection 3.01 E.3 below, unless specifically approved by the Community Development Department.
- b. Individual detached accessory buildings shall not exceed 2,400 square feet in area, except that on lots less than 20,000 square feet in size, no detached accessory building shall exceed 864 square feet or the size of the main floor of the principal dwelling, whichever is greater.
- c. To ensure harmonious relationships and to minimize conflicts between adjacent uses, any detached accessory building greater than 1,200 square feet in size shall require administrative approval subject to special conditions. This section does not apply to agricultural buildings. The Community Development Department shall consider the following when reviewing a permit application:
  - 1. The proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the Master Plan.
  - 2. Landscaping: Where an accessory building is visible from an adjacent property or public or private right-of-way, a landscaped green strip of at least 10 feet in width is required.
  - 3. Lighting: Devices shall be adequately shielded and screened so that no light will glare directly onto any public or private right-of-way or onto adjacent property.
  - 4. Drainage: A drainage plan may be required. The accessory building and its use when the Community Development Department determines it is necessary to avoid or mitigate adverse impacts on surrounding properties.
  - 5. Additional requirements may be attached to such accessory building and its use when the Community Development Department determines it is necessary to avoid or mitigate adverse impacts on surrounding properties.

- 3. **Area of Accessory Buildings.** The combined area and height of all accessory buildings, whether attached or detached, shall not exceed the requirements found below in the following schedule. In instances where the requirements in the schedule below conflict with other provisions of this ordinance, the regulations of this schedule shall apply:

Lot Area	Maximum Accessory Building Height	Minimum Building Side Yard Setback <sup>1</sup>	Minimum Building Rear Yard Setback <sup>1</sup>	Maximum Number of Accessory Buildings	Separation Distance <sup>5</sup>	Maximum Combined Size of All Buildings <sup>2</sup>
0.5 acres or less	14 feet	District Setback	5 feet	3 Attached or Detached	10 feet (note exception for R-1A)	1,200 sq. ft.
Greater than 0.5 acres - 1 acre	16 feet	District Setback	5 feet	3 Attached or Detached	10 feet	1,600 sq. ft.
Greater than 1 acre - 2 acres	16 feet	District Setback	5 feet	3 Attached or Detached	10 feet	2,000 sq. ft.
Greater than 2 acres - 5 acres	18 feet	District Setback	10 feet	3 Attached or Detached	10 feet	3,000 sq. ft.
Greater than 5 acres	25 feet	District Setback	20 feet	3 Attached or Detached	10 feet	5,000 sq. ft.

(1) Detached accessory buildings less than 200 square feet in area may be located not less than 3 feet from the side and rear property lines.

(2) Also refer to [SECTION 3.01 E](#).

(3) Any accessory buildings over 1,200 square foot in size must be 20 feet from the rear property line.

(4) For waterfront lots, see further regulations below.

(5) Separation distance measured overhang to overhang. Separation distance may be reduced to 5 feet in the R-1A zoning district.

4. **Additional Yard Provisions.** Unless otherwise permitted by in this ordinance, the required zone district setbacks shall apply to accessory buildings. In the case of waterfront lots, setbacks shall be measured from the ordinary high water mark.
5. **Front Yards.** Detached accessory buildings and accessory structures shall not be located in a front or corner front yard except:
  - a. An accessory building or accessory structure may be located in the front or corner front yard of a waterfront lot (area between leading edge of principal structure and the street) provided that it is located behind the required front or corner front yard setback line for the district in which it is located and that it does not exceed the height of the principal building.
  - b. Accessory buildings shall not be located within a front or corner front yard, except that in a residential district, a detached accessory building or accessory structure may be located in the front yard if it has a minimum setback of 60 feet from the front or corner front lot line and 25 feet from any side lot line.



**6. Rear Yards.** Detached accessory buildings and accessory structures may be located in the rear yard subject to the following requirements:

**a.** No more than 1 detached accessory building or accessory structure no greater than 10 feet in height is permitted in the rear yard (water side) of a waterfront lot of less than 13,000 square feet.

**7. Corner Lots.** On corner lots, accessory buildings and accessory structures shall meet the minimum setback required for the principal building.

**8. Substandard Lots.** See [SECTION 4.05](#) pertaining to nonconformities.

**F. Multi-Family Uses.** The following are additional requirements for mobile home parks and multi-family residential developments within the R-3, R-4, or PUD districts. This does not pertain to individual mobile home units as regulated by the Mobile Home Commission Act, being Act 96 of 1987, as amended.

**1.** One accessory building is permitted per development, provided it does not exceed 864 square feet and has a maximum height of 16 feet. Larger and/or additional accessory buildings may be allowed with site plan approval from the Planning Commission.

**2.** Carports and multi-stall garages may be permitted, provided that the building height does not exceed 16 feet. A maximum of 1 garage or carport stall per unit is permitted.

**3.** Additional accessory buildings of the same size and height may be allowed with site plan approval from the Planning Commission.

**4.** Accessory structures, which may be approved administratively, include, but are not limited to, playground equipment, radio and television antennas, swimming pools, sport courts, decks and patios under 1,200 square feet, and similar accessory structures.

**5.** Accessory buildings may be attached to and made an integral part of a dumpster enclosure.

**6.** All accessory buildings and accessory structures located in the rear yard shall not be closer than 10 feet to any side or rear lot line and shall not be located within any required greenbelt or buffer, except that accessory structures such as sport courts, community recreation, meeting facilities, and similar uses may be located in the front yard, provided that all setback requirements are met.

**G. Commercial, Industrial, and Office Uses.** The following are additional requirements if the use of the principal building is in a Commercial, Industrial, Office, Light Industrial, or non-residential PUD zoning district.

**1.** One accessory building is permitted per development, provided it does not exceed 864 square feet and has a maximum height of 16 feet. Larger and/or additional accessory buildings may be allowed with site plan approval from the Planning Commission.

**2.** Accessory structures, which may be approved administratively, include, but are not limited to, playground equipment, fences, light posts, utility poles, radio and television antennas, and similar types of accessory structures. Swimming pools, sport courts, and decks and patios over 1,200 square feet require Planning Commission approval.

3. Accessory buildings may be attached to and made an integral part of a dumpster enclosure.
4. All accessory buildings and other accessory structures located in the rear yard shall not be closer than 10 feet to any side or rear lot line and shall not be located within any required greenbelt area. Accessory structures such as sport courts, decks, patios community recreation or meeting facilities shall meet the setback requirements for the district within which it is located.

## SECTION 3.02 - ANIMALS

For the keeping of animals, the following shall apply:

- A. **Domestic Animals.** If an occupant or owner keeps or allows domestic animals within a dwelling, in a yard, in a structure, or upon a property, the occupant shall remove any odorous or unsanitary condition. The property owner shall be responsible for the repair of any damage to the dwelling, structure, or yard caused by the animals and shall be responsible for any unsafe condition.
- B. **Farm Animals.** No farm animal shall be kept or allowed to be kept within any dwelling or dwelling unit or within 50 feet of any dwelling unit and must be kept in sanitary enclosures under sanitary conditions. Further, no accumulations of refuse, manure, or keeping of farm animals shall be permitted within 100 feet of any property line and the premises shall be so maintained as not to constitute a nuisance or source of pollution. Exception: Keeping of chickens or domesticated waterfowl is permitted but must be kept a minimum of 25 feet from any dwelling unit or property line. Furthermore, keeping of roosters is prohibited.
- C. **Right to Farm Act.** This section is not intended to regulate the keeping of animals on farms or farm operations that are regulated by the Right to Farm Act, Act 93 of 1981 (MCL 286.471 et. seq.).
- D. **Wild Animals.** Any animal that is not a domestic animal or farm animal, as defined in [SECTION 2.02](#), is a wild animal and shall not be kept on any property in the Township.
- E. **Interpretation.** The interpretation of whether a particular animal or class of animals and/ or pets falls within the above classifications shall be determined by the Zoning Board of Appeals. The Zoning Board of Appeals shall consider the potential danger of keeping all animals within the Township and whether they pose a threat to the health, safety, and welfare of the residents of the Township.

## SECTION 3.03 - AREA OR SPACE REQUIRED

No site, lot, or lots in common ownership shall be so divided, altered, or reduced that the yard, setback, open space, area, lot coverage, or parking space is less than the minimum required under this ordinance.

In determining lot and yard requirements, no area shall be ascribed to more than 1 main building or use, unless otherwise permitted this ordinance, and no area necessary for compliance with the space requirements for 1 main building shall be included in calculation of the space requirements for any other building or use.

## SECTION 3.04 - AUTOMOTIVE VEHICLE REPAIR

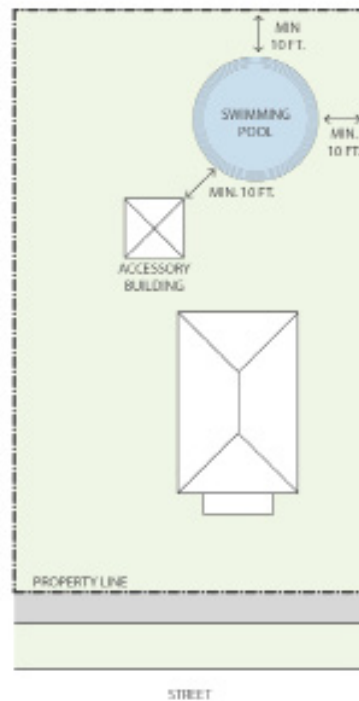
In all residential districts, mechanical work and repair of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles, or any other similar vehicles, licensed to, registered in the name of, and solely for the personal use of the dwelling occupant is permitted with the following conditions:

- A.** Not more than 1 vehicle shall be under repair at any given time.
- B.** There shall be no outside storage of automobile parts or equipment.
- C.** Repair activities shall not create excessive noise, vibration, odor, or other nuisances to neighboring properties.

### SECTION 3.05 - SWIMMING POOLS

- A.** The swimming pool shall be maintained in a clean and healthful condition in accordance with county and township health requirements and shall satisfy all applicable building codes.
- B.** The swimming pool basin shall not be closer than 10 feet to any side or rear lot line. No part of any pool shall be constructed or placed within a required front or corner front yard. (See Figure 3.1)
- C.** Swimming pools shall have a separation setback of 10 feet from any adjacent building. The separation setback may be reduced to 5 feet from buildings or structure less than a story. For the purpose of this section, measurements shall be taken from the water's edge to the closest edge of the building or adjacent structure, unless approved by the Community Development Department. (See Figure 3.1)
- D.** A swimming pool that is designed to be filled to a depth exceeding 24 inches shall only be permitted if a building permit for the swimming pool has been obtained from the township and if the swimming pool is in compliance with the state construction code and with all applicable township ordinances.

Figure 3.1



### SECTION 3.06 - BUILDING HEIGHT EXCEPTIONS

Subject to other provisions of law, the height limitations of all districts shall be subject to the following exceptions: parapet walls not exceeding 4 feet in height, chimneys, spires, water tanks, lightning rods, wireless communication antennae, monuments, or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

### SECTION 3.07 - BUILDINGS, MOVING



The moving of a building to a new location shall be considered as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

### **SECTION 3.08 - BUILDING, RAZING, AND FILLING OF EXCAVATIONS**

- A.** No building more than 200 square feet in area shall be razed until a permit has been obtained from the Community Development Department.
- B.** The Community Development Department shall be authorized to require a performance guarantee up to an amount equal to 120 percent of the Building Inspector's cost estimate for the razing the buildings. The guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Community Development Department may reasonably require and this ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.
- C.** Sites that are under construction, demolition, or excavation shall be reasonably secured during times when work is not being conducted on site.
- D.** After construction, demolition, or excavation is complete, the site shall be restored to reasonable conditions to protect the public health, safety, and welfare. The Community Development Department may require temporary fencing, breaking of flooring materials to improve drainage, or other improvements to ensure compliance with this section.

### **SECTION 3.09 - BUILDINGS AND STRUCTURES, TEMPORARY**

Mobile offices, or other movable or erected structures intended for temporary use or occupancy incidental to construction work, for a development approved by the Planning Commission, or for special events shall be situated or erected upon land or premises within the township and used according to the following provisions:

- A. Permit Required.** Permits for temporary construction trailers, sheds, and offices may be issued by the Building Inspector according to the following criteria:
  - 1.** Unless involved with a major public improvements project, temporary structures may only be located in commercial districts, industrial districts, approved Planned Unit Developments, plats, site condominiums, or other similar development projects.
  - 2.** No temporary permit may be issued prior to the issuance of a building permit. Temporary permits shall expire when the building permit expires.
  - 3.** A temporary structure shall be located on the same site as the construction.
  - 4.** A temporary structure shall be located on the site such that:
    - a.** On and off-site traffic hazards are minimized.
    - b.** The negative aesthetic impacts are reasonably minimized.
    - c.** It is not closer than 10 feet to any property line.
    - d.** All applicable safety, health, and fire codes are met.

5. All temporary structures shall be removed from the site upon completion of the development.
6. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.
7. Any temporary drive or road which is necessary to provide access to a construction site must be approved by the Township Fire Department to assure that the site can be safely accessed by emergency vehicles.
8. In issuing a permit for a temporary structure, the Community Development Department may require a financial guarantee pursuant to [SECTION 36.09](#) of this ordinance.

### **SECTION 3.10 - RESIDENTIAL DRIVEWAY REQUIREMENTS**

- A.** Prior to the granting of a building permit for any construction involving a new driveway opening to a public street or private road, a permit for such driveway from the state and/or county agency shall be submitted to the Community Development Department. Driveways constructed on a public street or on a paved private road shall be paved for the first 50 feet from the property line and any area between the property line and the private easement or public right-of-way. Paving shall also be required where a new home is improved more than 50 percent of its market value as determined by the Township Assessor, or where a new or existing curb cut will serve as access for a new accessory
- B.** Construction and materials in the public road right of way shall be constructed to the standards of the Kent County Road Commission or the Michigan Department of Transportation (MDOT), which may differ from township requirements.
- C.** Materials used outside of the public road right of way shall be constructed to a depth and of such material as to be durable, and generally constructed of concrete or asphalt. Use of other materials is subject to the approval of the Community Development Department and the Township Engineer.
- D.** The Community Development Department shall be authorized to require a performance guarantee up to an amount equal to 120 percent of the Township Engineer's cost estimate for the construction of the driveway.
- E.** Driveways greater than 125 feet in length measures from the edge of the improved right of way require approval from the Township Fire Department pursuant to Article VII of Chapter 18 of the Plainfield Charter Township Code of Ordinances prior to occupancy.
- F.** Shared driveways shall meet the Plainfield Charter Township adopted Private Road Ordinance.

### **SECTION 3.11 - DWELLINGS, SINGLE-FAMILY**

The intent of this section is to provide specific conditions and standards that must be met by dwellings intended to be located on individual lots. These standards are considered necessary to ensure compliance with both minimum structural standards and reasonable compatibility of exterior appearance for dwellings either previously constructed, or which might be constructed, on lots in the same vicinity, while also avoiding monotony of appearance.

Dwellings shall be aesthetically compatible in design and appearance with other single-family dwellings in the vicinity or throughout the township. Compatibility shall be determined by the

township and based on the character, design, and appearance of single-family dwellings located within the vicinity or throughout the township.

A single-family dwelling located on an individual lot must comply with the following requirements:

- A.** The minimum width of the front (street side) elevation of the dwelling shall be 30 feet. Further, all single-family dwellings (except for manufactured or mobile homes) shall have a minimum width across any front, side, or rear elevation of 24 feet.
- B.** The exterior siding shall consist of horizontal lap siding or other siding of the same materials as other dwellings in the vicinity and be attached in the same manner as required by the Township Building Code.
- C.** Windows and other visible, exterior features of the dwelling shall be compatible with such features of other dwellings in the vicinity.
- D.** Additions to dwellings shall be constructed in conformance with the Township Building Code and with materials and workmanship similar in appearance and quality to the dwelling.
- E.** Dwellings shall be constructed upon a basement or crawl space foundation around the entire perimeter of the dwelling and be constructed in compliance with the Township Building Code. Dwellings on slab foundations are prohibited, except in instances where the property is within a flood-prone area, is situated on land with a high water table, or similar situation as determined by the Township Engineer.
- F.** Unless otherwise permitted by this ordinance, it shall be unlawful for any person to park or cause to be parked, any manufactured or mobile home for purposes of a dwelling, either temporarily or permanently, outside of parks and facilities licensed and lawfully operating for such purpose.
- G.** The use of any portion of a basement as a dwelling or as sleeping quarters is prohibited unless it meets the Township Building Code requirements for ingress and egress. The use of the basement of a partially completed building as a dwelling unit is prohibited. Accessory buildings shall not be occupied for dwelling purposes.
- H.** The following minimum floor area requirements apply to each single-family residence hereafter erected:

Type of Residence	With a Full Basement	Without a Full Basement
1 story	960 square feet	1,040 square feet
1 ½ story (expansion attic)	880 square feet	960 square feet
1 ½ story (2 <sup>nd</sup> floor)	240 square feet	240 square feet
2 story 1 <sup>st</sup> floor	720 square feet	780 square feet
2 story 2 <sup>nd</sup> floor	720 square feet	720 square feet

- I.** Minimum floor area requirements for tri-levels shall be computed using the total square footage of the 2 uppermost levels. Minimum floor area requirements for bi-levels shall

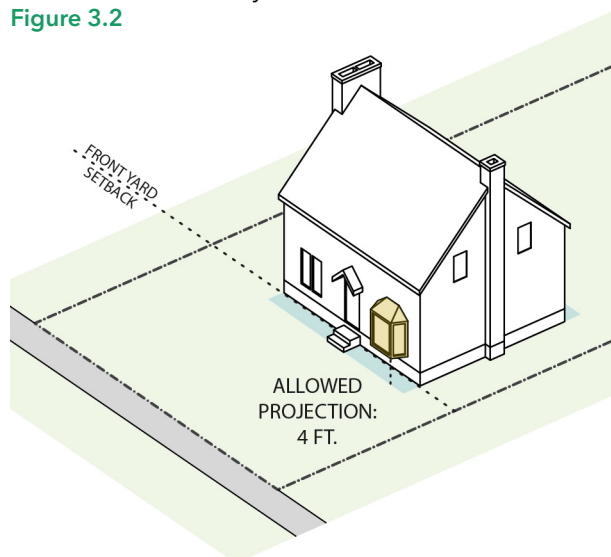
be computed using the total square footage of that floor at or above the approximate grade of the address street. The total square footage so computed for a tri-level or bi-level shall equal at least the minimum square footage requirement for a 1-floor residence in the same district.

## SECTION 3.12 - FRONT, SIDE, AND REAR YARD SETBACK REQUIREMENTS - BASIS OF DETERMINATION

- A.** Measurement of the yard adjacent to a street shall be from the street right of way or easement line of the abutting street, whether public or private, to the nearest portion of the structure, except as provided in subsections 3.12 E and F below.
- B.** When this ordinance provides for a building setback, it is considered to be permissive, in that any portion of the main building may be placed anywhere at or behind the setback line.
- C.** When the lot contains all or a portion of an easement and/or permanent or semi-permanent structure designated for the purpose of storm water retention or detention, the required yards and setbacks shall be measured from the edge of the easement. Detached accessory buildings and detached accessory structures may be built up to the edge of the easement. All easements shall be described in the legal description of the lot. Lots in existence prior to December 18, 2006 shall be exempted from this requirement.
- D.** The lot area computation shall not include a private road or easement providing access to the lot or other lots, a stormwater retention or detention easement located on the lot, or any area that is a designated wetland.
- E.** In no case shall a principal building be closer than 25 feet from the edge of the wetland.
- F. Porches, terraces, handicap ramps, and decks.**
  - 1.** Except as noted in subsection 3.12 E.2 below, an open, unenclosed, and uncovered porch, paved terrace, handicap ramp, or deck may project into a required front or corner front yard for a distance not exceeding 10 feet and into a required rear yard not more than 10 feet. Unless permitted by the zoning district in which it is located, such features shall not be located within 10 feet of any front, corner front, or rear lot line. (See Figure 3.2)

Figure 3.2

- 2.** Any porch, terrace, handicap ramp, or deck enclosed or covered by a fixed canopy or other structure shall be required to meet the setbacks for main buildings for the district in which it is located.
- 3.** A porch, terrace, handicap ramp, or deck located within any front, corner front, or rear yard setback area may be enclosed with ornamental railings, handrails, or other similar guardrails not higher than 42 inches from the



walking surface of the deck, slab or other similar construction.

- G.** Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project not more than 2 feet into a required front, corner front, or rear yard. (See Figure 3.2)

### **SECTION 3.13 - GOVERNMENTAL BUILDINGS AND ESSENTIAL SERVICES**

- A. Governmental Buildings.** In addition to other provisions of this ordinance, the following regulation shall apply to all districts: municipal, state, or federal administrative or service buildings shall be permitted; provided, however, that such use shall be permitted upon approval of the Planning Commission after finding that such use will be in conformity with the character of the adjacent neighborhood and that they are essential to service the neighborhood or community. All governmental buildings shall be subject to site plan approval by the Planning Commission, which may establish requirements such as architecture, landscaping, setback and other area regulations, and such other conditions as may be appropriate to ensure compatibility with the character of the district in which it is located.
- B. Essential Services.** Essential public services shall be permitted in all districts, provided that in residential districts all above-grade erection and construction consisting of required buildings shall be subject to approval by the Community Development Department. However, the Community Development Department may also require approval by the Planning Commission. In either case, the Community Development Department or Planning Commission may prescribe conditions as to architecture, landscaping, setback, and such other conditions as may be appropriate to insure conformity with the character of the vicinity in which the facilities are to be located.

### **SECTION 3.14 - GRADE LEVELS, ESTABLISHING**

All buildings and structural top of foundation walls shall, subsequent to December 18, 2006, conform to the established and determined grade levels.

- A.** In areas where there are 2 or more structures in any 1 block, the average of the grade level thereof shall determine the grade level for that area.
- B.** In all areas where no grade level has been determined or established by building thereon, before any building or structure shall be placed thereon, the appropriate highway authority for that area shall determine a grade level and when so determined, it shall become the grade level thereof.
- C.** After the adoption of this ordinance, it shall be unlawful to erect or construct a building in any district with the top of the foundation or basement walls together, with the plates thereof, more than 24 inches above the established or determined grade level, except that where the building is set back further than the required distance, an additional rise of 1 foot for each additional 10 feet of setback shall be permitted.
- D.** Walls, fences, and other accessory structures shall be measured from the average grade.
- E.** Where lots have either extreme or unusual topographic conditions, the Building Inspector has the authority to modify these provisions in order to establish a specific grade level that is appropriate with respect to the topographic conditions on a site-specific basis.

## SECTION 3.15 - FLAGS

Flags are permitted subject to the following requirements:

- A. Three non-commercial flags, no greater than 15 square feet each, are permitted per lot in residential zone districts. The height of the flagpole shall not exceed 25 feet.
- B. Three non-commercial flags, no greater than 40 square feet each, are permitted per lot in non-residential zone districts. The height of the flagpole shall not exceed 25 feet.
- C. Flags shall be attached to either a pole used exclusively for the purpose of flag display or attached to a permanent building using a flagpole bracket.

## SECTION 3.16 - HOME OCCUPATIONS

One home occupation is permitted as an accessory use to any single- or two-family residential use, provided that:

- A.** No persons other than members of the family residing on the premises plus not more than 1 non resident shall be engaged in such occupation.
- B.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C.** A home occupation shall not be conducted in an accessory building.
- D.** There shall be no change in the outside appearance of the building or premises, or other visible evidence including signage, outdoor storage, or display of products, services, or items related to the home occupation.
- E.** There shall be no sale of products or services except those that are produced, constructed, or assembled on the premises by such home occupation.
- F.** Not more than 3 motor vehicles shall be permitted on the premises where a home occupation is conducted, exclusive of motor vehicles stored in a completely enclosed building.
- G. Prohibited Home Occupations.** The following activities are expressly prohibited as home occupations:
  - 1. Animal processing.
  - 2. Repair of motor vehicles, including painting or repair of automobiles, trucks, trailers, boats, and lawn equipment.
  - 3. Animal hospitals, kennels, or grooming.
  - 4. Barber shops or beauty parlors containing more than one chair.
  - 5. Restaurants.
  - 6. Catering/food preparation businesses, unless approved by the Kent County Health Department.
  - 7. Medical or dental offices.

- 8. Construction businesses or landscaping businesses that provide the storage of goods, equipment, and materials to be utilized in the operation of the business or use.
  - 9. Furniture finishing and refinishing.
  - 10. Warehousing.
  - 11. Welding or machine shops.
- H. The instruction of a craft or fine art shall be considered a home occupation and permitted within any single-family residence in the township.
  - I. The home occupation shall not generate a greater amount of pedestrian or vehicular traffic than is generated by other homes in the area.

### SECTION 3.17 - KEYHOLING/FUNNELING

The following restrictions are intended to limit the number of users of lakes, the Grand River, the Rogue River, and regulated streams in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

**A. Definitions.** For the purposes of this section:

- 1. "Unit" shall mean a maximum of one single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit.
- 2. "Lake" or "River" shall mean any lake over one acre, the Grand River, the Rogue River, and regulated streams.
- 3. "Frontage" shall mean the minimum straight-line distance between the points at which the lot lines intersect with the water's edge.

**B. Conditions and Regulations:**

- 1. Access and use regulations contained in this section shall be applicable to all zone districts and special land uses, except as noted. A planned unit development (PUD) may modify the access and use regulations of this section if approved by the Township pursuant to [CHAPTER 28](#). The restrictions contained in this section shall apply to all lots on or abutting any lake or river in all zoning districts, regardless of whether such access is provided by easement, park, common-fee ownership single-fee ownership, condominium arrangement, license, lease, or similar arrangement. It is not the intent of this section to regulate easements that do not provide access to an abutting lake or river such as preservation and grading easements.
- 2. **Required Frontage:** In all zoning districts, there shall be at least 50 linear feet of frontage as measured along the ordinary high water mark for each unit utilizing or accessing the lake or river.
- 3. **Docks:** Any multiple-unit residential development shall have not more than one dock for each 50 feet linear of lake or river frontage, as measured along the ordinary high water mark, in any zoning district in the Township.
- 4. **Use:** In all zoning districts, no lake access or river access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake or river shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional, or non-residential or non-agricultural uses or purposes unless such use is authorized

pursuant to a special use approval or a planned unit development (PUD) approval.

- 5. Islands:** For purposes of meeting the minimum required water frontages mentioned above, water frontage around the shore of an island shall not be included as part of the mainland unless the island is improved with a principal use.
- 6. Application:** These water access regulations shall be in addition to and shall not negate any of the restrictions or other requirements of this Zoning Ordinance or the zoning district involved.
- 7. Agreements:** Agreements to permit anyone to use the shoreline (or dock thereof) of water unless such person is leasing a residence on the property and is in possession of the entire waterfront property are prohibited. This subsection shall apply only to the residentially zoned districts.
- 8. Nonconforming Uses:** The non-conforming use provisions of [CHAPTER 4](#) of this Zoning Ordinance shall be applicable to this Section, except the following shall be permissible notwithstanding the provisions of [CHAPTER 4](#) of this Zoning ordinance:
  - a.** Any lot of record having frontage on a body of water may have one dock even though the lot has less than 50 feet of frontage on the water. This Section shall not be construed to prevent docks, even if docks have not been installed, where recorded vested rights were granted prior to the adoption of this Zoning Ordinance.
  - b.** Any easement, park, common area, or access property having frontage on a body of water which lawfully exists as of the date of the adoption of this Section may have one dock even though it has less than 50 feet of frontage on the water.
  - c.** If a given property, easement, park, common area, or access property has a right to have a dock under this Section or [CHAPTER 4](#), that right to utilize a dock shall continue even if the dock is seasonal in nature, has to be repaired or replaced or is not utilized every year.

## SECTION 3.18 - RESERVED

## SECTION 3.19 - RECREATIONAL VEHICLE AND TRAILER STORAGE

The outdoor storage of any trailer or equipment used for residential or recreational purposes such as: airplane, boat, float, camping or travel trailer, pickup campers, snowmobiles, motor homes, motorcycles and other equipment or vehicles of a similar nature shall be prohibited for a period greater than 72 hours within any 30 day period in the RP, RE, R-1A, R-1B, R-1C, R-2, R-3, and R-4 zone districts except where otherwise permitted by this ordinance, unless the following minimum requirements are met:

- A.** All such vehicles and equipment shall be stored within a completely enclosed building or located behind the front face of the main building, but no closer than five feet to any side or rear lot line. No storage of such vehicle shall be permitted in a required corner front yard.
- B.** All storage or parking shall be limited to a lot upon which is located an inhabited dwelling unit and the vehicle or equipment so stored or parked is owned by an occupant of the dwelling unit.



- C. It shall be unlawful for any person to place, park, or cause to be parked, any mobile home, house trailer, motor home, travel trailer, truck camper, camping trailer or tent structure, for purposes of a dwelling, either temporarily or permanently, outside of parks and facilities licensed and lawfully operating for such purpose

### SECTION 3.20 - COMMERCIAL VEHICLE STORAGE

- A. One commercial vehicle, ¾ ton or smaller, that is designed for typical daily personal passenger transportation (such as a pickup truck or cargo van) may be parked in a residential lot. The parking of delivery trucks, dump trucks, semi-trucks, tow trucks, commercial trailers, construction & landscaping equipment vehicles, and similar vehicles is not permitted on properties that are residentially zoned or used.
- B. Commercial vehicles are permitted to park temporarily while engaged in the delivery, pick-up, or a service run to the subject property.

### SECTION 3.21 - PRINCIPAL USE

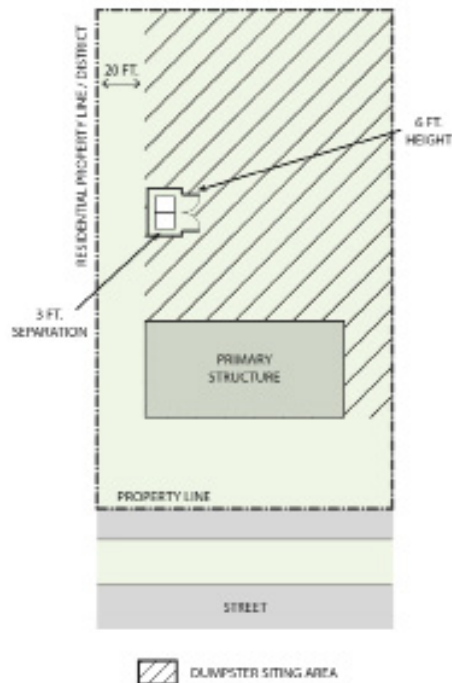
- A. No lot shall be devoted to more than 1 principal use and no more than 1 principal building shall be erected on any individual lot except as herein permitted.
- B. Multiple buildings and/or multiple uses of land on a parcel may be considered a principal building or use collectively if the land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.

### SECTION 3.22 - DUMPSTER ENCLOSURES

Dumpster Enclosures shall be provided for all dumpsters located outside of a building. Dumpster Enclosures shall meet the following standards:

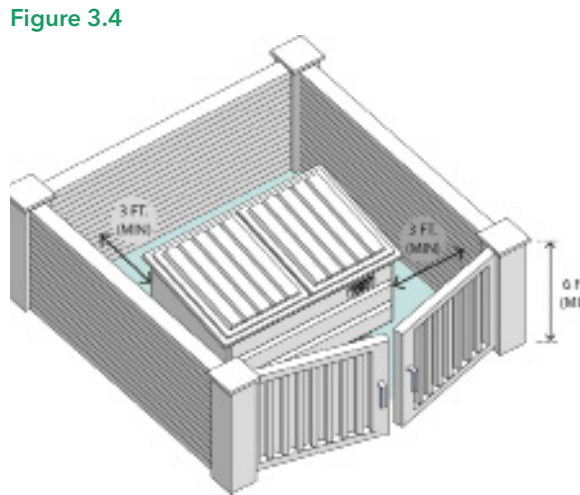
- A. Dumpster enclosures may be required for a change in use, during Site Plan Review by the Planning Commission, or during Administrative Site Plan Review by the Community Development Department.
- B. Dumpsters shall be enclosed on 3 sides with a lockable gate on the fourth side.
- C. The enclosure shall be constructed of material which matches or complements the primary building material and must be a durable, non-wood material, unless approved by the Community Development Department or Planning Commission. The Planning Commission or Community Development Department may require that additional screening or landscaping, such as berms or plant materials, be

Figure 3.3



placed around the enclosure.

- D.** Steel pipe bollards shall be provided to protect the enclosure from damage resulting from the emptying of the trash receptacle. Dumpster enclosures and the lockable gate shall be maintained in good condition at all times.
- E.** The enclosure shall be at least 6 feet in height, or 1 foot above the height of the enclosed waste receptacle, whichever is greater. The enclosure shall provide a 3-foot clear area on all sides between the waste receptacle and any screen wall. A change to a larger or taller waste receptacle may require modifications to the screening to retain compliance with these standards. (See Figure 3.3)
- F.** The dumpster shall be situated on a concrete base that extends 6 feet beyond the front edge of the receptacle pad or gate, to support the front axle load of a refuse vehicle, and be constructed with 6 inches of reinforced concrete.
- G.** Dumpsters may be located in a required rear or side yard, but shall not be located in a front or corner front yard. The enclosure shall be located as far as practical, but not less than 20 feet from a residential property line or district. If the enclosure is visible from the public road, the enclosure gate shall not face the road. Enclosures shall not be located in a required greenbelt or buffer area buffer. (See Figure 3.4)



### SECTION 3.23 - MARIHUANA

- A.** Marihuana establishments are prohibited.
- B.** Marihuana facilities are prohibited.
- C.** Marihuana caregiver operations are only permitted as home occupations operated in accordance with Section 3.16 of this Chapter and the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 et seq.), as amended.

### SECTION 3.24 - REGISTRATION OF PROPERTY

The legal description and deed for every lot shall be required to be on record with the Kent County Register of Deeds, prior to the authorization of any use of the lot by the township.

### SECTION 3.25 - RESERVED

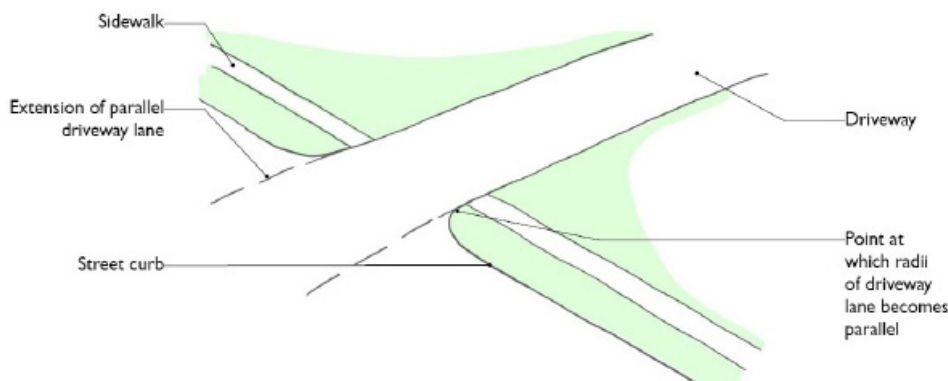
### SECTION 3.26 - ACCESS STANDARDS AND REQUIREMENTS

- A. General Requirements for Commercial Driveways.**
  - 1.** Each lot shall be permitted to have one (1) driveway provided the spacing requirements of this section can be achieved. An additional driveway may be

permitted by the Community Development Department or Planning Commission provided the spacing and alignment criteria listed below are met. Where applicable, driveways shall also comply with the adopted Plainfield Charter Township Private Road Ordinance.

2. The Community Development Department or Planning Commission may permit 2 one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function for the drives can be demonstrated.
3. The Community Development Department or Planning Commission may require the closure of an existing driveway during site plan review. The Community Development Department may require the closure of an existing driveway during administrative site plan review.
4. The applicant shall submit evidence indicating that the sight distance requirements of the Kent County Road Commission are met.
5. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
6. For the driveway accessing a county primary or state highway, there must be enough on-site storage for safe and efficient queuing of vehicles waiting to park or exit in order to minimize the possibility of waiting vehicles creating a conflict with street traffic movement.
7. Provisions for circulation between adjacent lots shall be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.
8. With the consent of the Kent County Road Commission, a local side street having access to Plainfield Avenue may be closed and the right-of-way made available for the use of abutting property owners by easement for parking, greenspace, outdoor dining, or other similar uses where a secondary road is constructed to connect the local side street to another local side street for the purposes of neighborhood vehicular circulation.
9. Driveways must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles, but will in no case exceed twenty-five (25) feet in width measured at the beginning of the driveway after the radii are parallel to each other. (See Figure 3.5)

Figure 3.5 Driveway

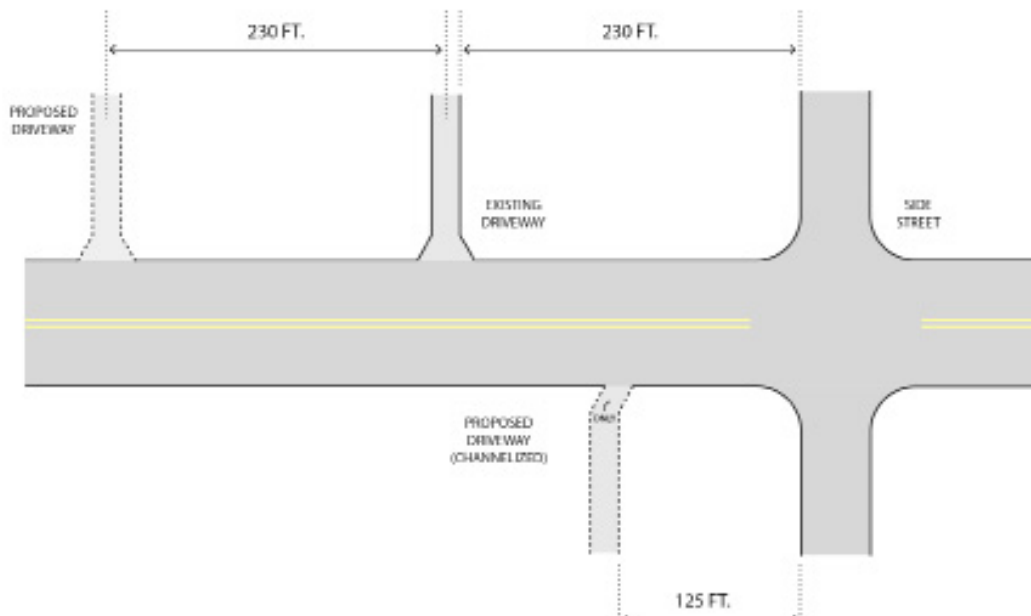


10. Driveway placement should be such that loading and unloading activities will not hinder vehicle ingress or egress.
11. For high traffic generators, the Community Development Department or Planning Commission may require two egress lanes.
12. A boulevard entrance must comply with the design requirements of the Kent County Road Commission.

**B. Driveway Spacing Standards for Uses other than Single- or Two-Family Dwellings.**

1. Where possible, minimum spacing requirements between a proposed driveway and a side street intersection either adjacent to or on the opposite side of the street shall be at least 230 feet. Such distance may be reduced where a channelized driveway restricting left turns from the site is proposed. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections. (See Figure 3.6)

Figure 3.6 Driveway Spacing



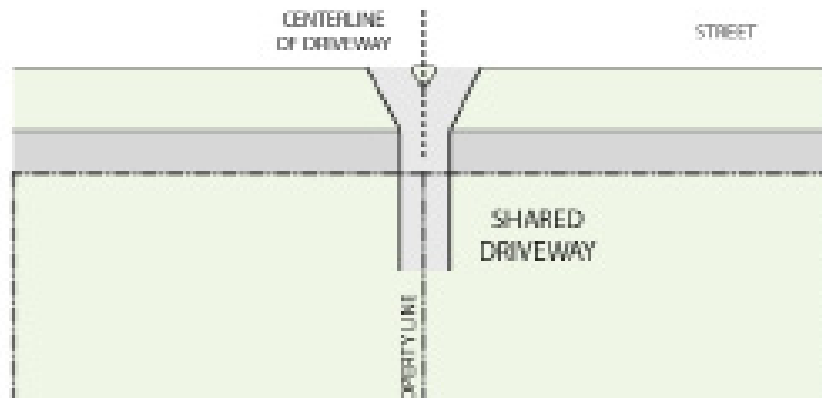
2. To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible.
3. The number of curb cuts on state and local roads shall be minimized. To the extent feasible, the Community Development Department or Planning Commission may require site access to businesses be provided via one of the following ways:
  - a. Construction of the driveway along a side street,
  - b. Construction of a shared driveway serving an adjacent property,
  - c. Construction of a secondary local access road shared by adjacent lots; or
  - d. Construction of a driveway along the property line farthest from the intersection or require a service road.

If these design options cannot be achieved, the Community Development Department or Planning Commission may modify the driveway spacing standards so as to allow reasonable access provided such driveway does not create an unsafe traffic condition.

**C. Shared Driveways, Frontage Roads, and Service Drives for Other Than Single- or Two-Family Dwellings.**

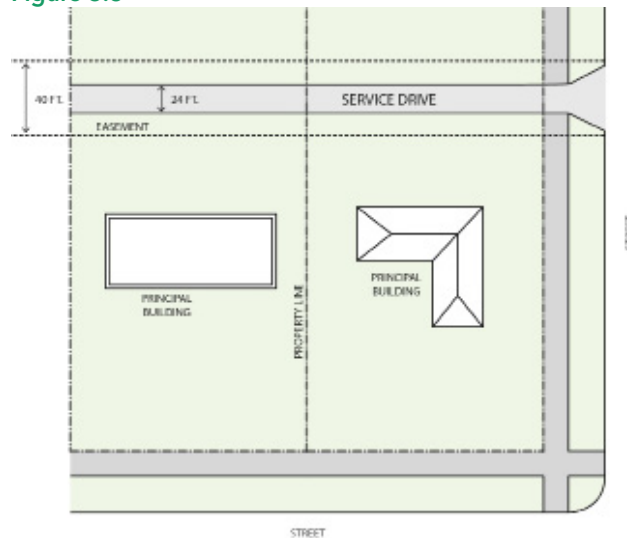
1. A shared driveway should be located so the midpoint of the driveway is on the property line. Owners of the properties shall execute and record a document to provide for joint use and maintenance. (See Figure 3.7) (See also Chapter 28, Article V of Plainfield Charter Township Code of Ordinances)

Figure 3.7



2. Service roads shall generally be parallel or perpendicular to the front or corner front property line and may be located either along the side or behind principal buildings. Where site constraints prohibit the development of a rear service drive, the Planning Commission may permit a front service drive. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings, anticipated traffic flow for the site.

Figure 3.8



3. The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be a minimum of 40 feet wide. (See Figure 3.8)
4. The service road easement shall be setback a minimum of 25 feet from the required right-of-way to allow for snow storage and land-scaping.

5. Service roads shall have a base, pavement and curb with gutter in accordance with Kent County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of 24 feet. (See Figure 3.8)
6. The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road.
7. The Planning Commission may approve temporary driveways where a continuous service road or shared driveway is not yet available. A performance bond or escrow shall be set up to ensure elimination of temporary access when the service road or shared driveway is provided. At such time as the permanent service road or shared driveway is completed, the site shall connect to the service road or shared driveway and the temporary drive shall be closed.
8. Each property owner shall be responsible for maintenance of the easement and service drive, and a maintenance agreement shall be executed and recorded.
9. Driveway placement should be such that loading and unloading activities will not hinder vehicle ingress or egress.
10. For high traffic generators, or for commercial driveways along 10 Mile Road, the Planning Commission may require 2 or more egress lanes.
11. A boulevard entrance must comply with the design requirements of the Kent County Road Commission.

**D. Lack of Sufficient Frontage to Maintain Adjacent Spacing.**

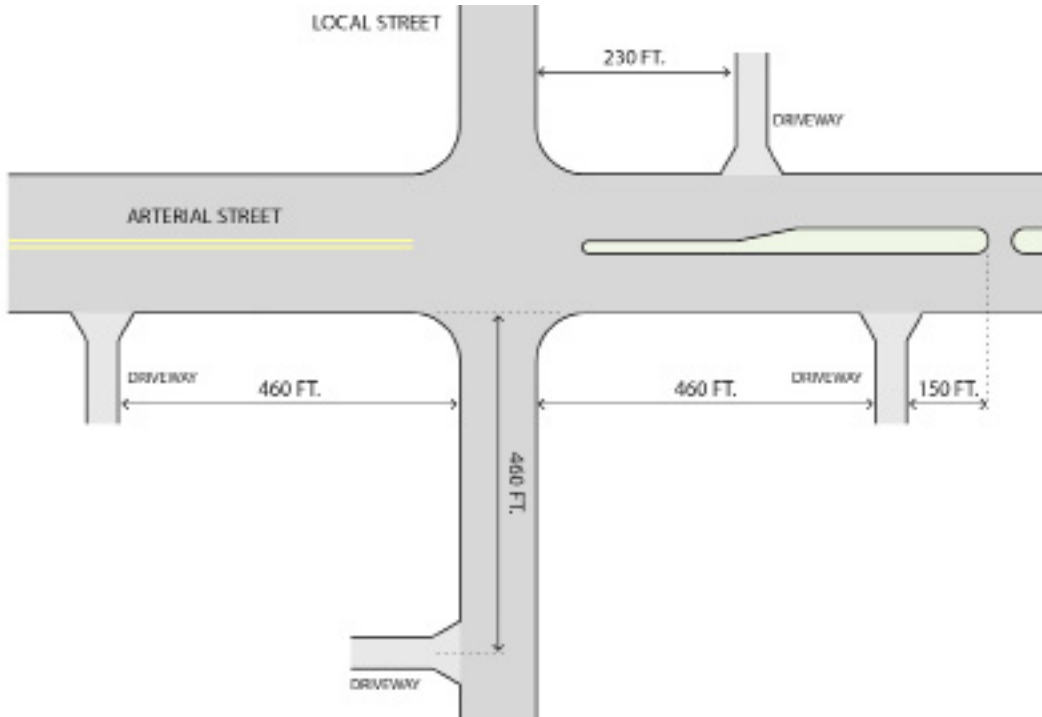
1. In the event that a parcel lacks sufficient frontage to maintain adequate spacing, the Planning Commission may require 1 or more the following:
  - a. An access point to a side street.
  - b. Access to frontage roads or service drives where they exist or can be constructed.
  - c. A shared driveway with the adjacent owners. In such case, the driveway midpoint should be located at the property line between 2 parcels. All parties shall agree to the joint driveway in writing and a maintenance agreement in a form acceptable to the Community Development Department shall be executed and recorded.
  - d. If options listed above are not reasonably feasible, the Planning Commission may allow the next lowest spacing from Table 1. For example, on a 50 mph roadway requiring 140 meters (455 feet) spacing, the distance may be reduced to no less than 105 meters (350 feet), which is the spacing for 45 mph speed.
  - e. If all the above options are impossible, an access point may be allowed within the property limits.
2. In the event that 2 or more adjacent parcels do not have sufficient frontage to maintain adequate spacing for access, the Planning Commission may require the dedication of joint access easements or cross access easements for shared access to the public street.

**E. Intersection Corner Clearance.** Accesses shall not be situated within the functional boundary of at-grade intersections. This boundary includes the longitudinal limits of right turn and left turn lanes. An access point may be allowed within the above boundary

if the entire property frontage is located within this boundary. In all quadrants of an intersection, access points should be located according to the dimensions shown below:

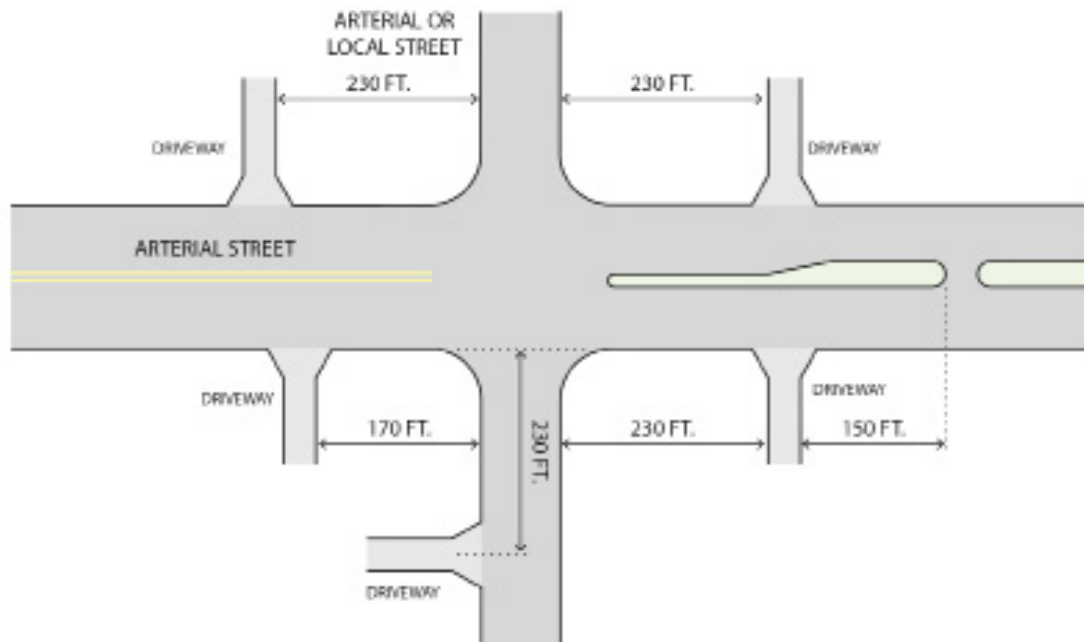
- 1. Signalized Intersection Control.** Accesses shall be offset from intersections and indirect left turn crossovers, according to this table and diagram (Figure 3.9):

Figure 3.9



- 2. Stop Sign Intersection Control.** Accesses shall be offset from intersections and indirect left turn crossovers, according to this table and diagram (Figure 3.10):

Figure 3.10





## F. Driveway Spacing Standards for Single- or Two-Family Dwellings

1. Where possible, minimum spacing requirements between a proposed driveway and a side street intersection either adjacent to or on the opposite side of the street shall be at least 230 feet. Such distance may be reduced where a channelized driveway restricting left turns from the site is proposed. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near edge of the intersecting street or pavement edge for uncurbed sections.
2. To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible.
3. For a property that abuts two or more roadways, the Community Development Department may restrict access to only that roadway that can more safely and effectively accommodate traffic.
4. **Driveway Profile for All Driveways:**
  - a. Shoulder slopes vary from four to six percent. When shoulders are present, the existing shoulder slope shall be maintained across the full shoulder width.
  - b. The driveway grade shall not exceed eight percent within 40 feet of the property line, unless approved by the Community Development Department.

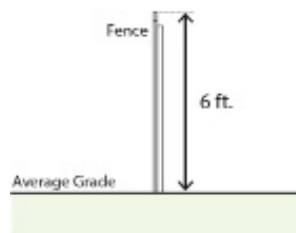
## SECTION 3.27 - FENCES AND WALLS

This section shall apply to all boundary fences, walls, hedges, gatehouses, and entrance gates which are not specifically exempted herein. This section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.

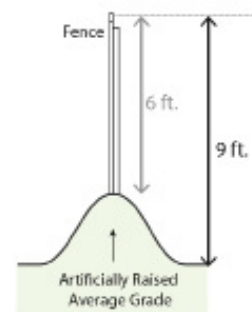
### A. Construction.

1. All fences and walls shall be of sound construction and shall be constructed with commonly accepted building materials and practices.
2. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any residential district.
3. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the RP Rural Preservation or RE Rural Estate zoning district.
4. If one side of a wall or fence has a more finished appearance than the other, then it shall be erected so that the finished side faces adjacent properties with any posts or supports located on the inside of the fence.
5. It shall be unlawful to construct any wall or fence in any public right-of-way, within the right-of-way easement for private roads or access easements.

Figure 3.11  
PERMITTED



PROHIBITED

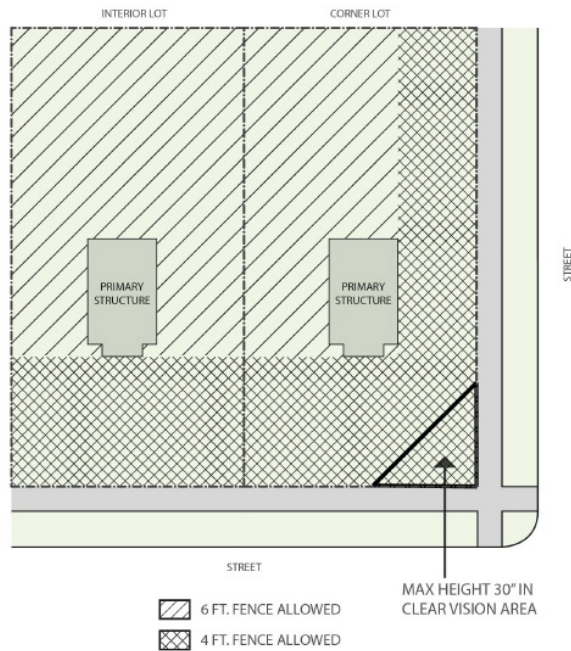


### B. Location and Height.

1. The height of a fence or wall shall be determined by measuring the distance from

the average grade to the top of the fence or wall. The artificial raising or modification of the average grade for the purpose of increasing the height of the fence is prohibited. (See Figure 3.11)

Figure 3.12



2. Within all residential districts, walls or fences located in a front or corner front yard shall not exceed a height of 4 feet. (See Figure 3.12)
3. Within all residential districts, all walls or fences located in a side or rear yard shall not exceed a height of 6 feet, except that lots with a side or rear yard abutting a road with 4 or more lanes, the maximum fence or wall height shall be limited to 8 feet.

4. All walls or fences in non-residential zoning districts shall be limited to a maximum height of 8 feet in side and rear yards. The use of barbed wire strands is permitted, with approval from the Community Development Department, provided the strands shall be restricted to the uppermost portion of the fence and shall not extend lower than a height of 6 feet from the average grade.
5. **Architectural Features** - Fences, walls, and hedges for residential, office or commercial use may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted wall or fence height. Such features must be compatible with the project and abutting properties.
6. No wall, fence, structure or planting over 30 inches in height shall be erected or planted on a corner lot within a 20 foot radius of the corner property lines so as to interfere with traffic visibility across the corner. (See Figure 3.12)

**C. Gates and Gatehouses.** An entrance gate or gatehouse not approved as part of a Planned Unit Development (PUD) may be permitted by right for security purposes to any development provided the gate or gatehouse is:

1. Not located within a public street right-of-way.
2. Located in a manner satisfactory to the Community Development Department and Township Fire Department.
3. Designed in such a manner that a minimum of three vehicles can pull safely off the public street while waiting to enter.
4. Accessible to emergency vehicles. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.

## SECTION 3.28 - GARAGE SALES / YARD SALES

Yard or garage sales, including auctions, are permitted on the same premises not more than 2 times in any calendar year in all residential zones or residential uses. Any sign used to advertise such sales shall be removed immediately upon the conclusion of the sale. No such sale shall last longer than 3 days.

Persons conducting yard or garage sales may place signs, subject to the following regulations:

- A.** One sign per premises is permitted, located on the premises on which such sale is being conducted.
- B.** Such sign shall have a maximum sign area of 6 square feet, and shall not exceed 3 feet in height.
- C.** Such sign shall be erected no more than 3 days prior to the day(s) of the sale and shall be removed immediately after the completion of the sale.

## SECTION 3.29 - WIRELESS COMMUNICATION FACILITIES

It is the general purpose and intent of the township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It also is the purpose of this section is to establish general guidelines for the siting of wireless communication support structures and antennas which authorizes their use in a manner that will retain the integrity of neighborhoods and the aesthetic quality of the overall community.

More specifically, it is the further purpose and intent of this section to: generally locate wireless communication support structures in non-residential areas; minimize the number of wireless communication support structures throughout the township; facilitate adequate and efficient provision of sites for needed facilities; promote the public health, safety and welfare; minimize the adverse impact of technological obsolescence of wireless communications facilities; encourage the joint use of existing and new wireless communication support structure sites; enable wireless communication support structure and antenna users to provide facilities and services to the township quickly, efficiently and effectively; and ensure that facilities are situated in appropriate locations with respect to other land uses, structures and buildings.

### **A. Permitted Wireless Communication Facilities.**

There are three methods by which Wireless Communication Facilities are permitted within the township, as follows:

- 1.** The following types of Attached Wireless Communication Facilities are permitted within any zone district subject to the Community Development Department granting Site Plan Review approval in accordance with the provisions of [CHAPTER 35](#):
  - a.** Wireless Communication Facilities, which are to be located on an existing wireless communication support structure which was designed for collocation and was previously approved by the Planning Commission.
  - b.** Wireless Communication Facilities, which are to be located on a lawfully existing building or structure and which will not extend above the highest point of the building or structure more than 30 feet or 50 percent of the height of the existing building or structure, whichever is less.
- 2.** Wireless Communication Facilities are permitted as a principal or accessory use

within any Rural Preservation, Rural Estate, or Industrial zone district, subject to the issuance of a Special Use Permit by the Planning Commission in accordance with the procedures contained in [CHAPTER 29](#), and the site design standards contained in [SECTION 29.40](#).

3. Wireless Communication Facilities are permitted as a principal or accessory use within any zone district, except Rural Preservation, Rural Estate, or Industrial, subject to the issuance of a Special Use Permit by the Planning Commission in accordance with the procedures contained in [CHAPTER 29](#) and the site design standards contained in [SECTION 29.41](#).

**B. Standards and Conditions.** All applications permitted in subsection 3.29 A.1 above shall include a site plan and shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions:

1. The applicant shall submit a grid map illustrating existing and proposed service areas and demonstrating why the proposed facility is required at the specific proposed location.
2. Facilities shall not be injurious to neighborhoods or otherwise detrimental to the public health, safety, and welfare.
3. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for communication by the applicant. Any building necessary to enclose switching or other related equipment shall be limited to the maximum height permitted for other buildings within the zone district in which the facility is being proposed.
4. There shall be unobstructed access to the support structure for operation, maintenance, repair, and inspection purposes, which may be provided by an easement. All access drives shall have a minimum:
  - a. Surface width of 14 feet.
  - b. 12-inch sand sub-base with a sub-base drainage system.
  - c. 6-inch gravel base with a minimum crown of 0.2 of 1 foot from the centerline of the access drive to the outside edge.
  - d. 30 foot by 40 foot turn-around, not including the width of the drive.
  - e. The location of the drive shall be determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the wireless communication support structure 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.
  - f. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning and land division requirements and conditions are met.
  - g. If an attached wireless communication facility is proposed on the roof of a building and 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 proposed as a separate building. If proposed as a separate building, it shall conform to all district yard setback requirements for principal buildings.

- h.** The Planning Commission or Community Development Department shall, with respect to the support structure and all accessory buildings, review and approve the application so 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 manner.
- i.** No signs or advertising of any kind shall be allowed on any wireless communication support structure or antenna except as may be required by a governmental agency with the authority to require a sign.
- j.** A maintenance plan and any applicable maintenance agreement shall be submitted as part of the required site plan for the proposed facility to be approved by the Planning Commission. At a minimum, it shall include provisions for maintaining the wireless communication facility, all of the premises, the access drive, and all landscaping. The plan shall be sufficient to ensure the safety of the facility, to keep the access drive accessible by emergency vehicles at all times, and to keep the facilities and landscaping from becoming a blight on the neighborhood.
- k.** The Planning Commission may require a performance bond, irrevocable bank letter of credit, cash deposit, or other surety to guarantee the removal of the facility in the event its removal is required in accordance with section 3.29 D.

**C. Factors to be Considered in Granting Special Use Permits Under Section 3.29A.2 and Section 3.29A.3.**

In addition to any standards for consideration of special use permit applications pursuant to [CHAPTER 29](#) of the ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of 1 or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

- 1.** Height of the proposed wireless communication support structure;
- 2.** Proximity of the wireless communication support structure to residential structures and residential district boundaries;
- 3.** Nature of uses on adjacent and nearby properties;
- 4.** Surrounding topography;
- 5.** Surrounding tree coverage and foliage;
- 6.** Design of the wireless communication support structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- 7.** Proposed ingress and egress; and

- 8.** Availability of suitable existing wireless communication support structures. No new wireless communication support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing wireless communication support structure can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing wireless communication support structures. Evidence submitted to demonstrate that no existing wireless communication support structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - a.** No existing wireless communication support structures are located within the geographic area that meet applicant's engineering requirements.
  - b.** Existing wireless communication support structures are not of sufficient height to meet applicant's engineering requirements.
  - c.** Existing wireless communication support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d.** The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing wireless communication support structure, or the antenna on the existing wireless communication support structure would cause interference with the applicant's proposed antenna.
  - e.** The fees, costs, or contractual provisions required by the owner in order to share an existing wireless communication support structure or to adapt an existing wireless communication support structure for sharing are unreasonable.
  - f.** The applicant demonstrates that there are other limiting factors that render existing wireless communication support structures unsuitable.

**D. Removal of Abandoned or Unused Wireless Communications Facilities.**

- 1.** A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility from the site by users and owners upon the occurrence of one or more of the following events:
  - a.** When the facility has not been used for 6 months or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals), shall be considered as the beginning of a period of nonuse.
  - b.** Upon a determination by the Building Inspector, any wireless communication support structure that is in use or out of use for any period of time, but due to obsolescence, damage, or lack of maintenance may pose a threat to public safety.
  - c.** Failure to maintain the facilities in accordance with the requirements of this and any other applicable ordinances.
- 2.** The situations in which removal of a facility is required, as set forth in section 3.29 D.1 above, may be applied and limited to portions of a facility.
- 3.** Upon the occurrence of one or more of the events requiring removal, specified in section 3.29 D.1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits and immediately proceed with the complete removal and restoration of the

premises to an acceptable condition, as reasonably determined by the Township Building Inspector.

4. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

## SECTION 3.30 - GRADING, NATURAL FEATURE PROTECTION, AND ADEQUATE LOT DRAINAGE

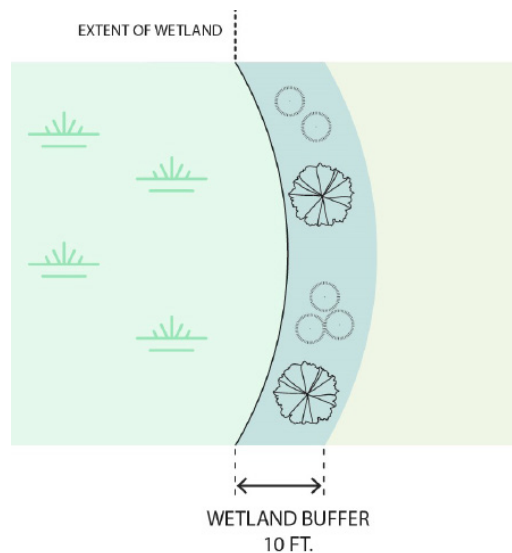
**Description and Purpose.** Hillsides and natural landforms can be included in the category of critical natural areas. Unlike many other types of features such as woodlots, wildlife, and even groundwater, once landforms are gone, they are not renewable. For this reason, they play an important role in building community character. This fact is clearly evident in Plainfield Charter Township with its rolling topography. Development of hillsides can affect the equilibrium of vegetation, surface geology, slopes, soils, and run off. It can also drastically change the way community or neighborhood character is perceived. For these reasons, the following regulations shall apply.

### A. Protection of wetlands, streams, and steep slopes.

#### 1. Streams and Wetlands.

- a. No grading or removal of vegetative cover or placement of an accessory building or structure shall be permitted within 5 feet of a wetland in any zoning district, and no principal building or structure shall be placed within 25 feet of a wetland unless otherwise permitted by governmental agencies (See Figure 3.13). Governmental agencies shall be exempt from this standard.
- b. Reserved.
- c. In residential developments, wetlands shall be located in required open space rather than on residential lots or units, unless the Planning Commission determines that the location in an open space cannot be reasonably achieved.
- d. Wetlands and the required buffers for wetlands and streams shall be delineated on preliminary and final plats, condominiums, site condominiums, and other site plans with a clear notation of use restrictions.

Figure 3.13



#### 2. Steep Slopes. Steep slopes are slopes of 10 percent or greater.

- a. Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes, except when:



- i. The contiguous area of steep slopes is less than 20,000 square feet; and
    - ii. There is insufficient area outside of stream and wetland buffers for required sedimentation and erosion control measures.
  - b. Areas containing existing steep slopes should preferably be included in open space lots or areas.
- 3. Waiver: Disturbance of Wetlands, Streams and Steep Slopes.** Grading or removal of vegetative cover on wetlands, streams, wetland buffers, or steep slopes is not permitted unless the Planning Commission determines, based on justification provided by the developer, that it is necessary for road or utility construction, trails, pathways, or storm water management facilities. If permitted, the grading or removal of vegetative cover shall only be to the extent necessary to accommodate the proposed development. In these cases, the Planning Commission may require planting of areas where grading or removal of vegetative cover has taken place.
- B. Runoff.** No lot shall be filled or graded beyond its natural state or so as to discharge surface water runoff onto abutting lots in such a manner as to cause flooding, ponding or surface accumulation of such runoff thereon, as determined by the Community Development Department and/or Township Engineer.
- C. Residential Lot Grading.** Where a lot is to be filled or graded for the development or expansion of a single- or two-family dwelling or similar use in a residentially zoned district on a lot that is not part of an overall development with an approved drainage plan, the Community Development Department may require a written or engineered drainage plan drawn to a readable scale that provides for positive site drainage and prevents soil erosion.
- 1. The plan shall include existing and proposed grades at 2 foot contours.
  - 2. The plan shall provide for appropriate and reasonable steps to prevent erosion, which may include the construction of silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of land exposed to erosion resulting from grading at any one time that any area is exposed, and shall, upon completion of operations, leave the area in a condition where further erosion will not take place.
  - 3. When requiring a plan, the Community Development Department shall consider the existing soil conditions, time of year, steep slopes, and similar physical or environmental conditions.
  - 4. Required drainage improvements shall be constructed prior to the issuance of an occupancy permit.
  - 5. Where necessary, the Community Development Department may require the applicant to provide financial security in one or a combination of the following arrangements:
    - a. **Performance bond.** A performance or surety bond issued by an acceptable bonding company authorized to do business in the State of Michigan.
    - b. **Escrow fund.** A cash deposit or certified check.
    - c. **Irrevocable letter of credit.** An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan.

6. **Lawn.** Owners of a single-family dwelling, two-family dwelling, or similar use in a residentially zoned district shall install and maintain lawn cover for all disturbed land areas not covered by impervious surfaces within prior to occupancy to stabilize the soil and prevent erosion.

### SECTION 3.31 - AMATEUR RADIO STATIONS

In order to reasonably accommodate licensed amateur radio operators as required by section 205a of the Michigan Zoning Enabling Act, as amended (MCL 125.3205a et. seq.), a licensed amateur radio operator may locate a tower not to exceed 70 feet in height in any district, provided the following requirements are met:

- A. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means.
- B. The color of the tower and any antennas located thereon must all be the same and such that it blends into the sky, to the extent allowed under requirements set forth by either the Federal Aviation Administration (FAA) or the Michigan Department of Transportation (MDOT) Bureau of Aeronautics.
- C. No advertising logo, trademark, figurines, or other similar marking or lettering shall be placed on the tower or any attachments thereto or any building used in conjunction therewith.
- D. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on adjacent parcels of property, including any attached accessory structures.
- E. Towers must be at least  $\frac{3}{4}$  of its height from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that in the event of collapse, it falls within itself, and in that event, it must be located at least  $\frac{1}{8}$  of its height from any property line.
- F. No signs shall be used in conjunction with the tower, except for 1 sign not larger than 8  $\frac{1}{2}$  inches high and 11 inches wide and as required by Federal regulations.
- G. Towers may be located upon a site where there is another principal use and shall not constitute a second principal use.
- H. Structures built and operated under this provision shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes.
- I. All towers must meet all applicable state and federal statutes, rules, and regulations.
- J. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the following:
  1. **Antenna Color.** An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  2. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design options shall be presented to the Planning Commission and must cause the least disturbance to the surrounding views. The lighting options may directly impact

Tower Finish requirements.

### SECTION 3.32 - ANTENNAS/RESIDENTIAL RECEIVING SYSTEMS

- A.** This ordinance shall not govern any tower, or the installation of any antenna, that:
1. Is under 70 feet in height; and
  2. Is operated for the sole use of residential, consumer-based services, including AM/FM/TV/Satellite audio and video entertainment and Broadband Internet.
- B.** Tower and antennas under this section must be setback a minimum distance equal to its height from adjacent residential dwellings and their attached accessory structures. Dish antennas 24 inches in diameter or less and typical TV antennas less than 10 feet in height may be mounted directly to the dwelling without regard to setback.

### SECTION 3.33 - SMALL-SCALE SOLAR ENERGY SYSTEMS

**A. General Requirements.**

1. **Permit Required.** No small scale solar energy collector system shall be installed or operated except in compliance with this section. A zoning permit and building permit shall be obtained from the Community Development Department prior to the installation of a small-scale solar energy system.
2. **Site Plan Review.** For non-residential small-scale solar energy systems, site plan review by the Planning Commission pursuant to [CHAPTER 35](#) shall be required.
3. **Applications.** In addition to all other required application contents as listed in [SECTION 36.02](#), equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review by the Community Development Department.
4. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads.
5. **Installation.**
  - a. A small-scale solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes and other applicable township and state requirements.
  - b. Small-scale solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's specifications. Upon request, a copy of such specifications shall be submitted to the township prior to installation.
6. **Power Lines.** On-site power lines between solar panels and inverters shall be placed underground pursuant to applicable building and electrical codes.
7. **Abandonment and Removal.** A solar energy collector system that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the township every 6 months after the 12 months of no energy production

of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the development of the system within 1 year of abandonment.

**B. Building-Mounted Solar Energy Collectors.** These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions.

1. **Maximum Height.** The maximum height of the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than 3 feet.
2. **Obstruction.** Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.

**C. Ground-Mounted Solar Energy Collectors.** These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions.

1. **Rear and Side Yards.** The unit may be located in the rear yard or the side yard, but shall be subject to the setbacks for accessory structures.
2. **Front Yard.** The unit may be located in the front or corner front yard only if located no less than 150 feet from the front or corner front lot line.
3. **Obstruction.** Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
4. **Vegetation.** All vegetation underneath solar energy infrastructure shall be properly maintained so as to not block access to solar collectors.
5. **Maximum Number.**
  - a. **Residential Uses.** There shall be no more than 1 ground-mounted solar energy collector per principal building on a lot.
  - b. **Agricultural, Commercial, and Industrial Uses.** There shall be no limit to the number of ground-mounted solar energy collectors on a lot.
6. **Maximum Size.**
  - a. **Residential Uses.** There shall be no more than 1 percent of the lot area, up to 1,500 square feet, of collector panels on a ground-mounted solar energy collector system.
  - b. **Agricultural, Commercial, and Industrial Uses.** There shall be no limit to the area of ground-mounted solar energy collectors on a lot.
7. **Maximum Height.**
  - a. **Residential Uses.** The maximum height shall be 6 feet in a front or corner front yard and 12 feet in a side and rear yard, measured from the natural grade below the unit to the highest point at full tilt.
  - b. **Agricultural, Commercial, and Industrial Uses.** The maximum height shall be 16 feet, measured from the natural grade below the unit to the highest point at full tilt.
8. **Minimum Lot Area.** One acre shall be the minimum lot area to establish a ground-mounted solar energy collector system.

**9. Screening.** Screening shall be required in cases where a ground-mounted solar energy collector impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.

**D. Electricity Generation and Power Consumption.** Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not regularly exceed the power consumption demand of the principal and accessory land uses on the lot. However, larger systems may be approved if greater electricity need is demonstrated to power on-site buildings and uses.

**E. Special Land Use.** Utility-scale solar energy facilities are subject to special land use approval pursuant to [CHAPTER 29](#) of this ordinance.

### SECTION 3.34 - WIND ENERGY SYSTEMS

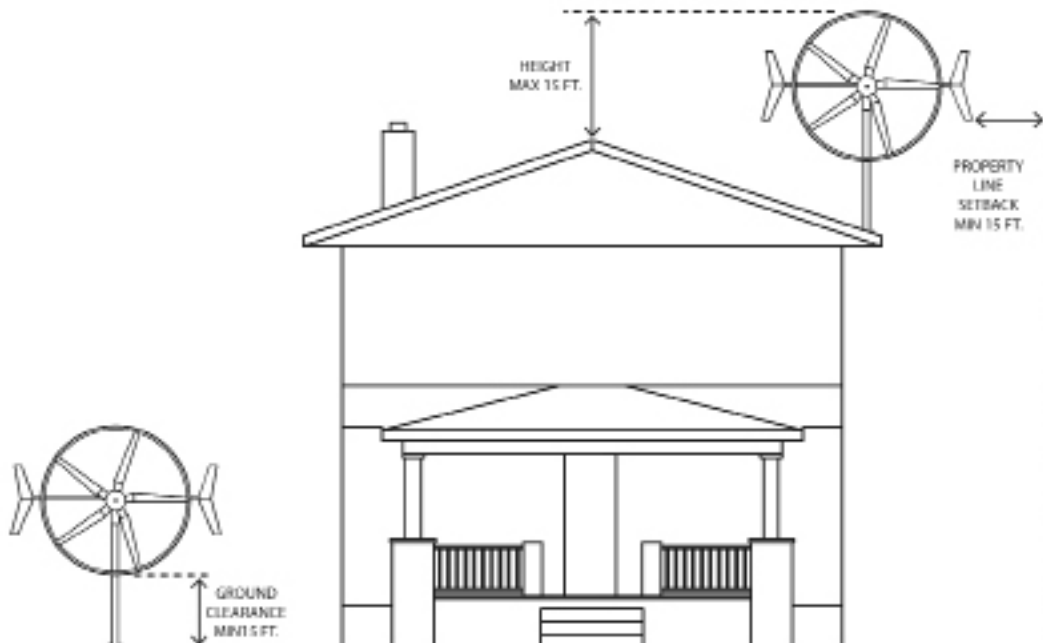
**A.** One structure-mounted wind turbine may be installed on any lot within a residential zoning district, subject to the following requirements:

- 1.** The turbine, including accessory buildings and related structures, shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the turbine.
- 2.** The turbine shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
- 3.** The turbine shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
- 4.** The lowest extension of any blade or other exposed moving component of a turbine shall be at least 15 feet above the ground (at the highest point of the natural grade within 30 feet of the structure hosting the turbine and, in addition, at least 15 feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the turbine.
- 5.** Noise emanating from the operation of 1 or more turbines shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of 1 or more turbines shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural parcel.
- 6.** Vibrations shall not be produced which are humanly perceptible beyond the property on which a turbine is located.
- 7.** Guy wires shall not be permitted as part of the turbine.
- 8.** The height of a turbine shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys and antenna. (See Figure 3.14)
- 9.** In all cases, a turbine shall be set back a minimum of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines. This setback shall be

measured from the furthest outward extension of all moving parts. (See Figure 3.14)

10. The turbine shall not be affixed to the wall on the side of a structure facing a road.

Figure 3.14



### SECTION 3.35 - MECHANICAL EQUIPMENT (NON-RESIDENTIAL)

Roof-mounted and ground-mounted mechanical equipment (air conditioning condensers, transformers and generators, and similar equipment) shall be subject to the following provisions:

- A. All mechanical equipment shall be incorporated within the footprint of a principal or accessory structure or mounted on the roof structure.
- B. All roof-mounted mechanical equipment (including, but not limited to, HVAC equipment, exhaust fans, cooling towers, and related guard rails or safety equipment) shall be fully screened from view from a public street at ground level and, to the extent practical, from adjacent buildings or similar height. Screening shall be provided by one (1) or more of the following options:
  1. A parapet wall or similar feature that is an integral part of the building's architectural design.
  2. A screening structure erected around the equipment that incorporates at least one (1) of the primary materials and colors on a street-facing facade of the main building and designed to assist in buffering noise.
  3. A living wall or vertical garden which is covered by vegetation to provide a minimum of 50 percent year-round opacity.
- C. The parapet wall or screening structure shall be fully opaque year-round and shall be at least as tall as the height of the mechanical equipment being screened provided the screen need not exceed a height of 12 feet.

- D. Administrative Departures may be granted to allow mechanical equipment to be placed in an alternate area, including ground-mounted equipment where it is demonstrated that the required location is not feasible, and provided the unit is property enclosed or screened with vegetation from view of the street.

## SECTION 3.36 - INFRASTRUCTURE AND SERVICE NEEDS

### A. Purpose and Intent.

1. The purpose of this Section is to permit development projects the ability to proceed at a faster pace than current Township resources are capable of constructing, installing, modifying, or improving existing infrastructure and/or service capacities to accommodate the development project. The project may itself be the sole reason for the infrastructure and service needs, or it may contribute to a heightened demand for infrastructure and services which are nearing or already at capacity. Inadequately sized infrastructure or insufficient service to the development project would result in one (1) or more declining levels of traffic safety, roadway capacity, reduced Level of Service (LOS) or water, sewer, energy, communications, or other utility service reductions in the system. It is the intent of this Section to allow for development while ensuring that the project site and all customers that use and rely upon sufficient infrastructure and services within the community are properly accommodated.
2. The inability of the Township to provide or enhance the available level of infrastructure or services to accommodate the development project may serve as the basis to deny a project request due to insufficient or increasingly insufficient infrastructure capacity if the project were to be constructed. Project denial due to insufficient infrastructure or services is not a desired outcome as development and redevelopment projects often improve neighborhoods and, over the long-term, improve the economic capacity of the neighborhood and the community by raising property values and employment opportunities. Alternatives to improve infrastructure and/or service insufficiency are preferable to project denial. In these cases, the Township may offer an alternative to project denial by accepting the offer of voluntary support by the project's owners to undertake or contribute towards the cost of providing the needed infrastructure or service changes for future conditions created or contributed to as a result of the development project.
3. In general, infrastructure or service changes are quantifiable in terms of capacity and cost. Needed changes may require study, planning, design, phasing or other efforts before being undertaken. In these situations, the Township could, by contract with the project's owners, accept contributions to fund the work. The Township would set aside the funds for use only to address the particular infrastructure and/or service changes associated with the development project. For example, in the situation where area streets and intersections are or will be functioning at low levels, undertaking or funding street and intersection improvements may be appropriate. Sometimes, however, street and intersection improvements may not be practical or may be insufficient to address the concerns. Due to topography, the impracticality of acquiring needed additional right-of-way, area-wide traffic patterns, jurisdictional issues or other limitations, different approaches such as additional transit services, remote parking lots, pedestrian overpasses, shared parking structures, reversible traffic flows at peak times, or other, less common, and more cooperative approaches may be the only feasible and reasonable alternatives to ameliorate anticipated infrastructure and service burdens imposed by the development upon customers and citizens within the service area. A particular project may provide the necessary impetus for these alternative approaches, particularly in relation to public health and



safety, while itself providing insufficient support or justification. However, together with reasonably foreseeable additional projects, it may form the basis for addressing the need by these approaches.

**B. Existing and Future Conditions Evaluation.** The applicant or property owner shall be informed of any inadequately sized infrastructure or insufficient services within the proposed project area that currently exists or that will be created or contributed to by the proposed development project. The Director, Traffic Engineering Director, Planning Commission or Township Commission will provide a basis for the determination that a development project, either by itself or in conjunction with other reasonably foreseeable projects, will:

1. Overload infrastructure or public services;
2. Measurably degrade the level of infrastructure or public services to levels that adversely affect public health, safety or quality of life; or
3. Place additional strains on infrastructure or public services that already are at levels that adversely affect public health, safety or quality of life.

**C. Alternatives Evaluation.** The Community Development Director may encourage the applicant to propose particular designs or improvements, cost estimates and other related information to recommend or identify changes on the project site, in the immediate project area or in locations which would assist in supporting the necessary infrastructure or services to sustain the development. Where the Community Development Director does not have specific information about needed changes readily available because they are not easily ascertainable given the characteristics of the situation, the Community Development Director may identify possible ways and anticipated costs of addressing the conditions.

**D. Determination.** Upon review of the alternatives to support the needed infrastructure and/or services to support the development project, the applicant may:

1. Appeal a determination made by the Director to the Planning Commission.
2. Discontinue the project.
3. Redesign the project to address the concerns.
4. If it is acceptable to all Township and other governmental officials of competent jurisdiction, agree to:
  - a. Undertake and construct the needed infrastructure improvements according to plans and specifications approved and overseen by the Township;
  - b. Fund the needed infrastructure or service improvements pursuant to a written agreement approved by the Township Commission with the amount of the payment determined based on the actual costs of the improvements;
  - c. Contribute to a fund to be used by the Township to address the infrastructure or service concerns pursuant to a written agreement approved by the Township Board with the amount of that contribution determined based on what the Township Board reasonably determines to be the applicant's proportionate share of the reasonably anticipated costs of the improvements.

# CHAPTER 4

## NONCONFORMING USES & STRUCTURES

### SECTION 4.01 - PURPOSE AND INTENT

It is recognized that within the zoning districts established by this ordinance or amendments thereto, there exist uses, buildings, structures, and/or parcels and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or an amendment thereto. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

Except where specifically provided to the contrary, and subject to the provisions of this chapter, a building or structure, or the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance, then on the effective date of such amendment, may be maintained and/or continued although such use does not conform with the provisions of this ordinance or any amendment thereto.

### SECTION 4.02 - GENERAL PROVISIONS FOR NONCONFORMITIES

- A. Previous Ordinances.** Any lot, use of land, building, or structure which has been established in violation of the provisions of a previous zoning ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, building, or structure which has been lawfully established under a previous zoning ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this ordinance.
- B. Existing Legal Nonconformities.** An existing lot, use of land, building, or structure which does not fully comply with the provisions of this ordinance, as amended, and either was lawfully established under a previous zoning ordinance, created or commenced during a period of time when no valid zoning ordinance was in effect,

or was lawfully established under the jurisdiction of this ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, it shall be permitted to continue, provided that such lot, use of land, building, or structure is in compliance with this chapter.

- C. Under Construction.** A lawful use of land, building, or structure which is under substantial construction, which may include, but is not limited to, noticeable and significant construction of driveways, foundations, building walls, or other structural elements, at the time of adoption of this ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this chapter.
- D. Repairs and Maintenance.** On any nonconforming building or structure, or on any building or structure located on a nonconforming lot or devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of walls, fixtures, wiring, or plumbing, provided that the building or structure as it existed on the effective date or amendment of this ordinance shall not be altered, except in compliance with this chapter.
- E. Safety.** Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official, unless the provisions of subsection 4.04 B apply to the subject building or structure.
- F. Tenancy.** A change of tenancy, ownership, or management of any existing nonconforming lots, uses of land, buildings, or structures, shall be permitted. Such changes shall not affect the nonconforming status of a nonconforming lot, use of land, building, or structure.
- G. Change of Status.** If a nonconformity existing prior to the effective date of this ordinance becomes conforming because of the adoption of any subsequent amendment thereto, then it shall no longer have a nonconforming status.

## SECTION 4.03 - NONCONFORMING USES

- A.** A lawfully established use that is not allowed as a Permitted or Special Land Use in the zone district in which the use is now located shall be considered a nonconforming use and is subject to all applicable regulations of this Chapter.
- B.** When any amendment to this ordinance changed a Permitted Use to a Special Land Use in whole or in part, any use legally established before that amendment shall be considered a legal Special Land Use on and after the effective date of the amendment unless additional development occurs that was not permitted by the previous ordinance or this ordinance, in which case a new Special Land Use will be required.
- C.** If a nonconforming use is abandoned for any reason for a period of more than 1 year, any subsequent use shall conform to the requirements of this ordinance. A nonconforming use may be determined by the Community Development Department to be abandoned if 1 or more of the following conditions exists:
  - 1.** Utilities, such as water, gas, and electricity to the property, have been disconnected.
  - 2.** The property, buildings, and grounds have fallen into disrepair.
  - 3.** Signs or other indications of the existence of the nonconforming use have been removed.
  - 4.** Equipment or fixtures necessary for the operation of the nonconforming use have

been removed.

5. Other actions which constitute an intention of the property owner or lessee to abandon the nonconforming use.
- D.** Upon written request received prior to the end of the abandonment period, the Community Development Department may approve an extension of the abandonment period up to an additional 6 months.
1. One (1) additional 6-month extension may be granted if approved by the Planning Commission.
  2. Extensions by the Community Development Department or Planning Commission shall be considered only where a property owner can demonstrate a good faith effort to sell or lease the premises to another, similar use that is at least as conforming as the previous owner.
- E.** Prior to a determination of abandonment, a nonconforming use may be changed to another nonconforming use provided the Planning Commission makes all of the following determinations:
1. The proposed use is equally compatible, or more compatible, with the surrounding area and that the use is equal to or more conforming to the uses allowed in the zone district than the previous nonconforming use.
  2. The proposed nonconforming use is not enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise be permitted by the Planning Commission.
  3. That the buildings and area encompassing the expansion of the nonconforming use comply with all parking, landscaping, or other site development regulations applicable to the area affected by the proposed enlargement, increase or extension of use areas as required by this ordinance.
- F.** A nonconforming use within an existing building shall not be substantially enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this ordinance, except as may be permitted by the Community Development Department after reviewing the following criteria:
1. Roads and streets leading to and from the nonconforming use, as well as any additional traffic flow problems to be created by said expansion.
  2. Any increase in noise, odor, fumes, lights, glare, waste, sewer discharge, or other like detrimental effects created by the proposed expansion.
  3. Whether the proposed expansion of the nonconforming use is compatible with the surrounding areas and properties.
  4. Whether the proposed expansion could be made less detrimental to surrounding properties and areas by the use of appropriate buffering and screening.
- G.** In consideration of the expansion of a nonconforming use, the Community Development Department may impose reasonable conditions that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.
- H.** The Community Development Department may refer expansions of nonconforming

uses to the Planning Commission for a decision.

## SECTION 4.04 - NONCONFORMING BUILDINGS AND STRUCTURES

- A.** The expansion, relocation, or movement of a nonconforming building or structure shall be permitted only if the addition complies with the other provisions of this ordinance or brings the building or structure closer into compliance and does not increase the degree of nonconformance.
- B.** Except as elsewhere provided in this ordinance, in the event any nonconforming building or structure is damaged by fire, wind, an act of God, or the public enemy, it may be rebuilt or restored provided the cost of restoration does not exceed 60 percent of the replacement value of the building or structure as determined by the Building Inspector. If the cost of restoration exceeds 60 percent of the replacement value of the building or structure as determined by the Building Inspector, the building or structure shall only be rebuilt in conformance with all provisions of this ordinance.
  - 1.** In determining the replacement value, the Building Inspector shall not include the costs of demolition of the building or structure.
  - 2.** The Planning Commission may permit the rebuilding or restoration of a nonconforming building or structure where the cost of restoration exceeds 60 percent of the replacement value as determined by the Building Inspector as a special land use pursuant to [CHAPTER 29](#). In order to grant such rebuilding or restoration, the Planning Commission shall find that the following standards are met, in addition to all other applicable standards of [CHAPTER 29](#):
    - a.** Such rebuilding or restoration will not substantially extend the probable duration of such non-conforming use, had such damage not occurred; or
    - b.** Circumstances are such that the land previously occupied by such non-conforming use cannot then be reasonably used for a use or structure conforming to the regulations of the district.
  - 3.** Additional provisions may apply for properties within the 100-year floodplain, pursuant to [CHAPTER 26](#) of this ordinance.
  - 4.** Permitted restoration shall commence within a period of 6 months from the date of said damage and diligently proceed to completion. In the event a request for a special use permit is denied, the structure can only be used if it is repaired or replaced in conformance with all of the conditions and requirements of this ordinance existing at the time of replacement.
- C.** If a nonconforming building or structure is altered such that it is made conforming, it shall not be altered in any way to make it again nonconforming.

## SECTION 4.05 - NONCONFORMING LOTS

A nonconforming lot may be used for the purposes permitted in the zoning district in which it is located, provided that:

- A.** If the lot area or lot width is already less than the minimum requirements of this ordinance, the lot shall not be divided or reduced in dimensions or area so as to increase the degree of nonconformance with the minimum requirements of this ordinance.

- B.** Where an existing lot has a lot area of not less than 90 percent of its zone district requirements, the lot may be used for purposes permitted in that zoning district, provided that all side, front, corner front, and rear yard requirements are met.
- 1.** Where an existing lot has a lot area that is less than 90 percent of its district requirements, the lot may be used for purposes permitted in that zoning district, and the required side and rear yards may be reduced by the same percentage the lot area of such lot bears to its district requirements. However, in no case shall a side yard shall be less than five feet, no rear yard less than 35 feet (unless the specific district requirements permit a lesser side or rear yard) and all off-street parking requirements must be met.
  - 2.** Where 2 or more adjacent lots are in single ownership and where such lots contain less than 90 percent of the lot area requirements, such lots shall be utilized only in conformance with the minimum requirements of the district.
  - 3.** In the event 2 or more adjacent lots containing less than 90 percent of the lot area requirements are in single ownership and the Zoning Board of Appeals (ZBA) shall find that there is no practical possibility of obtaining additional land, the ZBA may permit their use as separate lots having less than the required lot area if it shall determine that they can be so used without adversely affecting the character of the neighborhood. However, in no case shall the side yard shall be less than five feet, and no rear yard shall be less than 35 feet (unless the specific district requirements permit a lesser side or rear yard), and all off-street parking requirements must be met.
- C.** Parcels meeting the provisions of subsection 4.05 C 1-4, above, shall be combined into a lot or lots complying as nearly as possible with the lot width and lot area requirements of this ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this ordinance.

## **SECTION 4.06 - NONCONFORMING SITE AND BUILDING ELEMENTS**

This Section permits reviews of applications for improvements and minor modifications to nonconforming site and building elements. Where appropriate, the intent is to allow for site elements that pre-date this ordinance to be brought into gradual compliance with landscaping, paving, and other non-safety-related items. Similar flexibility is also provided for gradual compliance of building element exteriors for façade variation, transparency, and building material requirements.

Improvements or modifications to nonconforming site and building elements may be permitted by the Community Development Department under the Administrative Review process or by the Planning Commission during the Site Plan Review or Special Land Use processes without requiring full compliance with the provisions of this ordinance subject to the following:

- A.** Efforts must be made to meet the intent of the ordinance's provisions and goals of the Master Plan or the Reimagine Plainfield Plan while balancing considerations such as topography, natural features, or other site constraints
- B.** Site element and/or building element improvements shall be comparable to the scale and the construction cost of the building improvement.
- C.** The applicant shall address any safety-related site issues for the site.
- D.** Site and building elements shall be brought into full compliance with this ordinance as

follows:

- 1. Building Exteriors.** Where improvements or modifications to the exterior of the building elements exceed more than 50 percent of the exterior wall area, building elements shall be brought into full compliance with this ordinance. Improvements or modifications involving less than 50 percent of the exterior wall area, are not required to meet the full façade variation, transparency, and building material requirements of the zone district.
- 2. Parking and Landscaping.** Where a parking or landscape area is expanded or reconstructed (existing pavement and/or landscape materials and ground cover removed and replaced) by 25 or more of the original nonconforming area parking and landscaping shall be brought into full compliance with the requirements of this ordinance.
- 3. Lighting.** Where the size of the nonconforming site covered by existing lighting is expanded by an area that is 50 percent or more of the original nonconforming area; and/or 70 percent or more of the existing light poles and/or fixtures are replaced by new poles, bases, or fixtures lighting shall be brought into full compliance with requirements of this ordinance.
- 4. Drive-through.** Where a drive-through is present and the drive-through use is being enlarged, site landscaping and buffers shall meet the requirements of this ordinance.
- 5. Curb Cuts and Driveways.** Curb cuts on to Plainfield Avenue and any associated tapers shall be removed and restored with landscaping where vehicular access is closed. Driveways that do not conform to the access management requirements of this ordinance shall be eliminated, provided that minimum reasonable access is maintained.
- 6. Cumulative Impact.** Full compliance is required where the cumulative percentage of improvements exceeds the percentages provided above, over a 10-year period.



# CHAPTER 5

## MAPPED DISTRICTS

### SECTION 5.01 - ZONE DISTRICTS

For the purpose of this ordinance, Plainfield Charter Township is hereby divided into the following districts:

RP	<a href="#">Rural Preservation</a>	LI	<a href="#">Light Industrial</a>
RE	<a href="#">Rural Estate Residential</a>	I	<a href="#">Industrial</a>
R-1A	<a href="#">Residential</a>	NEBOD	<a href="#">North East Beltline Overlay District</a>
R-1B	<a href="#">Residential</a>	10MROD	<a href="#">10 Mile Road Overlay District</a>
R-1C	<a href="#">Residential</a>	NROD	<a href="#">Natural Rivers Overlay District</a>
R-2	<a href="#">Residential</a>	FZOD	<a href="#">Flood Zone Overlay District</a>
R-3	<a href="#">Residential</a>	WP	<a href="#">Wellhead Protection Overlay District</a>
R-4	<a href="#">Residential</a>	PUD	<a href="#">Planned Unit Development District</a>
C-1	<a href="#">Commercial</a>		
VC	<a href="#">Village Commercial</a>		
MXU	<a href="#">Mixed-Use</a>		
CC	<a href="#">Commuter Commercial</a>		
C-5	<a href="#">Commercial</a>		
O	<a href="#">Office</a>		

## SECTION 5.02 - ZONING MAP

The locations and boundaries of such districts, shown upon the map attached hereto, which is incorporated herein by reference, and made a part hereof, are hereby established, said map being designated as the "Zoning Map of Plainfield Charter Township, Kent County, Michigan." Said map and all the notations, references, and other information thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

Regardless of the existence of copies of the zoning map which may be made, the official zoning map shall be located in the office of the Township Clerk and, together with official records, shall be the final authority as to the current zoning status in the township.

The official zoning map shall be so identified by the signature of the Township Clerk. Said map is to be maintained in an up to date manner and shall be accessible to the general public.

## SECTION 5.03 - BOUNDARIES OF DISTRICTS

Where uncertainty exists as to the boundaries of districts as shown on the official map, the following rules shall apply:

- A.** Boundaries indicated as approximately following the centerlines of streets or the boundaries of lakes and rivers shall be construed to follow such centerlines or boundaries.
- B.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such change; boundaries indicated as approximately following the centerline of streams or rivers shall be construed as following such centerlines.
- C.** Boundaries indicated as approximately following lot or property lines shall be construed as following such lines.
- D.** Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- E.** Where circumstances not otherwise indicated exist, the Board of Appeals shall interpret the district boundaries.

## SECTION 5.04 - CONSTRUCTION AND USE OF LAND AND BUILDINGS

Except as herein provided, no structure shall be constructed nor shall any building or land be used for any purpose other than what is permitted in the use district in which such building or land is located.

## SECTION 5.05 - USES OF LAND

The following key is to be used in conjunction with the Table of Land Uses:

- A. Permitted by Right Uses.** Uses permitted by right in the zone district, subject to compliance with all other applicable requirements of this ordinance. These uses are identified with an "R".
- B. Special Conditions.** Uses which are permitted by right in the zone district, subject to compliance with unique requirements defined as special conditions which are only applicable to that particular use as contained within this ordinance. These uses are identified with an "SC".
- C. Special Land Uses.** Uses which may be allowed subject to review and approval by the Planning Commission in accordance with Chapter 29, and all other applicable requirements of this ordinance. These uses are identified with an "SLU".
- D. Unlisted Uses.** Uses not listed in the Table of Land Uses are prohibited unless the Community Development Department determines that the use is similar to other uses listed either as Permitted, Special Conditions, Special Land Uses.
- E. Use Regulations.** Certain allowed uses are subject to compliance with Chapters 29 and 30 of this ordinance. Additional detail is provided in each zone district chapter regarding other applicable use provisions.
- F. Multiple Uses.** More than one principal use and/or building may be located on a lot within the Mixed-Use (MXU) and Planned Unit Development (PUD) zone districts.

# TABLE OF LAND USES

**R** = Permitted by right

**SC** = Permitted subject to special conditions in [CHAPTER 30](#)

**SLU** = Special land uses subject to the regulations of [CHAPTER 29](#)

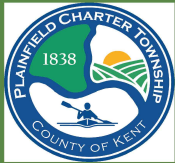
USE	RP	RE	R1A	R1B	R1C	R2	R3	R4	C1	VC	MXU	CC	C5	O	LI	I
Accessory dwelling units											R					
Adult assisted living centers							SLU									
Adult family day care homes	R	R	R	R	R	R	R	R								
Adult group day care homes	SC	SC	SC	SC	SC	SC	SC	SC								
Adult day care centers							SC		SC	SC	SC					
Adult foster care congregate facilities							SLU		SLU	SLU	SLU					
Adult foster care family homes	R	R	R	R	R	R	R	R			R					
Adult foster care group homes	SC	SC	SC	SC	SC	SC	SC	SC			SC					
Airfields	SLU															
Animal clinics, large	SC														SC	SC
Animal clinic, small	SC								SC	SC	SC	SC			SC	SC
Animal grooming or training facility	SC										SC	SC			SC	SC
Artisan food and beverage production facility									SC	SC	SC	SC	SC		SC	SC
Artisan food and beverage production facility with service from decks, porches, or other outside areas open until 10 p.m.															SC	SC
Artisan food and beverage production facility with service from decks, porches, or other outside areas open after 10 p.m.															SLU	SLU
Automotive rental facilities									SLU			SLU				
Automotive repair facilities, major												SC				R
Automotive repair facilities, minor												SC			SC	R
Automotive sales facilities												SC	SC		SC	
Automotive service stations or gas station									SC	SC		SC	SC			
Automotive wash establishments												SC	SC			
Automotive commercial truck and trailer sales and rental																SC
Bars or taverns									R	R	R	R	R			
Bars, taverns, and restaurants with service from decks, porches, or other outside areas open until 10 p.m.									SC	SC	SC	SC	SC			
Bars, taverns, and restaurants with service from decks, porches, or other outside areas open until 10 p.m.									SLU	SLU	SLU	SLU	SLU			

USE	RP	RE	R1A	R1B	R1C	R2	R3	R4	C1	VC	MXU	CC	C5	O	LI	I
Bed & breakfast establishments	SC	SC			SC											
Breweries or Distilleries (w/o retail/restaurant)											SC				R	R
Building materials sales												SC			SC	SC
Bulk fueling station																R
Campgrounds and travel trailer parks	SLU	SLU														
Catering establishments											R	R			R	
Cemeteries / mausoleums	R	R														
Child day care centers								SC	SC	SC	SC	SC		SC		
Colleges and universities							SLU				R			SLU		
Community centers	SC	SC	SC	SC	SC						SC					
Contractor's offices and showrooms without yards										SC	SC	R			R	R
Contractor's offices and showrooms with yards												SC			SC	SC
Convalescent homes							SC		SC	SC	SC					
Crematoriums																R
Data processing centers									R	R	R	R		R	R	
Donation or resale facilities									R	R	R	R				
Dry cleaners or laundromats									R	R	R	R				
Dwellings, single-family	R	R	R	R	R	R	R	R								
Dwellings, attached single-family											R					
Dwellings, two-family						R	R									
Dwellings, multiple family							R				R					
Emergency medical service facilities											R	R			R	R
Equipment rental services												R			R	R
Family day care homes	R	R	R	R	R	R	R	R	R							
Financial institutions without drive-in or drive-through services									R	R	R	R		R	R	
Foster family group homes	R	R	R	R	R	R	R	R	R							
Foster family homes	R	R	R	R	R	R	R	R	R							
Funeral homes											SC	SC		SC	SC	SC
Golf courses or country clubs	SLU	SLU		SLU	SLU											
Government or public utility buildings									R	R	R	R	R	R	R	R
Group child care homes	SC	SC	SC	SC	SC	SC	SC	SC			R					
Health clubs or gyms									R	R	R	R			R	

USE	RP	RE	R1A	R1B	R1C	R2	R3	R4	C1	VC	MXU	CC	C5	O	LI	I
Hospitals							SLU				SLU	SLU	SLU			
Hot tub and spa rental facilities											R					
Hotels or motels											R		R			
Indoor recreation facilities									R	R	R			R	SLU	SLU
Indoor theaters										SC	SC	SC				
Junk yards																SLU
Kennels	SLU	SLU														
Laboratories or technology centers											R			R	R	R
Lawn maintenance, landscaping, and snow plowing establishments															SC	SC
Live entertainment									SC	SC	SC	SC	SC		SC	SC
Live-work units											R					
Manufacturing, processing or assembly facilities, light											SC				R	R
Manufacturing, processing or assembly facilities, heavy															SLU	SLU
Mini-warehouses or self-storage facilities												SLU	SC		R	R
Mixed use residential buildings							SC			SC	R					
Mobile home dwellings located in a licensed mobile home park								R								
Mobile home parks								R								
Motor freight terminals																R
Non-academic school uses	R	R	R	R	R						R					
Outdoor equipment sales facilities															SC	SC
Outdoor recreational uses	SLU	SLU									SLU				SLU	SLU
Outdoor storage yards															SLU	SC
Parks	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Permitted uses not conducted within a completely enclosed building									SLU	SLU	SC	SLU	SLU	SLU	SLU	SLU
Permitted uses with drive-in or drive through service									SC	SC		SC	R	SC		
Permitted uses with drive-in or drive through service as part of an integrated facility									SC	SC	SLU	SC	R	SC		
Personal service establishments									R	R	R	R		R		
Private clubs or lodges										SC	SC	SC				

USE	RP	RE	R1A	R1B	R1C	R2	R3	R4	C1	VC	MXU	CC	C5	O	LI	I
Private transportation facilities															SLU	SLU
Professional offices									R	R	R	R	R	R	R	
Radio and television studios									R	R	R	R		R	R	
Recreational facilities for the exclusive use of mobile home park residents and their guests								R								
Religious institutions	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC		SC		
Rendering plants																SLU
Research, development, and testing facilities											R			R	R	R
Restaurants without drive-in or drive through services									R	R	R	R	R			
Retail businesses									R	R	R	R	R		R - 25%	R - 25%
Sanitary landfills and transfer stations															SLU	SLU
Schools, public or private	R	R	R	R	R	R					R					
Schools, business or professional											R	R		R	R	
Sidewalk cafés										SC	SC					
Special controlled uses																SLU
Stables, public or private	SLU	SLU														
Temporary structures and uses									SC	SC	SC	SC	SC			
Twenty-four-hour operations									SC	SC	SC	SC	SC			
Utility scale solar energy systems	SC	SC														
Vehicle repossession and/or seizure and auction facilities																SLU
Warehousing or distribution centers															R	R
Wireless communication facilities (3.29A.1)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Wireless communication facilities (29.40)	SLU	SLU														
Wireless communication facilities (29.41)			SLU	SLU	SLU	SLU	SLU	SLU	SLU			SLU	SLU	SLU	SLU	SLU

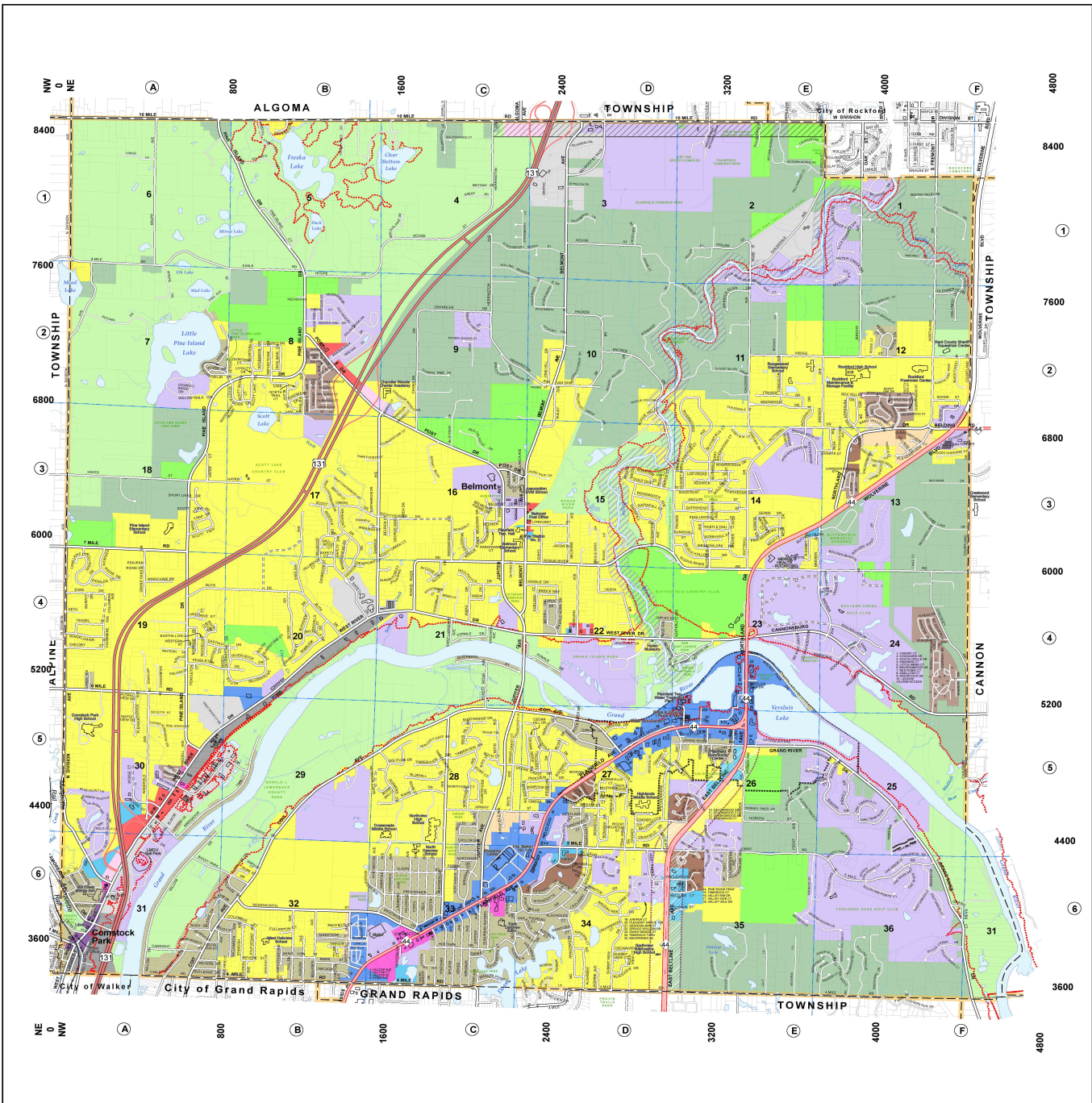




# Plainfield Charter Township

## Zoning Map

*Rolling Plains  
and  
Beautiful Fields*



**MAP LEGEND**

Street Centerlines	Section Lines
Freeway/Highway	Major Buildings
Freeway Ramp	Parcels
Primary & Residential	Lakes and Ponds
Private	Rivers and Streams
Other	Municipal Boundaries
Railroads	

### Zoning Map

Official Update December 9th, 2021

MAP SCALE 1:19,716



**ZONING LEGEND**

<b>Current Zoning Districts</b>	<b>Other Districts</b>
C-1, Commercial	Well Head Protection Overlay
C-5, Commercial	FLOODZONE
CC, Commuter Commercial	Flood Zone Overlay
I, Industrial	<b>Other Districts</b>
LI, Light Industrial	10 Mile Road Overlay
MXU, Mixed Use	Natural Rivers Overlay
O, Office	Northeast Beltline Overlay
PUD, Planned Unit Development	REGIS
R-1A, Residential	
R-1B, Residential	
R-1C, Residential	
R-2, Residential	
R-3, Residential	
R-4, Residential	
RE, Rural Estate	
RP, Rural Preserve	
VC, Village Commercial	



Date: 3/30/2022

# CHAPTER 6

## RP RURAL PRESERVATION

### SECTION 6.01- PURPOSE

It is the purpose of this district to permit agricultural and related uses as well as low density single-family homes, along with necessary service and special uses, in a manner that is consistent with the adopted Comprehensive Plan of the township. Limiting the type and density of development within these districts will minimize development pressures upon the remaining agricultural lands and will help preserve open space, wetlands, topographical relief, and tree cover, all of which are abundant within these areas.

It is further intended to defer or prolong the necessity of extending public utilities into these areas by requiring more intense development to locate within other zone districts where public utilities are available or are planned to become available. Residential clustering as regulated in [CHAPTER 28](#), Planned Unit Development District is permitted where public utilities are available.

### SECTION 6.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Adult family day care homes](#)
- B. [Adult foster care family homes](#)
- C. [Cemeteries/mausoleums](#)
- D. [Community centers](#)
- E. [Dwellings, single-family](#)
- F. [Family day care homes](#)

- G. [Farms and farm operations](#)
- H. [Foster family group homes](#)
- I. [Foster family homes](#)
- J. [Non-academic school uses](#)
- K. [Parks](#)
- L. [Schools, public or private](#)
- M. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

### SECTION 6.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Adult foster care group homes](#), subject to [SECTIONS 30.02-30.04](#)
- B. [Animal clinic, large](#), subject to [SECTION 30.06](#)
- C. [Animal grooming or training facility](#), subject to [SECTION 30.07](#)
- D. [Bed & breakfast establishments](#), subject to [SECTION 30.17](#)
- E. [Community Centers](#), subject to [SECTION 30.37](#)
- F. [Group child care homes](#), subject to [SECTION 30.21](#)
- G. [Religious institutions](#), subject to [SECTION 30.37](#)
- H. [Utility scale solar energy systems](#), subject to [SECTION 30.42](#)

### SECTION 6.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Airfields](#), subject to [SECTION 29.06](#)
- B. [Campgrounds and travel trailer parks](#), subject to [SECTION 29.12](#)
- C. [Golf courses and country clubs](#), subject to [SECTION 29.17](#)
- D. [Kennels](#), subject to [SECTION 29.24](#)
- E. [Outdoor recreational uses](#), subject to [SECTION 29.27](#)
- F. [Stables](#), subject to [SECTION 29.31](#)
- G. [Wireless communication facilities](#), subject to [SECTION 29.40](#)

### SECTION 6.05 - HEIGHT & AREA REGULATIONS

No building shall be erected or enlarged unless the following height and area requirements are

provided and maintained.

### Rural Preservation District: Height & Area Regulations

Building Type	Minimum Yards (feet)				Min. Lot Width (feet)	Min. Lot Area (square feet)	Max. Building Height <sup>(1)</sup> (feet)	Max. Lot Coverage (% of lot area)
	Front	Corner Front	Side	Rear				
<b>Detached Single-Family Dwelling</b>	70 <sup>(2)</sup>	50	25	100	200	120,000 <sup>(2)</sup>	35	25
<b>Farm Bldg.</b>	70	50	50	100	200	120,000	35	NA
<b>Religious institution, Cemeteries &amp; Mausoleums</b>	70	50	50	100	200	120,000	35	NA
<b>Parks, Playgrounds &amp; Community Centers</b>	70	50	50	100	200	120,000	35	NA
<b>All Others</b>	70	50	50	100	200	120,000	35	25

(1) Or 2-1/2 stories, whichever is less.

(2) Any metes and bounds lot created before 1/6/2000, any lot within a subdivision that received at least tentative preliminary approval from the Township Board by 1/6/2000, or any site condominium unit which is included within a site condominium plan that was approved by the Township Board by 1/6/2000, shall have a minimum front yard setback of not less than 40 feet and a minimum lot area of 40,000 square feet.

See Also:

[SECTION 3.01](#) Accessory Buildings & Structures

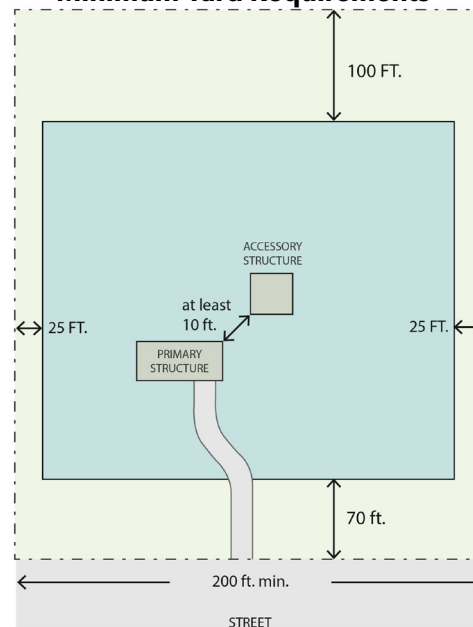
[SECTION 3.06](#) Building Height Exceptions

[SECTION 3.10](#) Driveway Requirements

[SECTION 3.11](#) Dwellings, Single-Family

[SECTION 3.12](#) Front, Side, and Rear Yard Setback Requirements - Basis of Determination

#### Minimum Yard Requirements



## SECTION 6.06 - REQUIREMENTS FOR PUBLIC WATER, SANITARY SEWER SERVICE, AND SIDEWALKS

- A.** Unless otherwise recommended for exemption by the Township Engineer, all lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.
- B.** Sidewalks or a non-motorized trail shall be constructed along any public or private road adjacent to the property lines. See [ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES.](#)

# CHAPTER 7

## RE RURAL ESTATE RESIDENTIAL

### SECTION 7.01- PURPOSE

It is the purpose of this district to protect extensive areas of natural character while providing a low-density residential environment. The regulations are intended to achieve a balance between preserving the important qualities of the natural environment such as trees, topographical relief, and open-space, and satisfying the desire of many families to reside in these areas.

It is planned and expected that some areas will be served by both public water and sanitary sewer. It is recognized that with proper planning, the availability of both public utilities can contribute to the objective of preserving the rural environment while allowing modest density increases. This may be accomplished by residential clustering or through a Planned Unit Development (PUD) pursuant to the provisions of [CHAPTER 28](#).

### SECTION 7.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Adult family day care homes](#)
- B. [Adult foster care family homes](#)
- C. [Cemeteries/mausoleums](#)
- D. [Dwellings, single-family](#)
- E. [Family day care homes](#)
- F. [Farms and farm operations](#)
- G. [Foster family group homes](#)

- H. [Foster family homes](#)
- I. [Non-academic school uses](#)
- J. [Parks](#)
- K. [Schools, public or private](#)
- L. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

### **SECTION 7.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Adult foster care group homes](#), subject to [SECTIONS 30.02-30.04](#)
- B. [Adult group day care homes](#), subject to [SECTION 30.20](#)
- C. [Bed & breakfast establishments](#), subject to [SECTION 30.17](#)
- D. [Community centers](#), subject to [SECTION 30.37](#)
- E. [Group child care homes](#), subject to [SECTION 30.21](#)
- F. [Religious institutions](#), subject to [SECTION 30.37](#)
- G. [Utility scale solar energy systems](#), subject to [SECTION 30.42](#)

### **SECTION 7.04 - USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Campgrounds and travel trailer parks](#), subject to [SECTION 29.12](#)
- B. [Golf courses and country clubs](#), subject to [SECTION 29.17](#)
- C. [Kennels](#), subject to [SECTION 29.24](#)
- D. [Outdoor recreational uses](#), subject to [SECTION 29.27](#)
- E. [Stables](#), subject to [SECTION 29.31](#)
- F. [Wireless communication facilities](#), subject to [SECTION 29.40](#)



## SECTION 7.05 - HEIGHT & AREA REGULATIONS

No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

### Rural Estate District: Height & Area Regulations

Building Type	Minimum Yards (feet)				Min. Lot Width (feet)	Min. Lot Area (square feet)	Max. Building Height <sup>(1)</sup> (feet)	Max. Lot Coverage (% of lot area)
	Front	Corner Front	Side	Rear				
<b>Detached Single-Family Dwelling</b>	70 <sup>(2)</sup>	50	15	100 <sup>(2)</sup>	150	60,000 <sup>(2)</sup>	35	25
<b>Farm Bldg.</b>	70	50	50	100	200	60,000	35	NA
<b>Schools</b>	70	50	50	100	330	435,600	35	NA
<b>Religious institution, Cemeteries &amp; Mausoleums</b>	70	50	50	100	200	120,000	35	NA
<b>Parks, Playgrounds &amp; Community Centers</b>	70	50	50	100	200	120,000	35	NA
<b>All Others</b>	70	50	15	100	150	60,000	35	25

- (1) Or 2-1/2 stories, whichever is less.  
 (2) Provided, however, that any metes and bounds lot created before 1/6/2000, any lot within a subdivision that received at least tentative preliminary approval from the Township Board by 1/6/2000, or any site condominium unit which is included within a site condominium plan that was approved by the Township Board by 1/6/2000, shall have a minimum front yard setback of not less than 40 feet, a minimum rear yard of not less than 60 feet and a minimum lot area of 40,000 square feet.

See Also:

[SECTION 3.01](#) Accessory Buildings & Structures

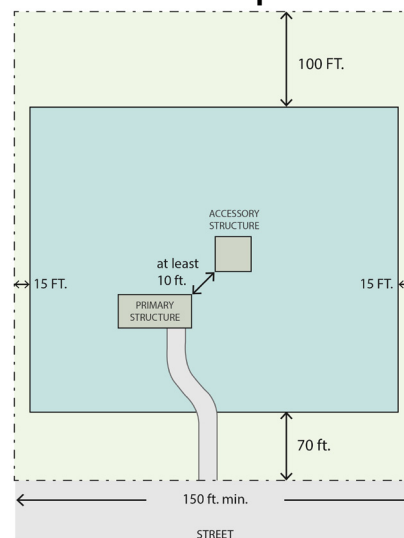
[SECTION 3.06](#) Building Height Exceptions

[SECTION 3.10](#) Driveway Requirements

[SECTION 3.11](#) Dwellings, Single-Family

[SECTION 3.12](#) Front, Side, and Rear Yard Setback Requirements - Basis of Determination

### Minimum Yard Requirements



## SECTION 7.06 - REQUIREMENTS FOR PUBLIC WATER, SANITARY SEWER SERVICE, AND SIDEWALKS

- A.** Unless otherwise recommended for exemption by the Township Engineer, all lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.
- B.** Sidewalks or a non-motorized trail shall be constructed along any public or private road adjacent to the property lines. See [ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES](#).



# CHAPTER 8

## R-1A RESIDENTIAL

### SECTION 8.01 - PURPOSE

This district provides less restrictive area regulations than other R-1 zones. Nonetheless, it is designed to preserve the character of older one-family neighborhoods which were developed under less restrictive standards than current requirements for one-family development, yet which provide adequate yards, setbacks, and lot layouts, given the character of existing neighborhoods to which these provisions apply.

### SECTION 8.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Adult family day care homes](#)
- B. [Adult foster care family homes](#)
- C. [Dwellings, single-family](#)
- D. [Family day care homes](#)
- E. [Foster family group homes](#)
- F. [Foster family homes](#)
- G. [Non-academic school uses](#)
- H. [Parks](#)
- I. [Schools, public or private](#)
- J. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

## SECTION 8.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Adult foster care group homes](#), subject to [SECTIONS 30.02-30.04](#)
- B. [Adult group day care homes](#), subject to [SECTION 30.20](#)
- C. [Bed & breakfast establishments](#), subject to [SECTION 30.17](#)
- D. [Community centers](#), subject to [SECTION 30.37](#)
- E. [Group child care homes](#), subject to [SECTION 30.21](#)
- F. [Religious Institutions](#), subject to [SECTION 30.37](#)

## SECTION 8.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Wireless communication facilities](#), subject to [SECTION 29.40](#)

## SECTION 8.05 - HEIGHT & AREA REGULATIONS

No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

### R-1A Residential: Height & Area Regulations

Building Type	Minimum Yards (feet)				Min. Lot Width (feet)	Min. Lot Area (square feet)	Max. Building Height <sup>(1)</sup> (feet)	Max. Lot Coverage (% of lot area)
	Front	Corner Front	Side	Rear				
Single-Family Residential if served with public water & sanitary sewer	25 <sup>(2)</sup>	20 <sup>(2)</sup>	5 <sup>(3)</sup> 15 total	40	80 <sup>(4)(5)(6)</sup>	8,000	35	25
Single-Family Residential if not served with both public water & sanitary sewer	25 <sup>(2)</sup>	20 <sup>(2)</sup>	5 <sup>(3)</sup> 15 total	40	100 <sup>(4)(5)(6)</sup>	10,000	35	NA
Schools	70	50	50	100	330	435,600	35	NA
Religious institution	70	50	50	100	200	120,000	35	NA
Parks, Playgrounds & Community Centers	70	50	50	100	200	120,000	35	NA
All Others	70	50	50	100	200	120,000	35	NA

(1) Or 2-1/2 stories, whichever is less.

(2) Lots fronting on four lane or major arterial roads shall have a minimum front and corner front yard setback of 30 feet.

(3) 5-foot minimum on any one side, provided there is a total of 15 feet.

- (4) All corner lots shall have a minimum width of 110 feet.
- (5) The minimum rear yard shall be 30 feet for all lots and site condominium units that were rezoned from R-5 to R-1A where the rear lots or unit abuts land (other than land use for vehicular right-of-way purposes) dedicated to the common use of the plat or subdivision.
- (6) The minimum lot width shall be 75 feet at the building setback line for all lots and site condominium units that were rezoned from R-5 to R-1A where the rear lots or unit abuts land (other than land use for vehicular right-of-way purposes) dedicated to the common use of the plat or subdivision.

See Also:

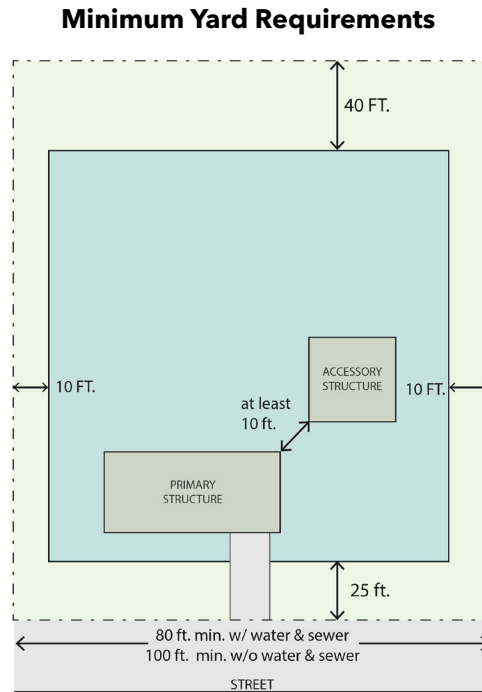
[SECTION 3.01](#) Accessory Buildings & Structures

[SECTION 3.06](#) Building Height Exceptions

[SECTION 3.10](#) Driveway Requirements

[SECTION 3.11](#) Dwellings, Single-Family

[SECTION 3.12](#) Front, Side, and Rear Yard Setback Requirements - Basis of Determination



## SECTION 8.06 - REQUIREMENTS FOR PUBLIC WATER, SANITARY SEWER SERVICE, AND SIDEWALKS

- A.** Unless otherwise recommended for exemption by the Township Engineer, all lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.
- B.** Sidewalks or a non-motorized trail shall be constructed along any public or private road adjacent to the property lines. [SEE ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES.](#)

# CHAPTER 9

## R-1B RESIDENTIAL

### SECTION 9.01- PURPOSE

This district is intended to encourage a suitable environment for residential and compatible supportive uses. To this end, uses are basically limited to single-family homes, recreational, religious, and educational facilities.

### SECTION 9.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Adult family day care homes](#)
- B. [Adult foster care family homes](#)
- C. [Dwellings, single-family](#)
- D. [Family day care homes](#)
- E. [Foster family group homes](#)
- F. [Foster family homes](#)
- G. [Non-academic school uses](#)
- H. [Parks](#)
- I. [Schools, public or private](#)
- J. [Wireless communication facilities](#), subject to [SECTION 3.29A.1](#)

## SECTION 9.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Adult foster care group homes](#), subject to [SECTIONS 30.02-30.04](#)
- B. [Adult group day care homes](#), subject to [SECTION 30.20](#)
- C. [Community centers](#), subject to [SECTION 30.36](#)
- D. [Group child care homes](#), subject to [SECTION 30.20](#)
- E. [Religious institutions](#), subject to [SECTION 30.36](#)

## SECTION 9.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Golf courses and country clubs](#), subject to [SECTION 29.17](#)
- B. [Wireless communication facilities](#), subject to [SECTION 29.40](#)

## SECTION 9.05 - HEIGHT & AREA REGULATIONS

No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

### R-1B Residential: Height & Area Regulations

Building Type	Minimum Yards (feet)				Min. Lot Width (feet)	Min. Lot Area (square feet)	Max. Building Height <sup>(1)</sup> (feet)	Max. Lot Coverage (% of lot area)
	Front	Corner Front	Side	Rear				
Single-Family Residential if served with public water & sanitary sewer	30	25	10	40	90 <sup>(2)</sup>	11,700	35	25
Single-Family Residential if not served with both public water & sanitary sewer	30	25	10	40	100 <sup>(2)</sup>	13,000	35	25
Schools	70	50	50	100	330	435,600	35	NA
Religious institution	70	50	50	100	200	120,000	35	NA
Parks, Playgrounds & Community Centers	70	50	50	100	200	120,000	35	NA
All Others	30	30	10	50	100	13,000	35	25

(1) Or 2-1/2 stories, whichever is less.

(2) All corner lots shall have a minimum width of 110 feet.

See Also:

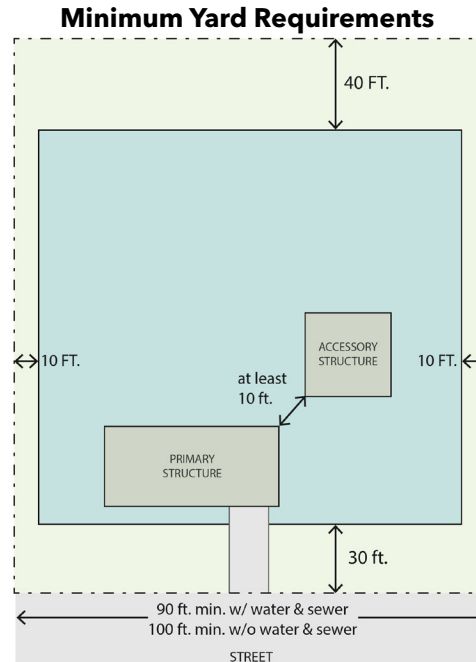
[SECTION 3.01](#) Accessory Buildings & Structures

[SECTION 3.06](#) Building Height Exceptions

[SECTION 3.10](#) Driveway Requirements

[SECTION 3.11](#) Dwellings, Single-Family

[SECTION 3.12](#) Front, Side, and Rear Yard Setback Requirements - Basis of Determination



## SECTION 9.06 - REQUIREMENTS FOR PUBLIC WATER, SANITARY SEWER SERVICE, AND SIDEWALKS

- A.** Unless otherwise recommended for exemption by the Township Engineer, all lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.
- B.** Sidewalks or a non-motorized trail shall be constructed along any public or private road adjacent to the property lines. [SEE ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES.](#)

# CHAPTER 10

## R-1C RESIDENTIAL

### SECTION 10.01- PURPOSE

This district is intended to encourage a suitable environment for residential and compatible supportive uses. This district is located near schools and other community facilities and is intended to function as a transition from larger lot residential parcels to more dense neighborhoods on smaller lots. To this end, uses are basically limited to single-family homes, recreational, religious, and educational facilities.

### SECTION 10.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Adult family day care homes](#)
- B. [Adult foster care family homes](#)
- C. [Dwellings, single-family](#)
- D. [Family day care homes](#)
- E. [Foster family group homes](#)
- F. [Foster family homes](#)
- G. [Non-academic school uses](#)
- H. [Parks](#)
- I. [Schools, public or private](#)
- J. [Wireless communication facilities](#), subject to [SECTION 3.29A.1](#)



## SECTION 10.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Adult foster care group homes](#), subject to [SECTIONS 30.02-30.04](#)
- B. [Adult group day care homes](#), subject to [SECTION 30.20](#)
- C. [Bed and breakfast establishments](#), subject to [SECTION 30.17](#)
- D. [Community centers](#), subject to [SECTION 30.37](#)
- E. [Group child care homes](#), subject to [SECTION 30.21](#)
- F. [Religious Institutions](#), subject to [SECTION 30.37](#)

## SECTION 10.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Golf courses and country clubs](#), subject to [SECTION 29.17](#)
- B. [Wireless communication facilities](#), subject to [SECTION 29.40](#)

## SECTION 10.05 - HEIGHT & AREA REGULATIONS

No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

### R-1C Residential: Height & Area Regulations

Building Type	Minimum Yards (feet)				Min. Lot Width (feet)	Min. Lot Area (square feet)	Max. Building Height <sup>(1)</sup> (feet)	Max. Lot Coverage (% of lot area)
	Front	Corner Front	Side	Rear				
Single-Family Residential if served with public water & sanitary sewer	30	25	10	40	100 <sup>(2)</sup>	20,000	35	25
Single-Family Residential if not served with both public water & sanitary sewer	30	25	10	40	100 <sup>(2)</sup>	40,000	35	25
Schools	70	50	50	100	330	435,600	35	NA
Religious institution	70	50	50	100	200	120,000	35	NA
Parks, Playgrounds & Community Centers	70	50	50	100	200	120,000	35	NA
All Others	30	30	10	50	100	13,000	35	25

(1) Or 2-1/2 stories, whichever is less.

(2) All corner lots shall have a minimum width of 110 feet.

See Also:

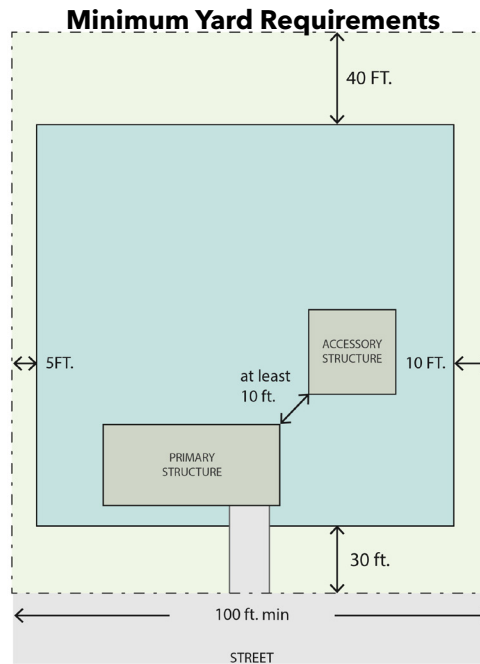
[SECTION 3.01](#) Accessory Buildings & Structures

[SECTION 3.06](#) Building Height Exceptions

[SECTION 3.10](#) Driveway Requirements

[SECTION 3.11](#) Dwellings, Single-Family

[SECTION 3.12](#) Front, Side, and Rear Yard Setback Requirements - Basis of Determination



## SECTION 10.06 - REQUIREMENTS FOR PUBLIC WATER, SANITARY SEWER SERVICE, AND SIDEWALKS

- A.** Unless otherwise recommended for exemption by the Township Engineer, all lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.
- B.** Sidewalks or a non-motorized trail shall be constructed along any public or private road adjacent to the property lines. [SEE ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES.](#)

# CHAPTER 11

## R-2 RESIDENTIAL

### SECTION 11.01- PURPOSE

This district is intended to provide the character and living environment as attributed to the single family residential districts while also permitting two-family dwellings.

### SECTION 11.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Adult family day care homes](#)
- B. [Adult foster care family homes](#)
- C. [Dwellings, single-family](#)
- D. [Dwellings, two-family](#)
- E. [Family day care homes](#)
- F. [Foster family group homes](#)
- G. [Foster family homes](#)
- H. [Parks](#)
- I. [Schools, public or private](#)
- J. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

## SECTION 11.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Adult foster care group homes](#), subject to [SECTIONS 30.02-30.04](#)
- B. [Adult group day care homes](#), subject to [SECTION 30.20](#)
- C. [Group child care homes](#), subject to [SECTION 30.21](#)
- D. [Religious Institutions](#), subject to [SECTION 30.37](#)

## SECTION 11.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Wireless communication facilities](#), subject to [SECTION 29.40](#)

## SECTION 11.05 - HEIGHT & AREA REGULATIONS

No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

### R-2 Residential: Height & Area Regulations

Building Type	Minimum Yards (feet)				Min. Lot Width (feet)	Min. Lot Area (square feet)	Max. Building Height <sup>(1)</sup> (feet)	Max. Lot Coverage (% of lot area)
	Front	Corner Front	Side	Rear				
Single-Family Residential if served with public water & sanitary sewer	30	25	10	40	90 <sup>(2)</sup>	11,700	35	25
Single-Family Residential if not served with both public water & sanitary sewer	30	25	10	40	100 <sup>(2)</sup>	13,000	35	25
Two Family Dwelling <sup>(3)</sup>	30	25	10	40	135	17,550	35	25
Schools	70	50	50	100	330	435,600	35	N/A
Parks, Playgrounds & Community Centers	70	50	50	100	200	120,000	35	N/A
Religious institution	70	50	50	100	200	120,000	35	N/A
All Others	70	50	50	100	200	120,000	35	N/A

(1) Or 3 stories, whichever is lesser.

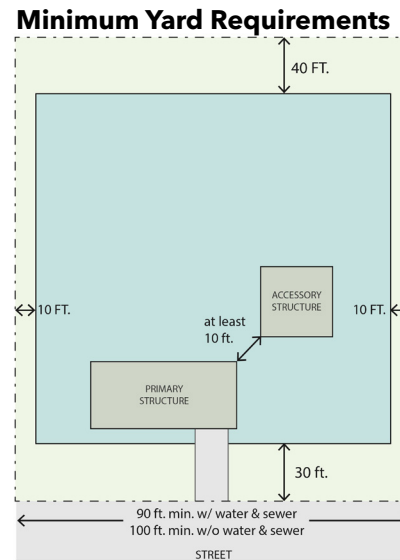
(2) All corner lots shall have a minimum width of 110 feet.

(3) Requirements are for 1 two-family dwelling on a lot.

## SECTION 11.06 - ADDITIONAL REQUIREMENTS FOR MORE THAN ONE TWO-FAMILY DWELLING ON A LOT

More than 1 two-family dwelling may be permitted on a lot as in the case of an apartment complex or condominium project, provided that the following additional requirements are met:

- A.** A minimum distance of 30 feet shall be maintained between the sides of any two buildings.
- B.** A minimum distance of 80 feet shall be maintained between the rear walls of any 2 buildings or the rear wall of 1 building and the front or side wall of another building.
- C.** There shall be a minimum distance of 25 feet between the nearest edge of any internal roadway that is not a public street or private road and any building wall.
- D.** There shall be a minimum distance of 15 feet between any parking space or carport and any wall of a principal building.
- E.** The maximum density shall not exceed 5.0 dwelling units per acre.
- F.** Sidewalks shall be constructed along any public or private road adjacent to the property lines. In addition, internal sidewalks shall be constructed as determined to be necessary by the Community Development Department. See Article II, Sidewalks and Non-Motorized Trails of Chapter 32 of the Plainfield Charter Township Code of Ordinances.
- G.** Dumpster enclosures shall be in accordance with [SECTION 3.22](#).



## SECTION 11.07 - REQUIREMENTS FOR PUBLIC WATER & SANITARY SEWER SERVICE

Unless otherwise approved by the Township Engineer, any school, religious institution, and two-family dwelling unit shall be served with public water and sanitary sewer service. All lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the Township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.

## SECTION 11.08 - MINIMUM FLOOR AREA

All single-family dwellings shall have the minimum useable floor area required in [SECTION 3.11\(H\)](#). All two-family dwelling units shall have a minimum useable first floor area of 780 square feet.

**See Also:**

[SECTION 3.01](#) Accessory Buildings & Structures

[SECTION 3.06](#) Building Height Exceptions

[SECTION 3.10](#) Driveway Requirements

[SECTION 3.11](#) Dwellings, Single-Family

[SECTION 3.12](#) Front, Side, and Rear Yard Setback Requirements Basis of Determination

[CHAPTER 32, ARTICLE II](#) Sidewalk and Non-Motorized Trails of the Plainfield Charter Township Codified Ordinances.

# CHAPTER 12

## R-3 RESIDENTIAL

### SECTION 12.01- PURPOSE

This district is intended to provide a desirable living environment to accommodate a selection of housing types, including apartments, condominiums, and group housing developments. This district may serve as a buffer or transition area between commercial land uses and less dense residential zoning districts.

### SECTION 12.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Adult family day care homes](#)
- B. [Adult foster care family homes](#)
- C. [Dwellings, multiple-family](#)
- D. [Dwellings, single-family](#)
- E. [Dwellings, two-family](#)
- F. [Family day care homes](#)
- G. [Foster family group homes](#)
- H. [Foster family homes](#)
- I. [Parks](#)
- J. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)



## SECTION 12.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Adult foster care group homes](#), subject to [SECTIONS 30.02-30.04](#)
- B. [Adult group day care homes](#), subject to [SECTION 30.21](#)
- C. [Child care centers](#) and [adult day care centers](#), subject to [SECTION 30.20](#)
- D. [Convalescent homes](#), subject to [SECTION 30.24](#)
- E. [Group child care homes](#), subject to [SECTION 30.21](#)
- F. [Mixed-use residential buildings](#), subject to [SECTION 30.31](#)
- G. [Religious institutions](#), subject to [SECTION 30.37](#)

## SECTION 12.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Adult assisted living centers](#), subject to [SECTION 29.15](#)
- B. [Adult foster care congregate facilities](#), subject to [SECTION 29.15](#)
- C. [Colleges and universities](#), subject to [SECTION 29.14](#)
- D. [Hospitals](#), subject to [SECTION 29.18](#)
- E. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

## SECTION 12.05 - HEIGHT & AREA REGULATIONS

No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

### R-3 Residential: Height & Area Regulations

Building Type	Minimum Yards (feet)				Min. Lot Width (feet)	Min. Lot Area (square feet)	Max. Building Height (feet)
	Front	Corner Front	Side	Rear			
Single Family And Two Family Dwellings	30	30	10	40	90	11,700	35
Multiple Family Dwelling	45	45	35	50	150	30,000 <sup>(1)</sup>	40 <sup>(2)</sup>
All Others	45	45	35	50	150	30,000	40

(1) Or 4,400 square feet of lot area for each dwelling unit, whichever is greater.

(2) Or 3 stories in height, whichever is less.

## SECTION 12.06 - ADDITIONAL REQUIREMENTS FOR MULTIPLE FAMILY DWELLINGS

The following requirements shall be met:

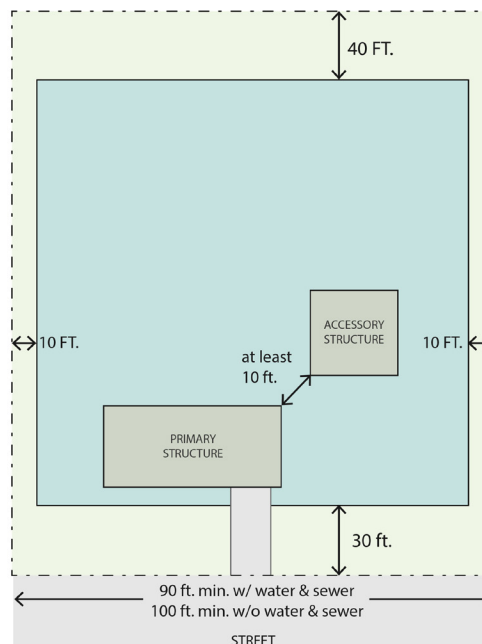
- A.** Landscaping shall be provided as required by [CHAPTER 34](#).
- B.** Each multiple family unit shall have a floor area, exclusive of basements, unfinished attics, attached garages, breezeways, enclosed and unenclosed porches and utility rooms, as follows:

1. 500 square feet for a 1-bedroom housing unit;
2. 750 square feet for a 2-bedroom housing unit;
3. 900 square feet for a 3-bedroom housing unit;
4. An additional 5 square feet of floor area for each bedroom in excess of 3.

- C. Group Buildings.** More than 1 multiple family building is permitted on a lot, as in the case of an apartment complex or condominium project, provided that the following additional requirements are met.

1. A minimum distance of 35 feet shall be maintained between the sides of any 2 buildings.
2. A minimum distance of 80 feet shall be maintained between the rear walls of any 2 buildings or the rear wall of 1 building and the front or side-wall of another building.
3. There shall be a minimum distance of 25 feet between the nearest edge of any internal roadway that is not a public street or private road and any building wall.
4. There shall be a minimum distance of 15 feet between any parking space, carport, or garage if the garage is not attached to the principal building, and any wall of a principal building.
5. At least 10 percent of the land area or 10,000 square feet, whichever is greater, shall be developed and maintained as a recreation area available for the use of occupants of all of the dwelling units.
6. The maximum density shall not exceed 10 dwelling units per acre, excluding land used for any road right-of-way, designated wetlands, ponds, or easements for storm water detention or retention ponds.

**Minimum Yard Requirements**



- E.** Dumpster enclosures shall be in accordance [SECTION 3.22](#).
- F.** Carports, a community garage, garages serving the principal buildings, or buildings containing space for no greater number of motor vehicles than 2 times the number of dwelling units in the principal building shall be provided.
- G.** A private swimming pool designed and operated only for the occupants of the principal buildings and their personal guests may be provided.
- H.** A community building for recreational activities of the occupants of the dwelling units and their guests may be provided.
- I.** A maintenance and management building such as are customarily used in connection with multiple-family dwellings, including a laundromat designed and operated only for occupants of the principal buildings, may be permitted.

**See Also:**

[SECTION 3.01](#) Accessory Buildings & Structures

[SECTION 3.06](#) Building Height Exceptions

[SECTION 3.10](#) Driveway Requirements

[SECTION 3.12](#) Front, Side, and Rear Yard Setback Requirements Basis of Determination

## **SECTION 12.07 - REQUIREMENTS FOR PUBLIC WATER & SANITARY SEWER SERVICE**

Any permitted use, except wireless communication facilities, shall be served with public water and sanitary sewer service. All lots platted and all site condominium units (lots) approved after the effective adoption of this ordinance shall be, as determined by the township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.

# CHAPTER 13

## R-4 RESIDENTIAL

### SECTION 13.01 - PURPOSE

This district is intended to provide suitable areas for mobile home residential development.

### SECTION 13.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A.** [Adult family day care homes](#)
- B.** [Adult foster care family homes](#)
- C.** [Family day care homes](#)
- D.** [Foster family group homes](#)
- E.** [Foster family homes](#)
- F.** [Mobile home dwellings](#) located in a licensed mobile home park
- G.** [Mobile home parks](#)
- H.** [Recreational facilities for the exclusive use of mobile home park residents and their guests, including, but not limited to, the following:](#)
  - 1.** Office and residence for manager of the mobile home park
  - 2.** Utility facilities, including laundry facilities for mobile home park residents
  - 3.** Storage facilities for mobile home park residents
  - 4.** Accessory buildings, as regulated herein, and as would normally be ancillary to a mobile home park

- I. [Parks](#)
- J. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

### **SECTION 13.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Adult foster care family homes](#), subject to [SECTIONS 30.02-30.04](#)
- B. [Adult group day care homes](#), subject to [SECTION 30.21](#)
- C. [Group child care homes](#), subject to [SECTION 30.21](#)
- D. [Religious institutions](#), subject to [SECTION 30.37](#)

### **SECTION 13.04 - USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

### **SECTION 13.05 - HEIGHT REGULATIONS**

No building shall be erected to exceed 2 ½ stories or 35 feet in height, whichever is less.

### **SECTION 13.06 - CONSTRUCTION AND OCCUPANCY**

The rules promulgated by the Michigan Mobile Home Commission to implement the Mobile Home Commission Act, being Act 96 of 1987, as amended, are incorporated herein, by reference.

In accordance with the provisions of [CHAPTER 36](#), a building permit and certificate of occupancy shall be required for each mobile home installed in the park.

### **SECTION 13.07 - PRELIMINARY PLAN APPROVAL**

No construction shall take place on a new mobile home park or the expansion of an existing mobile home park until after a preliminary plan, as required in Act 96 of 1987, as amended, has been submitted and approved by the Planning Commission. No preliminary plan shall be approved unless it conforms to all applicable laws and local ordinances and all applicable rules promulgated under Act 96, 1987, as amended.

# CHAPTER 14

## C-1 COMMERCIAL

### SECTION 14.01 - PURPOSE

This district is intended to provide for retail and service uses necessary to serve the residential areas of the township and its environs. This district is also intended to encourage the concentration of business uses to the mutual advantage of the consumers and merchants.

### SECTION 14.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Bars or taverns](#)
- B. [Data processing centers](#)
- C. [Donation or resale facilities](#)
- D. [Dry cleaners or laundromats](#)
- E. [Financial institutions](#) without [drive-in or drive-through service](#)
- F. [Government or public utility buildings](#)
- G. [Health clubs or gyms](#)
- H. [Indoor recreation facilities](#)
- I. [Parks](#)
- J. [Personal service establishments](#)
- K. [Professional offices](#)
- L. [Radio or television studios](#)

- M. [Restaurants without drive-in or drive-through service](#)
- N. [Retail businesses](#)
- O. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

### SECTION 14.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Animal clinic, small](#), subject to [SECTION 30.05](#)
- B. [Artisan food and beverage production](#), subject to [SECTION 30.08](#)
- C. [Automotive service stations or gas stations](#), subject to [SECTION 30.14](#)
- D. [Bars, taverns, and restaurants with service from decks, porches, or other outside areas open until 10 p.m.](#), subject to [SECTION 30.16](#)
- E. [Child care centers](#) and [adult day care centers](#), subject to [SECTION 30.20](#)
- F. [Convalescent homes](#), subject to [SECTION 30.24](#)
- G. [Live entertainment](#), subject to [SECTION 30.29](#)
- H. [Permitted uses with drive-in or drive through service](#), subject to [SECTION 30.36](#)
- I. [Permitted uses with drive-in or drive through service as part of an integrated facility](#), subject to [SECTION 30.36](#)
- J. [Religious Institutions](#), subject to [SECTION 30.37](#)
- K. [Temporary structures and uses](#), subject to [SECTION 30.40](#)
- L. [Twenty-four-hour operations](#), subject to [SECTION 30.41](#)

### SECTION 14.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Adult foster care congregate facilities](#), subject to [SECTION 29.15](#)
- B. [Automotive rental facilities](#), subject to [SECTION 29.08](#)
- C. [Bars, taverns, & restaurants](#) with service from decks, porches, or other outside areas, open after 10 p.m. subject to [SECTION 29.09](#)
- D. [Permitted uses](#) not conducted within a completely enclosed building, subject to [SECTION 29.29](#).
- E. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

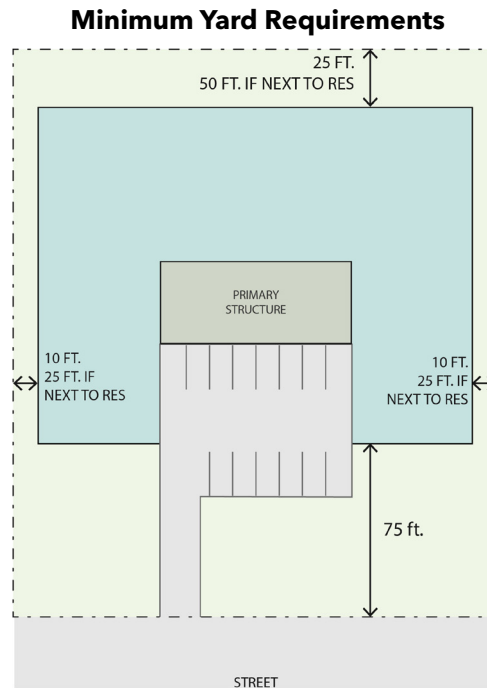
## SECTION 14.05 - HEIGHT REGULATIONS

No building shall be erected to exceed 30 feet or 2 stories in height, whichever is less.

## SECTION 14.06 - AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yard area requirements are provided and maintained.

- A. Front yard.** There shall be a minimum front yard setback of 75 feet.
- B. Corner front yard.** There shall be a minimum corner front yard setback of 35 feet.
- C. Side yard.** There shall be minimum side yard setbacks of 10 feet on each side, except where this zone district abuts an R-1A, R-1B, R-1C, R-2, or R-3 district on the side, a minimum side yard setback of 25 feet shall be provided.
- D. Rear yard.** There shall be a minimum rear yard setback of 25 feet, except that where this zone district abuts an R-1, R-1A, R-2, or R-3 district in the rear, a minimum rear yard setback of 50 feet shall be provided.



## SECTION 14.07 - ADDITIONAL REQUIREMENTS

- A.** Sidewalks or a nonmotorized trail are required in this district and shall be built, rebuilt, maintained, and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks as required by the township. [SEE ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES.](#)
- B.** All business, service, processing, or display of merchandise is conducted wholly within a completely enclosed building, except for off-street parking and loading facilities and signs
- C.** Off-street parking and loading facilities shall be provided in accordance with requirements of [CHAPTER 32](#).
- D.** Dumpster enclosures shall be in accordance [SECTION 3.22](#).
- E.** Site lighting shall be in accordance with requirements of [CHAPTER 33](#).
- F.** Landscaping and buffering shall be provided in accordance with requirements of [CHAPTER 34](#).
- G.** Site plan approval is required in accordance with [CHAPTER 35](#).



# CHAPTER 15

## VC VILLAGE COMMERCIAL

### SECTION 15.01 - PURPOSE

The Village Commercial (VC) district is intended to promote commercial activities, in areas such as the existing Comstock Park town center, by providing for a variety of retail, office, restaurant, and entertainment activities within the district. This district promotes the integration of business activity and services, governmental functions, and residential land uses.

### SECTION 15.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Bars or taverns](#)
- B. [Data processing centers](#)
- C. [Donation or resale facilities](#)
- D. [Dry cleaners or laundromats](#)
- E. [Financial institutions](#) without [drive-in or drive-through service](#)
- F. [Government or public utility buildings](#)
- G. [Health clubs or gyms](#)
- H. [Indoor recreation facilities](#)
- I. [Parks](#)
- J. [Personal service establishments](#)

- K.** [Professional offices](#)
- L.** [Radio or television studios](#)
- M.** [Restaurants without drive-in or drive-through service](#)
- N.** [Retail businesses](#)
- O.** [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

## **SECTION 15.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A.** [Animal clinic, small](#), subject to [SECTION 30.05](#)
- B.** [Artisan food and beverage production facilities](#), subject to [SECTION 30.08](#)
- C.** [Automotive service stations and gas stations](#), subject to [SECTION 30.13](#)
- D.** [Bars, taverns, and restaurants with service from decks, porches, or other outside areas open until 10 p.m.](#) subject to [SECTION 30.16](#)
- E.** [Child care centers](#) and [adult day centers](#), subject to [SECTION 30.20](#)
- F.** [Contractor's offices and showrooms without yards](#), subject to [SECTION 30.23](#)
- G.** [Convalescent homes](#), subject to [SECTION 30.24](#)
- H.** [Indoor theaters](#), subject to [SECTION 30.37](#)
- I.** [Live entertainment](#), subject to [SECTION 30.29](#)
- J.** [Mixed use residential buildings](#), subject to [SECTION 30.31](#)
- K.** [Permitted uses with drive-in or drive through service](#), subject to [SECTION 30.36](#)
- L.** [Permitted uses with drive-in or drive through service as part of an integrated facility](#), subject to [SECTION 30.36](#)
- M.** [Private clubs and lodges](#), subject to [SECTION 30.37](#)
- N.** [Religious institutions](#), subject to [SECTION 30.37](#)
- O.** [Sidewalk cafés](#), subject to [SECTION 30.39](#)
- P.** [Temporary structures and uses](#), subject to [SECTION 30.40](#)
- Q.** [Twenty-four-hour operations](#), subject to [SECTION 30.41](#)

## SECTION 15.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A.** [Adult foster care congregate facilities](#), subject to [SECTION 29.15](#)
- B.** [Bars, taverns, & restaurants with service from decks, porches, or other outside areas open after 10 p.m.](#), subject to [SECTION 29.09](#)
- C.** [Permitted uses not conducted within a completely enclosed building](#), subject to [SECTION 29.29](#)

## SECTION 15.05 - HEIGHT REGULATIONS

No building shall exceed 30 feet or 2 stories in height, whichever is less.

## SECTION 15.06 - AREA REGULATIONS

The front, corner front, side, and rear yard setbacks shall be determined by the Planning Commission in its review of the site plan. In determining the setbacks, the Planning Commission shall take into consideration, the impact on adjoining land uses, whether the proposed setback disrupts the interior circulation pattern on that block, whether safe vehicular and pedestrian access is maintained, whether the setbacks will allow safe access for emergency services, and whether or not the proposed setbacks will create unusable or unsafe areas.

## SECTION 15.07 - ADDITIONAL REQUIREMENTS

No building or structure shall be erected, nor any existing building or structure be enlarged, unless the following requirements are provided for and maintained.

- A.** Off-street parking and loading facilities shall be provided in accordance with the requirements of [CHAPTER 32](#). In addition, landscaping and buffering shall be provided in accordance with requirements of [CHAPTER 34](#). However, the township recognizes that site development under the village commercial concept may present limitations to provide traditional parking, landscaping, and green strips. The Planning Commission may approve modifications of the requirements from chapters 32 and 34 for parcels within the Village Commercial district.
- B.** Signs within the Village Commercial district shall comply with the requirements of [CHAPTER 31](#).
- C.** Buildings shall possess architectural variety and enhance the community character. Where appropriate, new buildings and existing buildings being renovated shall provide architectural features and details.
- D.** Dumpster enclosures shall be in accordance [SECTION 3.22](#).
- E.** Site lighting shall be in accordance with [CHAPTER 33](#).
- F.** Site plan approval is required in accordance with [CHAPTER 35](#).
- G.** The Community Development Department may require that any development which is subject to site plan approval by the Director of the Community Development Department or the Planning Commission be reviewed by the Comstock Park Downtown

Development Authority for its recommendations.

- H.** Sidewalks or a nonmotorized trail are required in this district and shall be built, rebuilt, maintained, and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks as required by the township. See [ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES.](#)

# CHAPTER 16

## MIXED-USE COMMERCIAL (MXU)

### SECTION 16.01 - PURPOSE

The Mixed-Use Commercial (MXU) district is intended to create neighborhood-based segments. Key design concepts include multi-story buildings that frame the street, a wide spectrum of uses by block or building, shared access and parking, a variety of housing types, and public gathering areas such as outdoor seating. Compact retail commercial, services, and workplaces within walking distance of housing to meet daily needs and support amenities that will contribute towards placemaking and quality of life are desired.

Buildings should have high-quality materials and be easily convertible to allow for changing uses over time. A broad mix of retail, office, light manufacturing, and a variety of housing types, sizes, and price levels is encouraged. Development will be pedestrian-oriented, with a high degree of transparency on store fronts and functional, attractive outdoor seating areas. Parking is placed to the side or rear of main buildings, driveways are consolidated on primary streets, and vehicular access is encouraged on secondary streets.

### SECTION 16.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Accessory dwelling units](#)
- B. [Adult foster care family homes](#)
- C. [Bars or taverns](#)
- D. [Catering establishments](#)
- E. [Colleges and universities](#)
- F. [Data processing centers](#)

- G.** [Donation or resale facilities](#)
- H.** [Dry cleaners or laundromats](#)
- I.** [Dwellings, attached single family](#)
- J.** [Dwellings, multiple family](#)
- K.** [Dwellings, micro units](#)
- L.** [Emergency medical facilities](#)
- M.** [Equipment rental services](#)
- N.** [Financial institutions without drive-in or drive-through service](#)
- O.** [Government or public utility buildings](#)
- P.** [Group child care homes](#)
- Q.** [Health clubs or gyms](#)
- R.** [Hot tub and spa rental facilities](#)
- S.** [Indoor recreation facilities](#)
- T.** [Hotels or motels](#)
- U.** [Laboratories or technology centers](#)
- V.** [Live-work units](#)
- W.** [Mixed use residential buildings](#)
- X.** [Non-academic school uses](#)
- Y.** [Parks](#)
- Z.** [Personal service establishments](#)
- AA.** [Professional offices](#)
- AB.** [Radio or television studios](#)
- AC.** [Restaurants without drive-in or drive-through service](#)
- AD.** [Retail businesses](#)
- AE.** [Schools, business or professional](#)
- AF.** [Schools, public or private](#)
- AG.** [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

## **SECTION 16.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use:

- A.** [Adult daycare center](#), subject to [SECTION 30.20](#)

- B. [Adult foster care group home](#), subject to [SECTION 30.02-30.04](#)
- C. [Animal clinics, small](#), subject to [SECTION 30.05](#)
- D. [Animal grooming or training facilities](#), subject to [SECTION 30.07](#)
- E. [Artisan food and beverage production](#), subject to [SECTION 30.08](#)
- F. [Bars, taverns, and restaurants with service from decks, porches, or other outside areas open until 10 p.m.](#), subject to [SECTION 30.16](#)
- G. [Breweries or distilleries \(without retail/restaurant service\)](#), subject to [SECTION 30.18](#)
- H. [Child day care center](#) subject to [SECTION 30.20](#)
- I. [Community centers](#), subject to [SECTION 30.37](#)
- J. [Contractor's office and showrooms without storage yards](#), subject to [SECTION 30.23](#)
- K. [Convalescent homes](#), subject to [SECTION 30.24](#)
- L. [Funeral homes](#), subject to [SECTION 30.26](#)
- M. [Indoor theaters](#), subject to [SECTION 30.37](#)
- N. [Live entertainment](#), subject to [SECTION 30.29](#)
- O. [Manufacturing, processing, or assembly facilities, light](#), subject to [SECTION 30.28](#)
- P. [Permitted uses not conducted within a completely enclosed building](#), subject to [SECTION 30.35](#)
- Q. [Private clubs or lodges](#), subject to [SECTION 30.37](#)
- R. [Religious institutions](#), subject to [SECTION 30.37](#)
- S. [Sidewalk cafes](#), subject to [SECTION 30.39](#)
- T. [Temporary structures & uses](#), subject to [SECTION 30.40](#)
- U. [Twenty-four-hour operations](#), subject to [SECTION 30.41](#)

## **SECTION 16.04 - USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Adult foster care congregate facilities](#), subject to [SECTION 29.15](#)
- B. [Bars, taverns, and restaurants with service from decks, porches, or other outside areas open after 10 p.m.](#), subject to [SECTION 29.09](#)
- C. [Hospitals](#), subject to [SECTION 29.18](#)
- D. [Outdoor recreational uses](#), subject to [SECTION 29.27](#)
- E. [Permitted uses with drive-in or drive-through service as part of an integrated facility](#), subject to [SECTION 29.30](#)
- F. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

## SECTION 16.05 - SITE REGULATIONS

All development in the Mixed-Use zone district shall comply with the requirements of this Section. The intent of these requirements is to:

- Encourage the massing and scale of buildings such that they frame the street and provide a consistent edge to calm traffic;
- Create a walkable environment by providing adequate space for pedestrian access and comfort;
- Allow parking to the side and rear of main buildings;
- Consolidate driveways on the primary street and encourage vehicular access from secondary streets; and
- Develop a contemporary sense of place that de-emphasizes the automobile and creates vibrancy.

**TABLE 16.05.A. Site Regulations**

	Minimum	Maximum	With Bonuses	Special Land Use	Section
<b>Building Height</b>	20 feet or 2 stories	60 feet	80 feet	100 feet	-
<b>Lot Area</b>	3,000 square feet	-	-	-	-
<b>Lot Width</b>	30 feet	-	-	-	-
<b>Density</b>	1,250 square feet (lot area per dwelling unit)		750 square feet (lot area per dwelling unit)	-	-
<b>RBL</b>	30 feet	-	-	-	<a href="#">16.05</a> & <a href="#">16.06</a>
<b>Side Yard Setback</b>	0 feet or 5 feet	-	-	-	
<b>Rear Yard Setback</b>	25 feet	-	-	-	
<b>Landscape Buffer (Side or Rear)</b>	When abutting R-1A, R-1B, -1C, R-2, or R-3, a buffer shall be provided			-	<a href="#">CH. 34</a>

**A. Required Building Line (RBL)** The RBL is considered as a mandatory placement of the building, where the face of the building must be “built to” the required line.

- 1. Intent.** These provisions have been written to allow structures to evolve over time in a manner that frames the street, creates place, contributes to the creation of a more walkable community, and optimizes use of the site to support redevelopment efforts.
- 2. Unique Conditions.** Due to varied property lines, access easements, road deceleration tapers, and other constraints along major corridors, the language of the Required Building Line (RBL) is intended to guide new development with the understanding that each site and its unique conditions will need to be taken into consideration when determining the building line.



### 3. RBL Standards of Determination:

- a. RBL measurements shall be inclusive of public rights-of-way and private property.
  - i. Measurements shall be based on the curb line of the existing primary street to avoid discrepancies in varying lot lines and to provide sufficient pedestrian circulation, access, and to maintain a consistent streetscape and street wall.
  - ii. Curbs associated with deceleration tapers, as required by MDOT, shall be considered as part of the street curb.
- a. There shall be a 10-foot parkway that is unpaved and planted with lawn or landscaping located at the back of the street curb. Where there is a deceleration taper, a 4-foot credit shall be given for the taper to this parkway width standard. (See [Figure 16.1](#))
- b. A minimum 5 feet sidewalk will be provided. Maximum sidewalk width will be 7 feet unless paving is used for the purposes of a regional non-motorized trail or patio for outdoor seating. (See [Figure 16.1](#))
- c. Buildings will be placed 10 feet from the back of sidewalk. The following exceptions apply:
  - i. Buildings may be placed up to 30 feet from the back of sidewalk for buildings constructed exclusively for residential use and units are positioned on the ground floor.
  - ii. Buildings may be placed up to 5 feet from back of sidewalk where a parkway of greater than 10 feet is present.
  - iii. If the configuration of the parkway and sidewalk is unable to accommodate a 10 foot parkway between the sidewalk and back of curb, buildings shall be placed as close to 25 feet from back of curb as possible. (See [Figure 16.1](#))

### 4. Facade Along RBL

- a. At least 75 percent of a building's façade shall be located along the RBL, unless a bonus is applied with an active amenity use, such as a usable public space. (See [Figure 16.2](#)) For bonuses, please refer to [SECTION 16.07](#).
- b. Where parking is located to the side of a building, the parking area shall not exceed a 1:1 ratio of the equivalent width of the building and side yard setback. For example, if the building width and side yard total 60 feet then the side parking area shall not exceed 60 feet.
- c. Where multiple buildings are present on a lot and one or more buildings are not placed on the RBL, the building frontage of any main building located along the RBL shall be at least as long as the largest main building located on the same lot.

### 2. Administrative Departure. Building location may be adjusted to accommodate an internal service drive in the front yard where the following conditions exist:

- a. Private agreements are in place between adjoining properties to allow cross-access which cannot be modified.
- b. A rear access drive to adjoining properties cannot be accommodated due to the placement of buildings.

Figure 16.1 - Ideal Site Cross Section

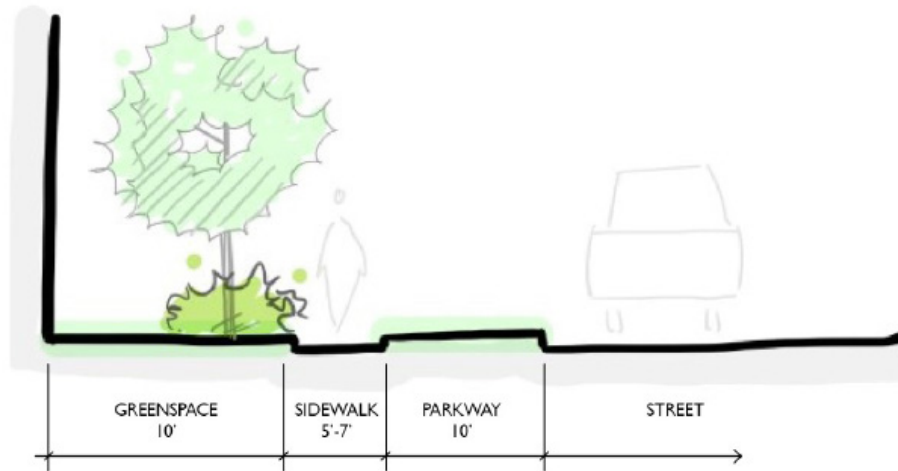


Figure 16.2 - Site & Building Regulations 1

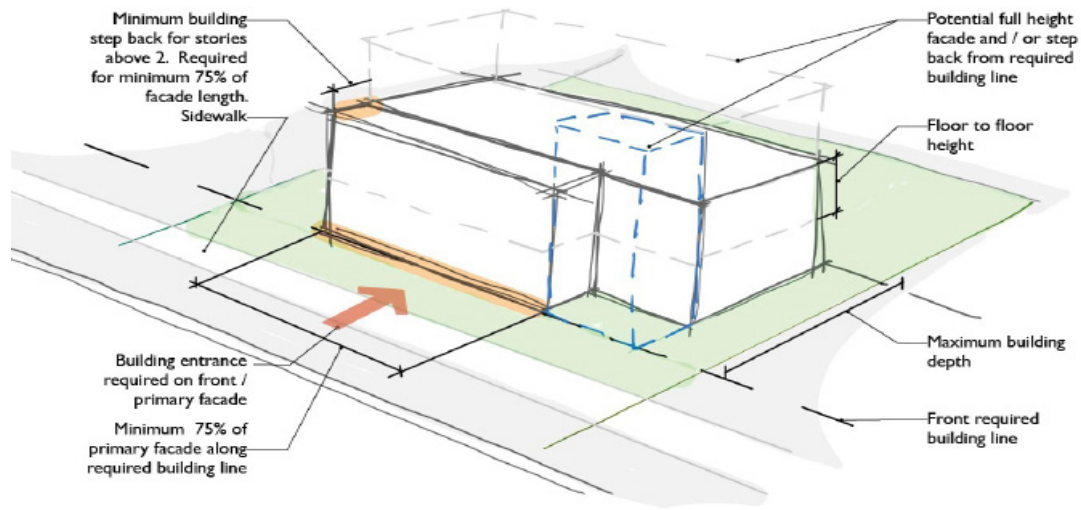
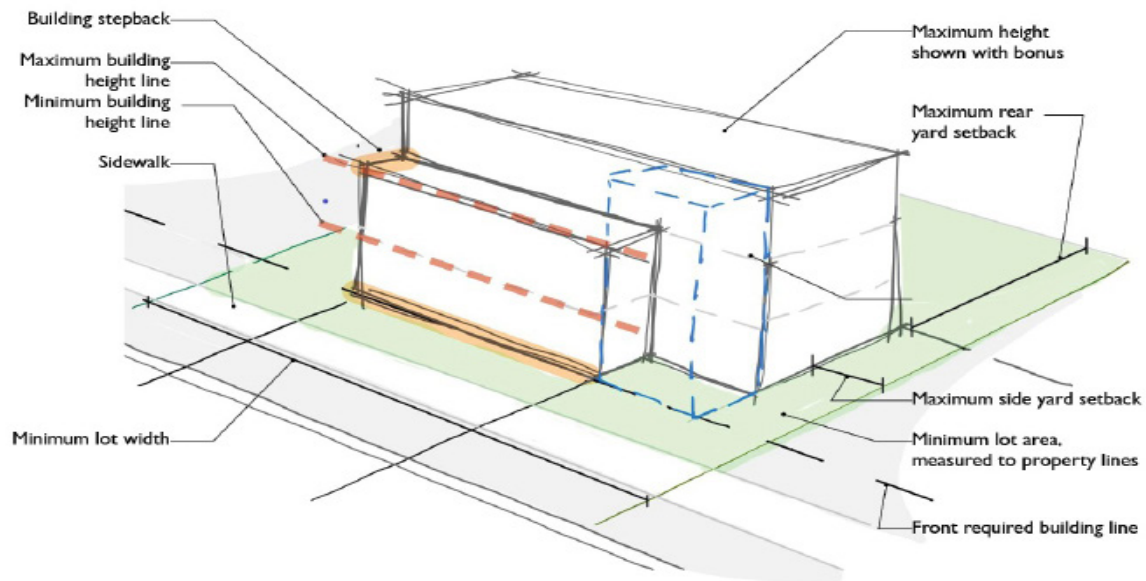


Figure 16.3 - Site & Building Requirements 2



## SECTION 16.06 - BUILDING DESIGN REGULATIONS

All buildings in the Mixed-Use zone district shall comply with the requirements of this Section. The intent of these requirements is to:

- Increase the likelihood that buildings are flexible and adaptable over time for a variety of occupants;
- Add visual interest, increase pedestrian traffic, and create a safe environment;
- Create an identity for mixed-use areas in Plainfield Township that improves quality of life, increases physical activity, and connects to abutting neighborhoods; and
- Articulate large buildings into human-scale increments so that redevelopment gently transforms commercial areas into walkable places.

**TABLE 16.06.A. Building & Design Regulations**

	Minimum	Maximum	Section
Floor to Ceiling Height	12 feet	16 feet	-
Facade along RBL	75%	100%	<a href="#">16.05 A.4</a>
Building Stepback	10 feet	-	<a href="#">16.06 D.1</a>
	<b>Commercial*</b>	<b>Residential</b>	
Building Entrance on Front Facade	Yes	Yes	<a href="#">16.06 D.2</a>
Building Depth	30 feet	-	<a href="#">16.06 D.3</a>
Facade Transparency	60%	30%	<a href="#">16.06 C</a>
Building Materials	Yes	Yes	<a href="#">16.06 A</a>
Architectural Design Variation	Yes	Yes	<a href="#">16.06 B</a>

\*For the purposes of these regulations, commercial means non-residential and may include office or other such uses.

**A. Building Materials.** Building materials requirements shall ensure high-quality buildings are constructed in such a manner that buildings are long-lasting, high quality, and contribute aesthetic value to the community.

1. 50 percent of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements shall be constructed of brick, glass, fiber cement siding, wood lap, stucco, split-faced block, or stone.
2. Building materials used on the façade of the building must wrap the front corner edges to the first 5 feet of the building sides to create finished corners visible from the street.
3. To provide visual depth and strong shadow lines, clapboard siding must have a minimum butt thickness of a quarter (1/4) inch.
4. Metal siding or paneling may only be allowed as a primary material upon Community Development Department review, and where combined with a masonry foundation which extends a minimum two feet above adjacent grade. To ensure durability and

visual character, metal siding or paneling shall be minimum 24 gauge with no visible fasteners. Any change in profile shall be non-corrugated and have rib depth of a minimum one (1)-inch.

5. Exterior insulation and finish system (EIFS) and vinyl or aluminum siding shall only be used for accents or on the side of buildings (excluding the first 5 feet abutting the front corner) and the rear of a building. Corrugated roofing materials are not permitted.

**B. Architectural Design Variation.** Architectural design variation, or facade articulation, for building walls facing the street is required to ensure that the building is not monotonous in appearance.

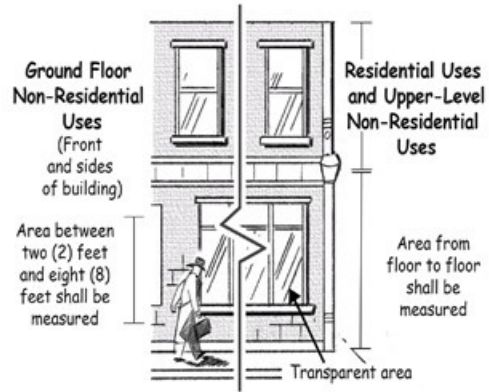
1. Building wall offsets (projections and recesses) of at least 6 inches, cornices, varying building materials, or other approaches shall be used to break up the mass of a single building.
2. The maximum linear length of an uninterrupted building façade facing a public street and/or park shall be 30 feet.
3. Blank or windowless walls shall not make up more than 30 percent of each building façade per story (as measured from floor to floor). Blank, windowless walls facing public streets and/or parks are prohibited.
4. A horizontal line on the façade known as the Expression Line (EL) shall distinguish the base of the building from the remainder to enhance the pedestrian environment. The EL shall be set so that the bottom of the line is no higher than 16 feet above grade. The EL shall be created by a change in material, a change in design, or by a continuous setback, recess, or projection above or below the EL (See [Figure 16.5](#)).
5. Exterior appliance and utility venting on street-facing facades must be designed and appropriately placed by an architect in such a manner so as to provide an integrated appearance.
6. **Administrative Departure.** An Administrative Departure may be approved if other methods to provide adequate articulation demonstrate that the visual effect of articulation is maintained. Examples of acceptable variations may include architectural or artistic details or features, a variation in color or materials and enhanced ornamentation around building entranceways.

**C. Facade Transparency.** The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally using windows and doors so that active uses within the building are visible from or accessible to the street. Upper floor transparency is provided to ensure that access to adequate light and air is provided and that excessive areas of blank walls are avoided.

1. The minimum transparency requirement as described in the table at the beginning of the section ([Table 16.06.A](#)) shall apply to all sides of a building that abut a public right-of-way.
  - a. For non-residential ground-floor uses, the area of the front and sides of a building between 2 and 8 feet above the sidewalk (or ground level adjacent the building if a sidewalk is not present) shall be used to measure transparency (See [Figure 16.4](#)).
  - b. For residential uses and for upper-level non-residential uses, the area from floor

to floor shall be used to measure transparency (See [Figure 16.4](#)).

Figure 16.4



2. Only those windows and door areas arranged so that active uses within the building are visible from the street shall be counted toward meeting transparency requirements. Enclosed product display windows and other similar elements that do not permit clear visibility into the interior of the building shall be omitted from transparency calculations.
3. Glass in windows, doors, and display windows shall be transparent to ensure a safe, pedestrian-oriented environment. Glass shall be clear or lightly tinted and have a measurement of 70 percent or greater visible light transmission (VLT).
4. The use of highly reflective surfaces, including reflective glass and mirrors, is prohibited on the ground floor.
5. Where stairwells are introduced to the outer building wall of a development, the exterior of the stairwell and exit door shall be at least 40 percent transparent.
6. Transparency requirements do not apply to portions of structures in assembly area of theaters, auditoriums, religious institutions, and similar uses, provided the building wall is enhanced by architectural detailing, artwork, landscaping or similar features.
7. Product display windows shall be internally lit. Interior displays shall be set back a minimum of one (1) foot from the window and shall not cover more than 50 percent of the window opening. Displays nearer than one (1) foot from the window shall be considered a window sign.
8. **Administrative Departures.** Administrative Departures may be granted to provide mitigation measures such as the addition of architectural elements, display windows with a minimum 12-inch depth, a green wall or landscaping. Departures may be granted in instances where at least one of the following is true:
  - a. It is demonstrated by the applicant that transparency would be significantly detrimental to the operation or security of the proposed use;
  - b. Sloping grades would make the introduction of windows impractical;
  - c. All sides of a building are adjacent to the public right-of-way and/or a public space;
  - d. Any side of a building abuts an outdoor service area, such as loading spaces, trash removal operations, ground level mechanical facilities, or similar use; or
  - e. A building has a side yard setback less than 5 feet which abuts an interior lot and transparency requirements are in conflict with building codes.

## D. Other Building Requirements

### 1. Building Stepbacks

- a. Building stepbacks shall be at least 10 feet above the second story for buildings that are taller than 2 stories along sides that are abutting a public street.
- b. The stepback shall span a minimum horizontal width of at least 75 percent of any affected side of a building (See [Figure 16.5](#)).

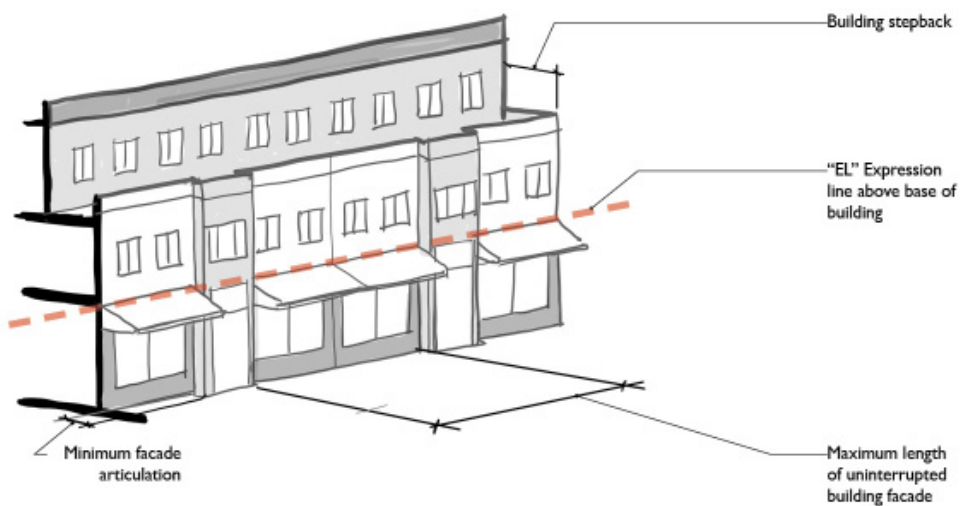
### 2. Building Entrances

- a. The primary building entrance shall be in the front façade, parallel to the street. It shall connect to a sidewalk that is accessible by the public.
- b. Entry placement at a building corner so that the entrance is accessible both to a sidewalk as well as a parking area is acceptable.
- c. The building entry will be clearly visible and easily recognizable using items such as a canopy or awning, large planters, or architectural elements that assist in defining as an access point.
- d. Entrances shall be usable during business hours.
- e. For rear customer entrances facing on-site parking, doors shall be 40 percent transparent. Rear customer entrances shall be recognizable and assist in the wayfinding of the business.

### 3. Ground Flood Depth

- a. The depth of usable space on the ground floor shall be at least 30 feet to provide sufficient space for building circulation and layout.
- b. This depth of usable space shall be maintained even when parking is suggested behind the front façade.

Figure 16.5 Building Design Regulations



## SECTION 16.07 - BONUSES

Developments may qualify for a height and/or density bonus based on the features and the activities as described below. Note: other factors, such as on-site parking, height limits, and lot configuration may limit the overall allowable density on a site.

### A. Features & Activities that Qualify for Bonuses (Also see [Table 16.07.A](#))

1. **Creation of a Local Access Street** qualifies a site for increased building height of 10 feet and additional residential density. Public access must be made available for the new local street which satisfies the recommendations of the Reimagine Plainfield Plan to create a “shadow” parallel street system to Plainfield Avenue. It must connect two points and not create a dead-end, unless the Planning Commission finds it reasonable to conclude that future connections will occur with abutting properties. Road construction standards per the Kent County Road Commission shall be satisfied.
2. **Usable Public Space** is an amenity area that provides public access directly from the sidewalk at ground level to a usable outdoor space. The building façade along the RBL may be reduced to allow for outdoor seating, playground, dog park, or other spaces that will create vibrancy and encourage activity.
3. **Residential Units.** Developments may qualify for a residential use height bonus where more than 75 percent of a building will be occupied by residential units.

**TABLE 16.07.A. Bonus Table**

Activity/Facility Provided	Activity Bonus*	Bonus*
Creation of a local access street	Increased building height	10 feet
	Minimum lot size area per dwelling unit may be reduced by up to 500 sq. ft. per unit (see <a href="#">Table 16.05A</a> )	# of units
Usable public space	Facade along RBL reduced by 25%	Building setback
Residential units	Increased building height	10 feet

\* Where only seeking one bonus, the applicant may seek additional height through the special land use process.

**B. Administrative Departure.** For residential density bonuses, the Community Development Department may reduce on-site parking requirements by a maximum of 33 percent where shared parking with alternating daytime uses will occur. Refer to Chapter 32.

**C. Special Land Use.** Additional height beyond that allowable with bonuses may be requested as a Special Land Use. Refer to [Chapter 29](#).

## SECTION 16.08 - ADDITIONAL REQUIREMENTS

- A. Sidewalks or nonmotorized trails are required in this district and shall be built, rebuilt, maintained, and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks as required by the township. See [ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD](#)



CHARTER TOWNSHIP CODE OF ORDINANCES.

- B.** On-site parking and loading facilities shall be provided in accordance with requirements of CHAPTER 32.
- C.** Dumpster enclosures shall be in accordance SECTION 3.22.
- D.** Site lighting shall be in accordance with requirements of CHAPTER 33.
- E.** Landscaping and buffering shall be provided in accordance with requirements of CHAPTER 34.
- F.** Site plan approval is required in accordance with CHAPTER 35.



# CHAPTER 17

RESERVED

# CHAPTER 18

## COMMUTER COMMERCIAL (CC)

### SECTION 18.01 - PURPOSE

This district is intended to provide for more intense, auto-oriented development. Land uses and buildings may be less dense and focused on providing goods and services to the motoring public such as vehicle sales, fast food restaurants with drive-throughs, auto repair businesses, car washes, gas stations, and oil changes. Additional land uses are permitted within this district, however, due to the intense nature of these uses residential is not permitted.

Parking may be in the front, side, or rear of buildings. Although it is recognized that this district is intended to accommodate the automobile, all people should be able to safely travel through this zone district. Efforts should be made to ensure that building placement, the location of drives, and other site elements protect and buffer pedestrians. High-quality development in keeping with investments made in upgraded car dealerships are important to keep the area competitive with other, similar regional corridors.

### SECTION 18.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Bars or taverns](#)
- B. [Catering establishments](#)
- C. [Contractor's offices and showrooms without yards](#)
- D. [Data processing centers](#)
- E. [Donation or resale facilities](#)
- F. [Dry cleaners or laundromats](#)

- G. [Emergency medical service facilities](#)
- H. [Equipment rental services](#)
- I. [Financial institutions without drive-in or drive-through services](#)
- J. [Government or public utility buildings](#)
- K. [Health clubs or gyms](#)
- L. [Parks](#)
- M. [Personal service establishments](#)
- N. [Professional offices](#)
- O. [Radio and television studios](#)
- P. [Restaurants without drive-in or drive-through service](#)
- Q. [Retail businesses](#)
- R. [Schools, business or professional](#)
- S. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#).

## **SECTION 18.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Animal clinic, small](#), subject to [SECTION 30.05](#)
- B. [Animal grooming or training facility](#), subject to [SECTION 30.07](#)
- C. [Artisan food and beverage production facility](#), subject to [SECTION 30.08](#)
- D. [Automotive repair facilities, major](#) subject to [SECTION 30.11](#)
- E. [Automotive repair facilities, minor](#) subject to [SECTION 30.12](#)
- F. [Automotive sales, new and used vehicles](#), subject to [SECTION 30.13](#)
- G. [Automotive service stations and gas stations](#), subject to [SECTION 30.14](#)
- H. [Automotive wash establishments](#), subject to [SECTION 30.15](#)
- I. [Bars, taverns, and restaurants with service from decks, porches, or other outside areas open until 10 p.m.](#), subject to [SECTION 30.16](#)
- J. [Building materials sales](#), subject to [SECTION 30.19](#)
- K. [Child day care centers](#), subject to [SECTION 30.20](#)
- L. [Contractor's offices and showrooms with yards](#), subject to [SECTION 30.22](#)
- M. [Funeral homes](#), subject to [SECTION 30.26](#)
- N. [Indoor theaters](#), subject to [SECTION 30.37](#)

- O. [Live entertainment](#), subject to [SECTION 30.29](#)
- P. [Permitted uses with drive-in or drive through service](#), subject to [SECTION 30.36](#)
- Q. [Permitted uses with drive-in or drive through service as part of an integrated facility](#), subject to [SECTION 30.36](#)
- R. [Private clubs or lodges](#), subject to [SECTION 30.37](#)
- S. [Religious institutions](#), subject to [SECTION 30.37](#)
- T. [Temporary structures and uses](#), subject to [SECTION 30.40](#)
- U. [Twenty-four-hour operations](#), subject to [SECTION 30.41](#)

## SECTION 18.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Automotive rental facilities](#), subject to [SECTION 29.08](#)
- B. [Bars, taverns, or restaurants with service from decks, porches, or other outside areas open after 10 p.m.](#), subject to [SECTION 29.09](#)
- C. [Hospitals](#), subject to [SECTION 29.18](#)
- D. [Mini-warehouse facilities or self-storage facilities](#), subject to [SECTION 29.03](#)
- E. [Permitted uses not conducted within a completely enclosed building](#), subject to [SECTION 29.29](#)
- F. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

## SECTION 18.05 - HEIGHT REGULATIONS

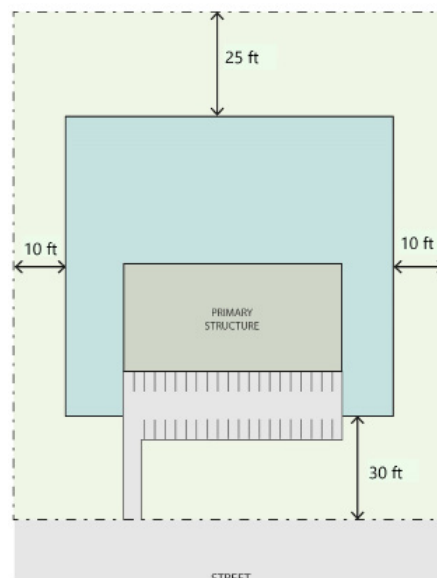
No building or structure shall exceed 50 feet in height.

Figure 18.1

## SECTION 18.06 - AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yard requirements are provided and maintained:

- A. **Front yard.** There shall be a minimum front yard setback of 30 feet.
- B. **Corner front yard.** There shall be a minimum corner front yard setback of 30 feet
- C. **Side yard.** There shall be minimum side yard setbacks of 10 feet.
- D. **Rear yard.** There shall be a minimum rear yard setback of 25 feet, except where this zone district



abuts an R-1A, R-1B, R-1C, R-2, or R-3 district in the rear, in which case a landscape buffer be provided that meets the requirements of [CHAPTER 34](#).

## **SECTION 18.07 - ADDITIONAL REQUIREMENTS**

- A.** Sidewalks or a nonmotorized trail are required in this district and shall be built, rebuilt, maintained and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks required by the township. See [ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES](#).
- B.** Parking facilities shall be provided in accordance with the requirements of [CHAPTER 32](#).
- C.** Internal service drives are not permitted in the front yard except where the following conditions exist:
  - 1.** Private agreements are in place between adjoining properties to allow cross-access which cannot be modified.
  - 2.** A rear access drive to adjoining properties cannot be accommodated due to the placement of buildings.
- D.** Buildings within this district may either be attached or detached. A minimum distance of 15 feet shall be maintained between any buildings that are not attached.
- E.** Outdoor retail sales may be permitted only if approved by the Community Development Department.
- F.** Dumpster enclosures shall be in accordance [SECTION 3.22](#).
- G.** Site lighting shall be in accordance with requirements of [CHAPTER 33](#).
- H.** Landscaping and buffering shall be in accordance with requirements of [CHAPTER 34](#).
- I.** Site plan approval is required in accordance with [CHAPTER 35](#).

# CHAPTER 19

## C-5 COMMERCIAL

### SECTION 19.01 - PURPOSE

This district shall be for only those special areas in close proximity to freeway interchanges and shall be primarily to serve the motoring and tourist needs of the community.

### SECTION 19.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Bars or taverns](#)
- B. [Government or public utility buildings](#)
- C. [Hotels or motels](#)
- D. [Parks](#)
- E. [Permitted uses with drive-in or drive-through services](#)
- F. [Permitted uses with drive-in or drive-through services as part of an integrated facility](#)
- G. [Professional offices](#)
- H. [Restaurants](#)
- I. [Retail businesses](#)
- J. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1.](#)

## SECTION 19.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use:

- A. [Artisan food and beverage production facility](#), subject to [SECTION 30.08](#)
- B. [Automotive sales facilities](#), subject to [SECTION 30.13](#)
- C. [Automotive service stations and gas stations](#), subject to [SECTION 30.14](#)
- D. [Automotive wash establishments](#), subject to [SECTION 30.15](#)
- A. [Bars, taverns, and restaurants with service from decks, porches, or other outside areas open until 10 p.m.](#), subject to [SECTION 30.16](#)
- B. [Live entertainment](#), subject to [SECTION 30.29](#)
- C. [Mini warehouse or self-storage facilities](#), subject to [SECTION 30.30](#)
- D. [Temporary structures and uses](#), subject to [SECTION 30.40](#)
- E. [Twenty-four-hour operations](#), subject to [SECTION 30.41](#)

## SECTION 19.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Bars, taverns, and restaurants with service from decks, porches, or other outside areas open after 10 p.m.](#), subject to [SECTION 29.09](#)
- B. [Hospitals](#), subject to [SECTION 29.18](#)
- C. [Permitted uses](#) not conducted within a completely enclosed building, subject to [SECTION 29.29](#)
- D. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

## SECTION 19.05 - HEIGHT REGULATIONS

No building shall exceed 72 feet or 6 stories in height, whichever is less.

## SECTION 19.06 - AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yard area requirements are provided and maintained:

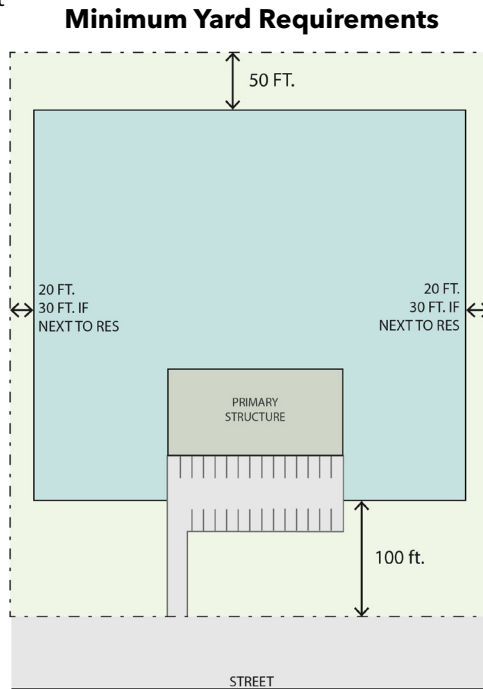
- A. **Front yard.** There shall be a front yard setback of at least 100 feet.
- B. **Corner front yard.** There shall be a corner front yard setback of at least 35 feet.
- C. **Side yard.** There shall be a side yard setback of at least 20 feet on each side in this

district. Where a C-5 Commercial zone abuts an R-1A, R-1B, R-1C, R-2, or R-3 district on the side, a side yard setback of at least 30 feet shall be maintained.

- D. Rear yard.** There shall be a rear yard setback of at least 50 feet for all buildings in this district.

### SECTION 19.07 - ADDITIONAL REQUIREMENTS

- A.** Off-street parking facilities shall be provided in accordance with the requirements of [CHAPTER 32](#).
- A.** Sidewalks or a nonmotorized trail are required in this district and shall be built, rebuilt, maintained and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks required by the township. See [ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES](#).
- B.** Dumpster enclosures shall be in accordance [SECTION 3.22](#).
- C.** Site lighting shall be in accordance with requirements of [CHAPTER 33](#).
- D.** Landscaping and buffering shall be provided in accordance with requirements of [CHAPTER 34](#).
- E.** Site plan approval is required in accordance with [CHAPTER 35](#).





# CHAPTER 20

## OFFICE

### SECTION 20.01 - PURPOSE

This district is intended to provide a location for office parks, office services, institutional facilities, research laboratories, and similar facilities which, while often requiring access to major streets, are typically neither commercial nor industrial in character. New developments in this designation are characterized by top quality, attractive architecture and thoughtful, well-landscaped sites that are sensitive to surrounding neighborhoods. This chapter is intended to facilitate the continued development of attractive new office facilities and related activities, to promote economic stability and growth, and to encourage variety in the design and type of structures constructed.

### SECTION 20.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Data processing centers](#)
- B. [Financial institutions without drive-in or drive-through services](#)
- C. [Government or public utility buildings](#)
- D. [Indoor recreation facilities](#)
- E. [Laboratories or technology centers](#)
- F. [Parks](#)
- G. [Personal service establishments](#)
- H. [Professional offices](#)
- I. [Radio and television studios](#)

- J. [Research, development, and testing facilities](#)
- K. [Schools, business or professional](#)
- L. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

## SECTION 20.03 - PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use:

- A. [Funeral homes](#), subject to [SECTION 30.26](#)
- B. [Child day care centers](#), subject to [SECTION 30.20](#).
- C. [Permitted uses with drive-in or drive-through service](#) subject to [SECTION 30.36](#)
- D. [Permitted uses with drive-in or drive-through service](#) as part of an integrated facility subject to [SECTION 30.36](#)
- E. [Religious institutions](#), subject to [SECTION 30.37](#)

## SECTION 20.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as a special use under the provisions of [CHAPTER 29](#):

- A. [Colleges and universities](#), subject to [SECTION 29.14](#)
- B. [Permitted uses](#) not conducted within a completely enclosed building, subject to [SECTION 29.29](#)
- C. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

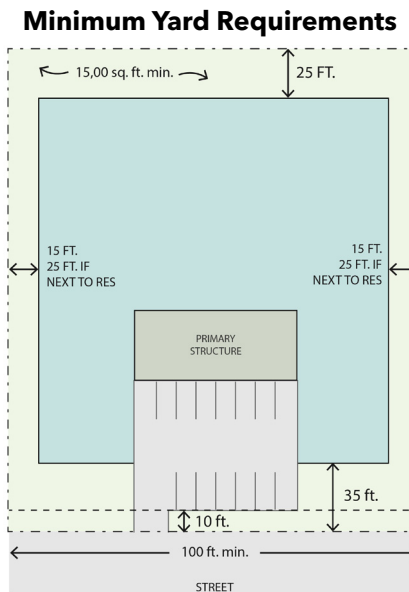
## SECTION 20.05 - HEIGHT REGULATIONS

No building shall exceed 35 feet in height.

## SECTION 20.06 - AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yard setbacks, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

- A. **Front yard.** There shall be a front yard setback of at least 35 feet. No parking shall be permitted in the first 10 feet in the required front yard setback.
- B. **Corner front yard.** There shall be a corner front yard setback of at least 35 feet. No parking



shall be permitted in the first 10 feet in the required corner front yard setback.

- C. Side yard.** There shall be a side yard setback of at least 15 feet, except where the district abuts an R-1A, R-1B, R-1C, R-2 or R-3 district a side yard setback of at least 25 feet must be maintained.
- D. Rear yard.** There shall be a rear yard setback of at least 25 feet.
- E. Lot width.** All lots in this district shall have a minimum width of 100 feet.
- F. Lot area.** The minimum lot area for any use in this district shall be 15,000 square feet.

## **SECTION 20.07 - ADDITIONAL REQUIREMENTS**

- A.** Off-street parking facilities shall be provided in accordance with the requirements of [CHAPTER 32](#).
- B.** Sidewalks or a nonmotorized trail are required in this district and shall be built, rebuilt, maintained, and repaired by the owner of the premises upon that part of the premises which abuts a street. See [ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES](#).
- C.** Dumpsters shall be gated and screened in accordance with [SECTION 3.22](#).
- D.** Site lighting shall be in accordance with [CHAPTER 33](#).
- E.** Landscaping and buffering shall be provided in accordance with requirements of [CHAPTER 34](#).
- F.** Site plan approval is required in accordance with [CHAPTER 35](#).

# CHAPTER 21

## LI LIGHT INDUSTRIAL

### SECTION 21.01 - PURPOSE

It is the intent of the LI district to provide for the development of a variety of industrial and ancillary uses that are characterized by low density land coverage; the absence of objectionable external impacts; and top quality, attractive industrial architecture. The regulations contained in this chapter will facilitate the continued development of new, high-quality industrial facilities in a well-planned environment so as to protect the public health, safety, and general welfare; promote economic stability and growth; prevent encroachment of uses that are incompatible with the industrial character of the district; encourage variety in the design and type of structures constructed; and provide for efficient traffic movement.

### SECTION 21.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Breweries or distilleries](#) (without retail/restaurant service)
- B. [Catering establishments](#)
- C. [Contractor's offices and showrooms without yards](#)
- D. [Data processing centers](#)
- E. [Emergency medical service facilities](#)
- F. [Equipment rental services](#)
- G. [Financial institutions](#) without drive-in or drive-through services
- H. [Governmental or public utility buildings](#)
- I. [Health clubs or gyms](#)

- J. [Laboratories or technology centers](#)
- K. [Manufacturing, processing, or assembly facilities, light](#)
- L. [Mini warehouses and self-storage facilities](#)
- M. [Parks](#)
- N. [Professional offices](#)
- O. [Radio and television studios](#)
- P. [Research, development, and testing facilities](#)
- Q. [Retail businesses that occupy no more than 40% of the gross floor area of the building](#)
- R. [Schools, business or professional](#)
- S. [Warehousing or distribution centers](#)
- T. [Wireless communication facilities](#) as regulated in [SECTION 3.29 A.1](#)
- U. Other similar uses as determined by the Community Development Director or Planning Commission may be permitted

## **SECTION 21.03 - USES PERMITTED SUBJECT TO SPECIAL CONDITIONS**

Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use:

- A. [Animal clinics, small](#), subject to [SECTION 30.05](#)
- B. [Animal clinics, large](#), subject to [SECTION 30.06](#)
- C. [Animal grooming or training facilities](#), subject to [SECTION 30.07](#)
- D. [Artisan food and beverage production](#), subject to [SECTION 30.08](#)
- E. [Artisan food and beverage production facilities with service from decks, porches, or other outside areas open until 10 p.m.](#), subject to [SECTION 30.09](#)
- F. [Automotive repair facilities, minor](#), subject to [SECTION 30.12](#)
- G. [Automotive sales facilities](#), subject to [SECTION 30.13](#)
- H. [Building materials sales](#), subject to [SECTION 30.19](#)
- I. [Contractor's offices and showrooms with yards](#), subject to [SECTION 30.22](#)
- J. [Funeral homes](#), subject to [SECTION 30.26](#)
- K. [Lawn maintenance, landscaping, and snow plowing establishments](#), subject to [SECTION 30.27](#)
- L. [Live entertainment](#), subject to [SECTION 30.29](#)
- M. [Outdoor equipment sales facilities](#), subject to [SECTION 30.33](#)

## SECTION 21.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Artisan food and beverage production facilities with service from decks, porches, or other outside areas open after 10 p.m.](#), subject to [SECTION 29.07](#)
- B. [Indoor recreation facilities](#), subject to [SECTION 29.20](#)
- C. [Manufacturing, processing, or assembly facilities, heavy](#), subject to [SECTION 29.21](#)
- D. [Outdoor recreational uses](#), subject to [SECTION 29.27](#)
- E. [Outdoor storage yards](#), subject to [SECTION 29.28](#)
- F. [Permitted uses](#) not conducted within a completely enclosed building, subject to [SECTION 29.29](#)
- G. [Private transportation facilities](#), subject to [SECTION 29.32](#)
- H. [Sanitary landfills and transfer stations](#), subject to [SECTION 29.35](#)
- I. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

## SECTION 21.05 - HEIGHT REGULATIONS

No building shall exceed 35 feet in height or three stories, whichever is less.

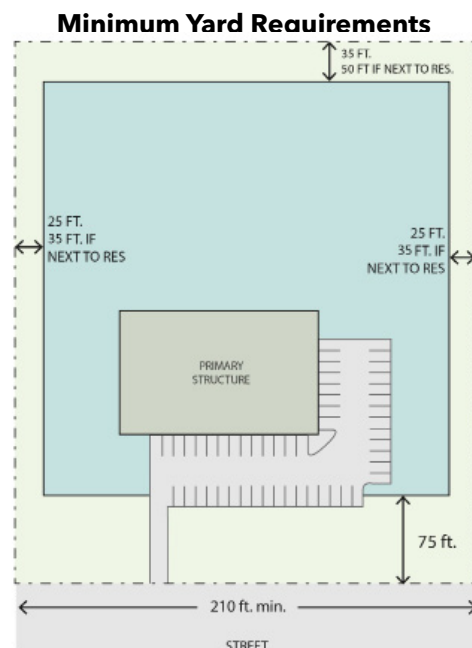
## SECTION 21.06 - AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure, or enlargement.

### A. Front Yard and Corner Front Yard.

#### 1. Front Yard and Corner Front Yard Setbacks for Properties with Frontages on a State Highway or County Primary Road.

- a. There shall be a minimum front yard setback of 75 feet for buildings and accessory buildings/structures. There shall be a minimum front yard setback of 40 feet for any paving, parking, and/or access drives, subject to a front yard landscaping Buffer Zone C be provided as described in [Section 34.02F](#).
- b. There shall be a minimum corner front yard setback of 35 feet, subject to a landscaping Buffer Zone C be provided as described in [Section 34.02F](#). No parking or access lanes shall be permitted within the setback requirement, excluding a permitted



driveway.

**2. Front and Corner Front Yard Setbacks for Properties Not Adjacent to a State Highway or County Primary Road.**

- a. There shall be a minimum front yard setback of 50 feet for buildings and accessory buildings/structures. Paving, parking, and/or access drives are permitted within the required setback subject to a front yard landscaping Buffer Zone C be provided as described in [Section 34.02F](#).
- b. There shall be a minimum corner front yard setback of 35 feet, given a landscaping Buffer Zone C be provided as described in [Section 34.02F](#). No parking or access lanes shall be permitted within the setback requirement, excluding a permitted driveway.

**B. Side Yard.** There shall be minimum side yard setbacks of 25 feet, except that where the side yard abuts a residentially-zoned district or any lawfully existing residential use, 35 feet shall be provided. No paving, parking, or access drives are permitted within the required setbacks unless otherwise approved by the Planning Commission for access management purposes, irregular lot configuration, natural features, public safety, or as otherwise provided for in this ordinance. The required buffer zones as described in [Section 34.02F](#) must be maintained.

**C. Rear Yard.** There shall be a minimum rear yard setback of 35 feet in this district, except that where the rear yard abuts a residentially zoned district or any lawfully existing residential use, a minimum rear yard setback of 50 feet shall be provided. No paving, parking, or access drives are permitted within the required setbacks unless otherwise approved by the Planning Commission for access management purposes, irregular lot configuration, natural features, public safety, or as otherwise provided for in this ordinance. The required buffer zones as described in [Section 34.02F](#) must be maintained.

**D. Lot Width.** All lots in this district shall have a minimum width of 100 feet.

## SECTION 21.07 - LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed 60 percent of the total lot area.

## SECTION 21.08 - REQUIRED CONDITIONS

- A.** The Planning Commission may require additional setbacks or other nuisance-abating techniques including increased landscaping or fencing for manufacturing, processing, or assembly facilities abutting any residentially zoned district or any lawfully existing residential use.
- B.** All operations shall be conducted completely within the confines of a building, except as provided in section 21.04 C or D.
- C.** Heating, ventilation, or air conditioning (HVAC) units, blowers, dryers, or similar electrical or mechanical appurtenances shall comply with [Section 3.35](#).
- D.** All exterior lighting shall comply with the provisions provided in [CHAPTER 33, LIGHTING](#).
- E.** Off-street parking facilities are required in accordance with the applicable provisions of [CHAPTER 32](#). In addition, no off-street parking spaces, access drives, or loading areas shall be located within any required yard, except as permitted in this chapter.

- F. Storm Water Detention and Retention Facilities.** Any required storm water detention or retention facilities may be located within a required rear yard setback, provided that they shall not be located within any required greenbelt area.
- G. Public Utilities.** All uses located within a LI district shall be served by a public sanitary sewerage system and a public water distribution system.
- H. Performance Standards**
- 1. Noise.** The sound produced from any use permitted in the LI district shall comply with the township's Noise Ordinance. In addition, the Planning Commission may set additional standards as determined be necessary.
  - 2. Vibration.** Any use within the LI district creating earth-shaking vibrations, such as are created by drop forges or hydraulic surges, shall be located and/or controlled in such a manner as to prevent transmission of earth-shaking vibrations beyond the lot lines of the lot on which the use is located, perceptible without the aid of instruments.
  - 3. Air Quality.** Any use operating within the LI district shall fully comply at all times with all applicable rules and regulations of the Michigan Department of Environmental Quality and all other state and county agencies having jurisdiction.
- I.** Dumpsters shall be in accordance with [SECTION 3.22](#).
- J.** Site lighting shall be in accordance with [CHAPTER 33](#).
- K.** Landscaping and buffering shall be provided in accordance with requirements of [CHAPTER 34](#).
- L.** Site plan approval is required in accordance with [CHAPTER 35](#).
- M.** Sidewalks or a Non-Motorized Trail are required in this district and shall be built, rebuilt, maintained, and repaired by the owner of the premises upon that part of the premises which abuts a street. See [ARTICLE II, SIDEWALKS AND NON-MOTORIZED TRAILS OF CHAPTER 32 OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES](#).



# CHAPTER 22

## I INDUSTRIAL

### SECTION 22.01 - PURPOSE

This zone is intended to permit industrial uses which are not unreasonably offensive, hazardous, or debilitating to surrounding property or the community through the effects of noise, smoke, odor, dust, dirt, noxious gases, vibration, glare, heat, fire hazards, industrial wastes, or traffic. In those instances where there may be doubt regarding the effect of the operation, the Planning Commission may require the prospective operator to demonstrate, through the use of qualified technical persons and acceptable testing techniques, that protective devices shall be utilized that will categorically assure the control of the questioned factor.

### SECTION 22.02 - PERMITTED USES

Land and/or buildings in this district may be used for the following purposes only:

- A. [Automotive repair facilities, major](#)
- B. [Automotive repair facilities, minor](#)
- C. [Breweries or distilleries \(without retail/restaurant service\)](#)
- D. [Bulk fueling station](#)
- E. [Contractor's offices or showrooms without yards](#)
- F. [Crematoriums](#)
- G. [Emergency medical service facilities](#)
- H. [Equipment rental services](#)
- I. [Government or public utility buildings](#)

- J. [Laboratories or technology centers](#)
- K. [Manufacturing, assembly, or processing facilities, light](#)
- L. [Mini-warehouses or self-storage facilities](#)
- M. [Motor freight terminals](#)
- N. [Outdoor storage yards](#)
- O. [Parks](#)
- P. [Research, development, and testing facilities](#)
- Q. [Retail businesses](#) that occupy no more than 40% of the gross floor area of the building
- R. [Warehousing or distribution centers](#)
- S. [Wireless communication facilities](#), subject to [SECTION 3.29 A.1](#)

## SECTION 22.03 - USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

Land and/or buildings in this district may be used for the following purposes, subject to the conditions imposed for each use in [CHAPTER 30](#):

- A. [Animal clinics, small](#), subject to [SECTION 30.05](#)
- B. [Animal clinics, large](#), subject to [SECTION 30.06](#)
- C. [Animal grooming or training facility](#), subject to [SECTION 30.07](#)
- D. [Artisan food and beverage production](#), subject to [SECTION 30.08](#)
- E. [Artisan food and beverage production facilities with service from decks, porches, or other outside areas open until 10 p.m.](#), subject to [SECTION 30.09](#)
- F. [Automotive commercial truck and trailer sales and rental](#), subject to [SECTION 30.10](#)
- G. [Building materials sales](#), subject to [SECTION 30.19](#)
- H. [Contractor's offices and showrooms with yards](#), subject to [SECTION 30.22](#)
- I. [Equipment rental services](#), subject to [SECTION 30.25](#)
- J. [Funeral homes](#), subject to [SECTION 30.26](#)
- K. [Lawn maintenance, landscaping, and snow plowing establishments](#), subject to [SECTION 30.27](#)
- L. [Live entertainment](#), subject to [SECTION 30.09](#)
- M. [Outdoor equipment sales facilities](#), subject to [SECTION 30.33](#)
- N. [Outdoor storage yards](#), subject to [SECTION 30.34](#)

## SECTION 22.04 - USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#):

- A. [Artisan food and beverage production facilities with service from decks, porches, or other outside areas open after 10 p.m.](#), subject to [SECTION 29.07](#)
- B. [Indoor recreation facilities](#), subject to [SECTION 29.20](#)
- C. [Junk yards](#), subject to [SECTION 29.23](#)
- D. [Manufacturing, assembly, or processing facility, heavy](#), subject to [SECTION 29.21](#)
- E. [Outdoor recreation uses](#), subject to [SECTION 29.27](#)
- F. [Permitted uses not conducted within a completely enclosed building](#), subject to [SECTION 29.29](#)
- G. [Private transportation facilities](#), subject to [SECTION 29.32](#)
- H. [Rendering plants](#), subject to [SECTION 29.33](#)
- I. [Sanitary landfills and transfer stations](#), subject to [SECTION 29.35](#)
- J. [Special controlled uses](#), subject to [SECTION 29.36](#)
- K. [Vehicle repossession and/or seizure and auction facilities](#), subject to [SECTION 29.38](#)
- L. [Wireless communication facilities](#), subject to [SECTION 29.41](#)

## SECTION 22.05 - HEIGHT REGULATIONS

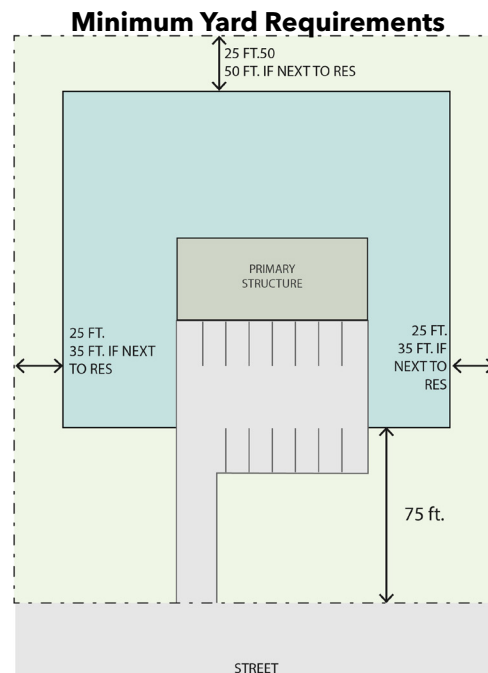
No building shall exceed 45 feet in height or 3 stories, whichever is less.

## SECTION 22.06 - AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following requirements are provided and maintained:

- A. **Front yard.** There shall be a minimum front yard setback of 75 feet for buildings and accessory buildings/structures. There shall be a minimum front yard setback of 40 feet for any paving, parking, and/or access drives, subject to a front yard landscaping Buffer Zone C be provided as described in [Section 34.02F](#).

- B. **Corner front yard.** There shall be a minimum corner front yard setback of 35 feet subject



to a landscaping Buffer Zone C be provided as described in [Section 34.02F](#). No parking or access lanes shall be permitted within the setback requirement, excluding a permitted driveway.

- C. Side yard.** There shall be minimum side yard setbacks of 25 feet, except that where the side yard abuts a residentially-zoned district or any lawfully existing residential use, 35 feet shall be provided. No paving, parking, or access drives are permitted within the required setbacks unless otherwise approved by the Planning Commission for access management purposes, irregular lot configuration, natural features, public safety, or as otherwise provided for in this ordinance. The required buffer zones as described in [Section 34.02F](#) must be maintained.
- D. Rear yard.** There shall be a minimum rear yard setback of 25 feet in this district, except that where the rear yard abuts a residentially zoned district or any lawfully existing residential use, a minimum rear yard setback of 50 feet shall be provided. No paving, parking, or access drives are permitted within the required setbacks unless otherwise approved by the Planning Commission for access management purposes, irregular lot configuration, natural features, public safety, or as otherwise provided for in this ordinance. The required buffer zones as described in [Section 34.02F](#) must be maintained.

## SECTION 22.06 - REQUIRED PROVISIONS

Except for loading, unloading, and employee and visitor parking, all uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence at least 6 feet in height, wall, or greenbelt, provided, however, that no materials, products, or goods shall be stacked higher than said fence, wall, or greenbelt, and further provided that all areas so used shall be subject to all yard and setback requirements.

## SECTION 22.07 - ADDITIONAL REQUIREMENTS

- A.** Off-street parking and loading facilities shall be provided in accordance with the requirements of [CHAPTER 32](#).
- B.** Landscaping and buffering shall be provided in accordance with requirements of [CHAPTER 34](#).
- C.** Site lighting shall be in accordance with [CHAPTER 33](#).
- D.** Site plan approval is required in accordance with [CHAPTER 35](#).
- E. Performance Standards**
  - 1. Noise.** The sound produced from any use permitted in the I district shall comply with the township's Noise Ordinance. In addition, the Planning Commission may set additional standards as determined be necessary.
  - 2. Vibration.** Any use within the I district creating earth-shaking vibrations, such as are created by drop forges or hydraulic surges, shall be located and/or controlled in such a manner as to prevent transmission of earth-shaking vibrations beyond the lot lines of the lot on which the use is located, perceptible without the aid of instruments.
  - 3. Air Quality.** Any use operating within the I district shall fully comply at all times with all applicable rules and regulations of the Michigan Department of Environmental Quality and all other state and county agencies having jurisdiction.
- F.** Sidewalks or a Non-Motorized Trail are required in this district and shall be built, rebuilt,

maintained, and repaired by the owner or the premises upon that part of the premises which abuts a street. See Article II, Sidewalks and Non-Motorized Trails of Chapter 32 of the Plainfield Charter Township Code of Ordinances.

- G.** Planning Commission may require additional setbacks or other nuisance-abating techniques including increased landscaping or fencing for manufacturing, processing, or assembly facilities abutting any residentially zoned district or any lawfully existing residential use.
- H.** Heating, ventilation, or air conditioning (HVAC) units, blowers, dryers, or similar electrical or mechanical appurtenances shall be properly screened and shall not be located within any front, corner front, or side yard. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from view from street level.
- I. Storm Water Detention and Retention Facilities.** Any required storm water detention or retention facilities may be located within a required rear yard setback, provided that they shall not be located within any required greenbelt area.
- J. Public Utilities.** All uses located within an I, Industrial district shall be served by a public sanitary sewerage system and a public water distribution system.
- K.** Dumpsters shall be in accordance with [Section 3.22](#)

# CHAPTER 23

## NORTH EAST BELTLINE OVERLAY DISTRICT

### SECTION 23.01 - DESCRIPTION AND PURPOSE

The purpose of the North East Beltline Overlay zone is to implement the 1998 North East Beltline Joint Development Plan; to provide a consistent development framework; to specify practical development standards; to preserve the natural road edge, scenic views, and steep slopes; and to protect the transportation capacity of this important community and transportation corridor. This zone is compatible with a similar zone in Grand Rapids Township and the City of Grand Rapids. The requirements of this Beltline Overlay zone apply to all land abutting, within 500 feet of, or gaining access from the East Beltline between 4 Mile Road and Grand River Avenue, unless otherwise defined.

One of the goals of the North East Beltline Joint Development Plan is to maintain "...a natural edge along the East Beltline through gracious development setbacks, preserving natural vegetation and utilizing innovative and low maintenance landscapes along the corridor and the highway right-of-way."

The following standards shall not apply to developments (including PUDs) approved prior to January 1, 2002, nor to subsequent amendments or modifications of such developments or PUDs. However, the requirements of this Beltline Overlay zone shall apply to the elements of a development (including PUDs) approved prior to the effective date of this overlay, that were not specifically addressed in the conditions of approval, which may include building and parking lot setbacks, landscaping, parking, lighting, signs, grading, storm water management, motor vehicle and pedestrian access, and architectural façades and building design.

### SECTION 23.02 - SETBACKS

- A. Building Setbacks.** For a building equal to or less than 35 feet in height, building setbacks shall be 140 feet measured from the outside edge of the existing through lane, as of January 1, 2002, with a minimum 25 foot setback between the building

and the right-of-way line. For buildings greater than 35 feet in height, an additional 2 feet of horizontal setback for every 1 additional foot in building height above 35 feet is required.

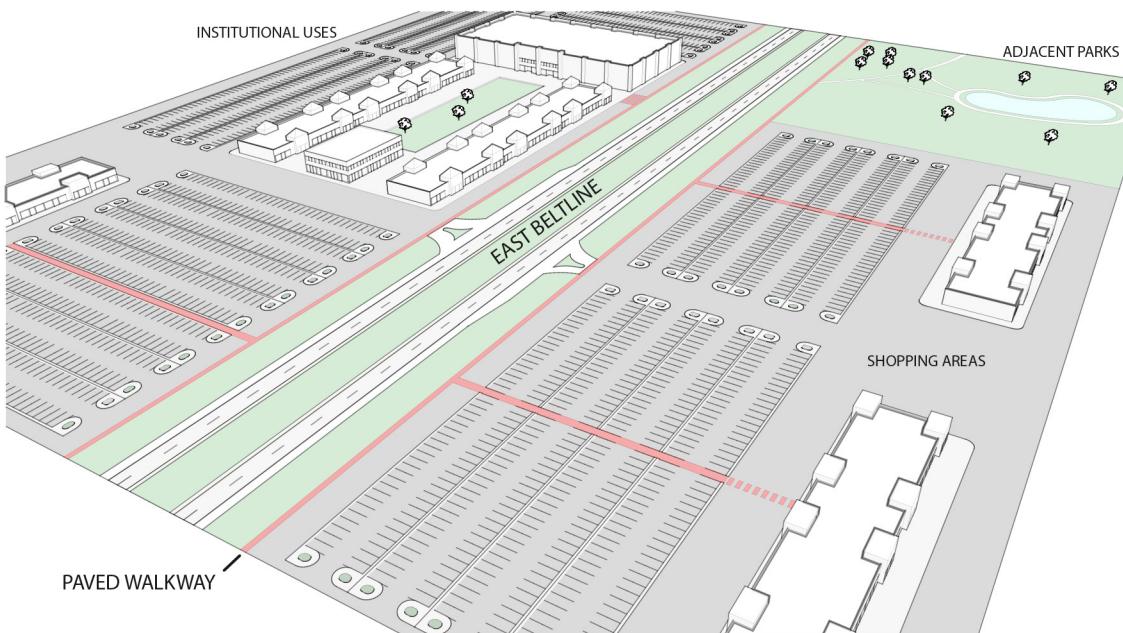
**B. Setback Modifications.** The Township may reduce building and parking setbacks to the minimum required setback in the underlying zone district under any of the following circumstances:

1. If the property is not capable of being developed if the minimum building setback under the Beltline Overlay zone is applied.
2. If the application of the minimum building setback under the Beltline Overlay zone results in a PUD or site plan that negatively impacts environmental features such as steep slopes, wetlands, or vegetation.
3. If the application of the minimum building setback under the Beltline Overlay zone results in a PUD or site plan that does not further the goals of the Master Plan.

### SECTION 23.03 - PEDESTRIAN ACCESS

**A.** Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways, and institutions. Pedestrian movement shall be accommodated within parking lots. (See graphic below)

**B.** Paved walkways, available to the public, shall be provided along all of the East Beltline. (See graphic below)



### SECTION 23.04 - LANDSCAPING AND SIGNAGE

**A.** All landscaping shall comply with the requirements of Chapter 34. Front and corner front yard landscaping and parking area screening for properties within the East Beltline Overlay shall be provided as required by [SECTION 34.02\(E\)\(9-10\)](#).

**B.** All signage shall comply with the requirements of Chapter 31. Signage for properties within the East Beltline Overlay shall comply with [SECTION 31.12\(A\)](#).

# CHAPTER 24

## 10 MILE ROAD OVERLAY DISTRICT

### SECTION 24.01 - PURPOSE

10 Mile Road serves as the boundary line between Algoma and Plainfield Townships. It also serves as a major road connecting the City of Rockford with US 131 and as such, 10 Mile Road is a gateway to all three communities. The City of Rockford, Algoma Township, and Plainfield Township therefore share a common interest in the future development of 10 Mile Road.

The future use of the land abutting this roadway particularly at the US 131 interchange and the amount of traffic carried by 10 Mile Road will affect all three communities. In order to create a positive future, cooperation among all three communities is essential.

The three communities of Algoma Township, Plainfield Charter Township and the City of Rockford have jointly adopted the 10 Mile Road Corridor Plan, which sets forth transportation and land use objectives for the corridor as well as recommendations for future land use.

The intent of the 10 Mile Road Overlay zone is to provide for a set of zoning regulations to carry out the 10 Mile Road Corridor Plan. These regulations are compatible with a similar zone in Algoma Township and the City of Rockford.

The specific purposes of this district are to:

- A.** Maximize the capacity of the road by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from side streets.
- B.** Ensure sufficient right-of-way for future widening of 10 Mile Road as properties develop and re-develop.
- C.** Provide non-motorized pathways along 10 Mile Road.
- D.** Facilitate high-quality development and redevelopment of commercial and office districts through quality architecture, efficient site design, and landscaping.



- E.** Require low level signs to minimize motorist distraction, avoid blight and clutter, promote aesthetics, and unify signage with the overall character desired in the corridor while providing property owners and businesses with an appropriate mechanism in which to identify their location and business.
- F.** Require landscaping on sites along the corridor as they develop and redevelop to attain the desired green space, buffering between uses, and the high-quality appearance of the corridor.
- G.** Preserve important existing natural features, which provide a rural atmosphere for the communities along the corridor.

## SECTION 24.02 - APPLICABILITY AND BOUNDARY

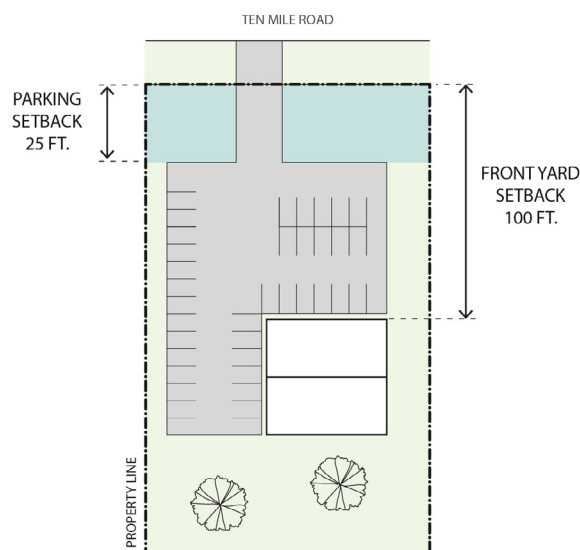
The standards of this chapter shall apply to all lands with frontage along 10 Mile Road to a depth of 500 feet from the existing or future right of way line of 10 Mile Road between Herrington Avenue and Childsdale Avenue, which is illustrated as the 10 Mile Road Overlay zone on the Plainfield Charter Township Zoning Map. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the Plainfield Charter Township Zoning Ordinance. Permitted and special land uses within the 10 Mile Road Overlay zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district except that the regulations of this chapter shall supersede any conflicting regulation of the underlying zoning districts. In addition, the following regulations shall apply.

## SECTION 24.03 - RIGHT-OF-WAY AND LOT LINE SETBACKS

- A.** For site plans submitted after the effective date of this ordinance, a right-of-way of 60 feet shall be provided as measured from the centerline of 10 Mile Road. All setbacks as required by this chapter or by the underlying zoning district shall be measured from this required right-of-way.

### B. Front Setback Requirements and Modifications.

- 1.** The required setback from 10 Mile Road for buildings, dwellings, and structures shall be a minimum of 100 feet, except that the Planning Commission may reduce the required setback to 75 feet, if it determines that such modification will preserve natural site features such as vegetation, wetlands, or steep slopes.
- 2.** Off-street parking lots for all uses except single- and two-family dwellings shall have a minimum setback of 25 feet from 10 Mile Road. Off-street parking lots for multiple-family dwellings shall have a minimum setback from 10 Mile Road of 50 feet. (See graphic at right)
- 3.** Provisions for circulation between adjacent parcels



should be provided through coordinated and/or shared parking arrangements, cross-access easements, or other methods determined at the time of the site plan review.

4. Commercial, industrial, and multi-family driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.

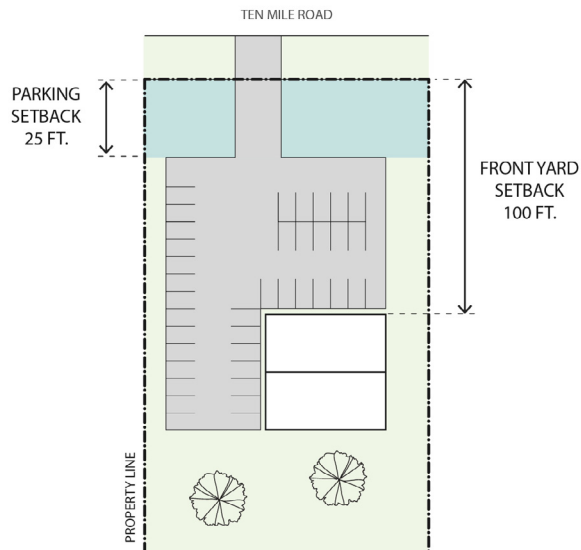
## SECTION 24.04 - LANDSCAPING/PRESERVATION OF EXISTING VEGETATION

**A. Applicability.** Unless otherwise required or provided by this section, landscaping within the 10 Mile Road Overlay shall comply with the standards of [CHAPTER 34](#) of this ordinance.

**B. Front Yard Landscaping.**

Landscaping as required by this section shall be provided along 10 Mile Road as follows:

1. For non-residential uses, the width of the landscape area shall be a minimum of 25 feet measured from the required right-of-way. (See graphic at right)
2. For residential uses, the width of the landscape area shall be a minimum of 50 feet measured from the required right-of-way. (See graphic at right)



## SECTION 24.05 - COMMERCIAL AND OFFICE ARCHITECTURAL FAÇADES AND BUILDING DESIGN

All new buildings and structures for commercial and office uses shall be so designed to incorporate the following architectural design features:

- A. Height and Scale.** The scale and size of a building shall be reasonably compatible with adjacent and nearby buildings.
- B. Structure Façade.** At least 80 percent of that portion of a structure or building, be it a front, corner front, side, or rear, that faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials, provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted ordinances and/or Building and Fire Codes.

# CHAPTER 25

## NR NATURAL RIVERS OVERLAY DISTRICT

### SECTION 25.01 - PURPOSE AND DESCRIPTION

The purpose of this district is to preserve and enhance the value of the Rogue River and its tributaries as follows:

- A.** To promote the public health, safety, and general welfare; to prevent economic and ecological damages due to misuse, unwise development patterns, overcrowding, and overuse within the natural river district; and to preserve the values of the natural river district for the benefit of present and future generations.
- B.** To protect, preserve, and enhance the natural river district values for the free-flowing conditions, water conservation, fish, aquatic, and wildlife resources; ecological, water quality, floodplain, scenic and aesthetic qualities; boating, historical, and recreational values; and uses of the Rogue River, Barkley Creek, and adjoining land.
- C.** To provide for residential and other permitted development that will complement the natural characteristics of the natural river system.
- D.** To achieve the goals and objectives of the Michigan DNR's natural river plan.

It is the intent of these rules to define terms used and to regulate and restrict lot coverage and use, population distribution and density, and the size and location of all structures by the delineation of permitted uses and development standards to promote the purposes identified in these rules. It is further intended to provide for administration and enforcement of these rules and remedy for a violation of these rules.

It is not the purpose of these rules to revoke, annul, cancel, or in any way impair or interfere with existing provisions of law, ordinance, rule, regulation, or private restrictions placed upon property by covenant or deed. If a provision of law or rule conflicts with the provisions of this chapter, then the more restrictive provisions shall control, unless specifically preempted.

## SECTION 25.02 - DEFINITIONS

For purposes of this chapter, the following words and terms shall have the meaning ascribed to them by this section. Words not defined below shall have the meaning ascribed to them in [CHAPTER 2](#) of this ordinance and shall be subject to [SECTION 2.01](#), unless the context in which they are used specifically indicates otherwise.

- A. APPLICANT:** A person who requests on a form provided by the department and via proper procedures, a zoning permit for a principal use, special use, variance, or other permit issued pursuant to this ordinance.
- B. APPURTENANCE OR ACCESSORY BUILDING:** As defined by this ordinance, and also specifically including the following:
  - 1. Barn and other agricultural storage and livestock structure.
  - 2. Pump house.
  - 3. Private access roads and driveway.
  - 4. Electrical service line.
- C. BANKFULL:** The width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing.
- D. BLUFF:** A bank that rises at a slope of 33 degrees or greater from within 10 feet of the river's edge. The crest of the bluff is the first riverward facing area (approximately parallel to the river) that breaks to a slope of less than 18 degrees for a distance away from the river of at least 25 feet.
- E. BRIDGE:** Any structure of any span length designed to provide a pedestrian, vehicle, livestock, or any other stream crossing, including, but not limited to, a culvert, open bottom arch, and clear-span or multi-span structure.
- F. CUTTING EDGE OF THE RIVER:** The outside bend of a river or stream channel where the water velocity is such that it may cause soil or streambank erosion.
- G. DESIGNATED NATURAL RIVER:** A river designated by the director under the authority of part 305, Natural Rivers, 1994 PA 451, MCL 324.30501 to 324.30515.
- H. DOCK:** A seasonal or permanent platform located at the water's edge or extending into the river channel, intended for securing and facilitating access to watercraft or to facilitate access to deeper water for swimming, fishing, or other water-oriented recreational activity and does not include a wall, railing, a storage locker, an attached bench, or any similar structure attached thereto.
- I. EFFECTIVE DATE:** The zoning rule promulgation date for the Rogue River - June 2, 1980.
- J. FILTERED VIEW:** The maintenance or establishment of woody vegetation of sufficient density to screen development from the river. The vegetation need not be so dense as to completely block the river view.
- K. FLOODPLAIN:** An identified or documented area of land adjoining a river or stream that will be inundated by a 100-year flood, as defined in part 13, Floodplains and Floodways, MCL 324.1301 to 324.1311, or elsewhere in this ordinance.
- L. FRONT:** That segment of a lot or parcel closest to or abutting the designated natural river.

- M. GROUND FLOOR AREA:** The area of the ground covered by a dwelling measured on the outside of a building, including a covered porch and attached garage, but not including a deck or patio.
- N. IMPERVIOUS SURFACE:** Any surface, including a deck, rooftop, road, patio, swimming pool, or parking lot, that does not allow stormwater to infiltrate the ground.
- O. ORDINARY HIGH WATER MARK (OHWM):** See [SECTION 2.16](#) of this ordinance.
- P. REFORESTATION:** Renewal of vegetative cover by seeding, planting, or transplanting.
- Q. SETBACK:** The horizontal distance, as specified in these chapters, between any portion of a structure and the ordinary high-water mark or crest of a bluff, measured at the structure's closest point to the ordinary high-water mark or crest of a bluff.
- R. STRUCTURE:** Anything constructed, erected, or moved to or from any lot and located above, on, or below the ground, including a building, mobile home, road, boardwalk, sign, billboard, satellite dish greater than 32 inches in diameter, any communication structure, or a fence. An enclosed, self-contained camping unit is not considered a structure if on site fewer than 30 days per calendar year and if located landward of the natural vegetation strip, or if the structure is located on a campsite within a campground licensed under the Public Health Code, 1978 PA 368, MCL 333.1101 to 333.25211, if both the individual campsite and the campground were established before June 2, 1980.
- S. TENT CAMPING:** Camping within a natural river district on private land with a tent, tarp, or other lightweight structure that is temporary and incurs no land disturbance or clearing of vegetation.

## SECTION 25.03 - EXEMPT USES

The following land uses and/or activities are permitted in the NR Overlay district and exempt from zoning approval:

- A.** Private, non-commercial recreation which does not involve a structure, equipment, or other device, such as camping, boating, fishing, hunting, and other similar activities.
- B.** Reforestation and any other accepted forest management practice that does not involve a structure and is landward of the natural vegetation strip.
- C.** Agricultural activities, including general and specialized farming, such as a Christmas tree farm, provided that any new activity occurs landward of the natural vegetation strip, and further provided that such activities do not contribute to stream degradation.
  - 1.** Construction of a residential and farm-related structure and appurtenance is classified as a principal use and is subject to zoning permit requirements.
  - 2.** Any new aquaculture facility or concentrated animal feeding operation, and expansion of any existing aquaculture facility or concentrated animal feeding operation, is not permitted within the Natural River district without a land use variance as described in R 281.60 of the Michigan Administrative Code.
  - 3.** Resumption of a prior agricultural use previously located within the natural vegetation strip and discontinued, for example, rotation of crop fields, may resume if one (1) or more of the following criteria is met:
    - a.** The cessation of use was within 10 years of resumption of use.

- b. The cessation of use was due to implementation of a management plan written before June 2, 1980.
  - c. The cessation of use was the result of a written agreement with a governmental agency or agencies entered into before June 2, 1980.
  - d. The cessation of use was the result of a written agreement with a governmental agency or agencies entered into after June 2, 1980, or ordinances implementing this plan, where the term of cessation of use specified in the agreement is for 10 years or less.
  - e. The cessation of use was required or imposed by a governmental agency or agencies.
- D.** Cutting of low growing vegetation and placement of wood chips on uplands in the natural vegetation strip to create a single footpath of not more than 4 feet in width leading to a single point on the river's edge. A boardwalk or other artificial walkway is not exempt and requires a zoning permit as specified in R 281.57 of the Michigan Administrative Code.
- E.** A non-illuminated sign for identification, direction, resource information, exclusion of trespassers, regulation of use, and those related to permitted uses, subject to the following provisions:
- 1. A sign for the sale of a product or service is prohibited, unless related to a permitted use, located on the site of the permitted use, not located in the natural vegetation strip, and not visible from the river.
  - 2. "No trespassing" sign shall be not larger than 1 square foot in area and shall be spaced at least 100 feet apart. Other signs may be not larger than 2 square feet in area, except 1 real estate sign may be not larger than 4 square feet in area if located outside the natural vegetation strip.
- F.** Routine maintenance and repair of a legal use or structure within the existing foundation and structure, subject to R 281.57 of the Michigan Administrative Code.
- G.** A satellite dish not more than 32 inches in diameter and located landward of the natural vegetation strip, or attached to an existing single-family dwelling or appurtenance.
- H.** Removal of any dead, diseased, or unsafe tree, or noxious plant or shrub within the natural vegetation strip.

## SECTION 25.04 - GENERAL PROVISIONS AND PERMITTED USES

- A. Land Alterations.** Land alterations shall conform to all the following requirements:
- 1. Land alteration shall not occur within the natural vegetation strip, except placement of wood chips for a foot path as provided in [SECTION 25.03 D](#), on the face or crest of a bluff, in a wetland, in a floodplain, or below the ordinary high-water mark of the river, unless associated with bank stabilization or fisheries habitat improvement activities.
  - 2. Draining a wetland is prohibited, unless otherwise permitted by EGLE.
  - 3. A pond may be constructed if the pond meets the building setback established for the natural river district, spoils are placed in a non-wetland, non-floodplain area landward of the natural vegetation strip, and the pond is not connected to the river

by any surface or subsurface drainage system. A pond shall not be constructed in a wetland or the 100-year floodplain. Pond construction shall comply Article VI "Stormwater Management" of Chapter 28 of the adopted Plainfield Charter Township Code of Ordinances, as amended.

**B. Bank Stabilization.** Bank stabilization or fisheries habitat activities shall comply to all of the following requirements:

1. Bioengineering practices shall be the preferred alternative for bank stabilization.
2. Bioengineering practices used to stabilize stream banks utilize a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that mimic and or enhance the natural landscape.
3. Rock used for bank stabilization above the seasonal low-water level of the stream shall be rounded cobble (fieldstone).
4. Quarried limestone or other natural angular stone shall not be exposed by seasonal low water level of the stream.
5. An in-stream fisheries habitat structure, such as a lunger, an overhead cover platform, or similar structure, shall be, upon completion, indistinguishable from the natural surrounding landscape.
6. A seawall, vertical bulkhead, gabion basket, concrete bag riprap, broken concrete, and other similar structures are prohibited.
7. The proposed project shall fulfill an identifiable need for erosion protection, bank stabilization, or fisheries habitat improvement.

**C. Existing Substandard Lots.**

1. A proposed lot with a preliminary plat approval under the Land Division Act, 1967 PA 288, MCL 560.101 to 560.293, that does not meet the dimensional requirements specified for each natural river on June 2, 1980, shall, upon final plat approval, be issued a zoning permit subject to the provisions of this chapter.
2. A lot created before June 2, 1980, that does not possess sufficient land area or lot width, may be used for the purposes described and subject to the requirements in this chapter, subject to Chapter 4 of this ordinance.
3. A zoning permit, special use permit, or variance will not be granted for any activity on a lot created after June 2, 1980, if the new lot does not meet the provisions of this chapter. A new lot shall not be created if construction of a road/stream crossing is required to provide access to the only buildable area.

**D. Single-Family Dwelling and Appurtenances.** For lots in the RP, RE, R-1A, R-1B, or R-1C districts only 1 single-family dwelling shall be permitted per lot; unless, for each single-family dwelling placed in a cluster-type setting that does not meet the subdivision requirements of this ordinance, a portion of the lot containing an area equal to a newly created separate legal lot, as described herein, will be made subject to a permanent conservation easement or deed restriction prohibiting construction of any structure within that portion of the lot.

A conservation easement will be sold, donated, or otherwise conveyed, in writing in perpetuity, to a land conservancy, local unit of government, or the state. The agency acquiring the conservation easement shall agree, in writing in perpetuity, to refrain from

development of the land.

**E. Impervious Surfaces.** The maximum percentage of impervious surface permitted on a lot is as follows:

Lot Area	Maximum Impervious Surface
Less than 10,000 square feet	35%
10,000 - 40,000 square feet	25%
40,000 - 80,000 square feet	20%
More than 80,000 square feet	10%

**F. Bluffs.**

1. The natural contour of the face and crest of the bluff shall not be altered.
2. The land between the crest of the bluff and the minimum building setback line shall not be altered, except for minor landscaping activities.

**G. Docks.** A dock shall conform to all of the following:

1. A dock shall not be more than 48 square feet in area, with not more than 4 feet of the dock extending over the edge of the river.
2. A dock shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.
3. One private boat dock is permitted per parcel, unless otherwise provided for in this ordinance.

**H. Mining and Extractive Industries and Uses.** Mining and extractive industries and uses shall comply with [CHAPTER 16, ARTICLE II OF THE PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES](#) and this chapter. Mining and extracting industries, and all land disturbances, structures, and other activities related to the industry shall be located more than 300 feet from the ordinary high-water mark.

**I. Stairways.** A stairway constructed to allow river access shall conform to all of the following standards:

1. A stairway is not permitted unless no other reasonable and safe access to the river exists.
2. A stairway shall be low-profile, not more than 4 feet wide, and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate.
3. A landing shall not be constructed unless required by the Building Code, in which case the landing shall be the minimum number and size required by the Building Code.
4. Not more than 1 handrail shall be associated with a stairway.
5. A stairway shall be constructed using natural materials.



6. A stairway shall be located and maintained to blend with the natural surroundings and where removal of vegetation in the natural vegetation strip can be minimized.
7. Only 1 private river access stairway per parcel is permitted.

**J. Boardwalks.** A boardwalk associated with a footpath to the river's edge shall conform to all of the following standards:

1. A boardwalk shall be placed only in an area that is generally too wet to be traversed without significant disturbance of the soils.
2. A boardwalk and all supports shall be constructed of natural materials.
3. A boardwalk shall not be more than 3 feet wide.
4. A boardwalk shall not include any railing.
5. The top of a boardwalk shall not be more than 12 inches above grade.

**K. Natural Vegetation Strips.** Within the natural river district, a natural vegetation strip shall be maintained that includes the river and all lands within the area abutting the river's edge for each designated natural river as specified in these rules. Trees and shrubs may be pruned over not more than a 50-foot width for a filtered view of the river. In addition, the following standards shall apply to natural vegetation strips:

1. **Tree Removal.** Felling of a tree or removal of other vegetation in the natural vegetation strip is prohibited, except for the following:
  - a. An unsafe tree, noxious plant, or shrub, such as poison ivy and poison sumac, may be removed without a zoning permit.
  - b. Select tree removal or trimming for forest management practices or disease and insect control and clearing of vegetation to the minimum width required for public utility primary electric distribution lines and service lines for permitted uses is permitted upon approval of the Community Development Department in consultation with local conservation district staff, if the activity is in keeping with the goals and objectives of the natural river plan.
2. **Mowing.** Mowing is prohibited in the natural vegetation strip, except in an area maintained in a mowed condition before June 2, 1980, or to establish a single footpath to the river not to exceed 4 feet wide.
3. **Islands.** Any island in any stream segment is subject to the natural vegetation strip standards as described in these rules.
4. **Camping.** Camping, except for tent camping, is not permitted in the natural vegetation strip.
5. **Off-road vehicles.** A motorized vehicle shall not be operated off road in the natural vegetation strip.
6. **Drinking Water Supply.** A drinking water supply well for a single-family dwelling shall not be located in the natural vegetation strip or closer to the river than the structure it serves. A drinking water supply well not meeting the requirements of this rule requires a minor variance subject to R 281.60 of the Michigan Administrative Code.
7. **Agriculture.** Agricultural pursuits are permitted within the natural vegetation strip subject to [SECTION 25.03 C](#), unless the Department of Natural Resources (DNR)

or Department of Environment, Great Lakes & Energy (EGLE) determines that such pursuit will contribute to degradation, in which event such use shall not be closer than 50 feet from the river's edge of the Rogue River and 25 feet from the river's edge of Barkley Creek.

- 8. Clearcutting.** Clearcutting in the natural vegetation strip is prohibited. Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy and poison sumac, may be removed. Selective removal and/or trimming of trees and shrubs for timber harvesting, landscaping, pruning for a filtered view of the river, or public utility facilities is permitted for trees of less than 6 inches in diameter measured at a height of 4 feet from the ground.
- L. Non-motorized Water Craft.** Only non-motorized watercraft are permitted upstream from West River Drive.
- M. Utilities.** Underground gas and utility lines are subject to the provisions of [SECTION 25.06 C.](#)
- N. Motor Vehicles.** Licensed, operable motor vehicles are only permitted on existing public and private roads and driveways and designated trails.
- O. Septic Systems.** A disposal field, septic tank, and outhouse, shall comply with all the following provisions:
  - 1.** A septic tank and disposal field shall meet Kent County Health Department standards.
  - 2.** A disposal field shall be located not less than 100 feet from the ordinary high-water mark on the mainstream and all designated tributaries and not less than 50 feet from any surface or subsurface drain that discharges into the Rogue river or its designated tributaries, and not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
  - 3.** A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.
  - 4.** An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall not be located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Rogue river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
  - 5.** Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.
  - 6.** An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries, provided no part of the system is in a wetland or the 100-year floodplain.
  - 7.** Disposal of sludge from any wastewater treatment system is prohibited in the natural river overlay district.
- P. Bridges.** Bridges shall conform to all of the following:
  - 1.** An existing bridge that is destroyed by any means, whether on a tributary or main

stream segment, may be replaced. On a mainstream segment or a tributary, subject to mainstream development standards, a destroyed pedestrian bridge may not be replaced with a vehicle bridge. An application for replacement of a destroyed **bridge** shall be submitted within 12 months of destruction or the replacement bridge shall be considered a new bridge and shall be subject to the standards for a new bridge.

2. A replacement bridge on any mainstream segment or tributary subject to mainstream development standards shall span the bankfull channel, have a minimum clearance of 5 feet between the ordinary high-water mark and the bottom of the bridge deck and/or deck supports other than abutments, and be a bottomless structure.
  3. A permanent bridge replacing a bottomless bridge on Barkley Creek subject to mainstream development standards shall span the bankfull channel and be a bottomless structure, and in the case of any pedestrian bridge, constructed in order to exclude the use by any wheeled or tracked motorized vehicle or snowmobile.
  4. A permanent bridge replacing a bridge without a natural bottom on a tributary not subject to mainstream development standards shall be recessed and span the bankfull channel, and, in the case of any pedestrian bridge, be constructed to exclude the use by any wheeled or tracked motorized vehicle or snowmobile.
  5. A new bridge of any type is prohibited on any mainstream segment and on any tributary subject to mainstream development standards.
  6. A new bridge is not permitted on any designated river segment on any parcel that is created after June 2, 1980, other than on the original parent parcel.
  7. A new pedestrian bridge may be permitted on a tributary not subject to mainstream development standards provided the lands connected by a new bridge are collectively owned by 1 person.
  8. A new permanent bridge on a tributary not subject to mainstream development standards shall span the bankfull channel and be a bottomless structure and, in the case of a pedestrian bridge, be constructed to exclude the use by any wheeled or tracked motorized vehicle or snowmobile.
  9. A new permanent vehicle bridge on a tributary not subject to mainstream development standards requires a special use permit as specified in R 281.55 of the Michigan Administrative Code.
  10. Only 1 bridge is permitted to access a portion of land that is otherwise inaccessible from the owner's contiguous property.
  11. A temporary vehicle bridge on a tributary not subject to mainstream development standards for the purpose of access for timber harvest may be permitted, provided it is constructed in a manner that minimizes impacts to the stream and aquatic organisms and shall be removed immediately after timber harvesting activities. All disturbed areas in the natural vegetation strip shall be revegetated with native vegetation, any fill placed shall be removed, and the land shall be returned to its original grade as soon as possible after removal of the bridge.
- Q. Home occupations.** Home occupations or other uses determined by the Planning Commission to be similar in nature may be permitted.

## SECTION 25.05 - DIMENSIONAL REGULATIONS

### A. Yard Requirements.

1. **Ordinary High Water Mark.** Principal buildings shall be set back not less than 150 feet from the ordinary high water mark on the main stream, and 100 feet from the ordinary high water mark on all designated tributaries, except as described in R 281.57 of the Michigan Administrative Code, or except as provided in this section.
2. **Bluffs.**
  - a. Unless otherwise required by this ordinance, a building or structure may be erected or constructed 5 feet closer to the river's edge for each foot of vertical bank height exceeding 10 feet above the ordinary high water mark.
  - b. No structure or building shall be erected closer to the river than 25 feet from the top of a bluff on the non-cutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.
3. **Accessory Buildings, Structures, and Appurtenances.** Accessory buildings and appurtenances shall meet the setback and other development requirements of this ordinance, unless otherwise provided in this chapter.
4. **Non-conforming Dwellings.** Dwellings may be constructed within the setback specified in section 25.05 A.1 above, if:
  - a. The proposed single-family dwelling is on a vacant, legal, nonconforming parcel that is between and adjacent to 2 parcels that contain a legal single-family dwelling; and
  - b. The adjacent single-family dwellings are within 150 feet of each other.

In these circumstances, a variance from section 25.05 A,1 may be granted by the Community Development Department that will result in the new single-family dwelling being located no closer to the river than the adjacent single-family dwelling that is farthest from the high-water mark or landward of the natural vegetation strip or 75 feet from the high-water mark, whichever is greater.

This section does not apply to an appurtenance, accessory building, or other structure. Any development shall be in conformance with the bluff development standards established for each designated natural river in these rules.

5. No construction activities shall occur within the NR Overlay district on land that is subject to flooding or in any wetland area.

### B. Lot Area Requirement.

1. Lots created after June 2, 1980, shall meet the following requirements:
  - a. Lots shall be accessible by a public road or private road on at least one side of the stream.
  - b. At least 200 feet of river frontage is required, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river and is at least 200 feet wide at the minimum building setback line.



# CHAPTER 26

## FLOODPLAIN OVERLAY

### SECTION 26.01 - PURPOSE

This ordinance is intended to regulate floodplain development to:

- A.** Protect life, health and property
- B.** Minimize expenditures of public funds for flood control projects;
- C.** Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- D.** Minimize business interruptions and other economic disruptions;
- E.** Minimize damage to public facilities in the floodplain;
- F.** Minimize the occurrence of blight resulting from flooding;
- G.** Educate unwary landowners and homebuyers;
- H.** Prevent increases in flood heights that may increase flood damage and result in conflicts between property owners; and
- I.** Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain.

In addition, these regulations are intended to comply with the provisions and requirements of the National Flood Insurance Program (NFIP), as constituted in accord with the National Flood Insurance Act of 1968, as amended and regulations promulgated in furtherance of such program by the United States Department of Housing and Urban Development, Federal Insurance Administration.

The provisions of this chapter apply to all properties within the 100-year floodplain or floodway, regardless of zoning district.

## SECTION 26.02 - BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance administration in its report entitled " The Flood Insurance Study for Kent County, All Jurisdictions" dated February 23, 2023 and the Flood Insurance Rate Maps (FIRM), panel numbers shown on the index panels: 26081CIND1A and 26081CIND2A, effective February 23, 2023.

Flood Insurance Rate Maps are subject to change from time to time by the Federal Emergency Management Agency. For the purposes of this chapter, the most recent Flood Insurance Rate Maps promulgated by the Federal Emergency Management Agency shall control.

These are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Township Offices.

## SECTION 26.03 - DEFINITIONS

For purposes of this chapter, the following definitions shall be used:

- A. AREA OF SHALLOW FLOODING** - A designated AO, AH, AR/AO, AR/AH or VO zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flooding.
- B. BASE FLOOD** - The flood having a one percent chance of being equaled or exceeded in any given year.
- C. BASEMENT** - Any enclosed area of a building having its floor sub-grade, (i.e. below ground level, on all sides).
- D. CHANNEL** - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- E. CRAWL SPACE OR CRAWLWAY** - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- F. DEVELOPMENT** - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- G. EGLE** - The Michigan Department of Environment, Great Lakes, and Energy (EGLE) or its successor thereof.
- H. FEMA** - Federal Emergency Management Agency or successor thereof.
- I. FLOOD OR FLOODING** - A general and temporary condition of partial or complete

inundation of normally dry land areas caused by one of the following conditions:

1. The overflow or rise of inland waters.
  2. The rapid accumulation or runoff of surface waters from any source.
  3. The sudden increase of flooding caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event such as an ice dam.
- J. FLOOD FREQUENCY** - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
- K.** Reserved.
- L. FLOOD INSURANCE RATE MAP (FIRM)** - A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
1. **POST-FIRM BUILDING** - For insurance rating purposes, a post-FIRM building was constructed or substantially improved after the effective date of the initial Flood Insurance Rate Map. For a community that participated in the NFIP when its initial FIRM was issued, post-FIRM buildings are the same as new construction and must meet the National Flood Insurance Program's minimum floodplain management standards.
  2. **PRE-FIRM BUILDING** - For insurance rating purposes, a pre-FIRM building was constructed or substantially improved on or before December 31, 1974, or before the effective date of the initial Flood Insurance Rate Map of the community, whichever is later. Most pre-FIRM buildings were constructed without taking the flood hazard into account.
- M. FLOODFRINGE** - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- N. FLOOD INSURANCE STUDY (FIS)** - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- O. FLOODPLAIN** - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes. Where Federal Insurance administration data is not available, the best available floodplain information shall be utilized.
- P. FLOODPROOFING** - Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- Q. FLOOD PROTECTION ELEVATION** - An elevation of a minimum of one foot of freeboard



above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

- R. FLOODWAY** - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- S. FREEBOARD** - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- T. HABITABLE (FINISHED) FLOOR AREA** - Any floor area usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. An unimproved floor used only for storage purposes is not a "habitable floor."
- U. HIGHEST ADJACENT GRADE** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- V. HYDROSTATIC PRESSURE** - The pressure put on a structure by the weight of standing water. The deeper the water, the more it weighs and the greater the hydrostatic pressure.
- W. LETTER OF MAP CHANGE** - Shall generally mean the following:
  - 1. Letter of Determination Review (LODR)** - FEMA's or FEMA's acting agent's ruling on the determination made by a lender or third party that a borrower's building is in a Special Flood Hazard Area (SFHA). A LODR deals only with the location of a building relative to the SFHA boundary shown on the Flood Insurance Rate Map (FIRM).
  - 2. Letter of Map Amendment (LOMA)** - An amendment to the currently effective FEMA map which establishes that a building or property is not located in a Special Flood Hazard Area (SFHA). A LOMA is issued only by FEMA.
  - 3. Letter of Map Revision (LOMR)** - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
  - 4. Out-As-Shown Determination** - An alternative outcome of the FEMA letter of Map Amendment (LOMA) review process stating that a specific property is located outside the Special Flood Hazard Area (SFHA) as indicated on the Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM)
  - 5. Conditional Letter of Map Amendment (CLOMA)**
  - 6. Conditional Letter of Map Revision (CLOMR)**
- X. LOWEST ADJACENT GRADE** - Elevation of the lowest ground surface that touches any portion of a building or anything that is structurally connected to the building such as a deck, patio, or stairs.
- Y. LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of requirements.
- Z. MAINTENANCE** - The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems, or equipment with equivalent fixtures, systems, or structures.

- AA. MODIFICATION OR ALTERATION** - Includes but is not limited to, any alteration, addition, modification, structural repair, rebuilding, or replacement of any such existing use, structure or accessory structure or use.
- AB. NAVD OR NORTH AMERICAN VERTICAL DATUM** - Elevations referenced to mean sea level datum, 1988 adjustment.
- AC. NGVD OR NATIONAL GEODETIC VERTICAL DATUM** - Elevations referenced to mean sea level datum, 1929 adjustment.
- AD. NEW CONSTRUCTION** - Structures for which the “start of construction” commenced on or after the effective date of this ordinance.
- AE. NONCONFORMING STRUCTURE** - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- AF. FF. SPECIAL FLOOD HAZARD AREA (SFHA)** - The land in the floodplain subject to a one percent or greater chance of flooding in any given year, including land in the floodway, floodfringe and general floodplain. The Special Flood Hazard Area (except coastal V Zones) shown on a community’s Flood Insurance Rate Map are divided into various zones.
1. **Zone A:** Where no base flood elevation is provided.
  2. **A1-30:** Numbered A Zones (e.g., A7 or A14), where the FIRM shows a base flood elevation in relation to NGVD.
  3. **AE:** Where base flood elevations are provided. AE Zone delineations are now used on new FIRMs instead of A# Zones.
  4. **AO:** Areas sheet flow, ponding, or shallow flooding. Base flood depths (feet above grade) are provided.
  5. **AH:** Areas of shallow flooding, base flood elevations in relation to NGVD are provided.
  6. **Zone B:** Flood hazard area, usually depicted on Flood Insurance Rate Maps as between the limits of the base and 500-year floods. B Zones are also used to designate base floodplains of little hazard, such as those with average depths of less than 1 foot.
  7. **Zone C:** Area of minimal flood hazard, usually depicted on Flood Insurance Rate Maps as above the 500-year flood level. B and C Zones may have flooding that does not meet the criteria to be mapped as a Special Flood Hazard Area, especially ponding and drainage problems.
- AG. START OF CONSTRUCTION** - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation

for a basement.

For an alteration or remodel, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**AH. SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 25 percent of the equalized assessed value of the structure before the damage occurred.

**AI. SUBSTANTIAL IMPROVEMENT** - A building that has undergone reconstruction, rehabilitation, addition, or other improvement, the cost of which equals or exceeds 25% of the market value of the building before the "start of construction" of the improvement. This term does not include a building that has undergone reconstruction, rehabilitation, addition, or other improvement related to:

1. Any project or improvement of a building to correct existing violations of a state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic building", provided that the alteration will not preclude the structure's continued designation as a "historic building."

Substantial improvement also includes any "modification" and "addition," and are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. This does not include maintenance or the elevation of a structure out of the base flood elevation.

**AJ. UNFINISHED AREA** - An enclosed area that is used only for the parking of vehicles, building access or storage purposes and that does not meet the definition of a finished (habitable) area. Drywall used for fire protection is permitted in unfinished areas.

## SECTION 26.04 - SPECIAL FLOOD HAZARD OVERLAY BOUNDARIES

This ordinance regulates all areas that would be covered by the base flood as shown on the Flood Insurance Rate Map (FIRM). Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM, other regulatory zones are displayed as A and AO zones. If more than one map or revision is referenced, the most restrictive information shall apply. This ordinance shall overlay zoning districts shown on the official zoning map.

In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this chapter shall be necessary for all development occurring within the flood zones. Conflicts between the requirements of this chapter and other requirements of this ordinance or any other ordinance shall be resolved in favor of this chapter and other requirements of this ordinance shall be resolved in favor of this chapter except where the conflicting requirement is more stringent and would further the objectives of this chapter.

**A. Revisions** - Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the Michigan Department of Environment, Great Lakes and Energy (EGLE) and/or FEMA through the Letter of Map Change process

(see [SECTION 26.12, AMENDMENTS](#)) before it is effective. If more than one map or revision is referenced, the most restrictive information shall apply.

**B. Locating Floodplain Boundaries** - Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in 1 or 2 below.

If a significant difference exists, the map shall be amended according to [SECTION 26.12, AMENDMENTS](#). The Community Development Department can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. Disputes between the Community Development Department and an applicant over the district boundary line shall be settled according to [SECTION 26.11, ZONING BOARD OF APPEALS](#), and the criteria in 1 and 2 below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to [SECTION 26.12, AMENDMENTS](#).

1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies. For areas that are within the 100-year floodplain based on the FIRM, but the existing elevations are above the BFE, the applicant shall obtain a LOMA from FEMA.
2. Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

**C. Determining Floodway and Floodfringe Limits** - Upon receiving an application for development within the floodplain district, the Community Development Department may:

1. Require the applicant to submit two copies of a site plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
2. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  - a. A Hydrologic and Hydraulic Study.
  - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.

## **SECTION 26.05 - SUBSTANTIAL IMPROVEMENTS, RESIDENTIAL**

**A. Floodway** - No substantial improvement of any structure in the floodway may exceed 25% of its present equalized assessed value over the life of the structure, without elevation of that structure to a minimum of one (1) foot above the base flood elevation and shall be certified by a registered engineer or architect. The building footprint,

including cantilevering, of any habitable portion of the structure cannot be expanded upon, except additional stories as provided for in Section 26.07.

- B. Floodfringe** - New construction and substantial improvement of any residential structure in the floodfringe subarea shall have the lowest floor, including basement, elevated 1 foot above the base flood elevation and shall be certified by a registered engineer or architect.
- C. General Flood Subarea** (Example - areas of Indeterminate flooding) - New construction and substantial improvement of any residential structure in the general flood subarea shall, elevated 1 foot above the base flood elevation and shall be certified by a registered engineer or architect.

## SECTION 26.06 - SUBSTANTIAL IMPROVEMENTS, NON-RESIDENTIAL

New construction and substantial improvement exceeding 25% of its present equalized assessed value shall either have the lowest floor, including basement, elevated 1 foot above the base flood elevation together with attendant utility and sanitary facilities and shall be certified by a registered engineer or architect unless otherwise provided for in this ordinance or other applicable codes or ordinances.

## SECTION 26.07 - GENERAL CONSTRUCTION STANDARDS

In all areas of special flood hazard overlay, the following standards are required:

- A.** All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage including at least a 1-foot freeboard requirement (including machinery and equipment) for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its Special Flood Hazard Area (SFHA).
- B. Buoyancy** - All new construction and substantial improvements shall be constructed with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- C. Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure including the effects of buoyancy.
- D. Water Supply Systems** - All new and replacement water supply systems including wells shall be designed to minimize or eliminate infiltration of flood waters into the system.
- E. Sanitary Sewer Systems** - All new and replacement sanitary sewage systems including septic systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- F. Subdivision Utilities** - All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- G. Utility Appurtenances** - All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated 1 foot above the base flood elevation and shall be certified by a registered engineer or architect

so as to prevent water from entering or accumulating within the components during conditions of flooding.

- H. Drainage in AO Zone** - In AO Zones, all new construction and substantial improvements shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- I. Elevation Certificate** - Prior to issuance of final occupancy an elevation certificate must be completed and submitted to the Community Development Department for all new construction and substantial improvements.,
- J. Elevation** - The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation established in the ordinance are excluded from the 25% provisions of this paragraph.
- K. Per Event Basis** - On a per flood event basis the total value of the work being done under cannot exceed 25% of the present equalized assessed value over a period of 10 years. New construction shall not be permitted unless the entire structure complies the requirements of this ordinance.
- L. Calculation of Substantial Improvement** - In general this includes cost of materials, labor, built in appliances, overhead, profit and repair to damages done at the same time. Maintenance is not considered a substantial improvement; this includes painting, decorating, paneling and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.
- M. Story additions** - Additional stories may be permitted on nonconforming structures provided the total cost of improvement complies with [SECTIONS 26.05](#) and [26.06](#). Second story additions cannot overhang or cantilever outside of the cubic footprint of the existing structure.
- N. Dryland Access** - Contiguous dryland access shall be provided to all site condominium, condominium, private road extensions and platted developments to land outside of the floodplain. Except in developments where existing street or sewer line elevations make compliance impractical, the township may permit new development and substantial improvements where roads are below the regional flood elevation, if, the township has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event.
- O. Storage of Hazardous Materials** - Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with applicable ordinances and regulations. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- P. Fill Materials** - Fill materials may be allowed, if:
  - 1. Approval from the Michigan Department of Environment, Great Lakes and Energy, that the proposed fill materials will not result in any increases in flood levels during a base flood discharge.
  - 2. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
  - 3. The fill is not classified as a solid or hazardous material.
- Q.** Pursuant to the provisions of the state construction code, in accordance with Section

8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

## SECTION 26.08 - USE

This section applies to all areas shown on the floodplain zoning maps and those identified pursuant to [SECTION 26.04](#).

### A. Prohibited Uses - The following uses are prohibited in the floodplain:

1. Private community sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and approved campgrounds that meet the applicable provisions of local ordinances.
2. Solid or hazardous waste disposal sites.
3. Camping or storage on vacant parcels and lots.

### B. Floodway Uses (Subarea)

1. **Non-habitable Structures** - Buildings and structures accessory to permanent open space uses or functionally dependent on a waterfront location, and not designed for human habitation, may be allowed by permit.
2. **Prohibited Uses**
  1. New habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses.
  1. Hazardous Materials - In the floodway storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life. This does not include private utilities such as propane tanks for the heating of residential homes.

### C. Floodfringe Uses - Any structure, land use, or development, permitted in the underlying zone district, is allowed in the Floodfringe District, provided all applicable standards are met.

1. **New Residential Uses** - Any residential structure which is to be newly constructed or moved into the floodfringe, shall have the lowest floor, including basement, at least one foot above the base flood elevation. Where fill is used to raise the grade to meet elevation requirements the flood elevation must be extended at least 15 feet beyond the limits of the structure or as permitted by EGLE
2. **Non-residential Uses** - Any commercial structure which is erected, altered, or moved into the floodfringe shall meet the applicable provisions of [SECTION 26.05](#).
3. Storage yards, surface parking lots and other such uses may be placed at lower elevations.

## SECTION 26.09 - NONCONFORMING USES

### A. Applicability - Any nonconforming use or structure which was lawful before the passage of this ordinance or any amendment thereto is nonconforming. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this



ordinance may continue. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance.

Conflicts between the requirements of this section and [CHAPTER 4](#), Nonconforming Uses and Structures and other requirements of this ordinance or any other ordinance shall be resolved in favor of this chapter except where the conflicting requirement is more stringent and would further the objectives of this chapter.

- B. Destroyed or Substantially Damaged Structures** - Except as provided in elsewhere in this ordinance, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 25% of the structure's present equalized assessed value.
- C. Historic Structures** - Nonconforming historic structures may be altered, if the alteration will not preclude the structure's continued designation as a historic structure, flood resistant materials are used, and construction practices and floodproofing methods that comply with applicable ordinances and codes. Repair or rehabilitation of historic structures shall be exempt from the development standards of this ordinance, if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

## SECTION 26.10 - ADMINISTRATION

The following procedures shall be followed during the administration of this Chapter:

- A. Building Permit Requirements** - Before construction or development begins within any area of special flood hazard and floodway zone, a building permit shall be obtained in accordance with the provisions of [CHAPTER 36](#) and the township building code. In addition, the following information is required:
  - 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
  - 2. Certification by a registered engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in [SECTION 26.05B](#).
  - 3. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.
  - 4. All necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
  - 5. For all new or substantially improved flood proofed structures:
    - a. Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.
    - b. Maintain the required flood proofing certifications.
    - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.
    - d. Notify adjacent communities and the EGLE prior to any alteration or relocation of



a watercourse and submit evidence of such notification to the Federal Insurance Administration and require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

## **B. Community Development Department**

- 1. Duties and Powers** - The Community Development Department is authorized to administer this ordinance and shall have the following duties and powers:
  - a.** Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
  - b.** Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
  - c.** Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
  - d.** Keep records of official actions such as:
    - i.** All permits issued, inspections made, and work approved.
    - ii.** Documentation of certified lowest floor and regional flood elevations.
    - iii.** Floodproofing certificates.
    - iv.** Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
    - v.** All substantial damage assessment reports for floodplain structures.
    - vi.** List of nonconforming structures and uses.
    - vii.** Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

**C. Other Permits** - Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**D. Expiration** - All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

## **SECTION 26.11 - ZONING BOARD OF APPEALS**

Variations from the provisions of this Chapter shall be granted by the Board of Appeals only upon a determination of compliance with the general standards for variations contained in this ordinance, and each of the following specific standards:

**A. Applicability** - A variance shall not be granted within the regulatory floodway zone where the result would be any increase in flood levels during a base flood discharge, except upon certification by a registered engineer or the EGLE that the cumulative effect

of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood..

**B. Additional FEMA Variance Requirements** - FEMA regulations require the following additional criteria must be met:

1. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
2. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (B) (3), (4), (5) and (6) of this section;
3. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
5. The township shall notify the applicant in writing where a variance would result in construction of a structure below the base flood level, that such variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (B)(6) of this section; and
6. The township shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.
7. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (B)(1) through (B)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**C. Conditions** - The Board of Appeals may attach conditions to the granting of a variance to ensure compliance with the standards contained in this ordinance.

**C. Historic Structures** - Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

## SECTION 26.12 - AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles, in accordance with

this Section.

- A. Zones AE** - In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless amendments are made to the official floodplain zoning maps, floodway lines and water surface profiles. Any such alterations must be reviewed and approved by FEMA and the EGLE.
- B. Zones A** - In A Zones increases may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles.
- C. General** - Actions which require a submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
  - 1. Any fill or floodway encroachment that obstructs flow causing any increase in the base flood elevation.
  - 2. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.
  - 3. Any floodplain fill which raises the elevation of the filled area to a height at or above the base flood elevation and is contiguous to land lying outside the floodplain.
  - 4. Correction of discrepancies between the water surface profiles and floodplain maps.
  - 5. Any upgrade to a floodplain zoning ordinance text required by the State of Michigan or otherwise required by law.
  - 6. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

## SECTION 26.13 - DISCLAIMER OF LIABILITY

The granting of a permit or approval for any proposal in the designated flood areas shall not constitute a representation, guarantee, or warranty of any type by the Township or by any official or employee thereof of the practicality or safety of any structure or use. Nor do these regulations imply that areas outside the designated flood areas will be free from periodic flooding or flood damages, and shall create no liability upon, or a cause of action against such public body, official, or employee for any damage that may pursuant thereto.

# CHAPTER 27

## WELLHEAD PROTECTION OVERLAY

### SECTION 27.01 - PURPOSE AND DESCRIPTION

The purposes of this district are the following:

- A.** To minimize the risk of spills, leaks, and other discharges into groundwater supplies within the overlay district;
- B.** To prevent the creation or establishment of non-compatible land uses within the overlay district which have the potential to degrade or otherwise negatively impact groundwater resources;
- C.** To prevent and minimize public and private losses due to contamination of the public water supply by avoiding expenditure of public money for costly pollution remediation projects and/or replacement of water supply system assets;
- D.** To minimize interruptions to businesses by only regulating specific land-use activities within the Wellhead Protection Overlay district based upon determined potential risk to the water supply system.

In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this chapter shall be applicable to all development occurring within the Wellhead Protection Overlay district. Conflicts between the requirements of this chapter and other requirements of this ordinance or any other ordinance shall be resolved in favor of this chapter, except where the conflicting requirement is more stringent, in which case the more stringent requirement shall apply.

### SECTION 27.02 - DEFINITIONS

For purposes of this chapter, the following words and terms shall have the meaning ascribed to them by this section unless the context in which they are used specifically indicates otherwise.

- A. ABOVEGROUND STORAGE TANK (AST):** A tank or combination of tanks, including the pipes that are connected to the tanks, or ancillary equipment containment systems, if any, which is, was, or may have been used to contain regulated substances and which has less than 10 percent of its volume, including the volume of the underground pipes that are connected to the tank, or tanks, beneath the surface of the ground.
- B. BEST MANAGEMENT PRACTICES (BMP):** The best available methods, activities, maintenance procedures, technologies, operating methods, or management practices for preventing or reducing the quantity of regulated substances entering groundwater and surface water from a particular land use activity.
- C. FACILITY:** All contiguous land and related structures, appurtenances, and improvements on land with the same facility operator. A facility may consist of several operations. Contiguous land shall include land separated by a public right-of-way so long as such land would otherwise be contiguous. The term facility includes all principal and accessory uses, including residential uses.
- D. FACILITY OPERATOR:** The person or designee in possession and/or control of a facility and/or regulated substance storage unit regardless of whether such person is the owner, lessee, or other possessor. The term also includes contractors or site managers at construction sites who are responsible for the general management of regulated substances located on site.
- E. GROUNDWATER:** The water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/ collection systems.
- F. REGULATED SUBSTANCE STORAGE UNIT:** Any UST, AST, drum, carboy, or other container used for the storage of one or more regulated substance(s) including silo, bag, tank wagon, box, glass, cylinder, total bin, truck body, rail car, tanker, or tool crib when used for permanent or temporary storage of regulated substances.
- G. REGULATED SUBSTANCES:**
  - 1. Substances for which there is a material safety data sheet (MSDS), as established by the United States Occupational Safety and Health Administration, and the MSDS cites possible health hazards for said substance;
  - 2. Contaminants, including, but not limited to, hazardous substances and hazardous waste, under Michigan's Natural Resources and Environmental Protection Act (NREPA); the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA); the federal Resource Conservation and Recovery Act (RCRA); and all applicable rules and regulations;
  - 3. Radiological materials; and
  - 4. Biohazards and medical waste.

**Regulated Substances shall not include the following:**

- 1. Substances that are in transit (while in motion) from one facility to another and substances in a parked or stopped vehicle in transit, provided the vehicle is stopped or parked for less than 72 hours;
- 2. Substances, such as gasoline or oil, in operable motor vehicles or boats, so long as used solely for the operation of the vehicle or boat, but not the tanker portion of a tank truck;

3. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
4. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
5. Substances contained within electrical lighting or electrical utility transformers/ switches;
6. Substances used in construction for which all necessary permits have been obtained and in accordance with the Wellhead Protection Ordinance.
7. Prepackaged substances, such as salt, used in water softeners, fertilizers, pesticides, herbicides, and cleaning agents that are packaged for personal or household use, provided, however, that said substances are not possessed by a manufacturer or wholesaler as either inventory or manufactured product.

**H. RELEASE:** The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more regulated substances upon or into any land or water within the overlay district.

Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied herein does not include:

1. Disposal in accordance with all legal requirements, including those in NREPA, RCRA, and CERCLA, of hazardous substances and hazardous wastes in a facility that has received and maintained all necessary legal approvals for that purpose;
2. Disposal of any substance in compliance with applicable legal requirements, including, without limitation, the terms and provisions of a valid municipal, state, or federal permit;
3. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
4. Disposal, in accordance with all legal requirements, of sanitary sewage to subsurface sewage disposal systems as defined and permitted by the State of Michigan or Kent County Health Department;
5. A release for which there is no obligation to report under federal, state, or local regulations that occurs on an impervious ground surface (e.g. building floor or concrete driveway) that is effectively cleaned up before reaching permeable ground (e.g. unpaved), a dry well, a storm sewer, or surface water body;
6. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under Generally Accepted Agricultural Management Practices, and consistent with label directions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture;
7. The application of fertilizers, herbicides, and pesticides if used in the routine care for lawns and landscaped areas consistent with manufacturer label directions.

- I. UNDERGROUND STORAGE TANK (UST):** A tank or combination of tanks, including underground pipes connected to the tanks or tanks, which is, was, or may have been used to contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is 10 percent or more beneath the surface of the ground.
- J. SPILL CONTINGENCY PLAN:** A written site-specific plan conforming to the specifications and requirements contained in the Wellhead Protection Ordinance, including the documentation of general site operations, regulated substance storage areas, potential for releases of regulated substances, an analysis of the potential destination of such releases, and procedures to be followed in the event of a release.

## **SECTION 27.03 - SPECIFICALLY PROHIBITED USES AND ACTIONS**

The following uses and actions are prohibited within the Wellhead Protection Overlay district.

- A. [Bulk station](#)**
- B. [Automobile gas station](#)**
- C. [Automobile service station](#)**
- D. [Junk yard](#)**
- E. [Sanitary landfills & transfer stations](#)**
- F. [Central dry cleaning and laundry](#)**
- G.** Possession, use, processing, storing, or generating of regulated substances, including fuels (e.g. gasoline, diesel, kerosene, etc.) exceeding 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights at any given time, unless a special use permit is obtained pursuant to chapter 27.04 and the necessary variance(s) is obtained pursuant to the Wellhead Protection Ordinance.
- H.** Construction or replacement of any privy, privy vault, septic tank, cesspool, or other receptacle intended or used for the disposal of domestic or non-domestic wastewater if, in the determination of the township, public sanitary sewer is reasonably available.
- I.** Installation of a private water well for the purpose of drinking water or irrigation if, in the determination of the Township, public water service is reasonably available.
- J.** Installation or use of a private water well not installed for the purpose of drinking water or irrigation unless it is determined by the Director of Public Services that the well will not cause an adverse impact to the public water supply.
- K.** Installation or use of a geothermal well for heating and cooling systems.

## **SECTION 27.04 - USES REQUIRING SPECIAL APPROVAL**

The following uses may be permitted as special uses under the provisions of [CHAPTER 29](#).

- A.** Possession of Regulated Substances within the Wellhead Protection Overlay District. Any use that involves the possession, use, processing, storing, or generating of regulated substances, including fuels (e.g. gasoline, diesel, kerosene, etc.) exceeding 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights at any given time.

The special permit use required under this section shall be in addition to any other zoning approvals and permits that may be required for the use. If the proposed use also requires special use approval pursuant to the requirements of the underlying zoning district, only 1 special use application fee shall be required.

The following uses shall be presumed to exceed the permitted maximum amount of regulated substances that may be possessed without obtaining a special use permit and shall require special use approval under [CHAPTER 29](#) unless the Community Development Director determines, based on the application and other relevant factors such as the nature and size of the proposed use, that the proposed use will not involve the use, processing, possession, storage, or generation of regulated substances exceeding 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights:

1. [Auto repair facilities](#)
2. [Auto parts and accessories](#)
3. [Automobile wash establishment](#)
4. [Warehousing and general storage](#)
5. [Mini-warehousing and self-storage facilities](#)
6. [Outdoor storage](#) & [contractor's yards](#)
7. [Vehicle repossession and/or seizure & auction facility](#)
8. [Permitted uses](#) not conducted within a completely enclosed building
9. [Public utility storage and service yard/private transfer facility](#)
10. Bulk mixing of fertilizers, herbicides, and pesticides
11. Uses identified in [SECTION 21.02 A, C, AND D](#)
12. Uses identified in [SECTION 21.03 B AND D](#)
13. Uses identified in [SECTION 21.04 B, D, AND E](#)
14. Uses identified in [SECTION 22.02 A, B, E, G, H, J, AND L](#)
15. Uses identified in [SECTION 22.04 B, C, E, F, G, I, AND J](#)

## SECTION 27.05 - GENERAL CONDITIONS

The following provisions apply to all uses within the Wellhead Protection Overlay district.

- A.** The site shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, and groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of the township's source of drinking water.
- B.** Dewatering is prohibited unless a dewatering plan is submitted and approved by the Township Public Services Director.
- C.** Use of fill material containing hazardous substances above any state or federal cleanup criteria for soils is prohibited. No fill material may be brought into the Wellhead Protection Overlay zone that was obtained from a site currently or previously used as an industrial site.



- D.** Parking areas and loading/unloading areas for industrial uses shall be paved with concrete, asphalt, or an equivalent smooth surface and shall be designed to prohibit the potential migration of regulated substances offsite or into the groundwater.
- E.** General purpose floor drains for industrial uses must be connected to a public sanitary sewer system or an onsite holding tank. Dry wells are prohibited.
- F.** The storing, processing, and manufacturing of regulated substances shall be conducted indoors where possible.
- G.** Sites intending to use, store, or generate regulated substances exceeding 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights shall have emergency spill response equipment on site.
- H.** Commercial vehicle washing shall be conducted on a wash pad designed to prohibit the potential migration of regulated substances offsite or into the groundwater.
- I.** Pressure washing/steam cleaning related to industrial uses shall only be conducted in a manner designed to prohibit the potential migration offsite or into the groundwater.
- J.** No salt or associated sand mix piles may be stored on any permeable surface or without a covering of waterproof material.
- K.** All above ground storage tanks (ASTs) containing regulated substances shall comply with all applicable federal, state, and local laws.
- L.** Underground storage tanks (USTs) are prohibited, provided however, that a facility presently using USTs for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed and installed pursuant to the specifications of Part 211 of NREPA and all other applicable laws, rules, and regulations not exceeding the capacity of existing tanks. Replacement of USTs for other than the above referenced fuels and lubricants are prohibited.
- M.** Liquid waste ponds are prohibited.
- N.** Where practical, stormwater runoff shall be conveyed in an impervious stormwater system to the Grand River. Stormwater discharges to Versluis Lake and the Coit Avenue Gravel Pit Pond are prohibited.

## **SECTION 27.06 - INFORMATION REQUIRED FOR SITE PLAN REVIEW**

For any building, structure, or use requiring site plan approval in accordance with [CHAPTER 35](#), the following additional information shall be submitted as part of the site plan, regardless of the amount of regulated substances proposed on the site.

- A.** All currently functioning, proposed, and abandoned wells, including potable water wells and monitoring wells.
- B.** A list of all regulated substances currently located on the site and intended to be located on the site shall be identified.
- C.** All existing and proposed aboveground storage tanks and underground storage tanks.
- D.** The locations of any existing and proposed septic tanks and drain fields.

- E.** The location and extent of any contaminated soils and/or groundwater on or at the facility.

For any building, structure, or use requiring site plan approval in accordance with [CHAPTER 35](#), the following additional information shall be submitted as part of the site plan if the facility has or is anticipated to have more than 55 gallons aggregate for liquid materials or 440 pounds aggregate for dry weights of regulated substances.

- A.** Proposed secondary containment facilities shall be depicted on the site plan.
- B.** The location of all proposed regulated substance storage units containing greater than 55 gallons for liquid or 440 pounds for solids shall be depicted on the site plan.
- C.** The location of loading/unloading areas used to transfer regulated substances.
- D.** An inventory of onsite spill response equipment and the location of said equipment.
- E.** Any other information the Director of Community Development determines is necessary to assess the environmental risk of the proposed use or structures to the groundwater or to determine what Best Management Practices are necessary to safeguard the groundwater.

# CHAPTER 28

## PUD PLANNED UNIT DEVELOPMENT

### SECTION 28.01 - INTENT AND PURPOSE

- A. Intent.** The intent of this chapter is to offer an alternative to conventional development and traditional zoning standards by permitting flexibility in the regulations for development through the authorization of Planned Unit Development (PUD) districts. The standards in this chapter are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses and preserving the existing natural features of the area.
- B. Purpose.** The PUD rezoning process is provided as a design option to enable 1 or more of the following:
1. Innovative land development in terms of variety, design, layout, and/or type of structures constructed;
  2. Efficient use of land to facilitate a more practical arrangement of buildings, circulation systems, land use, and utilities;
  3. Adaptive re-use of significant or historic buildings;
  4. Mix of uses or residential types;
  5. Preservation and protection of significant natural features, open space, and cultural/historic resources;
  6. Promotion of efficient provision of public services;
  7. Reduction of adverse traffic impacts and accommodation of safe and efficient pedestrian access and circulation;
  8. Redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair; and/or

9. Use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.

**C. Design Flexibility.** The PUD process and standards provide for flexibility in design and permit variation of the specific bulk, area, setback, and other provisions of this ordinance on the basis of a parallel plan and subject to the approval of the PUD by the Planning Commission and Township Board.

## SECTION 28.02 - QUALIFYING CONDITIONS

In order to be eligible for PUD rezoning, all of the following conditions shall be met:

**A. Unified Control.** The PUD shall be under the control of 1 owner or group of owners and shall be capable of being planned and developed as an integral unit.

**B. Minimum Acreage.** For completely residential PUDs, the gross area of a tract of land to be developed as a PUD shall be a minimum of 5 acres, unless waived by the Planning Commission and Township Board. For non-residential or mixed use PUDs, there shall be no minimum lot area.

**C. Site Design Elements.** In determining eligibility of land to be developed as a PUD, the township shall assign proposed PUDs in residential districts a numerical score using the following table. To be considered for approval by the township, the Community Development Department must determine that the proposed PUD qualifies for at least 7 total points using the criteria set forth below:

Criteria	Possible Points
1. Mixed-use development with residential and non-residential uses or a variety of building type with effective transitions between higher and lower density uses, and/or between non-residential and residential uses; or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach.	1
2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site.	1
3. Preservation, enhancement, or restoration of natural resources (slopes, wetland areas, water views, etc).	3
4. Preservation or restoration of significant or historic structures or places.	1
5. Provision of public places, community features, internal non-motorized trails, or recreational amenities.	3
6. Efficient consolidation and/or site planning of poorly dimensioned parcels or property with challenging topography.	2
7. Redevelopment of under-utilized or blighted commercial or industrial properties.	2
8. Mitigation of adverse impacts on public facilities (such as street improvements).	1
9. Significant use of sustainable building and site design features such as: stormwater filtration landscaping, low impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/recycled/renewable materials, indoor air quality mechanisms or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.	3

<b>10.</b> Significant preservation of large contiguous open spaces, stands of mature trees, woodlands, and/or forested areas.	3
<b>11.</b> Provision of off-site improvements reasonably related to the proposed PUD.	1
<b>12.</b> Provision of perimeter trails consistent with the Plainfield Charter Township Non-Motorized Trails Master Plan.	3
<b>13.</b> Other benefits that would not otherwise be attained or feasible through conventional zoning.	1-3 <sup>1</sup>

Points assigned to a proposed PUD by the Community Development Department using the table above shall be determined only on an “all or nothing” basis and no fractions may be awarded. The burden in determining whether or not a proposed PUD satisfies the criteria above to be considered for approval or for a density bonus pursuant to [SECTION 28.05 C](#) shall be upon the applicant.

(1) Point Value to be determined by the Community Development Department

**D. Master Plan.** The applicant shall demonstrate that the proposed PUD is consistent with the adopted Plainfield Charter Township Master Plan.

## SECTION 28.03 - PERMITTED USES

- A.** Any use permitted by this ordinance may be permitted in a PUD, subject to the provisions of this chapter.
- B.** PUDs in a residential district may contain institutional or recreational uses as part of the PUD or in its entirety. If any institutional or recreational uses are proposed, the PUD shall comply with all non-residential PUD standards and requirements as provided in this Chapter 28. For the purposes of this section, “institutional uses” shall be considered to mean government-owned facilities, public and private schools, civic uses, public utilities, and other similar quasi-public uses such as hospitals and religious entities.
- C.** In approving a non-residential or mixed use PUD, the applicant shall demonstrate that the proposed PUD achieves 1 or more of the following objectives that would not be possible under conventional zoning:
  - 1.** Market-driven development or redevelopment in places that are most conducive to accommodating additional activity;
  - 2.** Economic development through the creation of a mix of uses;
  - 3.** Walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods;
  - 4.** Adaptive reuse of existing underutilized or obsolete industrial or commercial property or historic buildings;
  - 5.** Innovative land development in terms of variety, design, architecture, layout, and type of structures constructed; and/or
  - 6.** Efficient use of land to facilitate a more practical arrangement of buildings, circulation systems, land use, and utilities.
- D.** Exceptions and Regulations. Non-residential and mixed use PUDs shall comply with the standards of this chapter, with the following exceptions and additional regulations:
  - 1.** Non-residential and mixed use PUDs shall be connected to public water and public

sanitary sewer service.

2. In non-residential and mixed use PUDs, the Township Board may reduce the open space requirements of [SECTIONS 28.05 E AND F](#) of this ordinance.
3. The scoring requirements of [SECTION 28.02 C](#) shall not apply to non-residential and mixed use PUDs.

## SECTION 28.04 - RESERVED

## SECTION 28.05 - ZONING REQUIREMENTS

**A. Density Requirements.** The maximum gross residential density of a proposed residential PUD shall be determined in accordance with the following limitations:

1. For PUDs in the RP district, the gross density of a residential PUD shall not exceed 1 unit for each 1 ½ acres, if public water and public sanitary sewer services are provided.
2. For PUDs in the RE district, the gross density of a residential PUD shall not exceed 1 unit for each 1 acre, if public water and public sanitary sewer services are provided.
3. For residential PUDs in the RP or RE districts where public water and sewer services are not provided, the number of dwelling units shall not exceed the number of lots that would be permitted in the underlying zoning district under conventional means.
4. For residential PUDs in the R-1A, R-1B, R-1C, R-2, R-3, or R-4 districts, the number of dwelling units in the PUD shall not exceed the number of lots that would be permitted in the underlying zoning district(s) under conventional means.
5. In all cases listed in section 28.05 1-4 above, a density bonus may be permitted pursuant to [SECTION 28.05 C](#).
6. For mixed-use PUDs in the MXU zone district, there is no established maximum density requirement. Rather, other regulations such as maximum building height, parking, buffers, and setbacks of the zone district shall determine the building envelope. The Building Code shall determine occupancy and life safety requirements.

**B. Deviations from Minimum Requirements.** In approving a PUD, the township may permit deviations from the lot area and width requirements, required buffers, open space areas, building setback requirements, height limitations, and other requirements of this ordinance provided that such deviations are consistent with all other requirements of this chapter and the following regulations:

1. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Deviations may be approved during the PUD Concept Plan review by the Township Board after the Planning Commission recommendation. These adjustments may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses.
2. Deviations from the minimum requirements shall also satisfy at least 1 of the following criteria:
  - a. The proposed deviations shall preserve the best natural features of the site;
  - b. The proposed deviations shall create, maintain, or improve habitat for wildlife;

- c. The proposed deviations shall create, improve, or maintain open space for the residents;
- d. The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on the site;
- e. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property; and/or
- f. The proposed deviations shall result in a better development, consistent with the purposes of PUD expressed in [SECTION 28.01](#) and the vision of the Plainfield Charter Township Master Plan and/or Reimagine Plainfield Corridor Plan.

**C. Density Bonus.** For a residential PUD, a density bonus of up to 15 percent over what is allowed by [SECTION 28.05A](#) may be granted at the discretion of the Planning Commission and Township Board if the development provides additional amenities or preserves additional open space which would result in significant recognizable benefit to the township and residents of the PUD.

In determining eligibility for a density bonus, the Community Development Department shall recommend a PUD be assigned a numerical score using the table in [SECTION 28.02 C](#). To be considered for a density bonus by the township, the Planning Commission must determine that the proposed PUD qualifies for at least 10 total points using the criteria set forth in [SECTION 28.02C](#).

**D. Building Regulations.** Building regulations of the MXU zoning district, as contained in [CHAPTER 16](#), shall apply to mixed-use PUDs.

**E. Open Space Required.** The following open space requirements shall apply:

- 1. Residential PUDs within the RP, RE, or R-1A, R-1B, or R1C zoning districts shall contain land area permanently devoted to open space equivalent to a minimum of 40 percent of the gross land area of the site.
- 2. In mixed-use PUDs within the MXU zoning district, a minimum of 10% of the gross land area of the site shall be open space. Landscape buffers, permanent planters, rain gardens, vegetated walls and green roofs may be included in open space calculations.
- 3. For the purposes of this chapter, open space is defined as an area of land, which may include buildings or structures, not individually owned, which is designed and intended for the common use or enjoyment of the residents or occupants of a PUD. Open space includes areas of scenic or natural beauty and natural habitat; non-motorized trails, parks, or playgrounds; woodlands; and similar features.
- 4. The following land areas shall not be considered open space for the purposes of this chapter:
  - a. Lakes, streams, rivers, creeks or other natural bodies of water.
  - b. Any area within a public road right of way or private road easement.
  - c. Detention or retention ponds.
  - d. 50 percent of golf courses.
  - e. Parking and loading areas and access drives.
  - f. Areas within platted lots or site condominium units, and areas within the building

envelope for condominiums.

- g.** Areas within a 100-year floodway.
- h.** 50 percent of wetlands.
- i.** 50 percent of areas within a 100-year floodplain, except as set forth in item 7 above.

**F. Requirements for Open Space.** Open space proposed as part of a residential PUD shall meet the following requirements:

- 1.** Open space shall be designated for use and/or enjoyment by all residents of the PUD, subject to reasonable rules and regulations. If a golf course, stable, or similar facility is included within a PUD, membership shall be available to all residents of the PUD, subject to charges, fees, or assessments for use. Open space intended for common use shall be configured so it is reasonably accessible and usable by all residents of the PUD.
- 2.** Where any portion of the PUD site is located within an area zoned RP or RE, the Planning Commission or Township Board may require that a portion of the required open space be located along the public road frontage abutting the site to help reduce the view of buildings on site from the adjacent street and to help preserve the rural character of the area.
- 3.** Open space shall protect the rural character by establishing buffer zones along scenic corridors and improve public safety and vehicular carrying capacity by avoiding development that fronts directly on to existing roadways.
- 4.** The minimum size of a required open space area shall be 3,000 square feet. The required open space abutting a public street may be reduced if those areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be reasonably usable by residents of the PUD, as determined by the Planning Commission.
- 5.** Open space shall be designed in such a way as to achieve the applicable purposes of this chapter and enhance the quality of the development.
- 6.** To the extent practical, open space areas shall be linked with adjacent open spaces, public parks, bicycle paths, or pedestrian paths.
- 7.** Open space shall be located so as to be reasonably accessible to all residents of the PUD. Pedestrian access points to the required open space areas from the interior of the PUD shall be provided and shall be clearly identified by signs or a visible improved path for safe and convenient access.
- 8.** Within undeveloped open space, grading shall be minimal, with the intent to preserve existing topography, landscaping, and other natural features, where practical.
- 9.** Open space may contain golf courses, ball fields, tennis courts, swimming pools and related buildings, community buildings, and similar recreational facilities. However, no more than 50 percent of the required open space shall be occupied by these amenities.

**G.** Residential PUDs shall be connected to public water and public sanitary sewer service. The township may waive the water/sewer requirement if the applicant demonstrates that there are exceptional circumstances that render the extension of public water and/or



sanitary sewer service infeasible or undesirable. In such cases, the applicant shall provide easements for future connection to public water and sanitary sewer to the satisfaction of the Planning Commission and Township Board.

**H. Connectivity.** Streets should be capable of accommodating multiple modes of transportation and should encourage pedestrian-friendly design, provide connections to destinations and amenities, and enhance the existing street network.

1. Sidewalks on both sides of all streets within a residential PUD and/or non-motorized trails shall be required, unless waived by the Planning Commission and/or Township Board.
2. Sidewalks and/or non-motorized trails shall be required on both sides of all streets, including internal drives, within mixed-use PUDs in the MXU zone district.
3. Streets and internal circulation drives shall be arranged to provide for the alignment and continuation of existing or proposed streets and drives into adjacent lots, developed or undeveloped. Where feasible, cross access to adjacent lots shall be provided.

## SECTION 28.06 - PROCEDURES, GENERALLY

An application for PUD rezoning, whether residential, non-residential, or mixed use, shall consist of the following steps, which are detailed in sections 28.07 - 28.10 herein:

**A. Pre-application Conference & Optional Planning Commission Review.** The Community Development Department shall review and discuss the proposed PUD rezoning application and Concept Plan with the applicant. The applicant may also attend a pre-application review of the proposed PUD Concept Plan by the Planning Commission.

**B. PUD Concept Plan and PUD Rezoning.**

1. The Planning Commission shall review the PUD Concept Plan and PUD Rezoning application, hold a public hearing, and make a written recommendation to the Township Board.
2. The Township Board shall review the PUD Concept Plan and PUD Rezoning application, and the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.

**C. PUD Final Site Plan Review.** The Planning Commission shall review the PUD Final Site Plan in accordance with [SECTION 28.10](#) and [CHAPTER 35](#) of this ordinance.

## SECTION 28.07 - PRE-APPLICATION CONFERENCE AND OPTIONAL PLANNING COMMISSION REVIEW

A pre-application conference shall be held between the applicant, the Community Development Department, and other staff and/or consultants as deemed necessary by the township.

**A.** A request for a pre-application conference shall be made to the Community Development Department. As part of the pre-application conference, the applicant shall submit a copy of a parallel plan (if required) and a preliminary Concept Plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units

with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.

- B.** The Community Development Department shall advise the applicant regarding whether the proposed PUD Concept Plan complies with the purpose and intent of this chapter and if it qualifies for PUD rezoning pursuant to the requirements of [SECTION 28.02](#) of this ordinance.
- C.** The Community Development Department shall also advise the applicant relating to the information required for Planning Commission's review and may withhold the submitted application from the Planning Commission until all required materials are submitted.
- D.** Preliminary Concept Plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission, and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which will be necessary for PUD review. Such preliminary Concept Plans shall include as a minimum the information specified in section 28.07 A.
- E.** Formal action shall not be taken at a pre-application conference or optional Planning Commission review. Statements made at the pre-application conference or review by the Community Development Department or Planning Commission shall not be considered binding commitments or an approval of the preliminary Concept Plan.

## **SECTION 28.08 - PUD CONCEPT PLAN AND PUD REZONING**

- A. Required Information.** Following the pre-application conference, the applicant shall submit a completed application form for PUD rezoning, any required application fees, and 4 copies and a PDF of the PUD Concept Plan to the Community Development Department at least 30 days prior the next Planning Commission meeting.

The PUD Concept Plan shall be professionally prepared by a licensed engineer, architect, and/or landscape architect and shall be drawn to a scale of not less than 1 inch = 100 feet. The PUD Concept Plan shall, at a minimum, contain the following information:

### **1. General Information.**

- a.** Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.
- b.** Name and address of the property owner or petitioner.
- c.** Scale, north arrow and date.
- d.** Acreage, gross and net.
- e.** Zoning of adjacent properties.
- f.** Legal property description.

### **2. Existing Site Conditions.**

- a.** Boundary survey lines and setbacks.
- b.** Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the Community Development Department.

- c. Location, width and purpose of all existing easements and lease areas, including cross-access.
- d. Abutting street right(s)-of-way and width.
- e. Topography with contour intervals of no more than 2 feet.
- f. Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15 percent, lakes, rivers, creeks, county drains, and other significant site features, including the area of such features.
- g. Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
- h. Size and location of existing utilities and status, where applicable.

### **3. Proposed Development.**

- a. Layout of proposed buildings, structures, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.
- b. Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
- c. Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
- d. Layout and typical dimensions of building envelopes, proposed parcels, and lots.
- e. Parking, stacking, and loading calculations, if applicable.

### **4. Site Development.**

- a. Phasing plan, if applicable.
- b. Conceptual plan for provision of public water and public sanitary sewer services.
- c. Preliminary grading plan.
- d. Stormwater concept plan.
- e. Building type concepts, including building elevations and footprints.

### **5. Additional Information.**

- a. A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the qualifying conditions in [SECTION 28.02](#) and the standards of [SECTION 28.09](#) are met.
- b. A table detailing all requested deviations identified in the PUD concept plan compared to the requirements of the underlying zoning district. This table shall clearly identify the requirement in comparison to the requested deviation.
- c. The Community Development Department and/or the Planning Commission may require additional information from the applicant to better assist in

the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

## **B. Planning Commission Review and Public Hearing.**

1. The Planning Commission shall review the PUD Concept Plan at a regular or special meeting and shall hold a public hearing for all new PUDs. The Planning Commission may hold a public hearing for major or minor amendments to a PUD Concept Plan, although it is not required. Notice of the public hearing shall be provided in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.
2. Following the public hearing, the Planning Commission shall review the PUD Concept Plan in consideration of public hearing comments, technical reviews from township staff and consultants, correspondence from applicable review agencies, compliance with the standards of this chapter, and other applicable standards and requirements. Within a reasonable timeframe after the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD Concept Plan and PUD rezoning ordinance to the Township Board. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
3. In order to recommend approval of the PUD Concept Plan and PUD Rezoning, the Planning Commission shall find that the standards of [SECTION 28.09](#) are satisfied.

## **C. Township Board Review and Public Hearing.**

1. Following receipt of a recommendation from the Planning Commission on the PUD Concept Plan and PUD Rezoning, a public hearing of the Township Board shall be scheduled in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.
2. After the public hearing, the Township Board shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from township staff and consultants, correspondence from applicable review agencies, compliance with the requirements of this chapter, and compliance with other applicable local, state, or federal laws. Within a reasonable time, the Township Board shall approve, deny, or approve with conditions the PUD Concept Plan and PUD Rezoning. The Township Board's decision shall be documented with written findings stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
3. In accordance with the Michigan Zoning Enabling Act, as amended, the Township Board may place reasonable conditions on the approval of a PUD, including a performance guarantee pursuant to [SECTION 28.11 E](#) for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources; ensuring compatibility with adjacent uses of land; promoting the use of land in a socially and economically desirable manner; and furthering the policies and vision of the Plainfield Charter Township Master Plan. Conditions attached to the approval shall be incorporated into the PUD adoption ordinance.
4. Approval of the PUD Concept Plan and PUD rezoning by the Township Board shall be incorporated into a rezoning amendment to the Plainfield Charter Township Zoning Ordinance and Map. Such rezoning shall be shall become effective after notification

and publication as required by the Michigan Zoning Enabling Act, as amended.

## **SECTION 28.09 - PUD CONCEPT PLAN AND REZONING STANDARDS FOR APPROVAL**

In order to approve a PUD Concept Plan and Rezoning, the Planning Commission and Township Board shall find that all of the following standards are met:

- A.** The proposed PUD complies with the intent and purpose and all qualifying conditions of [SECTIONS 28.01](#) and [28.02](#) of this chapter, respectively.
- B.** The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted Plainfield Charter Township Master Plan.
- C.** The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D.** The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- E.** The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- F.** The proposed PUD shall satisfy all applicable local, state, and federal statutes and regulations.

## **SECTION 28.10 - PUD FINAL SITE PLAN REVIEW BY THE PLANNING COMMISSION**

- A.** Approval of the PUD Concept Plan and PUD rezoning by the Township Board shall confer upon the applicant the right to submit a proposed PUD Final Site Plan within a period not to exceed 2 years from the effective date of the PUD rezoning. This may be extended by the Planning Commission for up to another 2 years.
- B.** Within 2 years months after PUD Concept Plan and PUD rezoning approval by the Township Board, a minimum of 4 copies and a PDF the PUD Final Site Plan for the entire PUD (or at least 1 phase of the PUD) shall be submitted by the applicant in accordance with [CHAPTER 35](#) of this ordinance to the Community Development Department.
- C.** All PUD Final Site Plans subsequently submitted shall conform to the approved PUD Concept Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this chapter.
- D.** For land uses within the PUD that require special conditions, such uses shall comply with all such required conditions unless deviations were approved pursuant to [SECTION 28.03 C](#) of this chapter.
- E.** For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, and/or site condominiums, such uses shall be reviewed and approved in accordance with all other applicable sections of this ordinance and other township ordinances as they may apply.

## SECTION 28.11 - APPROVED PUDS

- A. Phased Projects.** Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and residents of the community. Each phase of a PUD project requires submittal of a site plan and review under the procedures and requirements of this chapter and other applicable township ordinances.
- B. Amendments to an Approved PUD.** An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and Township Board pursuant to sections 28.08 B-C, except that the Community Development Department may review and approve minor amendments to the PUD or refer minor amendments to the Planning Commission for a determination with or without a public hearing. Minor amendments include, but are not limited to, the following:
1. Reduction of the size of any building, building envelope, or sign.
  2. Movement of buildings or signs by no more than 10 feet.
  3. Changes requested by the township for safety reasons.
  4. Changes which will preserve natural features of the land without changing the basic site layout.
  5. Changes in the boundary lines of lots or condominium units which do not change the overall density of the development.
  6. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan.
  7. Alterations to the internal parking layout of a parking lot.
  8. Relocation of a trash receptacle
  9. Minor adjustments in the boundary lines of a PUD as determined by the Community Development Department .
  10. Other non-substantive changes proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Community Development Department to be not material or significant in relation to the entire site and which the Department determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety, and welfare.
  11. Any changes or items delegated to the Community Development Department by the Planning Commission and/or Township Board as a condition of approval.
- C. Expiration.** Following PUD Final Site Plan approval by the Planning Commission, each development (or phase) receiving Final Site Plan approval shall be under meaningful construction of proposed improvements within 1 year after the date of approval of the Final PUD Site Plan, which shall proceed diligently to completion. Once a PUD (or its first phase) is under meaningful construction, the PUD rezoning and PUD Concept Plan does not expire except as specified in subsection (4) below, provided that future phases are constructed consistent with the approved PUD Concept Plan. For the purposes of this subsection, "meaningful construction" means substantial completion of improvements

such as utilities, roads, buildings, and similar improvements.

1. Upon expiration of the 1-year time period specified in (C) above, PUD Final Site Plan approval shall automatically become null and void and all rights of development based on the plan (or phase) shall terminate.
2. Upon expiration of the 2-year time period specified in Section 28.10 (or permitted extension thereof) for the submittal of a PUD Final Site Plan for the entire PUD (or at least the first phase), the Planning Commission may then initiate the rezone of the property contained in the PUD to its original zoning district or to another district in accordance with Section 36.06 - Amendments.
3. The Planning Commission may, for good cause, approve extensions of up to 1 year at a time for the applicant to demonstrate meaningful construction, if requested in writing by the applicant prior to the expiration date of a PUD Final Site Plan approval. In requesting an extension, the applicant shall provide reasonable justification for the proposed extension.
4. If more than 10 years have elapsed between the completion of one phase and any application for PUD Final Site Plan for the next phase, the Planning Commission may review all remaining phases of the PUD in light of the adopted Master Plan, Zoning Ordinance, and other relevant plans and policies in place at such time. If after such consideration the Planning Commission finds that the PUD is no longer consistent with the Master Plan, Zoning Ordinance, or other relevant plans and policies, it may, after a public hearing, recommend that the Township Board consider the PUD abandoned. If the Township Board accepts the Planning Commission's recommendation and finds that the PUD is abandoned, the PUD shall automatically become null and void and all rights of the development based on the plan (or any remaining phase(s)) shall terminate.

**D. Appeals and Variances.** The Zoning Board of Appeals shall not have jurisdiction to consider variances from the requirements of this chapter, nor may decisions related to a Planned Unit Development be appealed to the Zoning Board of Appeals.

**E. Performance Guarantees.** The Township Board may, to ensure strict compliance with any requirement contained in this Chapter 28, require the applicant for PUD rezoning to furnish a performance guarantee such as a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township Attorney, executed by a company authorized to do business in the state of Michigan in an amount determined by the Township Board to be reasonably necessary to ensure compliance with the requirements of this chapter. In fixing the amount of guarantee, the Township Board shall take into account the size and scope of the proposed project, the phasing of the project, the probable cost of rehabilitating the property upon default by the applicant, the estimated expenses to compel compliance by court decree, and such other factors and conditions as might be relevant in the light of all facts and circumstances surrounding the application.

# CHAPTER 29

## SPECIAL LAND USES

### SECTION 29.01 - PURPOSE

Because it may be proper to provide for certain uses but because these uses possess characteristics of unique or special form, the special uses provided for by this ordinance shall be permitted only in accordance with the provisions of this chapter.

### SECTION 29.02 - APPLICATION PROCEDURE

Application for a special use shall be submitted and processed under the following procedures:

- A.** An application shall be submitted to the Community Development Department not less than 45 days prior to the next regular Planning Commission meeting. An application for special use approval shall consist of the following:
  - 1.** A completed application, submitted on a form for that purpose provided by the Community Development Department;
  - 2.** A completed site plan pursuant to [CHAPTER 35](#) of this ordinance.
  - 3.** The payment of fees as determined by the Township Board.
  - 4.** In the event the allowance of a proposed use requires both a rezoning and a special use permit, the application for rezoning shall be processed in its entirety prior to Planning Commission action on the special use.
- B.** Upon receipt of a complete application for a special use, the Planning Commission shall conduct a public hearing in accordance with [SECTION 36.07](#) of this ordinance.
- C.** After the public hearing, the Planning Commission shall deny, approve, or approve with conditions, the request for a special use. The decision shall be incorporated in



a statement containing the conclusions relative to the special use under consideration which specifies the basis for the decision, and any conditions imposed. The Planning Commission may stipulate conditions of approval and safeguards deemed necessary to accomplish the following purposes:

1. To meet the intent and purpose of this ordinance;
2. To relate to the standards established in this ordinance for the land use or activity under consideration;
3. To ensure compliance with those standards;
4. To protect the general welfare;
5. To protect individual property rights; and
6. To ensure that the intent and objectives of this ordinance will be observed.

### **SECTION 29.03 - SPECIAL LAND USE REVIEW STANDARDS**

The Planning Commission shall approve a special land use upon finding that the proposed special land use meets all applicable regulations of this ordinance, and complies with each of the of the following standards:

- A.** The proposed special land use shall be consistent with the adopted Plainfield Charter Township Master Plan.
- B.** The proposed special land use shall comply with all applicable requirements of the zoning district in which it is located, and all other applicable requirements of this ordinance.
- C.** The proposed special land use shall be designed, constructed, operated, and maintained to be consistent with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- D.** The proposed special land use shall not be hazardous to existing or future uses in the same general vicinity and in the community as a whole.
- E.** The proposed special land use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools, or persons or agencies responsible for the establishment of the proposed special land use shall be able to provide adequately for such services.
- F.** The proposed special land use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
- G.** The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare of the community by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare, or odors.
- H.** The proposed special land use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

## SECTION 29.04 - APPROVED SPECIAL LAND USES

- A. Performance Guarantee.** In authorizing a special land use permit, the Planning Commission may require a performance guarantee pursuant to [SECTION 36.09](#).
- B. Amendments.** Amendments to special land use permit shall be handled in the same manner as the initial special land use application. Minor, non-substantive changes to a site plan may be made to an existing special land use permit with the approval of the Community Development Department.
- C. Transfers.** The special land use permit, with any and all associated benefits, conditions, and required security, may be transferred to a new owner upon the sale or transfer of the property in question. The original owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit and compliance with the terms and conditions of the approved permit.
- D. Expiration.** A special land use permit shall run with the land and shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special land use permit will expire on the occurrence of 1 or more of the following conditions:
1. If replaced or superseded by a subsequent permitted use or special land use;
  2. If the applicant or current owner of the property requests the rescinding of the special land use permit;
  3. If the special land use is considered abandoned pursuant to Section 29.04 E, below; and/or
  4. If a building permit has not been obtained or if on-site development has not commenced within 1 year of approval of the special land use.
- E. Abandonment.** Any permitted special land use shall be considered abandoned and such use shall not be resumed thereafter without approval in accordance with this chapter, if any of the following conditions apply:
1. The owner declares or otherwise makes evident his intent to discontinue such use;
  2. When the use has been replaced by a different use; and/or
  3. The cessation of the permitted special land use for a period of 12 consecutive months or more.
- F. Phasing.** An application for a special land use approval may include a comprehensive plan and specifications for a development which is to be accomplished in phases over a specified period of months or years and secure a review of the entire project, thereby avoiding the need for multiple special land use hearings unless modifications in any proposed special land use plan are subsequently necessary, wherein a special land use hearing on the modification would be required.

In the case of a phased project, the first phase shall commence and be under substantial construction within 1 year after special land use approval and subsequent phases shall commence within 1 year after completion of the previous phase. Phased projects that do not meet this standard shall be considered expired.

**G. Reconsideration.** The Planning Commission may, upon written request, reconsider any previously approved special use if, in the opinion of the Community Development Department, it is becoming a nuisance or endangering the public health, safety, or welfare. After reconsideration, the Planning Commission may impose additional conditions on the special use pursuant to [SECTION 29.02 C](#) of this ordinance. If it is determined during reconsideration that the approved special use is in violation of its original approval or other provisions of this ordinance, enforcement action may be taken or the Planning Commissions may commence proceedings to revoke the special use pursuant to section 29.04 H below.

**H. Violations.** The site plan and specifications, and all conditions, limitations, and requirements imposed by the Planning Commission shall be incorporated as a part of the special land use permit. Violations of any aspect of the special land use approval at any time may cause revocation of said permit and said special land use shall cease to be a lawful use.

If a violation is determined to exist by the Community Development Department, the Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit after giving notice to the permit holder, specifying the alleged violation(s) and holding a public hearing pursuant to [SECTION 36.07](#) of this ordinance on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

The commencement of revocation proceedings shall not preclude the township from taking additional enforcement action if it is deemed necessary.

## **SECTION 29.05 - STANDARDS FOR SPECIFIC SPECIAL LAND USES**

The following sections of this ordinance contain specific performance standards for certain uses permitted as a special land use in Plainfield Charter Township. The criteria for decision and requirements provided for under the provisions of this chapter shall be in addition to those required in this section and elsewhere in this ordinance that are applicable to the special land use under consideration. The Planning Commission may modify or eliminate any of the applicable Use Regulations contained within this Chapter for a particular Special Land Use application upon finding the standards of Section 29.03 and the intent of the Master Plan and/or Reimagine Plainfield Corridor Plan are better satisfied with the modification or elimination.

## **SECTION 29.06 - AIRFIELDS**

- A.** Such use shall not adversely affect existing or future development of the area.
- B.** The takeoff and landing pattern within 1,000 feet of the end of the runway shall not pass over an existing occupied structure and is controlled by the airfield owner by deed or easement to ensure that future structures shall not be located within a 1,000-foot long strip of land and which extends a minimum of 100 feet in width on each side of the extended runway.
- C.** The landing strip shall be at least 200 feet from any property line.
- D.** The application shall include an aerial photograph at a scale of 1 inch = 400 feet, or less, indicating the approach and departure routes, the location of all residences, schools, religious institution, hospitals, and areas used for the open assembly of people, as well

as other noise sensitive areas within a radius of ½ mile of the proposed heliport site.

- E.** The airfield shall conform to all Federal Aviation Administration rules and regulations and the Michigan Aeronautic Commission.

### **SECTION 29.07 - ARTISAN FOOD & BEVERAGE PRODUCTION FACILITIES WITH OUTDOOR SERVICE OPEN AFTER 10P.M.**

- A.** The Planning Commission may impose increased setbacks for an outside service area, beyond the minimum zoning district requirements, from any residentially zoned property, or property with a legally existing residential structure. The outside area shall be screened from view when abutting those zone districts.
- B.** The applicant shall provide a list of all known and anticipated noise generators, including, but not limited to, paging systems, live or recorded music, and any mechanically generated noise. The live entertainment use is subject to additional special conditions.
- C.** In considering the special use, the Planning Commission shall consider how well the use harmonizes and blends with adjoining properties and the surrounding neighborhood and may establish conditions for the issuance of a permit to prevent any adverse impacts.
- D.** A deck, porch, or other outside service area may have a minimum front or corner front yard setback of 30 feet if the Planning Commission determines that said service area will not have an adverse impact on the surrounding area or to the site, including, but not limited to, traffic flow and parking considerations.

### **SECTION 29.08 - AUTOMOBILE RENTAL FACILITIES**

- A.** Automobiles and passenger vans only may be offered for rental.
- B.** The vehicles offered for rent shall contain no advertising materials including signs, banners, or flags.
- C.** Signs for such facility shall comply with the provisions of [CHAPTER 31](#).
- D.** Unless otherwise approved by the Planning Commission, the maximum number of vehicles on the site being offered for rent shall not exceed 15 and shall be confined to an area defined by the applicant and approved by the Planning Commission.
- E.** On-site vehicle repair and/or service is prohibited.
- F.** On-site parking of inoperable vehicles is prohibited.
- G.** All rented vehicles shall be no more than 3 years old.
- H.** The use permitted under this special use permit shall not include rent-to-own type arrangements or the leasing of automobiles with an option or obligation to purchase the automobile.

## **SECTION 29.09 - BARS, TAVERNS, & RESTAURANTS WITH SERVICE FROM DECKS, PORCHES, OR OTHER OUTSIDE AREAS OPEN AFTER 10 P.M.**

- A.** The Planning Commission may impose an additional setback, beyond the minimum zoning district requirements, from any property that is within an RP, RE, R-1A, R-1B, R-1C, R-2, R-3, or R-4 zoning district. The outside area shall be completely screened from view when abutting those zone district to extent reasonably possible.
- B.** The applicant shall provide a list of all known and anticipated noise generators, including, but not limited to, paging systems, live or recorded music, and any mechanically generated noise.
- C.** Outdoor seating that is accessory to a bar, tavern, or restaurant shall be permitted subject to Special Conditions if operations cease by 10:00 p.m. Hours past 10:00p.m. must be approved by the Planning Commission through the Special Land Use process.
- D.** In considering the special use, the Planning Commission shall consider how well the use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood and may establish conditions for the issuance of a permit to prevent any adverse impacts.
- E.** A deck, porch, or other outside service area may have a minimum front or corner front yard setback of 30 feet if the Planning Commission determines that said service area will not cause a negative impact on the surrounding area or to the site, including, but not limited to, traffic flow and parking considerations.

## **SECTION 29.10 - RESERVED**

## **SECTION 29.11 - BILLBOARDS**

- A.** A billboard is an accessory use of the property in designated commercial, industrial, and planned zoning districts subject to the requirements of this chapter and the requirements of the zoning district in which the billboard is located. A billboard may only be installed and used in compliance with all applicable township ordinances including, without limitation, the Digital Sign and Billboard Ordinance, being Chapter 8, Article VI of the Plainfield Charter Township Code of Ordinances.

## **SECTION 29.12 - CAMPGROUNDS AND TRAVEL TRAILER PARKS**

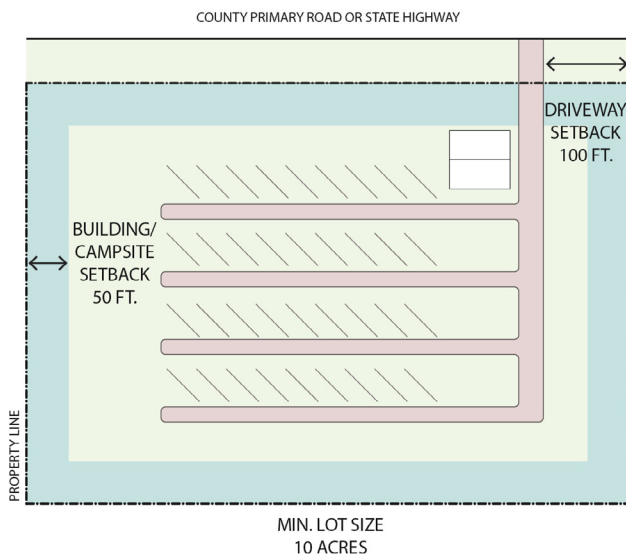
- A.** The minimum lot size shall be 10 acres.
- B.** No commercial enterprises shall be permitted to operate within the park, except that a convenience goods shopping building may be provided in a park containing more than 50 campsites.
- C.** No building or campsite shall be located within 50 feet of any property line. A house used only for purposes of residence by a park manager or owner shall conform to the requirements of the zoning district. (See Figure 29.1)

Figure 29.1

**D.** Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a river or lake, and the Planning Commission shall find that no useful purpose would be served by the stipulated setback.

**E.** All parks shall afford direct vehicular access to a county primary road or a state highway, with no openings closer than 100 feet to a side lot line. (See graphic above)

**F.** Campgrounds and travel trailer parks shall comply with all applicable EGLE and Kent County regulations



## SECTION 29.13 - RESERVED

## SECTION 29.14 - COLLEGES, UNIVERSITIES

**A.** The minimum lot size is 40 acres.

**B.** The parcel location shall be such that at least 1 property line abuts a state highway or county primary road as designated by the Kent County Road Commission. Primary access to the facility shall be directly from said streets.

**C.** All buildings shall be a minimum of 100 feet from any property line or street right-of-way.

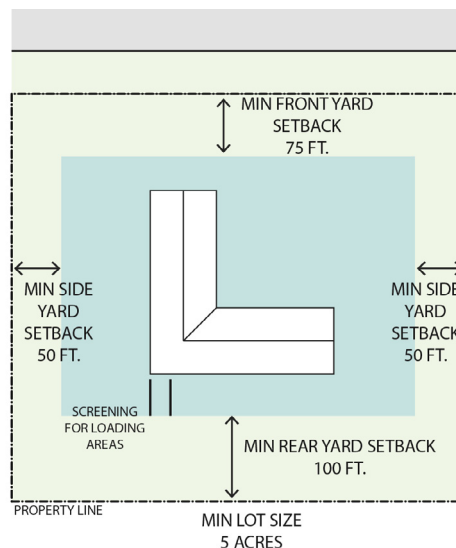
## SECTION 29.15 - FOSTER CARE CONGREGATE FACILITIES, ADULT OR ADULT ASSISTED LIVING CENTERS

**A.** The minimum front and corner front yard shall be 75 feet. (See Figure 29.2)

**B.** The minimum side yard shall be 50 feet. (See Figure 29.2)

**C.** The minimum rear yard shall be 100 feet. (See Figure 29.2)

Figure 29.2



## SECTION 29.16 - RESERVED

## SECTION 29.17 - GOLF COURSES AND COUNTRY CLUBS

- A.** The minimum area shall be 20 acres for a 9-hole par 3 course, 40 acres for an 18-hole par 3 course, 50 acres for a 9-hole regulation course, and 100 acres for an 18-hole regulation course.
- B.** No building or non-golfing use, with the exception of parking, shall be located within 75 feet of the front or corner front lot line, 50 feet of the side lot line, or 100 feet of the rear lot line.
- C.** Existing residential uses located on the property may be permitted, but only as an accessory use to the special use.
- D.** Swimming pools, tennis courts, retail sales, health clubs, and similar uses shall be considered as accessory uses to the special use.

## SECTION 29.18 - HOSPITALS

- A.** The parcel location shall be such that at least 1 property line abuts a state highway or county primary road as designated by the Kent County Road Commission. Primary access to the facility shall be directly from said streets.
- B.** The minimum front, corner front, rear, and side yards shall be 200 feet unless otherwise approved by the Planning Commission.
- C.** Ambulance, emergency, and supply loading facilities shall be visually screened from adjacent properties by a building, landscaping, or solid masonry wall not less than 6 feet in height.
- D.** Signs shall be subject to the regulations provided in [CHAPTER 31](#).
- E.** Housing for staff in separate buildings, pharmacies, retail shops, and other related uses may be considered as an accessory use.

## SECTION 29.19 - RESERVED

## SECTION 29.20 - INDOOR RECREATION FACILITIES

- A.** The Planning Commission may regulate the days of the week and hours of operation.
- B.** In considering the special use, the Planning Commission shall consider how well the use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood and may establish conditions for the issuance of a permit to prevent any adverse impacts.

## SECTION 29.21 - MANUFACTURING, ASSEMBLY, OR PROCESSING FACILITY, HEAVY

- A.** The application shall include a detailed statement of all federal, state, and county statutes and regulations that apply to the particular site or activity specific to the contemplated use, a copy of the regulation, and a statement indicating the proposed method of complying with each regulation.
- B.** Any proposed structure shall be a minimum distance of 100 feet from any RP, RE, R-1A, R-1B, R-1C, R-2, R-3, or R-4 district, or any lawfully existing residential use.

- C.** The lot must front on a state highway or a county primary road as designated by the Kent County Road Commission.
- D.** The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
- E.** The Planning Commission may require a traffic study that addresses the amount and type of truck traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.
- F.** The applicant shall submit a detailed list of all equipment that could reasonably be expected to exceed the performance standards contained in [SECTION 21.08 H](#) or [22.07 E](#), as applicable, and provide detailed information regarding the methods that will be used to assure that those standards will not be exceeded.
- G.** If the entire site is not initially being developed, the applicant shall indicate on the required site plan any contemplated expansions or additional development that might be expected to take place at a future date.
- H.** If any hazardous materials are to be stored on the site or used in any manufacturing process, a detailed listing of each substance and the approximate quantity to be located on site shall be submitted. A detailed plan of substance storage, hazard control and prevention, and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.
- I.** If the Planning Commission determines that any proposed use or activity will create discernable noise, dust, vibration, odor, glare, or heat beyond any property line, a detailed statement shall be provided which addresses and quantifies each concern and addresses how each concern will be minimized to the satisfaction of the Planning Commission.

## **SECTION 29.22 - RESERVED**

## **SECTION 29.23 - JUNK YARDS**

- A.** The minimum lot area is 10 acres.
- B.** The applicant shall demonstrate how the proposed storage area or yard will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
- C.** Any storage area or yard shall be a minimum distance of 200 feet from any RP, RE, R-1A, R-1B, R-1C, R-2, R-3, or R-4 district or any lawfully existing residential use.
- D.** Any storage area or yard shall be located within the rear yard and is subject to all side and rear yard setback requirements. Any storage area or yard shall be enclosed on all sides by a solid wall or fence with solid gates or by berming and/or landscaping. Any screening shall be at least as tall as the materials being stored and no fence or wall shall exceed a maximum height of 8 feet and shall comply with section 3.27. Chain link fencing with interwoven slats is prohibited as a screening wall or fence.
- E.** No outdoor storage area or yard, or required screening, shall restrict or interfere with any required access to a building or any required fire lane.
- F.** If the Planning Commission determines that any storage area or yard will create discernible noise, dust, vibration, odor, glare, or heat beyond any property line, a detailed statement shall be provided that addresses and quantifies each concern and addresses how each



concern will be minimized.

- G.** If any hazardous materials are to be stored on the site, a detailed listing of each substance and the approximate quantity to be located on the site shall be submitted. A detailed plan of substance storage, hazard control and prevention, and emergency response shall be submitted and reviewed by the Township Fire Chief and a report made to the Planning Commission.
- H.** Requests for a special use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
- I.** The site shall be provided with suitable access to a state highway or county primary road as designated by the Kent County Road Commission to ensure safe, direct transport of salvage to and from the site.
- J.** Vehicles or vehicle bodies shall be stored in rows with a minimum of 20-foot continuous loop drives separating each row to vehicles.
- K.** All batteries shall be removed from any vehicle and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil, and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
- L.** Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- M.** In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

## **SECTION 29.24 - KENNELS**

- A.** The minimum lot size shall be 2 acres with an additional 1/3 acre for each animal in excess of 3.
- B.** Buildings for housing dogs, dog runs, and/or exercise areas shall not be located within 100 feet of any property line.
- C.** Signs shall be subject to the regulations of [CHAPTER 31](#).

## **SECTION 29.25 - RESERVED**

## **SECTION 29.26 - RESERVED**

## **SECTION 29.27 - OUTDOOR RECREATIONAL USES**

- A.** The minimum lot size shall be 3 acres, unless otherwise approved by the Planning Commission.
- B.** No building or use shall be located within 50 feet of any property line, except that parking may be excluded from this requirement. Setback requirements on the side or

rear property line may be waived or modified when said line is constituted by the edge of a lake, wetland, or river.

- C.** Use of the premises shall be limited to the uses approved by the Planning Commission and illustrated on the site plan.
- D.** The Planning Commission may require a traffic study that addresses the amount and type of vehicular traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.

## **SECTION 29.28 - OUTDOOR STORAGE YARDS**

- A.** The applicant shall demonstrate why the proposed storage area or yard will not adversely impact other uses in the vicinity. If the Planning Commission determines that any storage area or yard will create discernible noise, dust, vibration, odor, glare, or heat beyond any property line, a detailed statement shall be provided that addresses and quantifies each concern and addresses how each concern will be minimized.
- B.** Any storage area or yard shall be a minimum distance of 100 feet from any RP, RE, R-1A, R-1B, R-1C, R-2, R-3, or R-4 district.
- C.** Any storage area or yard shall be located within the rear yard and is subject to all side and rear yard setback requirements. Any storage area or yard shall be enclosed on all sides by a solid wall or fence with solid gates or by berming and/or landscaping. Any screening shall be at least as tall as the materials being stored and no fence or wall shall exceed a maximum height of 8 feet and shall comply with section 3.27. Chain link fencing with interwoven slats is prohibited as a screening wall or fence.
- D.** No outdoor storage area or yard, or required screening, shall restrict or interfere with any required access to a building or any required fire lane.
- E.** If any hazardous materials are to be stored on the site, a detailed listing of each substance and the approximate quantity to be located on the site shall be submitted. A detailed plan of substance storage, hazard control and prevention, and emergency response shall be submitted and reviewed by the Township Fire Chief and a report made to the Planning Commission.
- F.** The site shall be provided with suitable access to a state highway or county primary road as designated by the Kent County Road Commission.

## **SECTION 29.29 - PERMITTED USES NOT CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING**

- A.** In the event that a land use involving uses not conducted within a completely enclosed building is regulated more specifically by this Ordinance, the more specific regulations shall control.
- B.** Any use that is not conducted within a completely enclosed building shall be located a minimum distance of 100 feet from any property that is within a RP, RE, R-1A, R-1B, R-1C, R-2, R-3, or R-4 district..
- C.** The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.

## **SECTION 29.30 - PERMITTED USES WITH DRIVE-IN OR DRIVE-THROUGH SERVICE AS PART OF AN INTEGRATED COMPLEX/FACILITY**

- A.** The proposed drive-through shall be consistent with the character, design, and intent of the Reimagine Plainfield Master Plan.
- B.** The drive-through shall be clearly incorporated and accessory to the principal use(s).
- C.** The Planning Commission may limit the scale and scope of the proposed drive-through to ensure compatibility with the surrounding area.
- D.** The Planning Commission may also consider the following factors, in addition to those described in Section 29.03, in determining whether a special land use permit shall be issued:
  - 1.** Site Layout
  - 2.** Stacking and Access
  - 3.** Signage
  - 4.** Visibility and Buffering
  - 5.** Hours of Operation
  - 6.** Nuisance Factors

## **SECTION 29.31 - STABLES**

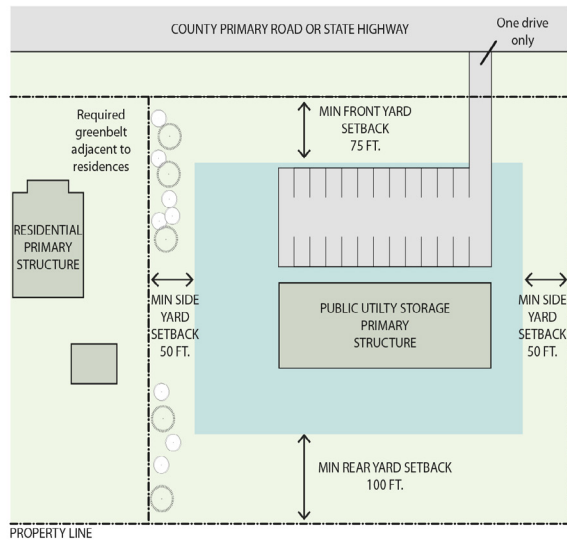
- A.** The minimum area devoted to the use shall be 10 acres. Such area may include pasture and riding trails, but shall not include area devoted to living quarters or other uses not normally incidental to a riding stable.
- B.** Areas for riding trails or riding purposes shall be located on the same premises, provided, however, that the owner may lease adjacent lands for said purpose. Further, provided, that access to riding areas shall not necessitate riding or leading of animals upon or across a public road.
- C.** The premises shall include storage adequate for the disposal of manure and refuse, have proper insect control methods, and be suitably fenced.
- D.** The setbacks of Section 3.02 B Farm Animals shall also apply.

## **SECTION 29.32 - PRIVATE TRANSPORTATION FACILITY**

- A.** The parcel location shall be such that at least 1 property line abuts a state highway or county primary road. Access to the facility shall be directly from said streets and shall be limited to 1 drive. (See graphic at right)
- B.** Except for visitor parking, all vehicle parking and storage, and all materials storage, shall be within a fenced area.
- C.** The minimum front and corner front yard shall be 75 feet. (See Figure 29.3)
- D.** The minimum side yard shall be 50 feet. (See Figure 29.3)
- E.** The minimum rear yard shall be 100 feet. (See Figure 29.3)

Figure 29.3

- F. All required yard areas, except drives and sidewalks, shall be landscaped and maintained. No parking or storage shall be permitted within the required yards.
- G. A greenbelt pursuant to chapter 34 shall be required on the side property line if there is an existing residence within 100 feet of the parcel. (See Figure 29.3)
- H. Repair of vehicles shall be done within a totally enclosed building.
- I. There shall be no storage of vehicle parts or inoperable vehicles outside of an enclosed building.



### SECTION 29.33 - RENDERING PLANTS

- A. The above uses shall be located at least 1,000 feet from a residential district or use.
- B. Only dry rendering processes shall be used.
- C. All sanitary facilities shall be approved by Kent County Health Department and other agencies having jurisdiction.
- D. The applicant shall submit a written impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

### SECTION 29.34 - RESERVED

### SECTION 29.35 - SANITARY LANDFILLS & TRANSFER STATIONS

- A. Open public or private dumps are prohibited. Sanitary landfills for the discarding of wastes, garbage, materials, or similar disposed matters other than chemical refuse or sludge in any form shall only be permitted in a manner that will ultimately prepare land for a primary intended use. All sanitary landfills shall conform with state and county regulations and be continuously licensed by the state.

### SECTION 29.36 - SPECIAL CONTROLLED USES

- A. 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 in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this ordinance.

For the purposes of this ordinance, special controlled uses subject to the controls of this

section are as follows:

1. Adult Motion Picture Theaters.
  2. Adult Book Stores.
  3. Adult Cabarets.
  4. Nude Artist and Photography Studios.
  5. Adult-Oriented Businesses.
  6. Massage Establishments.
- B.** As used in this section, the following terms shall have the meanings indicated in [CHAPTER 2](#) of this Ordinance.
- C. Requirements.** Special controlled uses are subject to the following requirements:
1. A special controlled use may be located only within the C-2 district.
  2. Except as provided in subsection 3 below, a regulated use shall not be located within a 1000-foot radius of any lot zoned or occupied for residential purposes, or upon which is located a school, public park, library, child care facility, or religious institution or place of worship.
  3. In accordance with the procedures in this subsection, the Planning Commission may permit a regulated use within a 1,000-foot radius, but not within a 500-foot radius, of any lot zoned or occupied for residential purposes, or upon which is located a school, public park, library, child care facility, or religious institution. An applicant seeking approval pursuant to this subsection shall file a completed application on an application form prepared and made available by the township. The Planning Commission shall approve the application if the Planning Commission determines that each of the following criteria is met:
    4. That the establishment of a regulated use in the proposed location will not adversely affect the public interest;
    5. That the establishment of a regulated use in the proposed location will not be injurious to nearby uses, particularly lots zoned or occupied for a residential purposes or a school, public park, library, child care facility, or religious institution or place of worship;
      - a. That the establishment of a regulated use in the area will not be inconsistent with the spirit and intent of this ordinance; and
      - b. That the establishment of a regulated use in the proposed location would comply with all applicable regulations of this ordinance and other applicable statutes, ordinances, rules, and regulations.
  6. A regulated use shall not be located within a 1,000-foot radius of any other regulated use.
  7. For the purpose of this section, the measurement of a radius shall be measured in a straight line from the property line of the use to the nearest property line of the residential property, public park, school, child care facility, religious institution or place of worship, or other regulated use.

8. A regulated use shall not be located in the same structure or on the same parcel as another regulated use.
9. All on-site parking areas shall comply with the requirements of this ordinance and additionally shall be illuminated on any days the business is open from sunset until closing.

**D. Conditions and Limitations.** Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may in its judgement be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will act to immediately terminate any permit.

**E. Other Ordinances.** Nothing in this section shall be construed to allow any activity or use that is prohibited under the Massage Establishment Ordinance or the Adult Oriented Businesses Ordinance, or to exempt any person or entity from obtaining any necessary permit or license thereunder. In addition to the requirements in this ordinance, any adult oriented businesses shall comply with all other regulatory ordinances.

## SECTION 29.37 - RESERVED

## SECTION 29.38 - VEHICLE REPOSSESSION AND/OR SEIZURE AND AUCTION FACILITY (APPLIES TO I)

- A. Sales of vehicles shall be limited to not more than 2 days per week and shall consist of a total of not more than 10 hours per week. Such sales shall be conducted only between the hours of 8:00 a.m. to 5:00 p.m.
- B. The applicant shall demonstrate to the Planning Commission's satisfaction that sufficient off-street parking shall be provided to accommodate the parties attending the sales.
- C. All sales shall be conducted within a completely enclosed building except that trailered items, such as boats, may be inspected and sold in a secured outdoor storage area located in the side or rear yard of the premises.
- D. Indoor storage shall be available for at least 25 percent of the vehicles on the site.

## SECTION 29.39 - RESERVED

## SECTION 29.40 - WIRELESS COMMUNICATION FACILITIES

- A. The applicant shall submit a grid map illustrating existing and proposed service areas and demonstrating why the proposed facility is required at the specific proposed location and cannot be reasonably established as a permitted use under [SECTION 3.29 A.1](#). The applicant shall also demonstrate the need for the facility to be located at the proposed specific site based upon 1 or more of the following factors:
  1. Proximity to an interstate or major thoroughfare.
  2. Areas of population concentration.
  3. Concentration of commercial, industrial, and/or other business centers.

4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  6. Other specifically identified reason(s) creating facility need.
  7. Any proposed wireless communication support structure and any related buildings and structures shall be located on a site that is either owned by or leased to the owner of the support structure. All required setbacks shall be measured from the nearest part of the support structure, building, or other structure to the boundary line of the owned or leased site. No other uses, structures, or buildings can be located within any setback area.
- B.** The setback distances measured from the nearest part of the wireless communication support structure to each boundary line shall be equal to or greater than the height of the support structure, unless the application includes a signed certification by a state of Michigan licensed professional engineer indicating the maximum distance, from the base, that any portion of the support structure and antenna can fall. If that distance is less than the height of the structure, the Planning Commission may reduce the required setbacks as deemed appropriate based on that certification and other characteristics of the particular site.
  - C.** The front, corner front, side, and rear yard setbacks for any building related to the facility shall be the same as those required for any other building permitted within the particular zone district.
  - D.** Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights.
  - E.** The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for communication by the applicant. Any building necessary to enclose switching or other related equipment shall be limited to the maximum height permitted for other buildings within the zone district in which the facility is being proposed.
  - F.** There shall be unobstructed access to the support structure for operation, maintenance, repair, and inspection purposes, which may be provided by an easement. All access drives shall meet all minimum requirements of the Plainfield Charter Township Fire Department.
  - G.** The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning and land division requirements and conditions are met.
  - H.** If an attached wireless communication facility is proposed on the roof of a building and 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 proposed as a separate building. If proposed as a separate building, it shall conform to all district yard setback requirements for principal buildings.
  - I.** The Planning Commission shall, with respect to the support structure and all accessory buildings, review and approve the application so 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 manner.

- J.** No signs or advertising of any kind shall be allowed on any wireless communication support structure or antenna, except as may be required by a governmental agency with the authority to require a sign.
- K.** The wireless communication support structure 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 Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission and all other governmental agencies with regulatory authority shall be noted.
- L.** Any wireless communication support structure shall be enclosed with "chain link" type of fencing with a minimum height of 6 feet and with a lockable gate. Said fencing shall be a minimum of 10 feet from the nearest portion of any support structure. In lieu of fencing, the Planning Commission may approve an alternative means of deterring entry to the wireless communication facility by uninvited guests.
- M.** The wireless communication facility and any related building shall be screened by evergreen trees with a minimum height of 5 feet at the time of planting and spaced not more than 15 feet apart. All proposed landscaping shall be shown on the required site plan.
- N.** Any wireless communication support structure shall be designed and constructed for the collocation of a minimum of 3 wireless communication providers. The owner of any wireless communication support structure shall permit collocation on the structure by other wireless communication providers under reasonable conditions.
- O.** A maintenance plan and any applicable maintenance agreement shall be submitted as part of the required site plan for the proposed facility to be approved by the Planning Commission. At a minimum, it shall include provisions for maintaining the wireless communication facility, all of the premises, the access drive, and all landscaping. The plan shall be sufficient to ensure the safety of the facility, to keep the access drive accessible by emergency vehicles at all times, and to keep the facilities and landscaping from becoming a blight on the neighborhood.
- P.** The Planning Commission may require a performance bond, irrevocable bank letter of credit, cash deposit, or other surety to guarantee the removal of the facility in the event its removal is required in accordance with [SECTION 3.29 D.](#)
- Q.** The Planning Commission shall review the application in accordance with the standards of this chapter and [SECTION 3.29 C.](#), and shall either approve, approve with conditions, or deny the application within 90 days of receipt of all required information, as determined by the Community Development Department. If the Planning Commission does not approve, approve with conditions, or deny the application within 90 days, the application shall be considered approved and the township shall be considered to have made any determination required for approval.

## **SECTION 29.41 - WIRELESS COMMUNICATION FACILITIES**

- A.** The applicant shall submit a grid map illustrating existing and proposed service areas and demonstrating why the proposed facility is required at the specific proposed location and cannot be reasonably established under [SECTIONS 3.29 A.1 OR 3.29](#)



**A.2.** The applicant shall also demonstrate the need for the facility to be located at the proposed specific site based upon 1 or more of the following factors:

- 1.** Proximity to an interstate or major thoroughfare.
  - 2.** Areas of population concentration.
  - 3.** Concentration of commercial, industrial, and/or other business centers.
  - 4.** Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - 5.** Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - 6.** Other specifically identified reason(s) creating facility need.
- B.** Any wireless communication facility shall be of a creative or innovative design or shall be constructed on or within an existing structure so as not to be any more visually obtrusive than the existing structure.
- C.** The maximum height from the ground elevation to the highest part of the structure shall not exceed 120 feet. Provided, however the height of the structure may be increased up to a maximum of 195 feet and installation of any antenna, lightning rod, or other accessory shall not cause the tower to require lighting. The tower shall remain unlit and must be kept below such a level that requires lighting.
- D.** The sites located 2910 10 Mile Road NE and 890 Buth Drive NE may be increased up to a maximum of 250 feet and any antenna, lightning rod, or other accessory structure may not exceed 20 feet above such structure, based on a finding that the proposed facility, at the specific site, would offer greater service coverage or accommodate a greater number and type of wireless services. In making its determination, the Planning Commission shall consider all of the following factors:
- 1.** Consistency with the Wireless Infrastructure Master Plan (dated August 16, 2001) adopted by the Planning Commission on August 28, 2001.
  - 2.** The design amenities of the proposed site.
  - 3.** The topography of the proposed site and nearby properties.
  - 4.** Increased setback distances from abutting properties and streets.
  - 5.** Natural screening that would help shield the proposed facility from view.
  - 6.** The existing and likely future use of other property in the area.
  - 7.** The number and type of wireless services proposed for the facility.
  - 8.** The tower's ability to easily decrease or increase in height should needs change.
  - 9.** The effect of lighting such a structure, if required by the Federal Aviation Administration.
- E.** Any proposed wireless communication support structure, and any related buildings and structures, shall be located on a site that is either owned by or leased to the owner of the support structure. All required setbacks shall be measured from the nearest part of the support structure, building, or other structure to the boundary line of the owned or

leased site. No other uses, structures, or buildings can be located within any setback area.

- F.** The setback distances measured from the nearest part of the wireless communication support structure to each boundary line shall be equal to or greater than the height of the support structure, unless the application includes a signed certification by a state of Michigan licensed professional engineer indicating the maximum distance, from the base, that any portion of the support structure and antenna can fall. If that distance is less than the height of the structure, the Planning Commission may reduce the required setbacks as deemed appropriate based on that certification and other characteristics of the particular site.
- G.** The front, corner front, side and rear yard setbacks for any building related to the facility shall be the same as those required for any other building permitted within the particular zone district.
- H.** Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights.
- I.** The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for communication by the applicant. Any building necessary to enclose switching or other related equipment shall be limited to the maximum height permitted for other buildings within the zone district in which the facility is being proposed.
- J.** There shall be unobstructed access to the support structure for operation, maintenance, repair, and inspection purposes, which may be provided by an easement. All access drives shall meet all minimum requirements of the Plainfield Charter Township Fire Department.
- K.** The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning and land division requirements and conditions are met.
- L.** If an attached wireless communication facility is proposed on the roof of a building and 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 proposed as a separate building. If proposed as a separate building, it shall conform to all district yard setback requirements for principal buildings.
- M.** The Planning Commission shall, with respect to the support structure and all accessory buildings, review and approve the application so 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 manner.
- N.** No signs or advertising of any kind shall be allowed on any wireless communication support structure or antenna, except as may be required by a governmental agency with the authority to require a sign.
- O.** The wireless communication support structure 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 Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission and all other governmental

agencies with regulatory authority shall be noted.

- P.** Any wireless communication support structure shall be enclosed with a “chain link” type of fencing with a minimum height of 6 feet and with a lockable gate. Said fencing shall be a minimum of 10 feet from the nearest portion of any support structure. In lieu of fencing, the Planning Commission may approve an alternative means of deterring entry to the wireless communication facility by uninvited guests.
- Q.** The wireless communication facility and any related building shall be screened by evergreen trees with a minimum height of 5 feet at the time of planting and spaced not more than 15 feet apart or as required by the Planning Commission. All proposed landscaping shall be shown on the required site plan.
- R.** Any wireless communication support structure shall be designed and constructed for the collocation of a minimum of 3 wireless communication providers, however, the Planning Commission may waive this requirement if it is deemed to not be necessary based on the site plan and application submitted for a specific wireless communication facility. The owner of any wireless communication support structure shall permit collocation on the structure by other wireless communication providers under reasonable conditions.
- S.** A maintenance plan and any applicable maintenance agreement shall be submitted as part of the required site plan for the proposed facility to be approved by the Planning Commission. At a minimum, it shall include provisions for maintaining the wireless communication facility, all of the premises, the access drive, and all landscaping. The plan shall be sufficient to ensure the safety of the facility, to keep the access drive accessible by emergency vehicles at all times, and to keep the facilities and landscaping from becoming a blight on the neighborhood.
- T.** The Planning Commission may require a performance bond, irrevocable bank letter of credit, cash deposit or other surety to guarantee the removal of the facility in the event its removal is required in accordance with [SECTION 3.29 D](#).
- U.** The Planning Commission shall review the application in accordance with the standards of this Chapter and [SECTION 3.29 C](#), and shall either approve, approve with conditions, or deny the application within 90 days of receipt of all required information, as determined by the Community Development Department. If the Planning Commission does not approve, approve with conditions, or deny the application within 90 days, the application shall be considered approved and the township shall be considered to have made any determination required for approval.

# CHAPTER 30

## USES SUBJECT TO SPECIAL CONDITIONS

### SECTION 30.01 - INTENT AND PURPOSE

Within each zoning district in Plainfield Township, there exist land uses that are deemed compatible with the purpose and intent of each zoning district if the additional conditions of this chapter are satisfied. These uses must comply with the standards of this chapter, along with all other requirements of this ordinance, including site plan review where required, but do not require special land use review and approval pursuant to [CHAPTER 29](#).

### SECTION 30.02 - ADULT FOSTER CARE SMALL GROUP HOME

- A.** The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public thoroughfare, excluding an alley:
  - 1.** A licensed group child care home.
  - 2.** Another licensed adult foster care small, medium or large group home.
  - 3.** A facility offering substance abuse treatment and rehabilitation service to 7 or more people, licensed by the state of Michigan.
  - 4.** A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B.** The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front or corner front yard.
- C.** In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.

- D.** The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.

### **SECTION 30.03 - ADULT FOSTER CARE MEDIUM GROUP HOME**

- A.** The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public thoroughfare, excluding an alley:
  - 1.** A licensed group child care home.
  - 2.** Another licensed adult foster care small, medium, or large group home.
  - 3.** A facility offering substance abuse treatment and rehabilitation service to 7 or more people, licensed by the state of Michigan.
  - 4.** A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B.** The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front or corner front yard.
- C.** In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
- D.** The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.

### **SECTION 30.04 - ADULT FOSTER CARE LARGE GROUP HOME**

- A.** The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public thoroughfare, excluding an alley:
  - 1.** A licensed group child care home.
  - 2.** Another licensed adult foster care small, medium, or large group home.
  - 3.** A facility offering substance abuse treatment and rehabilitation service to 7 or more people, licensed by the state of Michigan.
  - 4.** A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B.** The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front or corner front yard.
- C.** In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
- D.** The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.

### **SECTION 30.05 - ANIMAL CLINIC, SMALL**

- A.** Such hospital or clinic, including all treatment rooms, cages, pens, or runways, shall be located within a completely enclosed building so that sound will be kept within the building.
- B.** The building shall have and maintain central air conditioning so that windows will not be open.
- C.** The use shall be operated in such a way as to produce no objectionable odors or noise outside its walls.
- D.** All buildings shall be a minimum of 100 feet from any dwelling located in an adjacent residentially zoned district, unless the dwelling is separated from the use by a public or private street.
- E.** Customer service entrances to said use shall not be from an area which serves as a common entrance to other uses, such as a pedestrian mall.

### **SECTION 30.06 - ANIMAL CLINIC, LARGE**

- A.** The building shall have and maintain central air conditioning so that windows will not be open.
- B.** The applicant shall demonstrate to the Planning Commission's satisfaction that all adequate reasonable steps shall be taken to ensure that noise, fumes, dust, or odors shall not adversely affect neighboring properties.
- C.** All buildings shall be a minimum of 100 feet from any residentially zoned district, unless the residential district is separated from the use by a public or private street.
- D.** Customer service entrances to said use shall not be from an area which serves as a common entrance to other uses.

### **SECTION 30.07 - ANIMAL GROOMING OR TRAINING FACILITY**

- A.** The building shall have and maintain central air conditioning so that windows will not be open.
- B.** The applicant shall demonstrate to the Planning Commission's satisfaction that all adequate reasonable steps shall be taken to ensure that noise, fumes, dust, or odors shall not adversely affect neighboring properties.
- C.** All buildings shall be a minimum of 100 feet from any residentially zoned district, unless the residential district is separated from the use by a public or private street.
- D.** Customer service entrances to said use shall not be from an area which serves as a common entrance to other uses.

### **SECTION 30.08 - ARTISAN FOOD AND BEVERAGE PRODUCTION FACILITY**

- A.** An artisan food or beverage producer may serve the products manufactured on site, as well as other food or beverages, to be consumed on site; however, the floor area dedicated to preparation and service area of said products shall not exceed 40 percent of total floor area.

- B.** The Planning Commission may require that the building be a minimum of 100 feet from residentially zoned property, for establishments serving non-alcoholic beverages and/or food.
- C.** For establishments that produce and serve alcoholic beverages, the following conditions shall apply:
  - 1.** The Planning Commission may require the building to be located a minimum of 200 feet or more away from any residentially zoned property.
  - 2.** An establishment that serves alcohol shall obtain and maintain all applicable federal, state, county, and local permits and/or licenses and furnish copies of said permits and/or licenses to the township.
  - 3.** A special use permit shall be required for any outside service areas open past 10:00 p.m.

### **SECTION 30.09 - ARTISAN FOOD AND BEVERAGE PRODUCTION FACILITY WITH SERVICE FROM DECKS, PORCHES, OR OTHER OUTSIDE AREAS, OPEN UNTIL 10 P.M.**

- A.** The Community Development Department may impose an additional setback for an outside service area, beyond the minimum zoning district requirements, from any residentially-zoned property or property with a legally existing residential structure. The outside area shall be screened from view when abutting those zone districts.
- B.** The applicant shall provide a list of all known and anticipated noise generators, including, but not limited to, paging systems, live or recorded music, and any mechanically generated noise.
- C.** The Community Development Department shall consider how well the use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood and may establish conditions for the issuance of a permit to prevent any adverse impacts.
- D.** A deck, porch, or other outside service area may have a minimum front or corner front yard setback of 30 feet if the Planning Commission determines that said service area will not have an adverse impact on the surrounding area or to the site, including, but not limited to, traffic flow and parking considerations.

### **SECTION 30.10 - AUTOMOTIVE COMMERCIAL TRUCK AND TRAILER SALES AND RENTAL FACILITY**

- A.** The nearest part of any building shall be a minimum of 100 feet from any R-1A, R-1B, R-1C, R-2, or R-3 district, unless the district is separated from the use by a public street.
- B.** A permanent building shall be located on site for use as offices and other uses incidental to the sale of vehicles.
- C.** All product display areas shall be designated on an approved site plan and shall be clearly separated from areas required for visitor, employee, or service parking.
- D.** All display areas shall be provided with asphalt or concrete surfacing.

- E.** All display areas shall be a minimum of 10 feet from any property line.
- F.** The use of external paging or intercom systems is prohibited.

### **SECTION 30.11 - AUTOMOTIVE REPAIR FACILITY, MAJOR**

- A.** All installation and repair work must be carried out within a completely enclosed building.
- B.** No outdoor storage of scrap, junk cars, or dismantled vehicles is permitted, except for those awaiting service.
- C.** All vehicles awaiting repair or settlement of insurance claims may be stored outside of a completely enclosed building, provided that the storage area is completely enclosed with an obscuring masonry or wood wall or solid fence with a minimum height of 6 feet and a maximum height of 8 feet and is equipped with a locking gate. Such storage area shall be located behind the rear wall of the building and shall maintain the minimum side and rear yard areas required for a building. Such area shall also satisfy all of the requirements for an off-street parking lot.
- D.** The nearest part of any building or structure shall be a minimum of 100 feet from any residentially zoned district, unless the district is separated from the use by a public street.

### **SECTION 30.12 - AUTOMOTIVE REPAIR FACILITY, MINOR**

- A.** All installation and repair work must be carried out within a completely enclosed building.
- B.** No outdoor storage of scrap, junk cars, or dismantled vehicles is permitted, except for those awaiting service.
- C.** All vehicles awaiting repair or settlement of insurance claims may be stored outside of a completely enclosed building, provided that the storage area is completely enclosed with an obscuring masonry or wood wall or solid fence with a minimum height of 6 feet and a maximum height of 8 feet and is equipped with a locking gate. Such storage area shall be located behind the rear wall of the building and shall maintain the minimum side and rear yard areas required for a building. Such area shall also satisfy all of the requirements for an off-street parking lot.
- D.** The nearest part of any building or structure shall be a minimum of 100 feet from any residentially zoned district, unless the district is separated from the use by a public street.

### **SECTION 30.13 - AUTOMOTIVE SALES FACILITY**

- A.** Automotive sales facilities in the CC and LI districts shall be subject to the following requirements:
  - 1.** The nearest part of any building shall be a minimum of 100 feet from any residentially zoned district, unless the district is separated from the use by a public street.
  - 2.** A permanent building shall be located on site for use as offices and other uses incidental to the sale of vehicles.
  - 3.** All product display areas shall be designated on an approved site plan and shall be



clearly separated from areas required for visitor, employee, or service parking.

4. All display areas shall be provided with asphalt or concrete surfacing.
5. All display areas shall be a minimum of 10 feet from any property line.
6. The use of external paging or intercom systems is prohibited.
7. Vehicle or product service and repair shall be carried out in accordance with the following:
  - a. All installation and repair work must be carried out within a completely enclosed building.
  - b. No outdoor storage of scrap, junk cars, or dismantled vehicles is permitted, unless stored in a screened structure as approved by the Community Development Department.
  - c. All vehicles awaiting repair or settlement of insurance claims may be stored outside of a completely enclosed building, provided that the storage area is completely enclosed with an obscuring masonry or wood wall or solid fence with a minimum height of 6 feet and a maximum height of 8 feet and is equipped with a locking gate. Such storage area shall be located behind the rear wall of the building and shall maintain the minimum side and rear yard areas required for a building. Such area shall also satisfy all of the requirements for an off-street parking lot.

**B.** Automotive Sales Facilities in the C-5 district shall be subject to the following requirements:

1. The display, storage, repair, maintenance, or parking of any vehicle, including automobiles, boats, motorcycles, travel trailers, snowmobiles, and motor homes, shall not occur outside, but only in a completely enclosed building.
2. The outside storage or display of accessory products is prohibited.
3. The use of external paging or intercom systems is prohibited.
4. Only 1 building is permitted on a parcel.

**C.** Automotive Sales Facilities are permitted the following signs, which replace the provisions of [SECTION 31.09](#):

**1. Freestanding Signs.**

- a. A maximum of 2 additional freestanding signs, in addition to a freestanding sign as permitted in [SECTION 31.09 A OR B](#) are permitted, subject to all of the following requirements.
  - i. The maximum sign area of each additional sign is 60 square feet.
  - ii. No freestanding sign shall be located less than 100 feet, as measured along the front or corner front lot line(s), from another freestanding sign on the same lot(s) occupied by the new vehicle sales establishment.
  - iii. No freestanding sign shall be located less than 25 feet to a side or rear lot line of a residential use.
- b. Directional signs not exceeding 6 square feet are permitted over individual

vehicular entrance doors or bays in addition to other permitted signs.

- 2. Wall signs.** The following wall sign provisions only apply to new vehicle dealerships.
  - a.** Wall signs with a maximum sign area of 10 percent of the building wall face may be placed on 3 sides of a principal building
  - b.** Additional directional wall signs may be placed on up to 2 walls of the principal building. These signs shall be limited in size so that the total sign area of all wall signs on any wall of a principal building does not exceed 10 percent of the building wall face. These signs are further limited in size on any front or corner front wall to a maximum sign area of 20 square feet.
  - c.** One wall sign is permitted on 1 wall of any ancillary or secondary building, provided that the sign area does not exceed 10 percent of the building wall face.
  - d.** Directional signs not exceeding 6 square feet are permitted over individual vehicular entrance doors or bays in addition to other permitted signs.

## **SECTION 30.14 - AUTOMOTIVE SERVICE STATION OR GAS STATION**

- A.** The nearest part of any building or structure shall be a minimum of 100 feet from any residentially zoned district, unless the district is separated from the use by a public street.
- B.** Pump islands shall be located no closer than 35 feet from the front or corner front lot line.
- C.** All pump island canopies shall be located a minimum of 25 feet from the front or corner front lot line.
- D.** All repair, lubrication, and service work shall be performed within a completely enclosed building.
- E.** All storage of equipment, materials, and merchandise, with the exception of fuel, shall be within a completely enclosed building.
- F.** All outside storage areas for refuse, used tires, auto parts, and similar items shall be screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- G.** No more than 2 curb cuts shall be constructed to provide ingress and egress.
- H.** Any automobile service station located on an interior lot shall have a minimum of 155 feet of frontage on a public street.
- I.** In the C-5 district, automobile service stations shall not have more than 2 stalls for servicing motor vehicles.
- J.** Directional signs not exceeding 6 square feet are permitted over individual vehicular entrance doors or bays in addition to other permitted signs.
- K.** Signs up to 8 square feet in area located on an awning or canopy are permitted on 2 sides of a pump island canopy or roofed structure, in addition to other permitted signs.

## **SECTION 30.15 - AUTOMOTIVE WASH ESTABLISHMENT**

- A.** All washing facilities shall be within a completely enclosed building.
- B.** Vacuuming and drying areas may be located outside of the building, but shall not be in the required front, corner front, or side yard areas.
- C.** All cars required to wait for access to the facilities shall be provided stacking space off the street right-of-way.
- D.** Curb cuts serving the car wash shall be located at least 200 feet from the intersection of any 2 streets.
- E.** At least 1 traffic lane shall be provided as a means of exiting the facility without having to enter the car wash building, such lane to be in addition to those which would be used by customers obtaining gasoline and waiting in line for the car wash. Said lane shall not be counted as part of the required parking space.
- F.** All buildings, vehicular stacking space, vacuuming, or other outside use area, except employee parking, shall have a minimum setback of 100 feet from any R-1A, R-1B, R-1C, R-2, or R-3 district, unless the district is separated from the use by a public street.

## **SECTION 30.16 - BARS, TAVERNS, AND RESTAURANTS WITH SERVICE FROM DECKS, PORCHES, OR OTHER OUTSIDE AREAS, OPEN UNTIL 10 P.M.**

- A.** The Community Development Department may impose an additional setback, beyond the minimum zoning district requirements, from any property that is within an RP, RE, R-1A, R-1B, R-1C, R-2, R-3, or R-4
- B.** The applicant shall provide a list of all known and anticipated noise generators, including, but not limited to, paging systems, live or recorded music, and any mechanically generated noise.
- C.** Outdoor seating that is accessory to a bar, tavern, or restaurant shall be permitted subject to a Special Land Use if operations continue past 10 p.m.
- D.** The Community Development Department shall consider how well the use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood and may establish conditions for the issuance of a permit to prevent any adverse impacts.
- E.** A deck, porch, or other outside service area may have a minimum front or corner front yard setback of 30 feet if the Planning Commission determines that said service area will not cause a negative impact on the surrounding area or to the site, including, but not limited to, traffic flow and parking considerations.

## **SECTION 30.17 - BED AND BREAKFAST ESTABLISHMENT**

- A.** Such uses shall only be established in single-family dwellings where the rooms utilized are a part of the primary owner-occupied residential use, and not specifically constructed for short-term rental purposes.
- B.** One parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

- C.** Kitchen facilities are allowed as approved by the appropriate township, county, and state agencies.
- D.** Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
- E.** 1 sign shall be allowed for identification purposes. Such sign shall be non-illuminated and unanimated, be mounted flat against the wall of the principal building or ground mounted, and not to exceed 16 square feet in area.
- F.** Accessory retail or service uses to a bed and breakfast establishment shall be limited to 10 percent of the floor area and explicitly intended for patrons of the establishment.
- G.** Meals shall be served only to residents, employees, family members, and overnight guests
- H.** A bed and breakfast must comply with all other provisions of the zone in which it is located.

### **SECTION 30.18 - BREWERY OR DISTILLERY**

- A.** The Planning Commission may require that a brewery, or distillery be located 50 feet or more away from any residentially zoned property.
- B.** A brewery, or distillery may include a tasting room, provided that it does not occupy more than 25 percent of the total area of the facility. No other food or beverages shall be served.
- C.** Sites shall be designed and operated to minimize potential negative impacts on adjacent properties.
- D.** The applicant shall demonstrate that all trucks and delivery vehicles be provided with adequate maneuvering areas on the lot. Maneuvering shall not be permitted on adjacent property or in a right of way.
- E.** The Planning Commission may establish hours of operation for a brewery, or distillery.
- F.** A brewery, or distillery shall obtain and maintain all applicable federal, state, county, and local permits and furnish copies of applicable permits to the township.

### **SECTION 30.19 - BUILDING MATERIALS SALES**

- A.** The nearest part of any building shall be a minimum of 100 feet from any residentially zoned district, unless the district is separated from the use by a public street.
- B.** All product display areas shall be designated on an approved site plan and shall be clearly separated from areas required for visitor, employee, or service parking.
- C.** All display areas shall be provided with asphalt or concrete surfacing and shall be located at least 10 feet from any property line, or screened pursuant to chapter 34.

### **SECTION 30.20 - CHILD AND ADULT DAY CARE CENTERS**

- A.** Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily. Dormitory facilities are not permitted.

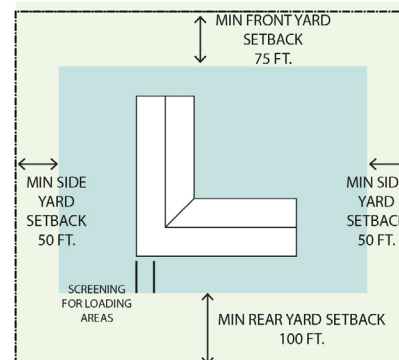
- B.** Setbacks shall conform to the requirements of the zoning district.
- C.** There shall be sufficient outdoor play area and fencing to meet state requirements.
- D.** There shall be sufficient indoor classroom, crib, play area, etc., to meet state requirements.
- E.** All facilities must be licensed by the state of Michigan, and documentation of such active license shall be provided to the Township.

### SECTION 30.21 - GROUP CHILD CARE HOME OR ADULT GROUP DAY CARE HOME

- A.** The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public thoroughfare, excluding an alley:
  - 1.** Another licensed group day care home.
  - 2.** An adult foster care small group home or large group home licensed by the state of Michigan
  - 3.** A facility offering substance abuse treatment and rehabilitation service to 7 or more people, licensed by the state of Michigan
  - 4.** A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B.** All outdoor play areas shall be enclosed by a fence that is non-climbable in design and at least 48 inches in height.
- C.** The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front or corner front yard.
- D.** There shall be provided and maintained, on the premises, a minimum of 1,000 square feet of fenced outdoor play area.
- E.** In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
- F.** Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
- G.** The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.

### SECTION 30.22 - CONTRACTOR'S OFFICES AND SHOWROOMS WITH YARDS

- A.** All work of any kind shall only take place within a completely enclosed building.
- B.** The outside storage of equipment, machinery, and service vehicles is permitted, provided that the



storage area is completely enclosed with an obscuring masonry or wood wall or fence with a minimum height of 6 feet and a maximum height of 8 feet and is equipped with a locking gate. Such storage area shall be located behind the rear wall of the building and shall maintain the minimum side and rear yard areas required for a building. Such area shall also satisfy all of the requirements for an off-street parking lot.

- C.** The nearest part of any building or structure shall be a minimum of 50 feet from any residentially zoned district, unless the district is separated from the use by a public street.

### **SECTION 30.23 - CONTRACTOR'S OFFICES AND SHOWROOMS WITHOUT YARDS**

- A.** Not more than 25 percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise.
- B.** The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display.
- C.** All storage of materials on any land shall be within the confines of the building or part of the building occupied by the establishment.

### **SECTION 30.24 - CONVALESCENT HOMES**

- A.** The minimum lot size shall be 2 acres.
- B.** The minimum front or corner front yard shall be 75 feet. (See graphic at right)
- C.** The minimum side yard shall be 50 feet. (See above graphic)
- D.** The minimum rear yard shall be 100 feet. (See above graphic)

### **SECTION 30.25 - EQUIPMENT RENTAL SERVICES**

- A.** The nearest part of any building shall be a minimum of 100 feet from any residentially zoned district, unless the district is separated from the use by a public street.
- B.** A permanent building shall be located on site for use as offices and other uses incidental to the sale of vehicles.
- C.** All product display areas shall be designated on an approved site plan and shall be clearly separated from areas required for visitor, employee, or service parking.
- D.** All display areas shall be provided with asphalt or concrete surfacing.
- E.** All display areas shall be a minimum of 10 feet from any property line.
- F.** The use of external paging or intercom systems is prohibited.

## SECTION 30.26 - FUNERAL HOME

- A.** A sufficient off-street assembly or staging area shall be provided for vehicles to be used in funeral processions. This area shall be provided in addition to otherwise required off-street parking facilities.
- B.** Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view from any street by the design of the building or by an opaque wall or fence that is not more than 8 feet or less than 6 feet in height.
- C.** A funeral home may include a residence as an accessory use.

## SECTION 30.27 - LAWN MAINTENANCE, LANDSCAPING, AND SNOW PLOWING ESTABLISHMENTS

- A.** All lawn maintenance and snow plowing equipment, including, but not limited to, hand and tractor driven mowers, snowplow blades, and related equipment when not in use off premises shall be stored at all times in a completely enclosed building.
- B.** No maintenance or other activity related to the permitted use shall be conducted outside of a completely enclosed building.
- C.** No outdoor commercial lighting shall be placed or permitted on the premises, except standard residential exterior lighting.
- D.** No more than 6 licensed vehicles shall be parked on the premises outside of an enclosed structure at any 1 time.
- E.** The Township Building Inspector or such other person designated by the township shall have the right to inspect the premises during regular business hours upon reasonable advance notice to the property owner.

## SECTION 30.28 - LIGHT MANUFACTURING, PROCESSING OR ASSEMBLY FACILITY

- A.** The application shall include a detailed statement of all federal, state, and county statutes and regulations that apply to the particular site or activity specific to the contemplated use, a copy of the regulation, and a statement indicating the proposed method of complying with each regulation.
- B.** The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
- C.** The applicant shall submit a detailed list of all equipment that could reasonably be expected to exceed the performance standards contained in Section 21.08H, as applicable, and provide detailed information regarding methods that will be used to assure that those standards will not be exceeded.
- D.** Flex Office. The facility may include flex office, a combination of office, research, laboratory, manufacturing, clean assembly, warehousing, or other related activities whose configurations and construction methods allow for easy conversion of interior and exterior space.
- E.** If the Community Development Department determines that any proposed use or activity will create discernable noise, dust, vibration, odor, glare, or heat beyond any property line, a detailed statement shall be provided which addresses and quantifies

each concern and addresses how each concern will be minimized to the satisfaction of the Community Development Department.

## SECTION 30.29 - LIVE ENTERTAINMENT

- A.** Live Entertainment shall only be used in conjunction with a banquet hall, restaurant, bar or similar facility.
- B. Review Standards.** The following considerations shall be used by the Planning Commission or Community Development Department in the deliberation and approval of a Live Entertainment request.
  - 1.** Whether adjacent or nearby parks (e.g., public parks or recreation centers), playgrounds (e.g., public or private), religious institutions, or schools are adversely affected.
  - 2.** Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
  - 3.** Noise, odors, or lights that spill over to any property with residential dwellings.
  - 4.** Excessive numbers of persons gathering outside the establishment.
  - 5.** Peak hours of use that materially add to the congestion or other negative traffic related effects in the neighborhood.
- C. Noise Abatement.** The building or site shall be designed to meet the requirements of the Noise Control Ordinance (Code of Ordinances Chapter 16, Article IV). The noise analysis and the method of construction being used to meet the standards of the Noise Control Ordinance shall be provided to the Director prior to the issuance of a building permit.
- D. Building Openings.** No entrance or exit to the main building in which the activity will occur shall face an adjacent residential use. All other doors and windows, including fire exits, which may direct sound to residential properties shall remain closed during the entertainment.
- E. Hours of Operation.** Hours of the live entertainment operation shall not extend beyond 12:00 a.m.

## SECTION 30.30 - MINI-WAREHOUSE OR SELF-STORAGE

- A.** The minimum lot area shall be 2 acres.
- B.** Mini-warehouse/self-storage facilities shall be surrounded by privacy or decorative fencing between 6 and 8 feet in height.
- C.** The Community Development Department may impose architectural requirement for buildings to ensure compatibility with surrounding properties.
- D.** All parking, maneuvering, and drive lane areas shall be provided with a paved surface and all drive aisles shall be 24 feet in width. All parking and maneuvering areas shall be paved with concrete, asphalt or another similar dust free surface approved by the Planning Commission.
- E.** All storage shall be within a completely enclosed building.



## SECTION 30.31 - MIXED USE RESIDENTIAL BUILDING

- A.** Residential occupancy may be permitted in buildings of 2 stories in height or greater in the Village Commercial district, subject to the following standards:
- 1.** No dwelling unit shall occupy any portion of the building at ground level or below ground level. Businesses may occupy any number of total floors.
  - 2.** In those instances where residential uses are proposed to occupy the same floor as a business use, the Planning Commission shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include, but are not limited to:
    - a.** Compatible hours of operation.
    - b.** Noise of operation or occupancy that would be detrimental to the business operation or vice versa.
    - c.** Excessive foot traffic.
  - 3.** Each dwelling unit shall have a minimum floor area as follows:
    - a.** Efficiency (open area/no separate bedroom) dwelling unit - 400 square feet.
    - b.** 1-bedroom dwelling unit - 500 square feet.
    - c.** 2-bedroom dwelling unit - 700 square feet.
    - d.** Dwelling unit with 3 or more bedrooms - 800 square feet.
  - 4.** An off-street parking plan demonstrating that sufficient parking is available for use of the parcel shall be provided. Such parking plan is subject to approval by the Community Development Department prior to occupancy of any residential use.

## SECTION 30.32 - MULTI-FAMILY DWELLINGS, GROUND FLOOR

The following requirements apply to multiple family dwellings with ground floor units within the R-3 and MXU zoning districts.

- A.** The area between the sidewalk and face of building shall be visually defined as private space through the use of planters, landscaping, low walls parallel to the public sidewalk that do not exceed 36 inches in height, patios or some other method.
- B.** Street-facing units shall have entrances that connect to the public sidewalk where the finished floor is similar in grade to the sidewalk.
- C.** Where the finished floor of street-facing units is higher than the street grade, a berm to reconcile the grade shall be placed a minimum of 5 feet away from the face of the building. The berm shall not be higher than three feet; multiple berms that are evenly spaced may be necessary.
- D.** Where it is not feasible to connect street-facing ground floor units to the public sidewalk, a minimum of one building entrance shall be provided facing the public street. The entrance shall be ADA accessible.

## **SECTION 30.33 - OUTDOOR EQUIPMENT SALES FACILITY**

- A.** The nearest part of any building shall be a minimum of 100 feet from any residentially zoned district, unless the district is separated from the use by a public street.
- B.** A permanent building shall be located on site for use as offices and other uses incidental to the sale of equipment.
- C.** All product display areas shall be designated on an approved site plan and shall be clearly separated from areas required for visitor, employee, or service parking.
- D.** All display areas shall be provided with asphalt or concrete surfacing and shall be located at least 10 feet from any property line, or screened pursuant to chapter 34.
- E.** Equipment service and repair shall be carried out in accordance with the following:
  - 1.** All installation and repair work must be carried out within a completely enclosed building.
  - 2.** No outdoor storage of scrap, dismantled equipment, or similar materials is permitted, unless stored in a screened structure as approved by the Community Development Department.
  - 3.** All equipment awaiting repair or settlement of insurance claims may be stored outside of a completely enclosed building, provided that the storage area is completely enclosed with an obscuring masonry or wood wall or solid fence with a minimum height of 6 feet and a maximum height of 8 feet and is equipped with a locking gate. Such storage area shall be located behind the rear wall of the building and shall maintain the minimum side and rear yard areas required for a building. Such area shall also satisfy all of the requirements for an off-street parking lot.

## **SECTION 30.34 - OUTDOOR STORAGE YARDS**

- A.** The nearest part of any building shall be a minimum of 100 feet from any residentially zoned district, unless the district is separated from the use by a public street.
- B.** A permanent building shall be located on site for use as offices and other uses incidental to the sale of equipment.
- C.** All product display areas shall be designated on an approved site plan and shall be clearly separated from areas required for visitor, employee, or service parking.
- D.** All display areas shall be provided with asphalt or concrete surfacing and shall be located at least 10 feet from any property line, or screened pursuant to chapter 34.

## **SECTION 30.35 - PERMITTED USES NOT CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING**

- A.** In the event that a land use involving uses not conducted within a completely enclosed building is regulated more specifically by this Ordinance, the more specific regulations shall control.
- B.** Any use that is not conducted within a completely enclosed building shall be located a minimum distance of 100 feet from any property line that is within a RP, RE, R-1A, R-1B, R-1C, R-2, R-3, or R-4 district

- C. The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.

### **SECTION 30.36- PERMITTED USES WITH DRIVE-IN OR DRIVE-THROUGH SERVICE**

- A. Building or structures shall be set back from the residentially zoned district as determined by the Planning Commission. This setback shall not apply if the district is separated from the use by a public street.
- B. Space set aside for the stacking of vehicles waiting to be served from a drive-through window shall be a minimum of 35 feet from any residentially zoned district or any existing residential use.
- C. Any side or rear lot line that is adjacent to a residentially zoned district shall be provided with a solid wood, vinyl, or other fence with a minimum height of 4 feet and a maximum height of 6 feet.

### **SECTION 30.37 - RELIGIOUS INSTITUTIONS, AUDITORIUMS, AND OTHER PLACES OF ASSEMBLY**

The following requirements shall apply to all auditoriums, banquet halls, community centers, indoor theaters, private clubs, religious institutions, or other places of assembly.

- A. **Loading Area.** Loading and unloading areas shall be shown on the site plan and designed to avoid pedestrian/vehicular conflicts or unnecessary vehicle movements in the public right-of-way.
- B. The applicant shall provide a list of all known and anticipated noise generators, including, but not limited to, paging systems, live or recorded music, and any mechanically generated noise. The Planning Commission and/or The Community Development Department may regulate the days of the week and hours of operation.
- C. The use shall harmonize, blend with, and enhance adjoining properties and the surrounding neighborhood. The Community Development Department may establish conditions for the issuance of a permit to prevent any adverse impacts.
- D. **Live Entertainment.** The requirements of Section 30.27. Live Entertainment shall apply if these activities are planned to occur on the premises.

### **SECTION 30.38 - RESEARCH, DEVELOPMENT, AND TESTING FACILITIES**

- A. No use shall produce any noise at any lot line that exceeds the average intensity of street and traffic noise.
- B. No use shall produce any vibration, the production of any heat or glare, nor the emission of noxious fumes or odors that are discernable at any property line.

### **SECTION 30.39 - SIDEWALK CAFÉ**

- A. In the interest of promoting business by increasing activity, the Township Superintendent or his designee may issue revocable permits to businesses that apply for a permit to

operate a sidewalk café as an extension of or compatible with the existing business on a portion of a public sidewalk adjacent to the business. Outside service from decks and porches for bars, taverns, and restaurants shall not be considered sidewalk cafes.

The permit may be issued under the following terms and conditions:

- 1.** Sidewalk café permits shall be issued if the Township Superintendent or designee determines the sidewalk café will not:
  - a.** Interfere with the use of the street or right-of-way for pedestrian or vehicular travel.
  - b.** Unreasonably interfere with the view of, access to, or use of property adjacent to the street. All businesses selling food or beverages to be consumed on a public sidewalk area adjacent to the business may, at the determination of the Township Superintendent, be required to enclose on all sides the area with a temporary structure approved by the Building Inspector.
  - c.** Reduce any sidewalk width to less than 6 feet.
  - d.** Interfere with street cleaning or snow removal activities.
  - e.** Cause damage to the street or to sidewalks, trees, benches, landscaping, or other objects lawfully located there.
  - f.** Cause a violation of any state or local laws.
  - g.** Be principally used for off-premise advertising.
  - h.** Be attached to or reduce the effectiveness of or access to any utility pole, sign, or other traffic control device.
  - i.** Be in or adjacent to property zoned for residential purposes.
- 2.** All businesses selling food or beverages to be consumed on a public sidewalk area adjacent to the business shall enclose the area with a temporary structure approved by the Building Inspector.
- 3.** Prior to the issuance of a sidewalk café permit, the applying business shall provide the township with a certificate of liability insurance in an amount to be determined solely by the township. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the township, indemnify and hold harmless the township from all claims or damages incident to the establishment and operation of a sidewalk café.
- 4.** The period of the sidewalk café permit shall not exceed 180 days. The dates and duration shall be specified on the permit. The permit shall be subject to immediate revocation for failure to properly maintain the area being uses as a sidewalk café, or for any other violation of this section.

## **SECTION 30.40 - TEMPORARY STRUCTURES AND USES**

- A.** This Section allows for the establishment of certain temporary uses or special events of limited duration, provided that the uses comply with the requirements of this Section and are discontinued upon the expiration of an approved time period. Any extension of the time period shall only be granted upon a finding that the need for the extension is due to circumstances beyond the immediate control of the applicant and applied for in

writing prior to the expiration of the temporary use permit.

**B. Application.** The Community Development Department may issue a permit for temporary structures and uses based upon receipt of a permit fee as applicable and a complete application, including:

1. A site plan, showing building locations, use areas, assigned parking areas and other relevant information;
2. A written statement demonstrating compliance with the requirements of this section;
3. Written permission of the owner(s) for the activity on that property; and
4. Any materials required by this Section for specific uses, structures, activities, and events.

**C. Permits.**

1. Any structures or activities planning to use of public rights-of-way shall require a permit, which may be in addition to other licenses, permits or approvals otherwise required by any governmental entity.
2. A building permit shall be required where the temporary use includes a tent exceeding 200 square feet.

**D. Conditions of Approval.** The Community Development Department may attach conditions to the permit that would minimize disturbance to and compatibility with the area and surrounding land uses, and/or protect the public health, safety and welfare. A performance guarantee may be required.

**E. General Requirements.** The following rules pertain to temporary uses, structures or special events on private property.

1. Temporary uses, structures, or events shall not interfere with the normal operations of any permanent use on the property or be detrimental to property or improvements in the surrounding area.
2. Sufficient land area to allow the temporary use, structure, or special event to occur shall be provided, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use.
3. **Temporary Structures.** All temporary structures including, but not limited to, greenhouses, trailers, etc., shall conform to setback requirements, unless otherwise specified in the approval.
4. **Public ROW and Clear Vision.** No sales shall occur in the public right-of-way or on public property unless otherwise approved and shall be outside of clear vision areas.
5. A minimum pedestrian walkway of at least 5 feet in width shall be maintained clear of obstructions.
6. **Food Preparation or Cooking.** Outdoor food preparation or cooking is prohibited within 200 feet of a residential use. Cooking apparatus shall be separated from areas of pedestrian movement, and smoke emissions shall not impair pedestrian or vehicular sight distances or serve as a distraction at street intersections.
7. **Sanitary Facilities.** Sanitary facilities, either portable or permanent, shall be made available to all employees, attendants and participants during hours of operation. If

portable, they shall be maintained to minimize odors and to remain fully functional. An Administrative Departure from this requirement may be granted if documentation is provided for alternative arrangements.

- 8. Parking.** The number of parking spaces required for the temporary use or building shall be determined by the Community Development Department. Required parking spaces for a permanent use or building on the proposed site shall be considered in the parking calculation. No required parking spaces may be occupied by any activity related to the temporary use.
  - 9. Hours of Operation.** Operating hours shall be no later than 9:00 p.m., unless otherwise noted or approved by the Planning Commission.
  - 10. Sound.** No amplified outdoor music, sound, or noise shall be permitted. Planned locations for outdoor generators that provide power shall be identified. Use of generators may be prohibited if it is anticipated that they may create a nuisance to neighbors due to noise, exhaust or vibration.
  - 11. Maintenance.** Sites and areas shall be maintained in a neat and tidy condition.
  - 12. Clean Up and Restoration.** All sites shall be completely cleaned of debris and temporary structures or equipment within 5 days of the termination of the temporary use, including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith. The applicant shall restore the site to its original condition or better, unless the area is intended for new construction within a reasonable time following the temporary event.
- F. Temporary Outdoor Sales and Services.** Grand openings, parking lot sales, sidewalk sales, clearance sales, special events and holiday celebrations including the temporary outdoor sale of merchandise, goods, materials or services may occur in a MXU zone district, subject to the following requirements.
- 1. Parking and Access.** A designated on-site parking area adequate to serve the activity shall be provided where it does not interrupt or hamper the flow of traffic on public streets or impede access to the principal use, pedestrian movements or emergency vehicle access.
  - 2.** Events shall last no longer than 14 days, with no more than 2 occurrences within 12 months.
- G. Assembly and Fundraising Activities.** Assembly activities (e.g., carnivals, fairs, rodeos, sport events, concerts, and shows) and fundraising activities (e.g., car washes, bake sales, auctions) that benefit a community service group or non-profit organization are permitted, subject to the following requirements.
- 1. Parking and Access.** A designated on-site parking area shall be provided adequate to serve the activity where it does not interrupt the flow of traffic on public streets or impede access to the principal use, adjacent uses, pedestrian movements, or emergency vehicle access.
  - 2. Hours of Operation.** In all Residential Zone Districts, hours of operation shall start no earlier than 8:00 a.m. and end no later than 8:00 p.m., except on Fridays and Saturdays the hours may extend to 9:00 p.m. Hours of operation in all other districts shall operate within the hours of 8:00 a.m. to 10:00 p.m. unless otherwise approved by the Community Development Department. This shall include setup and takedown activities.

3. Duration shall be no longer than 4 days, and no more than 4 occurrences within a 12-month period.
4. **Fundraising Agreement.** Goods or services being sold by a commercial entity for a fundraising event shall submit evidence of an event agreement with the community service group or non-profit organization with the permit application.

**H. Outdoor Seasonal Sales and Farmers' Markets.** The outdoor sale of agricultural products and other seasonal items are permitted in the MXU zone district, and on properties approved for educational, government or institutional uses, subject to the following definitions and requirements:

1. **Duration and hours.** The maximum duration of a farmers' market shall be 9 consecutive months. Activity is limited to 3 days per week between 7:00 a.m. and 7:00 p.m. Expansion of the number of days or hours of operation may be approved as a Special Land Use.
2. Multiple vendors are permitted with items available for sale limited to products obtained primarily through farming or agricultural activities such as:
  - a. Farm produce (e.g., fruits, vegetables, grains, nuts, fresh flowers and bedding plants, trees and forest products, Christmas trees).
  - b. Fresh meat, eggs, honey and dairy products.
  - c. Foodstuffs produced by the vendor or a family member (e.g., cheese, baked goods, etc.)
  - d. Hand-made craft items (e.g., jewelry, pottery, wearing apparel, fine arts, etc.) provided that the sales area not to exceed 20 percent of the farmers' market total sales area.

**I. Concession Sales.** Temporary concession sales can provide employment and small business growth in the township while providing a broad range of food choices to the public. These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way. Temporary concession sales, including those conducted outdoors, or in stands, trailers, wagons or vehicles, shall be permitted in the MXU zone district subject to the requirements of this Section. Also referred to as 'food trucks.'

**1. Use and Permits.**

- a. **Accessory Use.** Temporary concession sales are allowed when conducted as an accessory use to the principal use and business on the lot.
- b. **Special Land Use.** Concession sales may be approved as a principal use on a vacant lot or as part of an integrated complex.
- c. **Zoning Permit.** A permit shall be obtained by each concession sales vendor on a property. The vendor shall adhere to all regulations and requirements of this Section and any conditions imposed by the Community Development Department or Planning Commission, as applicable.
- d. **Other Approvals.** In addition to satisfying the requirements of this section, evidence of approval from the Kent County Health Department shall be provided for all concession sales.

**2. Required Site Information.** A site plan shall be submitted with the permit application

that includes the information noted below. The Community Development Department and/or Planning Commission may request additional information if deemed necessary.

- a. The nature of proposed concession sales, include food and/or beverage types;
  - b. Vehicle or structure type;
  - c. Duration that sales will occur on the site;
  - d. Hours of operation;
  - e. Location and dimensions of any stand, trailer, wagon or vehicle, and any other outdoor activity associated with concession sales;
  - f. Site dimensions of any existing buildings on the lot including building setbacks;
  - g. Existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters;
  - h. Surface type of the lot (e.g., unimproved/paved);
  - i. A parking plan, including traffic circulation patterns;
  - j. Site lighting plan;
  - k. Signs with scaled elevation drawings;
  - l. Location of existing or planned trash receptacles;
  - m. Location of on-site water, generator, and/or electric utilities that will serve concession vendor(s);
  - n. Location of existing or planned sanitary facilities;
  - o. Business district map identifying existing restaurants within buildings and any other known concession sales locations within 300 feet; and
  - p. Photographs of the area to be used.
- 3. Duration.** Temporary concession sales shall not occur more than 200 days within a 12-month period.
  - 4. Co-Location.** Where concession sales have been approved on a lot as a principal use, locating additional concession sales on the same lot is encouraged.
  - 5. Revocation.** Any approved stand, trailer, wagon, or vehicle on a property for the purposes of concession sales shall remain in continuous operation so long as the premises is occupied. If the business closes, ceases to operate, or fails to keep regular business hours, then the temporary use permit may be revoked by the Community Development Department.

## SECTION 30.41 - TWENTY-FOUR-HOUR OPERATIONS

- A.** A business operation that has the potential to negatively impact adjacent properties and the surrounding neighborhood due to the following hours of operation: open any time between 2:00 a.m. and 5:00 a.m. or for 20 hours within a consecutive 24-hour period.



**B. Applicability.**

1. 24-hour operations shall include, but not be limited to: uses involving alcohol sales or consumption, live entertainment, dance, outdoor seating, outdoor uses of any kind, food-related drive-through facilities, convenience stores, pawnbrokers, or other uses as determined by the Community Development Department
2. 24-hour uses as regulated by this Chapter shall not include: medical facilities, lodging, indoor athletic facilities, alcohol sales within a twenty-five thousand (25,000) square foot or larger retail use, automated teller machines (ATMs), and industrial uses within the Industrial or Light Industrial zone districts, or other like uses as determined by the Community Development Department.

**C. Review Standards.** The following considerations shall be used by the Planning Commission or Community Development Department in the deliberation and approval of a Live Entertainment request.

1. Whether adjacent or nearby parks (e.g., public parks or recreation centers), playgrounds (e.g., public or private), religious institutions, or schools are adversely affected.
2. Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
3. Noise, odors, or lights that spill over to any property with residential dwellings.
4. Excessive numbers of persons gathering outside the establishment.

## SECTION 30.42 - UTILITY SCALE SOLAR ENERGY SYSTEMS

**A. Permits.** No utility-scale solar energy system shall be constructed, installed, operated, maintained, or modified as provided in this section without first obtaining all applicable permits. The construction, installation, operation, maintenance, or modification of all utility-scale solar systems shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a utility scale solar energy system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code, the Electrical Code, and the manufacturer's specifications. Installation of the utility-scale solar energy system shall not commence until all necessary permits have been issued.

**B. Lot Area.** Utility scale solar energy systems shall be located on a lot of at least twenty (20) acres.

**C. Setbacks.** Utility scale solar energy systems shall be located at least 75 feet from all property lines or rights of way. The Township may modify the setbacks if it is determined that an alternate setback distance would protect adjacent residents and property owners. Screening methods may be permitted within the setbacks.

**D. Height.** Utility scale solar energy systems shall not exceed sixteen (16) feet in height, measured from the natural grade below the unit to the highest point at full tilt.

**E. Noise.** Noise emanating from the solar energy collector system shall not exceed 50 decibels (dBA) as measured from any property line. The Township may reduce this maximum noise level in order to protect adjacent residents and property owners.

**F. Screening.** The Planning Commission may require that a utility scale solar energy system

be screened from residential properties or public rights-of-way. Screening methods may include the use of material, colors, textures, screening walls, fencing, berms, landscaping, and/or natural vegetation that will blend the facility into the natural setting and existing environment.

- G. Glare and Reflection.** The exterior surfaces and structural components of utility scale solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
- H. Location.** Solar energy systems shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
- I. Obstruction.** Solar energy systems shall not obstruct solar access to adjacent and neighboring properties.
- J. Power lines.** On site power lines between all structures and ancillary equipment and inverters shall be placed underground.
- K. Fencing.** For the purpose of restricting unauthorized access to the site, the Planning Commission may require that the perimeter of a utility scale solar energy system be fenced in with at least a six (6) foot high fence.
- L. Operation and Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the utility scale solar energy system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures of operational maintenance of the installation, as applicable.
- M. Emergency Services.** Upon request by the Township, the owner/operator of the utility scale solar energy system shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
- N. Maintenance.** The utility scale solar energy system owner/operator shall maintain the facility in good condition at all times. Maintenance shall include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Site access roads or drives shall be maintained to a level acceptable to local emergency services personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).
- O. Decommissioning.**
  - 1.** Any utility-scale solar energy system which has reached the end of its useful life or has not operated continuously for one year or more shall be removed and the owner/operator shall be required to restore the site. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations.
  - 2.** The owner/operator shall notify the Township personally or by certified mail of the proposed date of discontinued operations and plans for removal.
  - 3.** If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Township may enter the property and physically remove the installation.

- 4.** Removal of the installation shall consist of the following:
- a.** Physical removal of all aboveground or underground utility-scale solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
  - b.** Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c.** Stabilization or re-vegetation of the site as necessary to minimize erosion.

# CHAPTER 31

## SIGNS

### SECTION 31.01 - DESCRIPTION AND PURPOSE

This chapter is intended to regulate the size, number, location, and manner of display of signs in the township in a manner consistent with the following purposes:

- A.** To protect and further the health, safety and welfare of township residents, property owners, and visitors.
- B.** To prevent traffic and pedestrian accidents caused by signs, which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- C.** To conserve and enhance community character.
- D.** To promote uniformity in the size, number, and placement of signs within districts.
- E.** To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- F.** To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions.

### SECTION 31.02 - DEFINITIONS

**ANIMATED SIGN:** A sign that uses movement or change of lighting to depict action or to create a special effect or scene.

**AWNING/CANOPY:** A retractable or fixed shelter constructed of materials on a supporting framework from the exterior wall of a building. An awning is the same as a canopy.

**AWNING /CANOPY SIGN:** Letters, numerals, or other drawings painted on, printed on, or attached flat against the surface of an awning/canopy.

**BALLOON SIGN:** A sign composed of a non-porous bag of material filled with air or gas, whether or not it contains a message.

**BANNER SIGN:** A temporary sign constructed of cloth, fabric, or other light temporary material with or without a structural frame, intended for a limited period of display, including decoration displays for holidays or public demonstrations.

**BANNERS:** A piece of cloth or other flexible material attached to a pole.

**BEACON SIGN:** Any light with 1 or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, or any light with 1 or more beams that rotate or move.

**BILLBOARD:** A sign placed pursuant to the Michigan Highway Advertising Act, as amended, and as further regulated by Article VI of the Code of Ordinances for Plainfield Charter Township, as amended.

**CLEARANCE (OF A SIGN):** The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of the sign, including all framework, except poles and embellishments, extending over that grade.

**COMMERCIAL ESTABLISHMENT:** A business operating independent of any other business which is separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business.

**COMMUNITY SERVICE GROUP SIGN:** A sign placed by an agency, organization, or group whose primary purpose is to promote or provide community or public service.

**COPY:** The wording on a sign surface in either permanent or removable letter form.

**DIRECTIONAL SIGN:** A sign utilized for providing vehicular or pedestrian circulation within, into, or out of a land use.

**EXEMPT SIGN:** A sign that is not regulated by the provisions of this ordinance.

**FAÇADE:** The entire building front, including the parapet, mansard roof, and any planter wall. In the case of a corner lot, the building front shall be the wall of the building facing the front lot line as defined in [CHAPTER 2](#).

**FACE OF SIGN:** The area of a sign on which the copy is placed.

**FESTOONS:** A string of lights, ribbons, tinsel, streamers, sequins, disks, or pinwheels, whether or not they contain graphics, symbols, and/or written copy, except for holiday decorations.

**FLASHING SIGN:** A sign that contains an intermittent or sequential flashing, moving, oscillating, blinking light source used to attract attention. This does not include changeable copy sign, animated sign (as defined in this ordinance), or signs which through reflection or other means, create an illusion of flashing of intermittent light.

**FREESTANDING SIGN:** A sign not attached to a building or wall which is supported by 1 or more poles or braces, or which rests on the ground or on a foundation resting on the ground.

**GOVERNMENT SIGN:** A sign erected or required to be erected by the township, Kent County, a school, the state, or the federal government.

**GROUND SIGN:** A freestanding sign supported by a base that rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

**HEIGHT (OF SIGN):** The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less (compare with "Clearance"). In areas where there are significant changes in grade between adjacent properties or between the grade of the adjacent street and the average grade beneath the sign, the Community Development Department may determine the height of the sign.

**ILLEGAL SIGN:** A sign that does not meet the requirements of this ordinance and does not have legal nonconforming status.

**ILLUMINATED SIGN:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**INCIDENTAL SIGN:** An accessory sign, emblem, or decal attached to poles, a building, or another structure, e.g., a credit card sign, a restroom sign, or a sign indicating hours of business, placards, directories, or memorials.

**MAINTENANCE:** The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

**MARQUEE:** A permanent structure that projects from the exterior wall of a building.

**MARQUEE SIGN:** A sign affixed flat against the surface of a marquee.

**MURAL:** A noncommercial artistic design or representation painted or drawn on a wall of a building.

**NONCONFORMING SIGN:** A sign that was legally erected prior to this ordinance, but does not conform to this ordinance.

**OCCUPANCY:** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**ON-PREMISE SIGN:** A sign that pertains to the use of the premises on which it is located.

**PENNANT:** A temporary sign that is a triangular shaped, lightweight piece of plastic, fabric, or other material, whether or not containing a message of any kind, suspended from or attached to a rope, wire, or string, usually in series, designed to move in the wind.

**PERMANENT SIGN:** A sign which is permanently affixed into the ground or a building and meets the requirements of a structure under the Township Building Code or its successor code.

**POLE SIGN:** A freestanding sign which is supported by a structure, poles, or braces.

**PORTABLE SIGN:** A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as "A" frame signs or signs on moveable trailers whether rented or owned.

**PROJECTING SIGN:** A sign attached to a building or wall that extends outward and is perpendicular (generally at or near a 90-degree angle) to the building or wall to which it is attached.

**READER BOARD:** Reader board means one of the following:

- A.** Manual: A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials.
- B.** Automatic: An electrically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used as a message center reader board.

**ROOF LINE:** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

**ROOF SIGN:** A sign attached to a building, any portion of which is located above the roofline of a building or is designed to be part of the roof.

**ROTATING SIGN:** A sign in which the sign itself or any portion of the sign visually moves. Such motion does not refer to methods of changing copy, on a reader board, or multi-message displays using a series of turning triangles.

**SANDWICH BOARD:** A portable, fixed copy sign mounted to a freestanding pedestal, sandwich board, or easel frame.

**SIGN:** A device, structure, fixture, or placard, which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising, identifying, or commenting about an establishment, product, service, activity, person, or idea.

**SIGN AREA:** The area of a sign shall be measured within a single, continuous perimeter composed of any straight-line geometric figure, that encloses the extreme limits of the sign, excluding the necessary supports, braces, or uprights of the sign.

Where a sign has 2 or more faces, the area of all faces shall be included in determining the area of a sign, except that where 2 faces are placed back-to-back and are at no point more than 2 feet from one another, the area of the sign shall be deemed to be only the area of 1 face, or if faces are of different sizes, the area of the larger face.

Poles and pole covers shall not be included in the area of a sign if they do not bear advertising copy or colors, patterns or logos.

**SIGN OWNER:** The owner of the premises upon which a sign is located and is the responsible person for the sign.

**SNIFE SIGN:** A sign that is attached to a utility pole, tree, fence, stake, wire, or any object located or situated within a public right of way other than a government sign.

**STREET BANNER SIGN:** A temporary sign that is stretched across and hung over a public or private street right-of-way.

**STROBE SIGN:** Any sign or device that uses a flash lamp that produces high intensity short duration light pulses by electric discharge in a gas.

**TEMPORARY SIGN:** Any sign that is intended for a temporary period of display is not permanently constructed, erected, or mounted in place.

**UNDER-CANOPY SIGN:** A sign suspended beneath a canopy, ceiling, roof, or marquee.

**WALL SIGN:** A sign painted or attached directly to and parallel to the exterior wall of a building, extending no greater than 12 inches from the exterior face of a wall to which it is attached.

**WINDOW SIGN:** A sign installed on the inside surface of a window and intended to be viewed from the outside.

**VEHICLE SIGN:** A vehicle, which is primarily located or used to serve as a sign rather than as transportation. This includes trucks, trailers either attached or detached from a truck tractor, vans, cars, boats, and other similar types of vehicles.

## SECTION 31.03 - SIGNS PROHIBITED

A sign not expressly permitted by this ordinance is prohibited. Without limitation, the following types of signs are expressly prohibited:

- A.** Abandoned signs, including any supporting structure, existing for more than 1 year.
- B.** Animated signs, festoons, balloon signs, flashing signs, snipe signs, strobe signs, vehicle signs, beacon signs, inflatable signs, and rotating signs.
- C.** Portable signs, except as expressly permitted herein.
- D.** Roof signs.
- E.** Signs imitating or resembling official traffic or government signs or signals.
- F.** Temporary signs, except as expressly permitted in this chapter.
- G.** Illegal signs.
- H.** Reserved

## SECTION 31.04 - SIGNS EXEMPTED

The following signs shall be exempted from the provisions of this ordinance, except for the regulations of [SECTION 31.15](#).

- A.** Government signs.
- B.** Window signs in non residential districts, provided that they do not occupy more than 50 percent of the window area, up to a maximum of 20 square feet.
- C.** Incidental signs in non residential districts with a sign area of 4 square feet or less.



- D.** Murals in non residential districts with a maximum area of 10 percent of the wall area on which it is painted or attached.
- E.** Signs that are not visible from any adjoining street.
- F.** Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, telephone booths, ATM machines, and gasoline pumps.
- G.** Signs not containing a commercial message, given the following conditions:
  - 1.** Not more than 2 such signs shall be located on a lot except as otherwise permitted by 31.04G.7.
  - 2.** Such sign shall not exceed 6 square feet in area except as otherwise permitted by 31.04G.7.
  - 3.** Such sign shall not exceed 4 feet in height except as otherwise permitted by 31.04G.7.
  - 4.** Such sign shall not be illuminated.
  - 5.** Such sign shall comply with all other applicable provisions of this chapter.
  - 6.** Additional signs shall be permitted on a private property, as placed by the private property owner, for the 90-day period before a federal, state, or local election, and for 14 days following a federal, state, or local election. The size of any one sign shall not exceed 32 square feet and the aggregate size of all signs shall not exceed 64 square feet.

## **SECTION 31.05 - SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS**

The following sign regulations are applicable in all zone districts.

- A.** All signs shall comply with the provisions of [SECTION 31.14](#).
- B.** All signs shall be on-premise signs except for billboards or government signs.
- C.** All permitted wall and freestanding signs may include reader boards, provided, the area of the reader board shall not exceed 50 percent of the total sign area. Digital reader boards shall comply with Article VI of Chapter 8 of the Plainfield Charter Township Code of Ordinances (See Figure 31.1).
- D.** Any permitted pole sign, including awnings to which signs are affixed or displayed, shall maintain a minimum clear space of 8 feet from the bottom of the sign to the ground. (See Figure 31.1)
- E.** The support structure, braces, or poles of any pole sign shall not have a total or combined width greater than 50 percent of the sign width or 3 feet, whichever is less, unless the entire sign is located more than 10 feet from any public or private street right-of-way, any property line, or the nearest edge of any curb cut or driveway. (See Figure 31.1)
- F.** A wall sign shall not extend more than 20 inches beyond the face of the wall to which it is affixed and no wall sign shall extend above the roofline of a building.

- G.** Commercial vehicles that have signs and are regularly used in the lawful use of the parcel on which the vehicle is located may be parked on site, provided they are located in a designated parking area on an approved site plan and they are not parked in a highly visible area to passing motorists to purposefully attract attention in such a manner that they function as a sign.
- H.** A sign located on the parcel of a project which is currently under construction pursuant to an active building permit is permitted within any district, subject to the following restrictions:
  - 1.** The signs shall be no larger than 32 square feet, shall not exceed 8 feet in height, and shall be setback a minimum of 10 feet from all lot lines, except that a permitted ground sign may be located less than 10 feet from any public or private street right-of-way or the nearest edge of any curb cut or driveway, if the height does not exceed 48 inches.
  - 2.** The sign shall not be erected until a project has been approved by the township authorizing the project.
  - 3.** The signs shall be removed immediately upon the issuance of any certificate of occupancy or revocation of a building permit for the building or structure.
- I.** One ground sign is permitted at each business park development entrance onto a public or private street to identify the park and/or the establishments located within the park subject to the following restrictions:
  - 1.** The signs shall be no larger than 32 square feet, shall not exceed 6 feet in height, and shall be setback a minimum of 10 feet from all lot lines, except that a ground sign may be located less than 10 feet from any public or private street right-of-way or the nearest edge of any curb cut or driveway, if the height does not exceed 48 inches.
- J.** Directional signs are permitted in any district subject to the following restrictions:
  - 1.** Such sign shall have a maximum area of 6 square feet, shall not exceed 3 feet in height, and shall not be located within any street or driveway landscaped island.
  - 2.** Directional signs may be located adjacent to but not over a lot line.
  - 3.** Directional signs shall be limited to traffic control functions only.
- K.** The base or supporting structure of a ground sign shall not count toward the permitted area of the sign, provided it is architecturally distinct from the sign face itself and does not contain advertising copy. The base or supporting structure shall be in proportion to the ground sign and may not exceed one hundred (100) percent of the permitted sign area. The base shall count towards the overall height of the sign.

## SECTION 31.06 - TEMPORARY SIGNS

Temporary signs are permitted in any district, subject to the following restrictions:

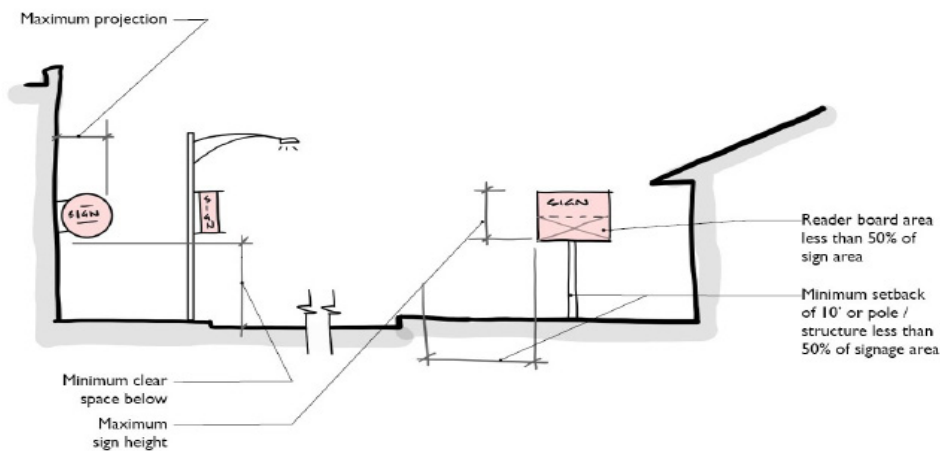
- A.** Unless otherwise specified herein, temporary signs shall not be located on a lot for more than 45 days within any calendar year and shall not exceed 8 square feet in area.
- B.** Signs located on properties where a yard sale or garage sale is occurring are regulated in Section 3.28.

**C. Properties for Sale or Lease.** 1 temporary sign may be located on a property while the property or any unit on the property is being actively offered for sale or lease in accordance with the following:

1. Such signs shall not exceed 32 square feet in area and 8 feet in height for a non-residential use.
2. Such signs shall not exceed 6 square feet in area and 4 feet in height for residential uses.
3. Such sign shall be removed within 3 days after the completion of the sale or lease of the property.

**D. Pennants.** Pennants are permitted are permitted in the C-1, MXU, CC,, or C-5 districts in accordance with all of the following:

**Figure 31.1: Sign Regulations**



1. Pennants are only permitted on lots that have frontage on 4 or more lane roads.
2. No pennant shall have a width greater than 8 inches or a length greater than 15 inches.
3. The total length of strings of pennants that can be displayed shall not exceed the equivalent of 1 string with a maximum length equal to 3 times the amount of frontage that the lot has on a 4 or more lane road.
4. No string of pennants shall be attached to any public utility pole or any other public or semi-public structure.
5. All strings of pennants shall be installed with a minimum distance of 10 feet between the nearest part of any pennant and the grade directly below the pennant.
6. All pennants and strings of pennants shall be maintained in a manner so as not to create a safety hazard or nuisance.

**E. Banners.** Banners are permitted in the C-1, MXU, CC, or C-5 districts in accordance with all of the following:

1. Banners are only permitted on lots that have frontage on 4 or more lane roads.
2. No banner shall have a width greater than 2 feet or a length or height greater than 5 feet.

3. The maximum area of all banners shall not exceed 0.25 square feet for each foot of frontage that the lot has along the adjacent 4 or more lane road.
  4. The top and bottom of any banner shall be firmly attached to a supporting structure owned by the lot owner and only 1 banner shall be attached to such structure.
  5. All banners shall be installed with a minimum distance of 10 feet between the nearest part of the banner and the grade directly below the banner.
  6. All banners shall be maintained in a manner so as not to create a safety hazard or nuisance.
  7. Street banner signs are permitted for a maximum period of 14 continuous days and shall be approved by the agency having jurisdiction.
- F. Grand Openings.** For the grand opening of a new business, a change in ownership or tenancy of an existing business, a going-out-of-business sale, or similar event, the township may issue a permit for a temporary sign for a time period not to exceed 14 continuous days during any calendar year, subject to the following conditions:
1. Only 1 sign shall be permitted for any commercial establishment.
  2. The sign area shall not exceed 32 square feet.
  3. The sign must be located a minimum distance of 10 feet from any property or street right-of-way line, except if the height does not exceed 48 inches the sign may be located less than 10 feet from any public or private street right-of-way.
  4. The height of the sign shall not exceed 25 feet.
  5. In addition to a sign, any special effects including pennants, banners, or special lighting shall only be approved upon a determination by the Community Development Department that the special effects will not unduly distract motorists, will not interfere with on-site traffic flow, will not be a nuisance to neighboring property owners, and will not be a safety hazard.
  6. With the issuance of a permit, a reasonable deposit may be required to guarantee the prompt removal of the sign within 48 hours after the expiration date of the permit. In the event the sign is not promptly removed, the deposit may be used to cause its removal with any remaining funds to be returned to the applicant.
- G.** Signs located on properties where a yard sale or garage sale is occurring are regulated in [SECTION 3.28](#).

## SECTION 31.07 - RESERVED

## SECTION 31.08 - RP, RE, R-1A, R-1B, R-1C, R-2, R-3 AND R-4 RESIDENTIAL ZONE DISTRICTS

The following signs are permitted:

- A. Ground Signs.** One ground sign is permitted for permitted non-residential uses, special uses, farms, farm operations, roadside stands, and at the entrance to a residential subdivision or site condominium development, subject to the following:
1. One sign per development entrance is permitted, not to exceed 32 square feet in

area.

2. The ground sign shall not exceed a height of 6 feet above grade, except as set forth in subsection A.3 below.
3. The ground signs shall be setback a minimum of 10 feet from all lot lines, except that a permitted ground sign may be located less than 5 feet from any public or private street right-of-way, or the nearest edge of any curb cut or driveway, if the height does not exceed 48 inches.

**B. Wall Signs.** One wall sign is permitted for approved non-residential uses with a maximum sign area of 48 square feet.

## SECTION 31.09 - C-1, CC, AND C-5 ZONE DISTRICTS

The following signs are permitted:

**A. Pole Signs.** In lieu of a ground sign, one pole sign is permitted on any parcel on which 1 or more commercial establishments are located in accordance with the following:

1. A pole sign with a maximum sign area of 64 square feet is permitted along the frontage of a 2 or 3 lane road, provided that the lot has frontage along the road.
2. A pole sign with a maximum sign area of 100 square feet is permitted along the frontage of a 4 or more lane road, provided that the lot has frontage along the road.
3. That the sign area of such sign may be increased by 1 square foot for each 10 feet of frontage along a 4 or more lane road in excess of 100 feet, up to a maximum of 124 square feet.
4. The maximum height of a pole sign in the C-1 and CC districts is 25 feet and in the C-5 district the maximum height is 75 feet.

**B. Ground Signs.** Subject to the following:

1. In lieu of a pole sign, one ground sign, with a maximum sign area of 64 square feet, is permitted on any parcel on which 1 or more commercial establishments are located.
2. The height of any ground sign shall not exceed 6 feet and shall be set back a minimum of 10 feet from all lot lines, except that a permitted ground sign may be located less than 10 feet from any public or private street right-of-way, or the nearest edge of any curb cut or driveway, if the height does not exceed 48 inches and shall comply with [SECTION 31.05 E](#).

**C. Wall Signs.** Subject to the following:

1. 1 wall sign is permitted on each wall facing a public or private street or service road/drive.
2. The maximum sign area on any 1 wall shall not exceed 10 percent of the building wall face upon which the sign is located.
3. In the case of multiple commercial establishments within a single building, 1 wall sign is permitted per tenant. Only the portion of any wall face enclosing a particular occupancy can be used in determining the allowable sign area for that occupancy.
4. A business located on the second floor of a building, which is a distinct business

from that located on the first floor of the same building, shall be permitted 1 additional wall sign not more than 6 square feet to be placed on the wall frontage of the business.

- D. Menu Boards.** In addition to other permitted signs, 2 menu boards, 1 with a maximum sign area of 24 square feet and the other with a maximum sign area of 48 square feet, are permitted per drive-through lane, provided they are not located so as to be visible from any public or private street.
- E. Billboards.** Billboards are permitted in the C-5 zone district and are subject to the requirements of the zoning district in which the billboard is located. A billboard may only be installed and used in compliance with all applicable township ordinances including, without limitation, the Digital Sign and Billboard Ordinance, being Chapter 8, Article VI of the Code of Ordinances.

## SECTION 31.10 - MXU AND VC ZONE DISTRICT

The following signs are permitted:

- A. Awning or Canopy Signs.** Awning or canopy signs shall count against maximum permitted wall signage. In addition:
  - 1. The maximum area shall be determined for every one (1) linear foot of ground-level tenant space the sign area may be 1.5 square feet.
  - 2. Letter height shall be no larger than 12 inches.
  - 3. Awning or canopy shall be placed on the building wall.
  - 4. If internally illuminated, the entire area of the awning or canopy shall be considered as a sign and included in area calculations.
  - 5. Barrel shaped and plastic awnings are not permitted.
- B. Ground Signs.** One ground sign, with a maximum sign area of 75 square feet, is permitted on any parcel on which one (1) or more commercial establishments are located.
  - 1. The height of any ground sign shall not exceed 8 feet and shall be set back a minimum of 10 feet from all lot lines. Exception: a permitted ground sign may be located less than 10 feet from any public or private street right-of-way, or the nearest edge of any curb cut or driveway, if the height does not exceed 48 inches and shall comply with section 31.05 E.
  - 2. A minimum 200 square foot landscape area shall surround the sign. An Administrative Departure may be granted to allow a lesser area if the applicant can demonstrate it is not feasible to provide given site conditions.
  - 3. Sign square footage is allowed to increase to 100 square feet with the removal of a non-conforming pole sign.
- C. Wall Signs.** Subject to the following:
  - 1. 1 wall sign is permitted per wall facing a public or private street or service road/drive.
  - 2. The maximum area shall be determined for every one (1) linear foot of exterior building wall the sign area may be 1.25 square feet. Linear feet of the exterior

building wall on which the sign is placed is measured at the height of the sign.

3. Maximum letter height shall be 30 inches.
4. In the case of multiple commercial establishments within a single building, 1 wall sign is permitted per tenant. Only the portion of any wall face enclosing a particular occupancy can be used in determining the allowable sign area for that occupancy.
5. A business located on the second floor of a building, which is a distinct business from that located on the first floor of the same building, shall be permitted 1 additional wall sign not more than 6 square feet to be placed on the wall frontage of the business.
6. An Administrative Departure may be provided where 70% of the total sign size is consistent with the letter height requirements.

**D. Sandwich Board Signs.** Subject to the following:

1. One (1) sign per ground floor use, located adjacent to the exterior of the business establishment.
2. It shall not exceed 4 feet in height and 2 feet in width.
3. It shall be located so as not to impair pedestrian or vehicular traffic or as to block or obstruct any legally required fire exit, curbside car door opening area, or other exit.
4. It shall be taken inside at night after the closing of business and during periods of inclement weather, such as rain, snow, and high winds. The sign shall include a stabilizing base to prevent accidental collapse or falling
5. It shall not include any lighting or sound-generation equipment.

**E. Projecting Signs.** Projecting signs shall not count against wall sign square footage. Subject to the following:

1. A projecting sign shall not exceed a surface area of 12 square feet.
2. It shall be at least 9 feet above ground level and shall not project above the sill of the 2nd story window of 16 feet, whichever is less.
3. The sign shall not project more than 60 inches from the face of the building or wall.
4. The front edge of a projecting sign must not project closer than 2 feet inside the street curb and must receive approval from the highway authority with jurisdiction over the adjacent right-of-way prior to obtaining a sign permit.

## SECTION 31.11 - O, LI & I ZONE DISTRICTS

The following signs are permitted:

**A. Ground Signs.** Subject to the following:

1. 1 ground sign, with a maximum sign area of 32 square feet and maximum height of 6 feet, is permitted on any parcel on which 1 or more commercial establishments are located.

2. The ground signs shall be set back a minimum of 10 feet from all lot lines, except that a permitted ground sign may be located less than 10 feet from any public or private street right-of-way, or the nearest edge of any curb cut or driveway, if the height does not exceed 48 inches.

**B. Wall Signs.** Subject to the following:

1. 1 wall sign is permitted per wall facing a public or private street or service road/drive.
2. The maximum sign area on any 1 wall shall not exceed 10 percent of the building wall face upon which the sign is located.
3. In the case of multiple establishments within a single building, 1 wall sign is permitted per tenant. Only the portion of any wall face enclosing a particular occupancy can be used in determining the allowable sign area for that occupancy.
4. A business located on the second floor of a building, which is a distinct business from that located on the first floor of the same building, shall be permitted 1 additional wall sign not more than 18 inches high or more than 3 feet wide to be placed on the wall frontage of the business.

## **SECTION 31.12 - TEN MILE AND EAST BELTLINE SIGNAGE**

**A. East Beltline Avenue Overlay.** The following requirements shall apply to uses within the East Beltline Overlay District:

1. **Office Uses.** (Zoning Districts: O, C-1, CC, C-5, and non-residential PUDs)
  - a. For multiple office building developments, 1 ground sign is permitted at each entrance road to the development, except that not more than 2 such signs shall be allowed per development and they shall be at least 300 feet apart. The sign shall not exceed 6 feet in height and shall be a maximum of 32 square feet in size.
  - b. For individual office buildings, 1 ground sign is permitted. The sign shall not exceed 8 feet in height.
  - c. 1 wall-mounted sign is permitted for each tenant in an office building. The total of all wall mounted signs shall not exceed 144 square feet and the maximum size of any individual sign shall not exceed 48 square feet. Wall-mounted signs shall be reasonably uniform in nature and location.
2. **Commercial Uses.** (Zoning Districts: C-1, CC and C-5 and non-residential PUDs)
  - a. For a multiple commercial-building development, 1 ground sign is permitted at each entrance road to the development, except that not more than 2 such signs shall be allowed per development and they shall be at least 300 feet apart. The sign shall not exceed 8 feet in height and shall be a maximum of 60 square feet in size.
  - b. For an individual commercial building, 1 ground sign is allowed. The sign shall not exceed 8 feet in height and shall be a maximum of 32 square feet in size. A base not exceeding 1/3 of the height of the sign shall be excluded from the sign area calculation but shall be included in the overall height calculation.

**B. Ten Mile Road Overlay.** The following requirements shall apply to uses within the 10



Mile Road Overlay District:

**1. Residential Zoning Districts** (RP, RE, R-1A, R-1B, R-1C, R-2, R-3, R-4 and residential PUDs)

- a. For non-residential uses, 1 ground sign not to exceed 32 square feet and 1 wall sign not to exceed 5 percent of the area of the wall to which it is attached or 60 square feet, whichever is less.
- b. Ground signs that are less than 20 feet from the 10 Mile Road right-of-way shall not be more than 4 feet in height, including the mounting structure. A sign which is 20 feet or more from the 10 Mile Road right-of-way shall not be more than 6 feet in height, including the mounting structure.

**2. Office Zoning District** (O District)

- a. 1 ground sign located on a parcel containing a multiple office building development or office park is permitted at each entrance to the development, except that not more than 2 such signs shall be allowed per development and they shall be at least 300 feet apart. The sign and any mounting structure shall not exceed 6 feet in height and shall be a maximum of 60 square feet.
- b. For individual office buildings which are part of a multiple office building development, 1 ground sign for each building is permitted, but must be placed at the entrance to a public or private road right-of-way or other access easement. Such sign and any mounting structure shall not exceed 6 feet in height and shall be a maximum of 32 square feet in size. A base not exceeding 1/3 of the height of the sign shall be excluded from the sign area calculation but shall be included in the overall height calculation.
- c. Ground signs shall be set back a minimum of 20 feet from a public or private road right-of-way, 20 feet from side lot lines, and shall not otherwise obstruct the vision of drivers.
- d. 1 wall sign is permitted per building. The size of a wall sign shall not exceed 10 percent of the area of the wall to which it is attached or more than 60 square feet in size, whichever is less.

**3. Commercial Zoning Districts** (C-1, CC, C-5, MXU, VC)

- a. 1 ground sign or pole sign per parcel not to exceed 64 square feet. For a ground sign, the sign and any mounting structure shall not exceed 6 feet in height.
- b. For a lot or parcel with more than 1 commercial establishment, 1 ground sign or pole sign is allowed at each entrance, except that not more than 2 such signs shall be allowed per lot or parcel and they shall be at least 300 feet apart. The sign and any mounting structure shall not exceed 6 feet in height for a ground sign or 25 feet in height for a pole sign. The sign shall not exceed 100 square feet.
- c. Ground signs shall be set back a minimum of 20 feet from a public or private road right-of-way, 20 feet from side lot lines, and shall not otherwise obstruct the vision of drivers.
- d. Each commercial establishment is permitted to have 1 wall sign per street frontage. For purposes of this section, street frontage is defined as a public street, including a state or federal highway, or a private road as defined by this

ordinance. An access drive is not a street. The size of a wall sign shall not exceed 10 percent of the area of the wall to which it is attached or more than 60 square feet in size, whichever is less.

## SECTION 31.13 - PUD PLANNED UNIT DEVELOPMENT DISTRICT

Signs in the PUD district are allowed as permitted in the underlying zone district, or unless otherwise provided for in the PUD adoption ordinance.

## SECTION 31.14 - SIGN PERMITS AND APPLICATION

- A. Permits Required.** A sign permit shall be required for the erection, use, construction, or alteration of all signs, except those exempted in [SECTION 31.04](#), temporary signs specified in [SECTION 31.06\(C-D\)](#), and signs for garage/yard sales. For purposes of this section, alteration shall mean any change to an existing sign, including changing the copy of the sign face of any non-conforming sign or any sign permitted by the issuance of a variance from the Board of Appeals. Alteration shall not include maintenance of a sign.
- B. Application.** An application for a sign permit shall be made to the Community Development Department along with a fee as required by Township Board resolution. The application, at a minimum, shall include the following:
1. Name, address, and telephone number of the applicant, the property owner, and the person, firm, or corporation erecting the sign.
  2. Address or permanent parcel number of the property where the sign will be located.
  3. A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected and showing the proposed sign in relation to buildings, structures, driveways, curb cuts and setback distances from lot lines.
  4. Two blueprints or drawings of the plans, specifications, method of construction, and attachment to structures or ground.
  5. Any required electrical permit.
  6. The zoning district in which the sign is to be located.
  7. Any other information, which the Community Development Department may require in order to demonstrate compliance with this ordinance.
  8. Signature of the property owner, applicant (if different) and person, firm, or corporation responsible to erect the sign.
- C. Electrical Signs.** All signs requiring electrical service shall be reviewed for compliance with the township's Electrical Code. Approval of electrical signs shall be noted on or attached to the sign permit.
- D. Issuance of Sign Permit.** The Building Inspector shall issue a sign permit if all provisions of this chapter, the Building Code and other applicable township ordinances are met. A sign authorized by a permit shall be installed within 6 months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and payment of fee.

## **SECTION 31.15 - DESIGN, CONSTRUCTION, AND MAINTENANCE**

- A.** Any freestanding sign larger equal to or larger than 32 square feet shall include the street address numbers, as required by the Plainfield Charter Township Fire Department. The address area shall not be included in the computation of the sign size.
- B.** Signs shall be constructed in accordance with the requirements of the Building Code, Electrical Code, and all other applicable local, state, and federal regulations.
- C.** Signs may be internally or externally illuminated provided that the source of light is shielded and directed to prevent the source of light from shining directly onto traffic or adjacent property.
- D.** Signs shall not be placed in, upon, or over any public or private street right-of-way or alley, except as may be permitted by the township, the Kent County Road Commission, or Michigan Department of Transportation.
- E.** A light pole or other supporting member shall not be used for the placement of any sign unless specifically designed and approved for such use.
- F.** A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance in fact.
- G.** A sign shall not contain any moving or animated parts nor have the appearance of having any moving or animated parts, except for automatic changeable reader boards or barber pole signs.
- H.** A sign and its supporting mechanism shall not be located within any public or private road right-of-way and the setback may be further restricted by other provisions contained within this chapter.
- I.** All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the weather. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced. The Community Development Department has the right to order the repair or removal of any sign that is unsafe, as defined by the Building Code. Sign supports, braces, guys, and anchors shall be maintained in such a manner as not to cause a hazard.
- J.** Digital signs shall comply with Article VI of Chapter 8 of the Plainfield Charter Township Code of Ordinances.

## **SECTION 31.16 - NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES**

- A.** Every legal permanent sign, which does not conform to the height, size, area, or location requirements of this chapter as of the effective date of this ordinance, is hereby deemed to be a legal nonconforming sign.
- B.** Legal nonconforming signs shall not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the

useful life of the sign provided that the cost to maintain or repair a legal nonconforming sign does not exceed 50 percent of the cost to replace the sign with a new conforming sign as determined by the township's Building Inspector.

- C.** Legal nonconforming signs that contain changeable copy may be permitted to replace that portion of the sign with changeable copy to a digital display.
- D.** For the purposes of this chapter, a legal nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of legal nonconforming use; however, a legal nonconforming sign shall not be replaced with a new sign unless it complies with all of the requirements for a new sign. For the purposes of this section, the replacement of only a sign face without any further structural changes to the sign frame, supports, foundation, or similar elements shall not be considered a new sign.
- E.** A sign for a nonconforming use may be erected in the township in accordance with the sign regulations for the district in which the property is located.
- F.** Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the sign type or area limitations of this section may be changed or replaced with a new sign of the same sign type, provided that the sign replacing the original nonconforming sign is at least 33 percent smaller in area than the original nonconforming sign.

## **SECTION 31.17 - DISCONTINUANCE OR ABANDONMENT**

Whenever the activity, business, or use of a primary premises to which a sign is attached or related has been discontinued for a period of 90 days or longer, such discontinuance shall be deemed conclusive evidence of an intention to abandon any sign related thereto. At the end of this period of abandonment, the Community Development Department may require that the sign or sign face be removed. All costs of removal shall be at the property owner's expense.

# CHAPTER 32

## PARKING AND LOADING

### SECTION 32.01 - SCOPE AND INTENT

This section is intended to provide adequate parking facilities for the use of occupants, employees, and patrons of buildings hereafter constructed, erected, or extended. Off-street parking and loading with access to all spaces shall be provided in all districts in accordance with these provisions at the time any structure or use is established, constructed, altered, or expanded. The number of off-street parking spaces, in conjunction with all building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed. When surfacing of the parking area is impractical due to inclement weather, the Community Development Department may permit temporary occupancy for a period not exceed 6 months.

### SECTION 32.02 - APPLICABILITY

- A.** The provisions of section 32.03 shall apply to on-site parking areas for all uses other than single-family or two-family residences. Further, proposed parking arrangements shall be reviewed by the Community Development Department prior to any change in land use.

### SECTION 32.03 - GENERAL PROVISIONS

- A.** Parking lot landscaping shall be provided in accordance with requirements of [CHAPTER 34](#) of this ordinance.
- B.** On-site parking for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant. The Planning Commission may waive this requirement if the proposed parking arrangement is

deemed adequate and acceptable parking agreements with adjacent property owners are in place.

- C.** Whenever the use of a building or lot changes to a use with different on-site parking requirements as identified in section 32.06, the required number of parking spaces shall be provided as required by this Chapter for the new use.
- D.** If any building, structure, or intensity of use is increased through the addition of dwelling units, floor area, seating capacity, or through other means that affect parking requirements, additional on-site parking shall be provided to bring the use into compliance.
- E.** Required residential on-street parking spaces shall consist of a parking strip, parking bay driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of [SECTION 3.01](#), "Accessory Buildings and Structures."
- F.** Use of parking facilities in a residential zone district by a non-residential use shall be treated as a Special Land Use. Access to an on-site parking area that serves a nonresidential use shall not be permitted across lots that are residential in use or located in a residential district.
- G.** The parking or storage in any off-street parking area of semi-trucks, trailers, recreation vehicles, mobile homes, machinery, wrecked or junked vehicles, similar materials, or any materials not specifically related to the business or activity being conducted on the premises, is prohibited in all zoning districts. Off-street parking facilities shall not be used for repair, dismantling, or servicing of any vehicles, machinery, or equipment, except where permitted by ordinance.
- H.** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be determined by the Community Development Department based on the parking requirement for a similar use.
- I.** When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including  $\frac{1}{2}$  shall be disregarded and fractions over  $\frac{1}{2}$  shall require 1 parking space.
- J.** A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movement. The location of all entrances and exits and directional signs shall be approved by the Planning Commission, and where required by the Kent County Road Commission and the Michigan Department of Transportation.
- K.** Federal and state requirements regarding handicapped parking and access shall apply.
- L.** Off-street parking shall be permitted to occupy part of the required front or corner front yard only after the approval by the Planning Commission, provided that there shall be a minimum unobstructed and landscaped buffer of 15 feet between the nearest point of the off-street parking area and the street right-of-way line. Landscaping in this area shall be installed pursuant to [CHAPTER 34](#) of this ordinance. This provision does not apply to the MXU zone district, where no on-site parking is permitted to occupy front or corner front yards.
- M.** For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern.

#### **N. Parking Placement**

1. Parking lots, cross-access easements, and shared driveways may be permitted within a required setback area subject to approval by the Planning Commission in all zone districts except as described below.
  2. **MXU Zone District.**
    - a. Parking, drive lanes, and internal service drives are prohibited within the RBL and any areas between the front of the building and the RBL except as provided in [SECTION 16.05.A.5.](#)
    - b. Parking lots may be located in the side yard but may not be greater in width than the building.
  3. **CC Zone District.**
    - a. Drive lanes and internal service drives are prohibited within the front yard setback except as provided in [SECTION 18.07C.](#)
  4. **East Beltline Ave.** Parking lots shall be setback from the East Beltline Avenue (south of Grand River Drive) at least 90 feet, measured from the outside edge of the existing through lane, as of January 1, 2002, to the edge of a parking lot. Within the setback, a minimum 25-foot-wide landscaped area, measured from the right-of-way to the edge of a parking lot, is required.
- O. Permeable Surface for Paving.** At the discretion of the Planning Commission, parking areas that are in excess of the minimum may be surfaced with permeable asphalt, permeable concrete, or turf blocks. The calculations for required storm water management and retention measures may be adjusted for the use of such paving.
- P. Bicycle Parking.** One bicycle parking space shall be provided for every 20 motor vehicle spaces of the first 100 motor vehicle spaces required for non-residential uses along East Beltline Avenue/Northland Drive (south of Grand River Dr) and Plainfield Avenue. Bicycle parking shall be provided within a convenient distance to the entrance to the building. Bicycle parking spaces shall consist of a securely fixed structure that supports the bicycle frame without damage to wheels or frame and allows the frame and both wheels to be locked to the structure.

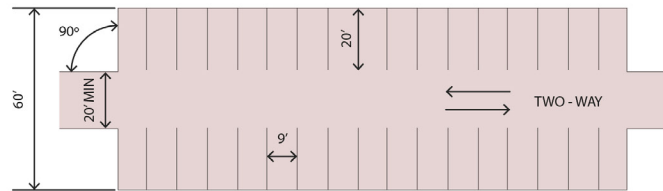
## SECTION 32.04 - COLLECTIVE ON-SITE PARKING

- A. The collective provision of on-site parking for 2 or more structures or uses may be permitted, provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses, except as provided below.
- B. The total of such on-site parking facilities for joint or collective use may be reduced by the Planning Commission or Community Development Department in accordance with the following standards:
  1. Uses for which the collective on-site parking facilities are to serve shall either operate during different hours of the day or night, or shall have peak hour parking demands that do not coincide.
  2. Except for the VC and MXU zone districts, not more than 50 percent of the on-site parking facilities required for religious institutions, bowling alleys, dance halls, and restaurants may be supplied by off-street parking facilities provided for other buildings.

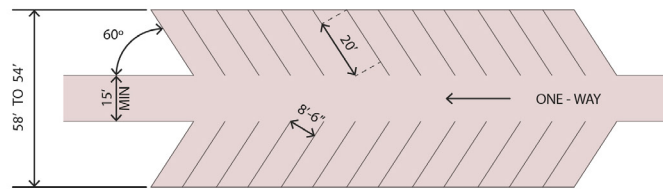
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of Two Tiers of Spaces Plus Maneuvering Lane <sup>(1)</sup>	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel)	12 feet	8 feet	28 feet	--	--
45°	12 feet	8 feet + 6 in.	20 feet	47 feet	52 feet
60°	15 feet	8 feet + 6 in.	20 feet	54 feet	58 feet
90°	20 feet	9 feet	20 feet	60 feet	--

(1) Measured from the centerlines of the parking stall borders (See Figure 32.1)

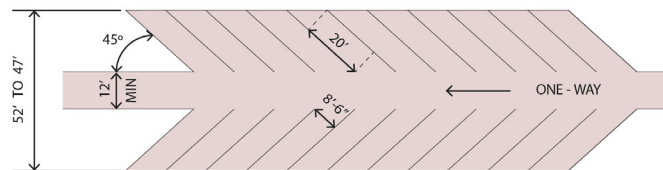
Figure 32.1



90 DEGREE



60 DEGREE



45 DEGREE



PARALLEL



3. A legally sufficient written agreement assuring the joint usage of said common parking for the combination of uses or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Community Development Department, Planning Commission, and/or Township Attorney, and filed with and made part of the application for a building permit.
- C. For a change of use where Planning Commission approval is not required, the Community Development Department may require the applicant(s) to create, modify, or extend easements or agreements for shared parking specified in subsection C.3 above.

## SECTION 32.05 - ON-SITE PARKING SPACE LAYOUT, STANDARDS, AND CONSTRUCTION

Whenever the off-street parking requirements of the zoning ordinance requires an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless approved by the Community Development Department. A site plan containing the information outlined in [SECTION 35.04\(B\)](#) shall be required.
- B. All on-site parking, stacking and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles, and designed so that they do not interfere with other on-site circulation, parking facilities, or pedestrian movements.
- C. Where a parking area abuts 2 or more streets, access to the parking area shall be from the street with the lower traffic volumes.
- D. All on-site parking lots, access drives and aisles, and other vehicle maneuvering areas shall provide curbs or similar devices at least 5 inches high to prevent vehicles from overhanging on or into public rights-of-way, sidewalks, walkways, adjacent property, or landscape areas.
- E. Where parking spaces abut a sidewalk, the constructed sidewalk may also serve as part of the curb so long as the minimum sidewalk width is 7 feet to allow for a clear and unobstructed pedestrian path.
- F. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements. Refer to illustration 1.
- G. The required maneuvering lane width may be reduced where parking space width is sufficiently large to allow for turning movement into parking spaces.
- H. Each entrance and exit to and from any off-street parking lot located in the RP, RE, R-1A, R-1B, R-1C, or R-2 districts use shall be at least 25 feet from any adjacent property located in that district, unless approved by the Kent County Road Commission.
- I. **Landscaping.** Except for those serving single- and two-family dwellings, all off-street parking areas shall be screened from view when abutting a public street as well as from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or landscaping, subject to the approval of the Planning Commission pursuant to [CHAPTER 34](#) of this ordinance.
- J. **Hard (Impervious) Surfaces.** The entire parking area, including parking spaces, driveways,

and maneuvering lanes, required under this section, shall be provided with traditional or pervious asphalt, concrete, double seal-coat surfacing, or similar hard surface material as approved by the Township. The parking area shall be surfaced prior to issuance of a Certificate of Occupancy for the facility which it serves. All parking lots shall be striped according to the approved site plan. Where pervious paving is used, the calculations for required storm water management and retention measures may be adjusted.

- K. Temporary Parking.** In the event that inclement weather or other conditions beyond the control of the builder would make the surfacing of the parking area impractical prior to the desired date of occupancy, the Community Development Department may permit temporary occupancy for a period not to exceed 6 months. A mandatory condition of this temporary occupancy shall be that a case deposit, certified check, irrevocable bank letter of credit, or performance bond acceptable to the township, in the full amount necessary to provide the surfaced area, be deposited with the Township Treasurer prior to any occupancy of the facility which it serves.
- L. Nonconformities.** Nonresidential structures in existence and operational as of the effective date of this ordinance that are not surfaced pursuant to subsection E above may be permitted to continue except that asphalt, concrete, or double seal-coat surfacing shall be required for all parking required as a result of business expansion beyond 15 percent of the usable floor area of the development existing on-site.
- M. Stormwater.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to improve water quality and preclude drainage of water onto adjacent property or towards buildings and in accordance with the township's Stormwater Management Ordinance.
- N. Walls and Access.** In all cases where a wall extends to an alley or service drive which is a means of ingress and egress to an off-street parking area, the end of the wall shall be at least 10 feet from such alley line in order to permit a wider means of access to the parking area.
- O. Safety Structures.** Except for those serving single- and two-family dwellings, all parking shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend behind the property lines or into required landscaped areas.

## SECTION 32.06 - PARKING SPACE REQUIREMENTS

- A.** The minimum number of off-street parking spaces required for any structure or use which is established, constructed, altered, or expanded shall be determined in accordance with the following schedule. The Planning Commission or Community Development Department shall have the authority during site plan review to permit a deviation from the minimum parking requirements set forth below, upon the applicant demonstrating that adequate parking is provided to serve the proposed use.
- B.** If the standards below cannot be met, the Planning Commission or Community Development Department may require easements or shared parking agreements where deemed necessary, pursuant to [SECTION 32.03](#) of this ordinance.

USE	MINIMUM REQUIRED PARKING
<a href="#">Adult assisted living centers</a>	1 for each individual living or sleeping unit, plus 1 space for each employee.
<a href="#">Adult family day care homes</a>	1 per employee
<a href="#">Adult group day care homes</a>	1 per employee
<a href="#">Adult day care centers</a>	1 for each 350 square feet of usable floor space.
<a href="#">Adult foster care congregate facilities</a>	1 for each individual living or sleeping unit, plus 1 space for each employee.
<a href="#">Adult foster care family homes</a>	1 per employee
<a href="#">Adult foster care group homes</a>	1 per employee
<a href="#">Airfields</a>	Applicant shall demonstrate parking demand
<a href="#">Animal grooming or training facility</a>	Applicant shall demonstrate parking demand
<a href="#">Animal clinic, small or large</a>	1 for each 25 square feet in waiting rooms, plus 1 for each examining room
<a href="#">Artisan food and beverage production facility</a>	1 for each 100 square feet of usable floor area or 1 for each 2 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, whichever is greater.
<a href="#">Automotive rental facilities</a>	1 per employee plus 1 for each 1,000 square feet of usable floor area
<a href="#">Automotive repair facilities, major</a>	2 for each service bay, plus 1 for each employee
<a href="#">Automotive repair facilities, minor</a>	2 for each service bay, plus 1 for each employee
<a href="#">Automotive sales facilities</a>	1 for each 200 square feet of usable floor area of sales room, plus 1 for each 1 auto service stall in the service room.
<a href="#">Automotive service stations or gas station</a>	1 space for each gasoline pump, plus 1 space for each 200 square feet of usable floor area.
<a href="#">Automotive wash establishments</a>	1 per employee, plus adequate stacking spaces
<a href="#">Automotive commercial truck and trailer sales and rental</a>	Applicant shall demonstrate parking demand
<a href="#">Bars or taverns</a>	1 for each 100 square feet of usable floor area or 1 for each 2 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, whichever is greater.
<a href="#">Bars, taverns, &amp; restaurants</a> with service from decks, porches, or other outside areas	1 for each 100 square feet of usable floor area or 1 for each 2 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, whichever is greater.
<a href="#">Bed &amp; breakfast establishments</a>	2 spaces, plus 1 additional space for each room to be rented.
<a href="#">Breweries or distilleries</a>	5, plus 1 for every 1 employee in the largest working shift
<a href="#">Building materials sales</a>	1 for each 200 square feet of usable floor area
<a href="#">Bulk fueling station</a>	Applicant shall demonstrate parking demand
<a href="#">Campgrounds and travel trailer parks</a>	Applicant shall demonstrate parking demand

<b>USE</b>	<b>MINIMUM REQUIRED PARKING</b>
<a href="#">Catering establishments</a>	Applicant shall demonstrate parking demand
<a href="#">Cemeteries / mausoleums</a>	Applicant shall demonstrate parking demand
<a href="#">Child day care centers</a>	1 for each 350 square feet of usable floor space.
<a href="#">Colleges and universities</a>	Applicant shall demonstrate parking demand
<a href="#">Community centers</a>	1 per each 300 square feet of usable floor area
<a href="#">Contractor's offices and showrooms without yards</a>	1 for each 1,000 square feet of usable floor area
<a href="#">Contractor's offices and showrooms with yards</a>	1 for each 1,000 square feet of usable floor area
<a href="#">Convalescent homes</a>	1 for each individual living or sleeping unit, plus 1 space for each employee.
<a href="#">Crematoriums</a>	Applicant shall demonstrate parking demand
<a href="#">Data processing centers</a>	1 for each 300 square feet of usable office floor area.
<a href="#">Donation or resale facilities</a>	1 per each 300 square feet of usable floor area
<a href="#">Dry cleaners or laundromats</a>	1 for each 2 washing and/or dry cleaning machines.
<a href="#">Dwellings, multiple family</a>	2 per dwelling unit
<a href="#">Dwellings, single-family</a>	2 per dwelling unit
<a href="#">Dwellings, two-family</a>	2 per dwelling unit
<a href="#">Emergency medical service facilities</a>	Applicant shall demonstrate parking demand
<a href="#">Equipment rental services</a>	1 per employee plus 1 for each 1,000 square feet of usable floor area
<a href="#">Family day care homes</a>	Applicant shall demonstrate parking demand
<a href="#">Farms and farm operations</a>	Applicant shall demonstrate parking demand
<a href="#">Financial institutions without drive-in or drive-through services</a>	1 for each 300 square feet of usable floor area.
<a href="#">Foster family group homes</a>	Applicant shall demonstrate parking demand
<a href="#">Foster family homes</a>	Applicant shall demonstrate parking demand
<a href="#">Funeral homes</a>	1 for each 30 square feet of usable floor area in assembly, parlor,
<a href="#">Golf courses or country clubs</a>	4 for each 1 golf hole, plus 1 for each 1 employee
<a href="#">Group child care homes</a>	1 per employee
<a href="#">Health clubs or gyms</a>	1 per each 300 square feet of usable floor area
<a href="#">Hospitals</a>	1 for each 3 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each employee.
<a href="#">Hot tub and spa rental facilities</a>	1 for each 200 square feet of usable floor area.
<a href="#">Hotels or motels</a>	1 for each 3 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each employee.
<a href="#">Indoor recreation facilities</a>	1 per each 300 square feet of usable floor area
<a href="#">Indoor theaters</a>	1 for each 4 seats, plus 1 for each 2 employees.
<a href="#">Junk yards</a>	Applicant shall demonstrate parking demand
<a href="#">Kennels</a>	Applicant shall demonstrate parking demand

<b>USE</b>	<b>MINIMUM REQUIRED PARKING</b>
Laboratories or technology centers	5, plus 1 for every 1 employee in the largest working shift
<a href="#">Lawn maintenance, landscaping, and snow plowing establishments</a>	Applicant shall demonstrate parking demand
<a href="#">Manufacturing, processing or assembly facilities, light</a>	5, plus 1 for every 1 employee in the largest working shift
<a href="#">Manufacturing, processing or assembly facilities, heavy</a>	5, plus 1 for every 1 employee in the largest working shift
<a href="#">Mini-warehouses or self-storage facilities</a>	Applicant shall demonstrate parking demand
<a href="#">Mobile home dwellings</a> located in a licensed mobile home park	2 per dwelling unit
<a href="#">Mobile home parks</a>	Applicant shall demonstrate parking demand
<a href="#">Motor freight terminals</a>	Applicant shall demonstrate parking demand
<a href="#">Multiple family in MXU</a>	1.5 per dwelling unit
<a href="#">Non-academic school uses</a>	Applicant shall demonstrate parking demand
<a href="#">Outdoor equipment sales facilities</a>	1 for each 200 square feet of usable floor area of sales room, plus 1 for each 1 auto service stall in the service room.
<a href="#">Outdoor recreational uses</a>	Applicant shall demonstrate parking demand
<a href="#">Outdoor storage yards</a>	Applicant shall demonstrate parking demand
<a href="#">Parks</a>	Applicant shall demonstrate parking demand
<a href="#">Permitted uses</a> not conducted within a completely enclosed building	Applicant shall demonstrate parking demand
<a href="#">Permitted uses</a> with <a href="#">drive-in or drive through service</a>	Applicant shall demonstrate parking demand
<a href="#">Personal service establishments</a>	1 for each 1,000 square feet of usable floor area.
<a href="#">Private clubs or lodges</a>	1 per each 300 square feet of usable floor area
<a href="#">Private transportation facilities</a>	Applicant shall demonstrate parking demand
<a href="#">Professional offices</a>	1 for each 300 square feet of usable office floor area.
<a href="#">Public or private heliports</a>	Applicant shall demonstrate parking demand
<a href="#">Radio and television studios</a>	1 for each 300 square feet of usable office floor area.
Recreational facilities for the exclusive use of mobile home park residents and their guests	Applicant shall demonstrate parking demand
<a href="#">Religious institutions</a>	1 per each 4 seats
<a href="#">Rendering plants</a>	Applicant shall demonstrate parking demand
<a href="#">Research, development, and testing facilities</a>	1 for each 300 square feet of usable floor area.
<a href="#">Restaurants</a> without <a href="#">drive-in or drive through services</a>	1 for each 100 square feet of usable floor area

USE	MINIMUM REQUIRED PARKING
<a href="#">Retail businesses</a>	1 for each 300 square feet of usable floor area.
<a href="#">Sanitary landfills and transfer stations</a>	Applicant shall demonstrate parking demand
<a href="#">Schools, public or private</a>	1 per each 4 students
<a href="#">Schools, business or professional</a>	2 per each 4 students
<a href="#">Sidewalk cafés</a>	Applicant shall demonstrate parking demand
<a href="#">Special controlled uses</a>	1 per each 300 square feet of usable floor area
<a href="#">Utility scale solar energy systems</a>	Applicant shall demonstrate parking demand
<a href="#">Vehicle repossession and/or seizure and auction facilities</a>	Applicant shall demonstrate parking demand
<a href="#">Warehousing or distribution centers</a>	2 per each 1,000 square feet of usable floor area
<a href="#">Wireless communication facilities (3.29A.1)</a>	Applicant shall demonstrate parking demand
<a href="#">Wireless communication facilities (29.40)</a>	Applicant shall demonstrate parking demand
<a href="#">Wireless communication facilities (29.41)</a>	Applicant shall demonstrate parking demand

- C. Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the Michigan Building Code and the American National Standard A117.1-1998 Code Book.
- D. For uses not specifically listed in the table above, the Community Development Department shall determine the required parking by consulting the Institute of Traffic Engineer’s most recent edition of Parking Generation, or similar professional or technical publication.

## SECTION 32.07 - DEFERRED AND REDUCED PARKING

- A. Where an applicant demonstrates that the parking requirements for a particular proposed use would be excessive, a deferred parking plan may be approved by the Community Development Department or Planning Commission pursuant to this ordinance, designating portions of required parking spaces and paving reserved for future use. Likewise, a parking deferment may be imposed upon a finding by the township that the standard parking requirements would be initially excessive .
  - 1. The approval shall require reserved areas to be maintained in a landscaped appearance and shall include conditions under which the reserved parking areas must be paved.

2. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the township, based on parking needs, and shall require the submission and approval of an amended site plan by the township pursuant to this ordinance.
  3. The owner shall enter into and record an agreement approved by the township to construct any deferred parking at such time as deemed to be necessary by the township.
- B.** The Community Development Department and Planning Commission shall have the authority during site plan review to permit a deviation of up to 50 percent from the minimum parking requirements in accordance with this section. In considering a waiver, it must be determined that the intensity of the use and its parking requirements shall not substantially adversely affect available parking for surrounding uses.
- C.** The Planning Commission shall have the authority during site plan review to permit a deviation of up to 100 percent through Special Land Use approval from the minimum parking requirements in accordance with this section. In its review, the Planning Commission shall consider the following factors, as applicable.
1. The land use and development character of the area to be served by the parking facility, including the relative intensity of uses requiring parking, availability of transit, proximity of nearby employment centers and residential uses, and other relevant factors;
  2. The timing of parking use relative to other uses in the area including information regarding hours of operation or other operational parking needs that would permit use of the spaces; and
  3. Whether supporting documentation, if provided, adequately demonstrates that sufficient parking is available to meet projected typical demand.
- D.** Parking reductions may be considered in the following circumstances:
1. **On-street parking.** The use of on-street parking to meet no more than 50 percent of the minimum on-street parking requirements shall be permitted provided that adequate on-street parking exists within 500 linear feet of the primary entrance of the main building.
  2. **Alternate modes.** Proximity to bus stops, trail heads, and supportive infrastructure may be considered for parking reductions.
    - a. Where there is a bus stop, minimum service levels must be provided at least every hour during weekdays.
    - b. Where there is a trail head or full bicycle path, the path must be a minimum of 10 feet wide to accommodate commuting traffic. A sidewalk is not considered a path for the purposes of this section.
    - c. Supportive infrastructure may include covered, secured bicycle parking facilities that are easily accessible to cyclists, as well as showers or other amenities that support another mode of transportation.
  3. **Shared Parking Agreements.** Where a mix of land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total amount of required parking shall be encouraged. Shared parking agreements for on-site parking for 2 or more buildings or uses is permitted so long

as shared parking is located within 300 feet of the use.

4. **Mixed-Use Parking.** When multiple uses share parking facilities, the quantity of spaces provided may be calculated as follows.
  - a. **Shared peak demand times.** Businesses with the same peak parking demand times that share parking facilities shall reduce the quantity provided by 10 percent.
  - b. **Different peak demand times.** Businesses with different peak parking demand times can reduce their required parking spaces according to the table below.

TABLE 32.07.A. Parking Times Per Use Category						
Use Category	Weekdays			Weekends		
	Midnight - 7:00 a.m.	7:00 am - 6:00 p.m.	6:00 p.m. - Midnight	Midnight - 7a.m.	7 a.m. - 6:00 p.m.	6:00 p.m. - Midnight
Residential	95%	50%	70%	95%	70%	70%
Hotel/motel/bed-and-breakfast	95%	60%	95%	95%	60%	95%
Assembly, religious	0%	30%	50%	0%	95%	75%
Retail and Services	5%	95%	70%	5%	95%	50%
Eating and driving establishments	50%	70%	95%	70%	60%	95%
Entertainment (Indoor/Outdoor)	5%	30%	80%	5%	80%	95%
Office	5%	95%	5%	5%	5%	5%

i. Determine the required number of spaces per use; apply the percentages to determine the number of spaces needed per use in each of the 6 time periods.

ii. For each time period, add the number of spaces needed for all applicable use categories to obtain a total for each of the 6 time periods. The time with highest total number of parking spaces is the number of required spaces.

## SECTION 32.08 - MAINTENANCE AND USE OF PARKING FACILITIES

- A. All off-street parking and loading facilities required by this article shall be maintained free of accumulated snow, debris, or other materials which prevent the full use and occupancy of those facilities, except for temporary periods of short duration in the event of heavy snowfall.
- B. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- C. All required parking surfaces shall be properly maintained.



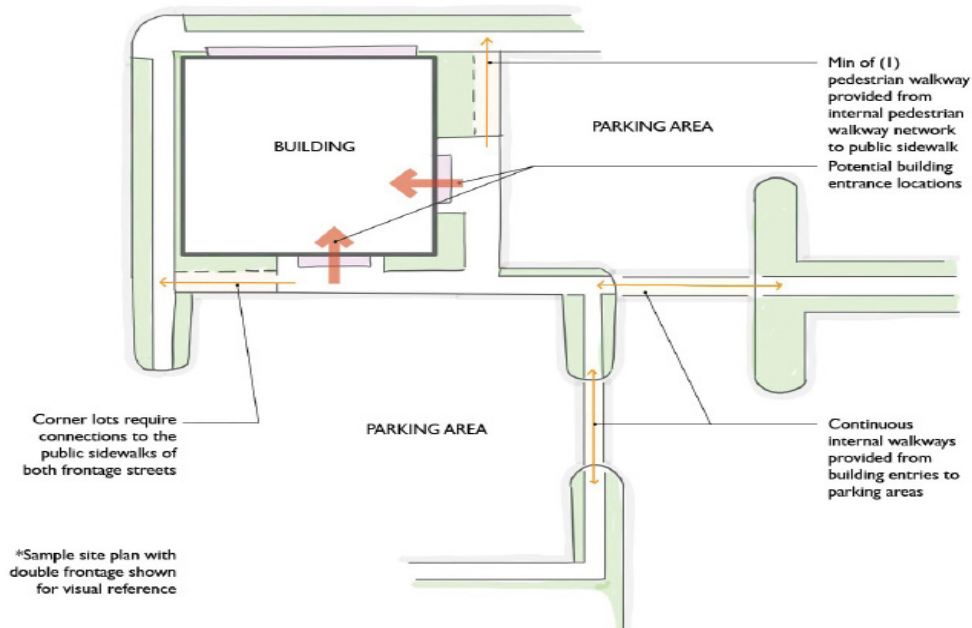
## SECTION 32.09 - OFF-STREET LOADING

- A.** Uses involving the receipt or distribution by vehicles of materials or merchandise shall provide and permanently maintain adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys, and thus, help relieve traffic congestion.
- B.** Every such building or structure housing such a use shall be provided with at least 1 truck standing, loading, and unloading space on the premises not less than 10 feet in width, 25 feet in length, and 14 feet in height. One additional truck space of these dimensions shall be provided for every additional 20,000 square feet, or fraction thereof, of gross floor area in the building.
- C.** Off-street loading space and access drives shall be drained, lighted, and shall have appropriate bumper or wheel guards where needed.
- D.** Loading spaces shall not be construed as supplying off-street parking space

## SECTION 32.10 - PEDESTRIAN ACCESS AND CIRCULATION

- A.** Pedestrian access shall be required for all sites to improve the health, safety and welfare of the public by providing clear pedestrian pathways at perimeter and internal site locations to reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities, and establish a multi-modal environment that is supportive of walking, biking and transit use. These requirements are also intended to promote healthier lifestyles by encouraging walking and bicycling over the use of a private vehicle for many daily activities, and to provide the means by which residents and visitors can be more engaged with their neighbors, coworkers, and fellow visitors.
- B. New Construction.** All sites on which any new construction occurs shall provide sidewalks in the MXU zone district.
- C.** At least 5 feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians at all times. Where possible, sidewalks shall be in a landscaped areas running perpendicular to the primary building façade. If parking spaces are adjacent to a sidewalk, the sidewalk must be at least 7 feet to allow for vehicular overhang.
- D. Trail Connections.** Where trails exist or are planned, paths or sidewalks shall connect building entries to the trail system.
- E.** All attached single-family and multiple family residential, non-residential and mixed-use developments in the MXU zone district shall comply with the following requirements.
  - 1.** Continuous internal pedestrian walkways shall be provided to connect on-site surface parking areas with the primary entrances of main buildings. (See Figure 31.2)
  - 2.** At least one (1) pedestrian walkway with a minimum width of 5 feet shall be provided from the internal pedestrian walkway network to a public sidewalk. In the case of corner lots, connections shall be made to the sidewalks of both streets. (See Figure 31.2)
  - 3.** All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.

Figure 31.2



- F. Walkways from Parking Lots.** Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways, and institutions. Walkways shall either be dedicated sidewalks raised above the surface of the parking lot, or, if at the same level as the parking lot, clearly marked with striping and tactile alerts, and may use alternative materials, such as pavers.
- G.** Each surface parking area that has 50 or more parking spaces, or has any parking spaces more than 350 feet from the front façade of the main building, shall have at least one (1) pedestrian walkway or sidewalk allowing pedestrians to pass from the row of parking furthest from the main building façade to the primary building entrance.

# CHAPTER 33

## LIGHTING

### SECTION 33.01 - PURPOSE AND INTENT

The intent and purpose of this article is to create and maintain safe nighttime environments for both pedestrians and drivers on public and privately owned roadways and rights-of-way in the Township by minimizing brightly lighted surfaces and lighting glare. It is further the intent of this article to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow," and to reduce light pollution and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and/or Community Development Department in the review of all applications for zoning permits and site plans submitted for approval under the terms of this ordinance.

### SECTION 33.02 - APPLICABILITY

- A.** The following types of outdoor lighting are exempt from the provisions of this section, provided that such lighting uses a one-hundred-watt or less incandescent bulb and except where such lighting creates a hazard or nuisance from glare or spill light:
- 1.** Residential decorative lighting such as porch lights, low-level lawn lights and special seasonal lights such as Christmas decorations and similar lighting associated with single-family detached housing.
  - 2.** Sign lighting as regulated in Article 31 of this ordinance.
  - 3.** Lighting necessary for road or utility construction or emergencies.
  - 4.** Streetlights located within a public right-of-way.
  - 5.** Lighting for a permitted temporary event such as a circus, fair, carnival, or civic event.

**B. Regulated Lighting.** All exterior lighting shall be regulated by this section, including, but not limited to the following types:

1. Parking lot lighting and site lighting for commercial, industrial, and institutional developments.
2. Canopy lighting.
3. Multiple-family development parking lot lighting and site lighting.
4. Privately owned roadway lighting.
5. Building facade lighting.
6. Other forms of outdoor lighting which, in the judgment of the Community Development Department and/or Planning Commission are similar in character, luminosity, and/or glare to the foregoing.

**C. Lighting Plan Required.** A lighting plan shall accompany a site plan for all uses requiring site plan review pursuant to this ordinance. Where site plan approval is not required, the following information shall be submitted to the Community Development Department prior to lighting installation, unless waived:

1. A site plan drawn to a scale of one inch equaling no more than 30 feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting.
2. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this article. Diagrams shall indicate illumination levels at ground level based on no greater than a twenty-five-foot on-center grid and shall project 25 feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels should also be measured for all surrounding streets at the public right-of-way.
3. Specifications for all proposed lighting fixtures, including mounting heights, photometric data, designation as Illumination Engineering Society of North America (IESNA) "cutoff" fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.
4. The lighting plan shall provide a design for illuminations in accordance with this section.

## SECTION 33.03 - GENERAL PROVISIONS

- A.** All light fixtures, including building mounted fixtures, shall be full cutoff fixtures as defined by IESNA and shall have one-hundred-percent cutoff above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
- B.** Electrical light sources shall have a color rendering index of 65 CRI or better.
- C.** There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color. Beacon, strobe, and search lights are prohibited. No colored lights shall be used at any location or in any manner which might be confused with or construed as traffic control devices.
- D.** All lighting poles, fixtures, and other equipment shall be maintained in good working order. Bulbs, fixtures, and other consumables shall be promptly replaced as needed.

## SECTION 33.04 - LIGHTING REQUIREMENTS

- A.** The maximum light level within the property for a non-residential use shall not exceed 10 footcandles measured 30 inches above grade, except gasoline service stations with a canopy shall be permitted to have a maximum light level of 20 footcandles measured 30 inches above grade under the canopy.
- B.** The maximum light level for the parking area serving a multi-family or institutional use shall not exceed 2 footcandles.
- C.** Direct light and directly-reflected light shall be confined to the subject property by screening, shielding, landscaping, or other measures, such that no lighting in excess of 0.1 footcandles shall be cast on adjoining private property. This standard shall not apply to internally lit signs meant to be visible from the adjoining public right-of-way.
- D.** Average horizontal illumination levels shall be no greater than 2.4 footcandles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
- E.** Average horizontal illumination levels may be increased near building entrances where pedestrian activity is substantial. In such locations, average horizontal illumination levels shall be no greater than 4 footcandles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
- F.** Lighting fixtures in parking lots not exceed 30 feet. However, an increase up to 40 feet may be permitted at the discretion of the Planning Commission for large commercial developments if it reduces the total number of lighting fixtures and corresponding support posts, improves overall lighting performance, and sufficient justification is submitted that proves the lighting meets the intent of the section.
- G.** Mounting heights of fixtures that are located within 200 feet of a residential uses district shall not exceed 20 feet.
- H. Building Façade Lighting.** When buildings and structures including flags mounted on poles or on buildings are to be illuminated, the Planning Commission shall approve a design for the illumination and the following shall apply:
  - 1.** Maximum illumination on any surface shall not exceed 4 footcandles.
  - 2.** Luminaires shall be carefully located, aimed, and shielded so that light is directed only onto the item being illuminated and not directed skyward. Luminaires shall not be directed toward adjacent streets, roads, or properties.
  - 3.** Luminaires mounted on the building and designed to “wash” the facade with light are preferred.
  - 4.** The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.
  - 5.** When buildings and structures are to be illuminated, the reduction of all lighting levels by at least 50 percent after 11:00 P.M. is required.
- I.** Lighting for off-street parking lots or building façades adjacent to a residential zone or land use shall be turned off between 11:00 p.m. to 6:00 a.m., except for those necessary for security purposes, in which case the light level shall not exceed 1 footcandle.

# CHAPTER 34

## LANDSCAPING & BUFFERING PROVISIONS

### SECTION 34.01 - SCOPE AND INTENT

It is the intent of this section to require the use of buffer zones and landscape screening to reduce the negative impacts between potentially incompatible land uses and to provide for specific landscape requirements within parking areas. It is further intended to preserve and enhance aesthetic qualities, privacy, and property values within the township.

This section is applicable to all new site plans and development proposed after the effective date of this chapter. Furthermore, this chapter is applicable to all expansions, renovations, or alterations that increase the gross floor area of the structure by 25 percent or more above the floor area as it existed on the effective date of this chapter. In addition, [SECTION 34.03](#) applies to all new or expanded parking areas having a total of more than 25 parking spaces.

### SECTION 34.02 - LANDSCAPING PLAN AND REQUIREMENTS

- A. Applicability.** For all uses that require site plan approval, the site shall be landscaped in accordance with a plan and specifications approved by the Planning Commission or Community Development Department. The entire site not devoted to floor area, parking, access ways, or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs, and ground cover. Expansion areas shall be placed in grass and kept free of weeds. Any areas, which become disturbed for any reason, shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Community Development Department.
- B. Landscaping Plan.** A detailed landscaping plan indicating design intent shall be submitted as part of the Planning Commission's site plan review (or the Director of Community Development Department if site plan review is administrative only) and shall include, but not necessarily be limited to, the following:
  - 1.** Location, general type, quality, and size of existing vegetation, including specimen trees.

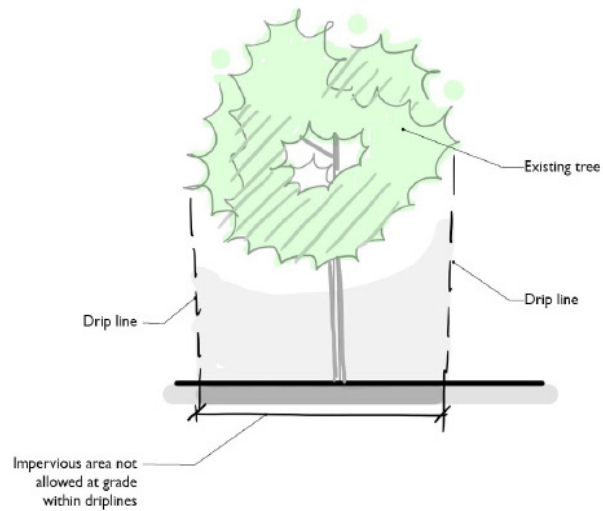
2. Existing vegetation to be saved.
3. Methods and details for protecting existing vegetation during construction.
4. Location, sizes, and labels for all proposed plantings.
5. Typical cross section, including slope, height, and width of berms and the type of ground cover to be placed on them.
6. Location, height, and type of any walls.
7. Plant list(s) showing the required and proposed quantities.
8. Description of landscape maintenance program, including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this ordinance.

**C. Tree and Landscape Preservation Requirements.**

1. Site plans should preserve all quality existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site is also encouraged and all available measures should be taken to maintain the trees in a healthy condition.

2. Existing trees may be used to fulfill landscaping requirements, if such trees are in healthy growing condition, are at least the minimum size, are the appropriate type, and are spaced according to their likely mature size.

**Figure 34.1 Tree Drip Line**



3. The area below the drip line of an existing tree to be saved should remain undisturbed. No impervious material should be placed under the drip line and a tree protection fence must be installed around the trees during construction at the limit of disturbance. Tree protection symbols notes and details must be shown on the site plan (See Figure 34.1)

4. Should any tree designated for preservation, for which landscaping credit is given, die, the owner shall replace the tree with the equivalent species or with a tree which will obtain the same height, spread, and growth characteristics. The replacement tree must be a minimum of 2.5 inches caliper.

5. Caliper measurements shall be measured 6 inches above the ground for trees up to and including 4 inches in diameter; and 12 inches above the ground for trees greater than 4 inches in diameter.

**D. Minimum Tree Canopy.** Tree canopy requirements are designed to ensure a sufficient tree coverage to provide an attractive landscape that protects and enhances property values; that provides shade and visual relief, stormwater retention, air and water quality

improvements, and buffering and screening from noise, lights and glare.

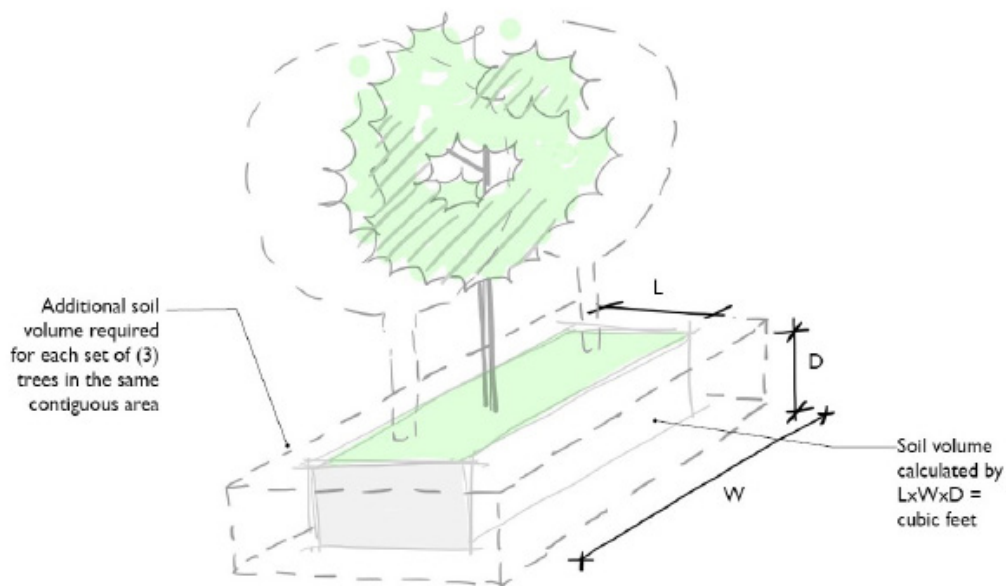
1. The minimum tree canopy provision shall apply to each lot in its entirety, including driveways, and shall include trees within the public right-of-way. New development that necessitates site plan review by the Planning Commission or Community Development Department, or any change in the use of a lot, building, or structure per the Nonconforming Site Elements [SECTION 4.06](#) shall meet the minimum tree canopy coverage requirements in all zone districts.
2. Credit shall be given for existing trees and any trees recently planted.
3. Tree canopy calculations shall be in accordance with the table provided in this Section. In addition, soil volumes for trees are required to ensure full viability and durability over the life of the tree.

**TABLE 34.02.A. Planting and Tree Canopy Standards**

Canopy/Shade Tree	Minimum Plant Size (caliper inch)	Canopy Cover at Maturity (sq. ft.)	Crown Diameter (ft)	Soil Volume (cu. ft.)
Small	1.5	400	25	250
Medium	2.5	900	35	500
Large	2.5	1,600	45	750

4. Up to 3 trees may be planted in the required minimum volume of soil if the soil volume is contiguous. Each small tree over 3 planted in the same contiguous area shall have an additional 125 cubic feet of soil per tree. Each medium and large tree shall require an additional 375 cubic feet of soil per tree where more than 3 trees are planted in the same contiguous area (See Figure 34.2)

**Figure 34.2 Tree soil volume**





**5. Administrative Departure.** An Administrative Departure may be granted for the soil volume of interior landscape areas to be reduced to 500 cubic feet per tree where a unique site condition physically prohibits full compliance, if it can be demonstrated that the estimated crown spread of parking lot trees will be a minimum diameter of 25 feet at full maturity, and/or root paths are connected between tree plantings to equal a larger soil volume.

**E. Unaccredited Species.** The following species are permitted, but will not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, and or other undesirable characteristics. The planting of these species is not encouraged. See [TABLE 34.02.B](#) at end of Chapter..

**F. Buffer Zones.** Landscape buffers shall be used in the following circumstances:

1. Where non-residential activities or intense household or group living situations would affect an existing residential use with glare, noise, or exhaust or where the effect of incompatible uses or proportionately different structures cannot be mitigated through building design or transitional features
2. Where a parking lot, non-residential driveway, or drive-through facility is adjacent to a residential use, public park, recreation facility, or open space.
3. When required as a condition of approval.
4. On properties in the C-1, MXU, CC, C-5, O, LI, and I Districts when they adjoin properties in certain zoning districts as set forth in Table 34.02.C. Table 34.02.D specifies the requirements for each buffer zone type.

**TABLE 34.02.C. Required Landscape Buffer Type**

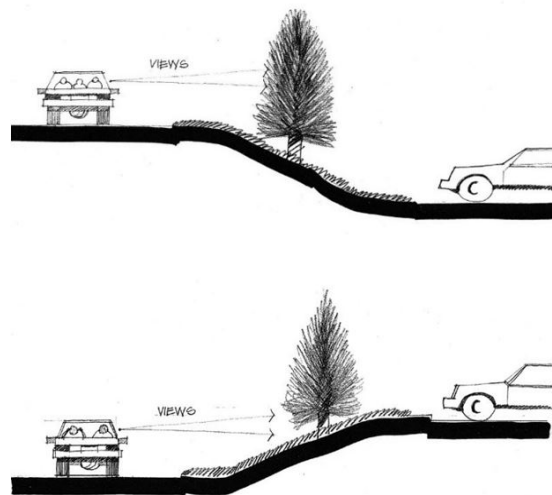
Zone District of Proposed Use	Adjacent Zone District: RP, RE, R-1A, R-1B, R-1C, R-2, R-3, R-4	Adjacent Zone District: C-1, CC, C-5, O	Adjacent Zone District: MXU	Adjacent Zone District: LI, I
C-1, CC, C-5, O	Type B	Type A	Type A	Type A
MXU	Type D	Type A	-	Type A
LI, I	Type C	Type B	Type A	Type A

**TABLE 34.02.D. Buffer Zone Type**

Feature	Buffer Zone A	Buffer Zone B	Buffer Zone C	Buffer Zone D
Width of buffer zone (ft)	10	15	20	25
Required trees (per 100 ft)	2	5	8	10
Required shrubs (per 100 ft)	4	5	8	20

5. The number of trees and shrubs in [TABLE 34.02.D](#) is required for every 100 linear feet of buffer zone length provided, however, that buffer zone length will be rounded to the nearest increment of 100 feet.
6. For purposes of this section, an “adjacent zoning district or land use” as described in [TABLE 34.02.C](#) includes all zoning districts or land uses on properties directly across a public right-of-way from the subject property.
7. The existence of access ways or driveways within a buffer zone will not reduce the minimum requirements for trees and shrubs.
8. Evergreen trees are required for buffer zone types B and C, while either deciduous or evergreen trees may be used in buffer zone type A.
9. All areas of the buffer zones outside of trees, shrubs, and/or flowerbeds shall be covered with a living ground cover.
10. The buffer zone requirements of this section apply whether or not the property in the adjacent zoning district as set forth in [TABLE 34.02.C](#) is developed.
11. For reasons of conflicting uses, unfavorable topography, or other unique or extraordinary circumstances, the Planning Commission as part of site plan review (or the Community Development Department if site plan review is administrative only) may increase or decrease landscape plantings in any required buffer zone if **any** increase or decrease is found to be necessary to reasonably achieve the intent of this section as stated in [SECTION 34.01](#) above.
12. **Front yard Landscaping; Commercial and Industrial Zones.** Notwithstanding any other provision of this section, all properties in the C-1, CC, VC, C-5, O, LI, and I Districts shall have a buffer zone type A in the front and corner front yard regardless of the adjacent zoning districts or land uses, unless a type B or type C buffer zone is otherwise required.
13. **East Beltline Ave - Front Yard Landscaping.** Within the required minimum 25-foot buffer area fronting on the East Beltline (south of Grand River Drive), landscaping should be installed according to the standards of [SECTION 34.02](#) of this ordinance.

Figure 34.3



14. **East Beltline Ave - Parking Area Screening.** Continuous plantings, berms, or walls shall be installed to a minimum of 4 feet in height along the East Beltline south of Grand River Drive (plantings measured after 3 years in the ground). The requirement for plantings, berms, or walls for parking areas that abut the East Beltline may be waived by the Planning Commission if, in the judgment of the Planning Commission, the motor vehicles in the parking lot will be substantially screened from the road by the final topography or existing vegetation (See Figure 34.3).

**15. MXU Zone District - Front Yard Landscaping.** The following front yard planting and streetscape standards shall apply:

- a. At least one tree shall be planted for each 25 feet of frontage or any fraction over 25 feet. Clustering of trees is permitted when utility conflicts or required clear vision areas prevent compliance with minimum spacing requirements.
- b. Root barriers shall be installed within areas where there is less than 7 feet between the back of curb and the sidewalk, and the sidewalk and front planting area, to prevent root penetration and destruction of curbs and sidewalks.
- c. Topsoil shall be installed with a minimum depth of 4 inches for lawn areas, and 8 to 12 inches within planting beds.

**G.** The requirements of Buffer Zone D in MXU zone districts when abutting any residential zone district shall be considered the minimum buffering standard in alignment with described setbacks in [CHAPTERS 16](#). Rear and side yard setbacks may be reduced where buffer standards are increased. The intent of this provision is to optimize the use of land for mixed-use development and provide for sufficient population and employment density to increase the economic viability of the Plainfield Avenue corridor while also recognizing that abutting residential uses must be addressed with sensitivity.

**1.** The rear yard setback may be reduced by up to 50 percent when abutting a residential zone district with Planning Commission or Community Development Department approval provided all of the following conditions are met.

- a. Existing, natural vegetation is preserved insofar as practicable within the setback area.
- b. Natural features, if any are present, have been incorporated into the proposed site design to the maximum extent practicable.
- c. A minimum 3-foot-high berm is provided in the setback area. The berm shall be heavily planted with a 4-season vegetative screen that includes a mixture of coniferous and deciduous trees. A site plan shall be provided that illustrates the location of windows and other viewing areas of the residential property. Landscaping shall be planted in response to residential viewsheds.
- d. Screening with a 6-foot-high solid wall or fence along the property line may be used instead of a berm and vegetative screen with an Administrative Departure if the land use relationship between 2 abutting lots is similar in nature, or with the consent of the neighboring property owner.

**2.** The rear year setback may be reduced by up to 75 percent when abutting a residential zone district with Planning Commission approval provided all of the conditions listed above in are satisfied as well as:

- a. Irrigation is provided within the setback area.
- b. A 6-foot-high sound-deadening wall or fence is provided at the mid-point of the berm. Landscaping shall be provided on both sides of the wall or fence.
- c. Light poles must be placed a minimum of 20 feet towards the interior of the property from the rear setback line to ensure that disturbing light or glare does not affect the abutting property.

**G.** Lawn or landscaping is required between the back of curb and sidewalk, and from the

back of sidewalk and face of building the MXU and CC zone districts.

### SECTION 34.03 - PARKING LOT LANDSCAPING

- A.** No parking lot shall be constructed, enlarged, or reconstructed until a parking pattern and a landscape plan for that parking lot has been approved by the Planning Commission or Community Development Department.
- B.** Landscape plans shall, where appropriate, be submitted as part of the site plan.
- C. Design Criteria.** The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges, and other live planting material shall be used to complement the tree landscaping, but shall not be the sole contribution of the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
- D. Landscape Islands.** Parking lots exceeding 5,000 square feet (including all parking spaces, lanes, drives and other areas devoted to vehicular use) shall be landscaped with at least 1 landscaped island. For each additional 5,000 square feet (or each additional 20 spaces, whichever is greater), an additional landscape island shall be required. Landscape islands shall be at least 180 square feet in size, with a minimum width of 10 feet. Landscape islands shall be landscaped with 1 shade canopy tree and 3 shrubs for every 8 parking spaces.
- E.** Any of the following tree planting methods may be used singly or in combination:
  - 1.** Open soil landscape islands shall be at least 250 square feet in size, with a minimum width of 10 feet. Landscape islands shall be landscaped with one (1) shade canopy tree and 3 shrubs for every 8 parking spaces.
  - 2.** Covered soil landscape areas specially designed to accommodate tree root growth are permitted with engineered design methods including structural soil, sidewalk support, and soil cells. A minimum tree opening of 3 feet by 3 feet is required. Minimum soil volume shall be 750 cubic feet per tree.
- F.** The Community Development Department may allow the substitution of bump-outs, site corners, or other landscaping elements in lieu of landscape islands, as long as the square footage, width, and landscaping requirements are still met.
- G. Existing Landscaping.** Where plant material exists on a site prior to its development, such landscape material may be used if approved as meeting requirements of this part.
  - 1.** All ground surfaces contained within areas designated on the landscape plan as planting areas shall be planted and maintained in ground cover. Other landscape elements such as decks, patios and stepping stones, landscape zones, and ponds may also be incorporated into such areas.
  - 2.** All landscaping shall be protected from vehicular traffic by standard concrete curbing and gutter.
- H. Maintenance.** The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy growing conditions, replacing it when necessary, and in conformance with original approvals. Yards shall be free of refuse and debris. All walls or fences shall be kept in good repair. All landscaping materials shall be placed so as not to grow out into the public right-of-way.

- I. Plant Requirements.** For trees and shrubs required by this section, minimum plant sizes at the time of installation shall conform to the following:

**TABLE 34.03.A. Plant Size Requirements**

Tree Type	Requirement
Deciduous tree	2.5 inch caliper
Evergreen tree	5 ft in height
Deciduous shrub	2 ft in height
Upright evergreen shrub	2 ft in height
Spreading evergreen shrub	24 in spread

1. Trees shall be spaced at a minimum distance that is the average width of such trees 1 year after the date of planting.
2. The Community Development Department shall keep on file a suggested species list to accommodate various site situations.
3. In an effort to allow flexibility in design, various types of required landscaping may be substituted with the approval of the Planning Commission as part of site plan review, provided that the desired screening effect is achieved. If site plan review is not required, the Director of Community Development Department may approve such substitution.
4. If a property owner cannot plant trees or shrubs required by this section due to unfavorable planting conditions, the Director of Community Development Department may grant the property owner not more than 6 months after completion of the building or site improvements to install the required trees or shrubs. The Director of Community Development Department may require a performance guarantee as a condition of such approval.
5. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one (1) growing season.
6. Landscaping areas shall be neatly maintained, including mowing, fertilizing, pruning, and watering, if necessary.
7. Parking and loading areas shall be landscaped and/or fenced in such a manner as to reasonably interrupt or screen the areas from view.
8. The extensive use of cobblestones, crushed stones, or other non-living material as a ground cover is discouraged.
9. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.

**J. MXU Zone District - Parking Lot Screening.** The screening standards in Table 34.03B shall apply where a parking lot or loading area abuts a public right-of-way, public walkway, or park. Screens shall be provided between the public right-of-way and parking area. Screening methods may be used singly or in combination, provided clear vision areas are maintained.

**TABLE 34.03.B. Parking Lot Screening Options (Also see Figures 34.4-8)**

	<b>Setback and/or width</b>	<b>Height</b>	<b>Additional Regulation</b>
<b>Type I - Architectural Screen (80% solid)</b>	Screen may be placed at the lot line. A 2-foot minimum space shall be provided between the architectural screen and parking or loading areas for car overhang and to protect the wall	30" minimum 36" maximum	To be constructed of permanent, low-maintenance materials such as concrete, brick, or architectural block. Design will complement the construction of the main building. Decorative patterns or architectural elements are desired. No wire or chain link fencing, slatted fencing, or unpatterned or unpainted building materials.
<b>Type II - Architectural Screen (60% solid) with Landscape Area</b>	A minimum 3-foot wide landscape area shall be provided in addition to the requirements of a Type I Architectural Screen.	30" minimum 36" maximum	The landscape buffer shall be placed between the wall and the front lot line. Ground cover, ornamental grasses, flowers, shrubs, trees or combination may used to soften the wall's appearance.
<b>Type III - Fence (less than 50% solid) with Landscape Area</b>	A decorative fence may be installed at the lot line if used in combination with Type IV or Type V screens	30" minimum 48" maximum	Fence shall be of a high-quality finish. Wire or chain link fencing shall not be permitted adjacent to public rights-of-way.
<b>Type IV - Landscape Hedge (80% solid within 2 years of planting)</b>	Planting area shall be a minimum 5-foot wide	30" high when planted 48" maximum	Screen shall be ornamental grasses, hedges, shrubs, or other planted materials. Planting boxes or raised planters, constructed with Type 1 screen materials may be used.
<b>Type V - Intermittent Screen</b>	Planting area shall be a minimum 5-foot wide	30" high when planted 48" maximum (except tree)	Screen shall consist of a minimum of 1 canopy tree and 10 shrubs per 35 lineal feet of lot frontage or fraction thereof. Landscaping shall cover a minimum of 70% of the total distance of any lot line.

Figure 34.4 - Parking Screening Type I - Architectural Screen

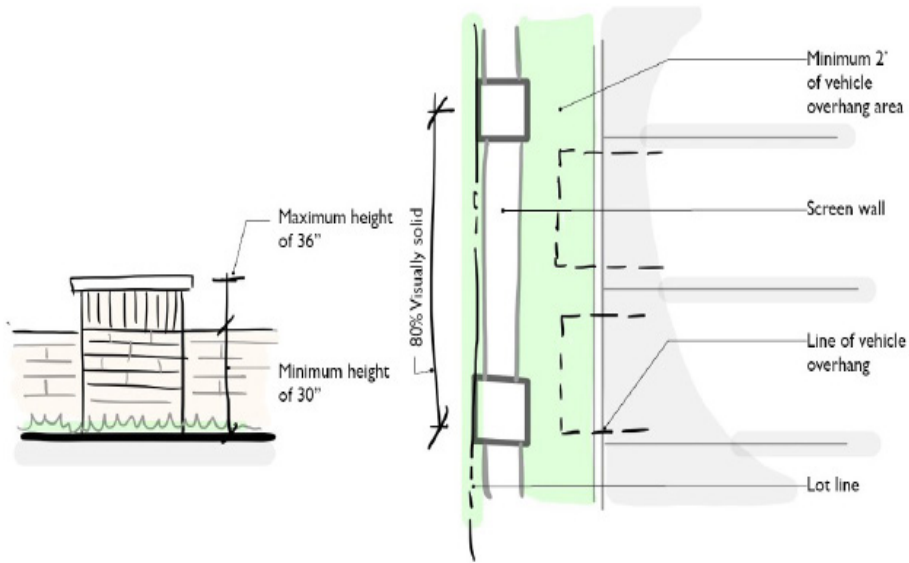


Figure 34.5 - Parking Screening Type II - Architectural Screen (60% solid) w/ Landscape Area

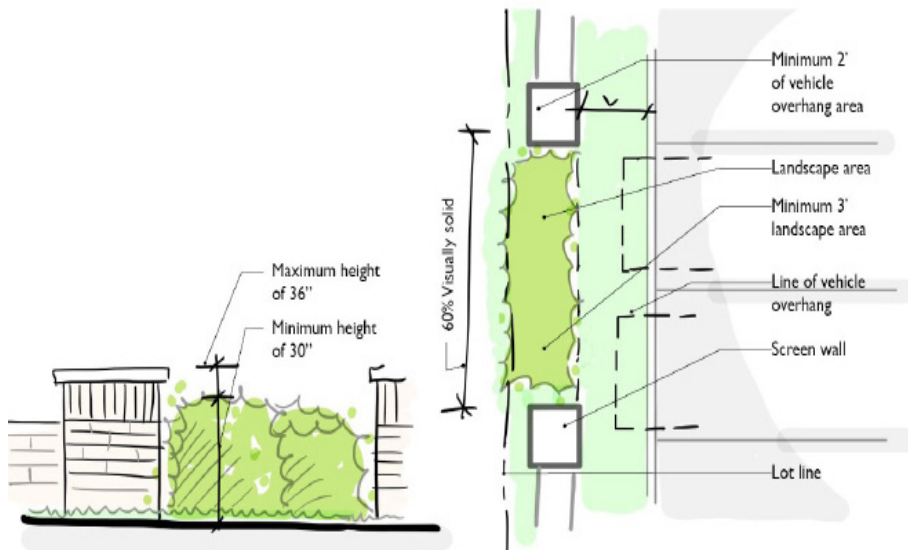


Figure 34.6 - Parking Screening Type III - Fence (less than 50% solid) w/ Landscape Area

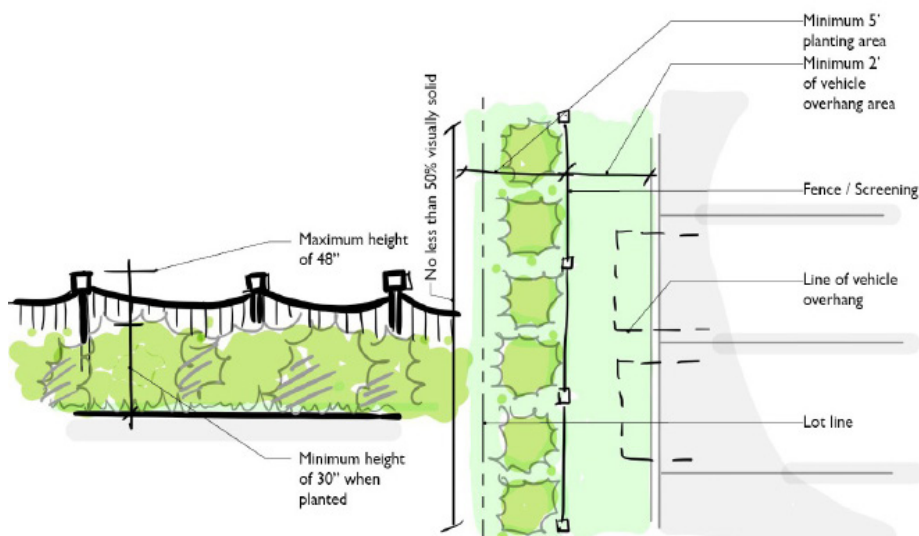




Figure 34.7 - Type IV - Landscape Screen (80% Solid within Two Years of Planting)

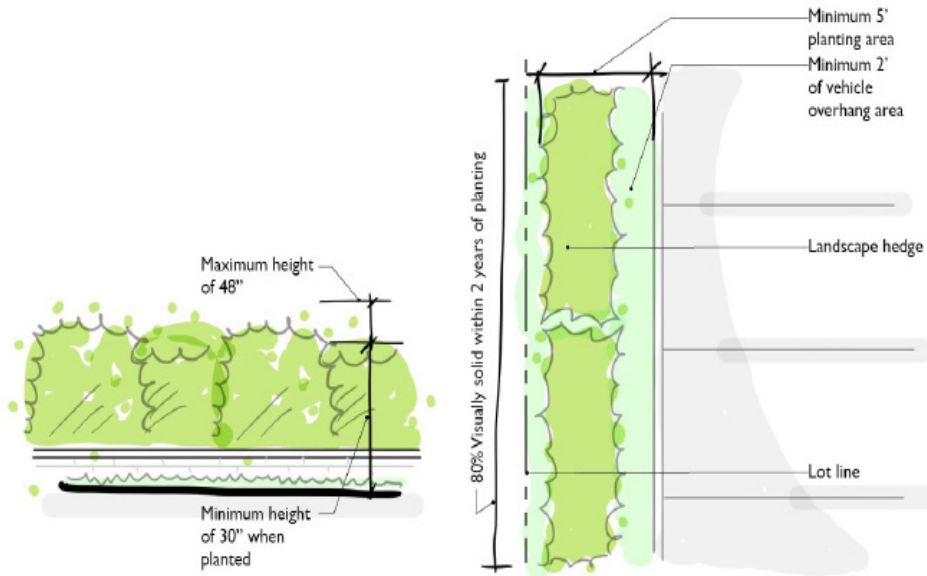
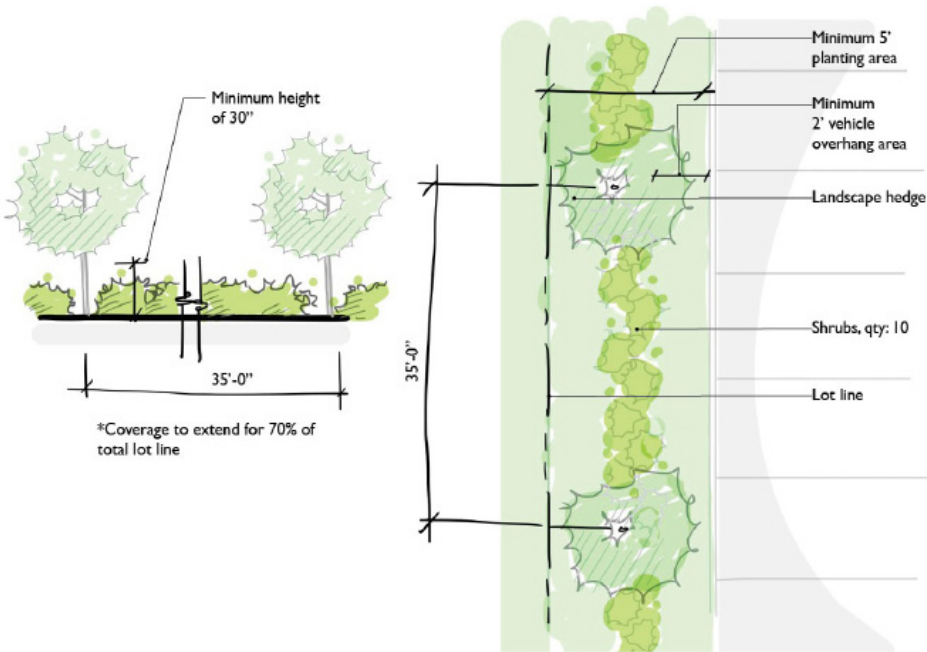


Figure 34.8 - Parking Screening Type V - Intermittent Screen



## SECTION 34.04 - PERFORMANCE GUARANTEES

The Planning Commission (or the Community Development Department if site plan review is administrative only) may require performance guarantees pursuant to [SECTION 36.09](#) to ensure compliance with the requirements of this section



**TABLE 34.02.B UNACCREDITED SPECIES**

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>PLANT TYPE</b>
Acer negundo	Boxelder Deciduous	Subcanopy Tree
Acer platanoides	Norway Maple	Deciduous Canopy Tree
Acer saccharinum**	Silver Maple	Deciduous Canopy Tree
Ailanthus altissima	Tree-Of-Heaven	Deciduous Canopy Tree
Alnus glutinosa	Black Alder	Deciduous Canopy Tree
Berberis spp.	Barberry	Small Shrub
Catalpa Speciosa	Catalpa	Deciduous Canopy Tree
Celastrus orbiculatus	Round-Leaved Bittersweet	Vine
Coronilla varia	Crown Vetch	Perennial / Grass
Echinochloa crus-galli	Barnyard Grass	Perennial / Grass
Elaeagnus umbellata	Autumn Olive	Large Shrub
Ginkgo biloba (female)	Ginkgo (female)	Deciduous Canopy Tree
Gypsophila paniculata	Baby's Breath	Perennial / Grass
Hypericum perforatum	Common St. Johns-Wort	Small Shrub
Iris pseudacorus	Water Flag	Perennial / Grass
Juglans Nigra	Black Walnut	Deciduous Canopy Tree
Ligustrum spp.	Privet	Small shrub
Lonicera japonica	Japanese Honeysuckle	Large shrub
Lonicera maackii	Amur Honeysuckle	Large shrub
Lonicera tatarica	Tartarian Honeysuckle	Large shrub
Lythrum salicaria	Purple Loosestrife	Perennial / Grass
Maclura Pomifera	Osage Orange	Large Shrub / Subcanopy Tree
Melilotus alba	White Sweet Clover	Perennial / Grass
Melilotus officinalis	Yellow Sweet Clover	Perennial / Grass
Morus alba	White Mulberry	Deciduous Canopy Tree
Polygonum persicaria	Spotted Lady's Thumb	Perennial / Grass
Populus alba	White Poplar	Deciduous Canopy Tree
Populus deltoides	Eastern Cottonwood	Deciduous Canopy Tree
Populus tremuloides	Quaking Aspen	Deciduous Canopy Tree
Pyrus calleryana	Bradford Pear	Deciduous Canopy
Rhamnus cathartica	Common Buckthorn	Large Shrub
Rhamnus frangula angustifolia	Narrow-leaved Glossy Buckthorn	Large Shrub
Ribes americanum	Wild Black Current	Small Shrub
Robinia pseudoacacia	Black Locust Deciduous	Subcanopy Tree

**TABLE 34.02.B UNACCREDITED SPECIES**

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>PLANT TYPE</b>
Rosa multiflora	Japanese Rose	Large Shrub
Salix alba**	White Willow	Deciduous Canopy Tree
Salix babylonica**	Weeping Willow	Deciduous Canopy Tree
Salix nigra*	Black Willow Deciduous	Canopy Tree
Ulmus americana*	American Elm Canopy	Deciduous Tree
Ulmus pumila	Siberian Elm Canopy	Deciduous Tree
Vinca minor	Common periwinkle	Groundcover
<b>* Disease Resistant cultivars are acceptable **Allowed under special circumstances</b>		

# CHAPTER 35

## SITE PLAN REVIEW

### SECTION 35.01 - PURPOSE

The intent of these regulations is to provide for consultation and cooperation between the developer, Township Planning Commission, and Community Development Department so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this ordinance. As used in this ordinance, "site plan" includes those documents and drawings required to ensure that the proposed land use or activity complies with applicable law.

### SECTION 35.02 - SITE PLAN REVIEW REQUIRED

- A.** Except as hereinafter provided, no permit shall be issued for any form of construction except in accordance with an approved site plan. No occupancy permit shall be granted until all improvements shown on an approved site plan have been completed, and all conditions imposed upon the approved site plan shall have been satisfied or a satisfactory financial guarantee as determined by the township shall be provided.
- B. Planning Commission Approval.** A project requires Site Plan Review by the Planning Commission under any of the following circumstances:
  - 1.** Any proposed development that does not qualify for an Administrative Review under Section 35.02.C. or any project that qualifies for Administrative Review that the Community Development Department determines should be submitted for Site Plan Review by the Planning Commission.
  - 2.** Special Land Uses and Uses Subject to Special Conditions in all zoning districts.
  - 3.** Recommendation to the Township Board for a Final Site Plan for a plat or site condominium.

4. Any use or development permitted in the R-3, R-4, C-1, CC, C-5, O, LI, I, and PUD districts.
5. Where in the opinion of the Community Development Department, proposed site alterations in the MXU and CC zone districts would substantially change the way the site functions or operates, have the potential to adversely affect adjacent properties, decrease the compatibility of the surrounding built environment, or substantially alter the character of the neighborhood in a manner that is not in keeping with the Master Plan or Reimagine Plainfield Plan.

**C. Administrative Review.** A site plan review by the Planning Commission shall not be necessary for issuing permits in the circumstances specified below. Community Development Department review is intended to provide a streamlined review process for eligible projects to determine compliance with this ordinance. A project requires Administrative Review under the following circumstances:

1. Review of a site plan submitted for building/construction permits for a project previously reviewed and approved by the Planning Commission, Zoning Board of Appeals, or Township Board.
2. If desired by an applicant, as an advance review of a site plan or any component thereof, prior to permit application. This review is only for general compliance and does not confer any approvals by the Community Development Department.
3. Essential services, electrical substations, private utilities, and similar uses.
4. Any use or development permitted in the MXU and CC zoning districts, except where Planning Commission approval is required.
5. Uses listed as Uses Subject to Special Conditions in Chapter 30, unless referred to the Planning Commission for Site Plan Review.
6. As otherwise required by this Ordinance.

**D. Sketch plans.** A sketch plan shall be reviewed and approved by the Community Development Department for the following:

1. Construction of a single- or two-family dwelling.
2. Family child care facilities, adult foster care family homes, adult foster care small group homes, and foster family homes.
3. Home occupations not requiring a special land use permit
4. Construction solely on the interior of a building that does not increase useable floor area.
5. Construction or erection of retaining walls, fences, refuse containers, sidewalks, lights, cooling, heating, or mechanical equipment when located on a building or occupying a ground area of less than 100 square feet.
6. The construction, placement, or enlargement of an accessory building(s) or structure(s).

The Community Development Department may, in its sole discretion, waive this sketch plan review requirement for minor accessory structures such as trellises, small playground equipment, swingsets, and similarly non-intrusive structures.

## SECTION 35.03 - SITE PLAN REVIEW PROCEDURE

The submission of site plans, when required and applicable, shall be processed in accordance with the following procedures established by this ordinance and appropriate statutory regulations.

- A.** Prior to the submission of a site plan, it is recommended that the applicant request a pre-application conference with the Community Development Department to obtain information and guidance prior to preparation of site plans. There shall be no fee for such conference.
- B.** Following the pre-application conference, the applicant shall submit all information required by section 35.04 of this ordinance. In addition, the applicant shall submit the payment of the review fee as established by resolution of the Township Board at the time of application. Upon submission, the Community Development Department will advise the applicant with respect to review procedures and, as necessary, will discuss tentative meeting dates. The Community Development Department may deny acceptance of any application until such time as these requirements are fulfilled.
- C.** Where rezoning of the land would be required to allow the proposed development of the property as provided for in the site plan, approval of a site plan (if given by the Planning Commission) shall be contingent upon rezoning of the property by the Township Board and such rezoning becoming effective. Such site plan approval shall not be construed as assurance of final site plan approval or approval of the rezoning request.
- D.** Following receipt of a site plan and a determination that all necessary information is present, the Planning Commission of Community Development Department shall, within a reasonable time, reject, approve, or conditionally approve said site plan. If approved, the applicant shall be advised of any changes, modifications, or additions deemed necessary by the Planning Commission or Community Development Department within 10 days of its action. If the site plan is rejected by the Planning Commission or Community Development Department, the applicant shall be advised of the reasons for rejection in writing.
- E.** Reasonable conditions may be imposed with approval of a site plan. The conditions may include those necessary to ensure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed land use or activity, to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land. Conditions imposed shall meet be designed to:
  - 1.** Protect the existing natural features of the land.
  - 2.** Protect existing and future land uses adjacent to the land described in the site plan.
  - 3.** Ensure compliance with applicable law.
  - 4.** Protect of the general health, safety, and welfare in accordance with the valid exercise of police power.
  - 5.** Carry out the intent and purpose of this zoning ordinance.
- F.** Upon receiving an approved site plan, the applicant may apply for a building permit. If the proposed site plan would require an administrative departure or variance, such departure or variance must be obtained prior to the site plan being considered by the Planning Commission or Community Development Department. The need for a

departure or variance shall be identified in writing and clearly noted in the project plans.

- G.** Where necessary, the applicant shall submit as-built drawings to the Community Development Department for its records.

## **SECTION 35.04 - APPLICATION FOR SITE PLAN REVIEW**

Unless waived by the Planning Commission or Community Development Department as not being necessary, site plans shall include all the requirements herein described. The request for site plan approval shall include the following:

- A. Application.** Each site plan submitted for site plan review shall be accompanied by an application on a form provided for such purpose. The application shall, at a minimum, include the following information:
  - 1.** Name, address, and telephone number of the applicant and the owner of the land, if different from the applicant.
  - 2.** Address of property.
  - 3.** Name of the proposed development.
  - 4.** Detailed statement of intent of the proposed use.
  - 5.** Zoning classification of the site.
- B. Site plan.** 9 copies of the site plan, plus 1 electronic copy in a PDF or other acceptable format, drawn to a minimum scale of 1 inch equals 50 feet, shall be submitted. Site plans shall be dated with any subsequent revisions noted. Each site plan shall indicate the following:
  - 1.** Name, address, and telephone number of the applicant.
  - 2.** A vicinity map showing the relationship of the site to the surrounding area.
  - 3.** Scale of drawing.
  - 4.** North arrow.
  - 5.** Topography with contour lines at not more than 5-foot intervals.
  - 6.** Property lines and dimensions.
  - 7.** On-site traffic circulation, including location and number of parking spaces.
  - 8.** The location, size, height, shape, lighting, and appearance of existing and proposed signs, including a drawing of any proposed sign.
  - 9.** The location of access drives and roads, including deceleration and acceleration lanes where required by ordinance or highway authority.
  - 10.** The location of access drives and roads on abutting properties within 100 feet of the site and an indication as to how interconnections might be made to eliminate unnecessary curb cuts.
  - 11.** The location and sizes of all existing and proposed pedestrian walks, fences, and similar items.

- 12.** The location of any easements or agreements that affect access, utilities, or other purposes on the property, as well as properties abutting the subject parcel, which might influence site design.
  - 13.** A landscaping plan of the site, including greenbelts if required.
  - 14.** An indication of the adjoining land uses and zoning classifications.
  - 15.** Location and size or capacity of all existing and proposed public utilities.
  - 16.** Location and size or capacity of all existing and proposed storm drainage facilities.
  - 17.** Proposed phases of development, if any.
  - 18.** Location of exterior lighting.
  - 19.** Trash receptacle location and method of screening.
  - 20.** Front, corner front, side, and rear yard dimensions.
  - 21.** Location, intended use, and dimensions of existing and proposed buildings and other structures, including any below-ground structures.
  - 22.** Location of ponds, rivers, creeks, drainage courses, wooded areas, flood plains, and wetlands.
- C.** Multiple-family development site plans shall, in addition to 35.04 B above, indicate the following:
- 1.** Site acreage figures.
  - 2.** Density calculations by unit and by bedroom.
  - 3.** Designation of units per building.
  - 4.** Location and sizes of carports and/or garages.
  - 5.** Details of community building and recreational facilities and areas.
- D.** Office, Commercial, and Industrial Development site plans shall, in addition to 35.04 B above, indicate the following:
- 1.** Loading, unloading areas.
  - 2.** Total floor area.
- E.** In addition to the materials required above, the Community Development Department or Planning Commission may require the submission of additional materials, including, but not limited to, environmental assessments, environmental impact statements, soil testing, groundwater tests, or other studies that relevant to the application.

## SECTION 35.05 - REVIEW STANDARDS

No site plan shall be approved unless the Planning Commission or Community Development Department finds that the following conditions exist:

- A.** The use intended shall have parking facilities as required by this zoning ordinance, proper ingress and egress, exits and entrances, streets, roads and alleys, and screening walls and/or fences. Driveways are located to minimize conflict with traffic operations on abutting streets and the number of driveways is the minimum needed to provide reasonable access to the site.
- B.** Construction of streets, drives, and other infrastructure shall be engineered, planned, and installed correctly to assure the needs of public safety, health, and welfare and to assure rendition of proper services concerning fire and police protection, disposal of surface water and sanitary sewage, traffic control and maintenance services as furnished or may be required by the township, and to assure preservation and protection of property rights to related or adjoining properties.
- C.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the existing natural features of the land, the character of adjoining property, and type and size of buildings. Structures, walls, fences, and landscaping will be located so as not to be detrimental to each other or to existing or potential adjacent development. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
- D.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and by topographic modifications which result in maximum harmony with adjacent areas. Additional or replacement landscaping shall be provided in accordance with this ordinance.
- E.** The site plan shall provide reasonable visual and acoustical privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants. Objectionable views or uses shall be screened.
- F.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides wherever possible.
- G.** The scale and size of a building shall be reasonably compatible with adjacent and nearby buildings. Buildings shall possess architectural variety and enhance community character. Where appropriate, all buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, and other architectural features. Building walls over 100 feet in length shall be broken up with varying building lines, windows, and architectural accents.
- H.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
- I.** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system through the development of a storm water management plan.
- J.** Outdoor lighting is designed so that it is deflected away from adjacent properties and does not impede the vision of drivers on public streets, adversely affect abutting properties, or unnecessarily affect the natural evening sky.



- K.** Redevelopment of existing sites are brought into conformance with all site improvement provisions of this ordinance relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission or Community Development Department, as applicable.
- L.** All applicable federal, state, and local requirements and regulations are satisfied.

## **SECTION 35.06 - CHANGES TO APPROVED SITE PLANS**

Upon a finding by the Community Development Department that an approved site plan complies with all applicable laws and regulations and that further Planning Commission review is unnecessary, the Community Development Department may approve the following changes to an approved site plan:

- A.** Shape, lighting, or appearance of signs.
- B.** Change of location or type of landscape materials.
- C.** Internal rearrangement of parking lots.
- D.** Additions to parking areas provided such additions are for not more than 20 parking spaces.
- E.** Decrease in the number or size of buildings.
- F.** Moving a building no more than 10 feet or 5 percent of the distance to the closest property line, whichever is smaller.
- G.** An increase in building size that does not exceed 10,000 square feet or 25 percent of the floor area, whichever is smaller.
- H.** Decrease in the number of lots or units.
- I.** Minor changes to grading and building design and materials
- J.** Any approvals delegated by the Planning Commission.

A site plan, as approved by the Planning Commission or Community Development Department, shall become part of the record of approval and subsequent actions relating to the activity authorized shall conform to the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the land owner and Planning Commission or the Community Development Department in accordance with this section.

## **SECTION 35.07 - ADMINISTRATIVE DEPARTURES**

- A.** Administrative Departures are provided to permit development of individual lots or properties that generally fall within the requirements of the Zone District, but, due to site characteristics or other related conditions, a limited degree of flexibility to meet the spirit and purpose of this ordinance is appropriate. It is not intended to be a general waiver or lessening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard. It is not intended as a substitute for a variance or as a means for relief from ordinance requirements.
- B. Applicability.** Only those Administrative Departures that are specifically noted in this ordinance may be requested and approved. Refer to chapter 4 for administrative review of the alteration of expansion of nonconformities.

**C. Application Procedure.** Requests for Administrative Departures shall be submitted with the applicable application and shall include the following:

1. Information and materials, as listed in the application form, in sufficient detail to indicate the nature and necessity of the request, and a scaled drawing, if appropriate. Requested Administrative Departures shall be separately listed and clearly noted on the proposed plan.
2. The applicable fee established by resolution of the Township Board.
3. **Review Standards.** The Community Development Department shall consider whether the proposed alternative meets the following standards:
  - a. Zoning Ordinance. The proposed Departure is consistent with the purpose and intent of the Zone District, and the specific requirements and conditions of the Administrative Departure approval criteria.
  - b. Neighborhood. The proposed Departure will be compatible with adjacent properties and the neighborhood.
  - c. Environment. The proposed Departure will retain as many natural features of the landscape as possible.
  - d. Public Facilities. The proposed Departure will not place a burden on existing infrastructure and services, and
  - e. Other. The Departure request is necessitated by a condition of the site or structure, and not as a means to reduce costs or inconvenience.

**D. Decision.** The Community Development Department may approve, approve with conditions, or deny the request. If the Department determines that the extent of the requested Departure(s) requires additional community review and input, the Department may refer the application to the Planning Commission. A decision regarding an Administrative Departure may be appealed to the Zoning Board of Appeals. Individual conditions imposed as part of an Administrative Departure approval cannot be separately appealed.

## SECTION 35.08 - DURATION OF APPROVAL

- A.** An approved site plan shall be valid for a period of 1 year after the date of approval. Upon written request by the applicant stating the reasons therefore, the Planning Commission or Community Development Department may extend a site plan approval for an additional 1 year period if the evidence shows that all of the following conditions exist:
1. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
  2. The requirements and standards, including those of this ordinance that are reasonably related to the development, have not changed.
  3. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
  4. There has not been a change in state or federal law, or other county or township ordinance prohibiting the construction or further construction of the approved project.

- 5.** An application for an extension of a site plan must be filed at least 60 days prior to the expiration of the original site plan or the expiration of any extension previously approved by the township, whichever is applicable.
- B.** If no action is taken to initiate substantial construction after the expiration of the initial approval period or extension, the approved site plan shall expire. If a site plan expires, no work may be undertaken until a new site plan has been approved by the Planning Commission or Community Development Department, pursuant to the standards of this chapter.
- C.** Requests for project phasing shall be approved as part of the Site Plan Review.
  - 1.** The phasing plan shall include the likely sequence and timeline for construction, as well as the reasoning behind the phased approach.
  - 2.** The time period for the lapse of a construction phase shall not exceed 12 months from the issuance of a Certificate of Occupancy.
  - 3.** Where 2 or more structures are proposed on the same site within the MXU zone districts, the first structure shall be located along a primary public street, abutting the public right-of-way (front structure).

## **SECTION 35.09 - APPEALS**

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the township, county, or state. The Zoning Board of Appeals shall state the grounds of each determination. An appeal to the Zoning Board of Appeals must be taken within 30 days from date of the decision complained of by the appellant.

# CHAPTER 36

## ADMINISTRATION & ENFORCEMENT

### SECTION 36.01 - ADMINISTRATIVE OFFICIALS

The Township Board shall designate such administrative officials as necessary to administer and enforce this ordinance, including the receiving of applications, the inspection of premises, the issuing of building permits, and the institution of proceedings for enforcement of the provisions of this zoning ordinance.

### SECTION 36.02 - BUILDING/ZONING PERMITS

- A. Permit Required.** It shall be unlawful for any person to commence excavation for, or construction of, any building, structure, or parking area, or to make structural changes in any existing building or structure, without first obtaining a building and/or zoning permit from the Township Building Inspector. No permit shall be issued for the construction, alteration, or remodeling of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code. No plumbing, mechanical, or electrical permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance. Fees for building permits shall be in accordance with a schedule established by the Township Board. Such schedule may be changed by ordinance of the Township Board at any regular meeting, said change shall be effective 30 days from the date of publication of such change.
- B. Permit Application.** Every application for a permit shall be made as required by the Building Code and shall designate the existing or intended use of the structure or premises, or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two ink, blueprint, or photostat copies of drawings, drawn to scale, showing the actual lines, angles and dimensions of the lot to be built upon or used, and the exact

size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Building Inspector. One copy of both plans and specifications shall be filed in and retained by the Office of the Building Inspector, and the other shall be delivered to the applicant when the Building Inspector has approved the application and issued the permit. In cases of minor alterations, the Building Inspector may waive portions of the foregoing and the requirements which he deems are not necessary for determination of compliance with this Ordinance. Any permit required by this Zoning Ordinance, or the Building Code of this Township shall be displayed face out, within 24 hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest highway, and shall be continuously so displayed until all work, or the term for which issued, or purpose for which issued, is completed. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance and Building Code and shall subject each person or persons or corporations for whose benefit the permit is required, and the owner or owners of the premises involved to prosecution for such violation. Issuance of a building permit shall in no case be construed as waiving any provision of this Ordinance, and the Building Inspector is without authority to alter or vary the terms of this Ordinance.

- C.** To obtain a building and/or zoning permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
- 1.** Identify and describe the work to be covered by the permit for which application is made.
  - 2.** Describe the land on which the proposed work is to be done, by lot, block, track, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
  - 3.** Be signed by permittee, or an authorized agent, who may be required to submit evidence to indicate such authority.
  - 4.** Give such other information as reasonably may be required by the Zoning Administrator, including, but not limited to, the following:
    - a.** The actual shape, location and dimensions of the lot.
    - b.** The shape, size, area and location of the building or structure to be excavated, erected, constructed, enlarged, altered, repaired, moved, improved, converted, or demolished, and of any buildings or other structures already on the lot.
    - c.** The existing and intended use of the lot and of all structures upon it.
    - d.** Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this ordinance are being observed.
  - 5.** The Community Development Department may waive the requirement for a zoning permit if it is determined that the activity is not subject to the requirements of this ordinance.

## **SECTION 36.03 - RESERVED**

## SECTION 36.04 - OCCUPANCY

It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended, or erected, until the Building Inspector shall have made an inspection of the premises and shall have approved the same for occupancy in writing. The Building Inspector shall not issue a certificate of occupancy until s/he has determined that there has been compliance with all of the requirements of this ordinance, the Building Code, the approved site plan, the approved plans of the building, and all other applicable regulations.

## SECTION 36.05 - REMEDIES AND ENFORCEMENT

- A. Enforcement Officer.** For the purposes of this section, the administrative official designated by the Township Board pursuant to [SECTION 36.01](#) to enforce of the provisions of this zoning ordinance shall be called the "enforcement officer."
- B. Violations.** It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this ordinance. Further, it shall be unlawful for any building to be erected, moved, altered, razed, or converted, or any land or premises to be used in violation of any provision of this ordinance.
- C. Penalties.** Except where otherwise provided herein, any person failing to comply with a notice of violation or order served in accordance with ordinance shall be deemed responsible for a municipal civil infraction and shall be subject to a fine not to exceed \$500 for every infraction, plus the costs of prosecution and other sanctions to the full extent permitted by law. The enforcement officer is an authorized local official relative to the issuance of municipal civil infraction citations. If the notice of violation is not complied with, the enforcement officer shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this ordinance or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate to the full extent permitted by law.
- D. Violation penalties.** Any person who violates a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense and violations are deemed to be a public nuisance and may be abated by injunctive or equitable relief including, without limitation, the establishment of a single-lot special assessment district to the extent authorized by law for costs incurred by the Township in abating such nuisance.
- E. Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises and to recover costs for such action.
- F. Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of this Ordinance, or whenever the Zoning Administrator/Community Development Director or their designee has reasonable cause to believe that there exists upon a premises or in a structure, a condition in violation of this Ordinance, the Zoning Administrator/Community Development Director or their designee is authorized to inspect or perform the duties imposed by this Ordinance.

- G. Fees.** Fees may be adopted for activities and services performed in accordance with this ordinance and shall be established by resolution of the Township Board as adopted from time to time. Reviews, permitting, administrative processing, and similar activities authorized or required under this Ordinance shall not be conducted until all fees and costs due hereunder are paid to the Township.

## SECTION 36.06 - AMENDMENTS

Amendments or supplements to this ordinance may be made in the manner provided by the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

### A. Initiation

1. The Planning Commission or Township Board may propose amendments on its own initiative.
2. Any interested person may bring before the Planning Commission a proposed amendment or change by filing a petition signed by all persons having a legal interest in such premises to be acted upon requesting the adoption of any specified amendment or change or regulation under this ordinance.
3. All petitions for amendment to this ordinance shall be in writing, signed, and filed with the Township Clerk for presentation to the Planning Commission. The submission shall be made as set by the resolution adopted by the Township Board for establishing submission deadlines. Such petitions shall include the following:
  - a. The petitioner's name, address, and interest in the petition and, if applicable, the name, address, and interest of each person having a legal or equitable interest in any land which is to be rezoned.
  - b. The nature and effect of the proposed amendment.
  - c. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
  - d. The alleged error, if any, in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
  - e. The changed or changing conditions in the area or in the township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
  - f. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
  - g. If applicable, a conceptual site plan which shall include the following:
    - i. A topographic map showing existing and proposed contour lines at 5-foot intervals.
    - ii. A plot plan showing the location of all proposed buildings, and drawings showing the elevations and architectural style thereof.

- iii. All non-enclosed uses.
- iv. All drainage.
- v. Parking.
- vi. Loading and traffic handling facilities.
- vii. Screening and other landscaping.
- viii. All exterior lighting and signs.
- ix. Sewage disposal systems.

Such portions of the development plan may be waived by the Planning Commission if the Planning Commission finds that because of the nature of the proposed use, the same would be unnecessary and serve no useful purpose.

4. **Filing Fees.** Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees as determined by resolution of the Township Board. Said fee shall be paid to the Township Treasurer before any action shall be taken on said petition. Said amount so received shall be retained whether the requested relief is granted or not and shall be used as provided by law. Fees may be changed by resolution of the Township Board.
5. After initiation, amendments to this ordinance shall be considered as follows:
  - a. The Planning Commission shall authorize the preparation of the proposed amendment to be considered.
  - b. The Planning Commission shall set a time and place for a public hearing on the proposed amendment and shall arrange for notice of such public hearing to be given in accordance with [SECTION 36.07](#) of this ordinance and the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.
  - c. The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such.
  - d. The Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct technical errors. The changed text shall be forwarded as above without further hearing. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
  - e. If the Township Board determines that the proposed amendment should be modified or rejected, it may refer the proposed amendment back to the Planning Commission for consideration and for comments within a time specified by the Township Board. After receiving the report of the Planning Commission, the Township Board shall grant a hearing on the proposed amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Additionally, the Township Board may hold a public hearing on the proposed amendment if it considers it necessary. Notice of any such hearing shall be given in accordance with the [SECTION 36.07](#).
  - f. If the Township Board adopts the amendment, it shall do so in the prescribed manner and shall publish the amendment pursuant to the requirements of the



Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

- 6. Applicable Factors.** When reviewing an amendment request, the township may consider, but shall not be limited to, the following:
- a. Whether the proposed change is in accordance with the Township's Master Plan.
  - b. Whether the proposed change represents a form of spot zoning.
  - c. Whether the proposed use would be incompatible with existing and/or future uses in the area.
  - d. Whether the proposed change would negatively affect the township's ability to implement or follow the Master Plan for the area.
  - e. Whether the proposed use would add more acreage than can be justified, thereby detracting from the township's ability to develop according to the Master Plan.
  - f. Other factors set forth in the Zoning Enabling Act, Act 110 of 2006, as amended.
- B. Power of Revocation.** The Township Board shall have the power to revoke or cancel any rezoning for any failure or neglect to comply with any provisions of this ordinance, or in case any false statement or misrepresentation is made in any petitions, application, specification, plan, sketch, conditions, or provisions on which such rezone of property was granted.

## SECTION 36.07 - PUBLIC HEARING AND NOTICE REQUIREMENTS

Where this ordinance requires the township to provide notice of a public hearing for any decision or action permitted, authorized, or required by this ordinance or under the Zoning Enabling Act, Act 110 of 2006, as amended, notice of the public hearing shall be given as follows:

- A.** The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the township.
- B.** Except as provided in subsection 36.07 D below, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
  1. The applicant;
  2. The owner or owners of the subject property;
  3. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request, even if the 300 feet extends outside of the township's boundaries; and
  4. The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the township's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

- C.** The notice of public hearing shall include the following information:
  1. A description of the nature of the proposed amendment, application, or request.
  2. An identification of the property that is the subject of the application or request, if applicable. Except as provided in subsection 36.07 D below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
  3. State when and where the application or request will be considered.
  4. Identify when and where written comments will be received concerning the application or request.
  5. In the case of an amendment to the ordinance or to the zoning map, the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
- D.** When a proposed rezoning involves the text of this ordinance or 11 or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation of this ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of subsections 36.07 B,2, B,3 and B,4, of this section are not required, and the listing of individual property addresses under subsection C,2 is not required.
- E.** For a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the township for the purpose of receiving the notice of public hearing.
- F.** After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

## SECTION 36.08 - FEES AND APPLICANT ESCROW ACCOUNTS

- A.** The Township Board may establish by resolution fees for appeals, applications for zoning map or text amendments, special land uses, site plan reviews, zoning permits, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the Township Hall and may be altered only 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 or appeal.
- B.** The Township may elect to reduce, modify, or waive application fees in the following circumstances:
  1. If the reason for the application was due to an error by the Township.
  2. If the administrative costs incurred by the Township to process the application are expected to be substantially less than the required application fee.
- C.** If the Community Development Department, Planning Commission, or Zoning Board of Appeals determines that the basic fees provided under subsection 36.08 A above

will not cover the actual costs of the application review or appeal, or if the Community Development Department, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the Community Development Department, Planning Commission, or Zoning Board of Appeals may require the applicant to deposit with the Township Treasurer such additional zoning fees in an amount determined by the township equal to the estimated additional costs.

- D.** These additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than 10 percent of the initial escrow deposit or less than 10 percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Community Development Department may require the applicant to deposit additional fees into escrow in an amount determined by the Community Development Department to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

## SECTION 36.09 - PERFORMANCE GUARANTEES

In the interest of insuring compliance with the provisions of this ordinance, protecting the natural resources and the health, safety, and welfare of the residents of the Township, and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Community Development Department, Planning Commission, Zoning Board of Appeals, or Township Board may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this ordinance, including, but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

- A.** "Performance guarantee" as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Community Development Department.
- B.** When a performance guarantee is required, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a permit by the Community Development Department for the development and use of the land. Upon the deposit of the performance guarantee, when in the form of a cash deposit or certified check, the township shall deposit it in an interest-bearing account.
- C.** In the event a performance guarantee is required, the applicant shall also furnish such authorization as is required by the township to permit the township to enter upon the subject property to complete the improvements at the cost of the applicant, in the event of default by the applicant.
- D.** An approved site plan or project shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the permit.

- E.** In the event the performance guarantee deposited is a cash deposit or certified check, the township may rebate to the applicant 50 percent of the deposited funds when 60 percent of the required improvements are completed as confirmed by the Community Development Department, and the remaining 50 percent of the deposited funds when 100 percent of the required improvements are completed, as confirmed by the Community Development Department. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the zoning ordinance standards and the specifications of the approved site plan.
- F.** Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Community Development Department, the Township Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- G.** In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the township, the township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay the township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the township use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the township administrative costs in completing the improvement with any balance remaining being refunded to the applicant. At the time the performance guarantee is deposited with the township and prior to the issuance of a permit, the applicant shall enter an agreement incorporating the provisions hereof with the township regarding the performance guarantee.

# CHAPTER 37

## ZONING BOARD OF APPEALS

### **SECTION 37.01 - CREATION, MEMBERSHIP, TERM OF OFFICE**

There is hereby created and/or continued a Township Zoning Board of Appeals (hereafter the ZBA) of 5 members. The first member of such Board shall be a member of the Township Planning Commission; the second member shall be a member of the Township Board; and the remaining three members shall be selected and appointed by the Township Board from the electors of the township residing in the unincorporated areas of the township, and shall be representative of the population distribution and of the various interests present in the township; except as otherwise provided, an employee or contractor of the Township Board shall not serve as a member of the ZBA.

The term of each member shall be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of their term. The Township Board may appoint not more than 2 alternate members for the same terms as regular members to the ZBA. Alternate members shall be selected from the electors of the township residing outside of incorporated cities and villages. An alternate member may serve as a regular member of the ZBA in the absence of a regular member if the regular member is absent from or will be unable to attend 1 or more consecutive meetings of the ZBA. Any such alternative members may also be called to serve as a regular member for the purposes of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

## SECTION 37.02 - RULES OF PROCEDURE

The ZBA may adopt those rules of procedure it deems necessary to assist it in the performance of its duties. The ZBA shall elect from its membership a Chairman, Vice Chairman, and such other officers as deemed necessary; except that an elected officer of the township shall not serve as chairman of the ZBA. In addition, the ZBA may appoint a person from without its membership to serve as recording secretary. The presence of 3 members shall constitute a quorum.

A record of the proceedings of each meeting shall be kept by the ZBA, relating evidence presented by the applicant and the resolution by the ZBA, the vote of each member on each question, or if absent or failing to vote, indicating such fact. These shall be a public record and filed with the Community Development Department.

## SECTION 37.03 - POWERS AND DUTIES

The ZBA shall hear and decide questions that arise in the administration of this ordinance, unless otherwise specified herein, including the interpretation of zoning maps. It shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under the terms of this ordinance. An appeal may be made by any person aggrieved or by an officer, department, board, or bureau of the township, county, or state. In addition, a variance may be applied for and granted pursuant to section 4 of the Uniform Condemnation Procedures Act, being Act No. 87 of the Public Acts of 1980. The grounds for every such determination of the ZBA shall be stated as a public record.

Nothing contained in this chapter shall be construed to give or grant to the ZBA the power or authority to alter or change this ordinance or the zoning map. Where there are practical difficulties in the way of carrying out the strict letter of the zoning ordinance, the ZBA, in passing upon appeals, may vary or modify any of its rules or provisions so that the spirit of this ordinance is observed, public safety secured, and substantial justice done.

**A. Appeals.** An appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision, or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant, or refusal made by the director or other administrative official or body charged with the enforcement of any ordinance adopted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

1. Appeals shall be taken within such time as shall be prescribed by the ZBA by general rule, by the filing with the officer from whom the appeal is taken and with the ZBA of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.
2. An appeal stays all proceedings in furtherance of the action appealed from, except under two conditions:
  - a. The officer who took the appeal certifies to the ZBA that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.
  - b. A restraining order which may be granted by the ZBA or by the Circuit Court for due cause shown.

3. The ZBA shall select a reasonable time and place for hearing the appeal, give due notice thereof to the parties, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by duly authorized agent or attorney.
4. In deciding the appeal, the ZBA shall be limited to determining whether or not the decision that was made was done so using the proper standards and guidelines in the ordinance. The decision of the ZBA is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony is not appropriate.
5. If a determination is made that the administrative official or body making the decision did so improperly, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.
6. The ZBA may hear and decide appeals from the decisions of the Community Development Department pertaining to interpretations of the zoning map to determine the precise location of boundary lines between zoning districts. In making its determination of the boundary lines, the ZBA shall be governed by the rules of this section and the provisions of [CHAPTER 5](#).

**B. Non-use Variances.** Subject to other provisions of this ordinance, the ZBA shall have jurisdiction to decide applications for non-use variances. The ZBA shall not grant a non-use variance unless there is evidence of a practical difficulty in the official record of the hearing. The ZBA may conclude that an applicant has established a practical difficulty only if all of the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include, but shall not be limited to the following:
  - a. Exceptional narrowness in width, breadth, length, or shape of a specific piece of property on the effective date of this ordinance.
  - b. Exceptional topographic conditions, or other extraordinary situation or condition of the land, building, or structure;
  - c. The use of or development of property immediately adjoining the property in question, such that the literal enforcement of the requirements of this ordinance would involve practical difficulties.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility that compliance with this ordinance may prove to be more expensive, or the possibility of increased financial return if a variance is granted shall not, of itself, be deemed sufficient to warrant a variance.
3. The variance will not be detrimental to adjacent property and the character of the surrounding neighborhood.
4. The variance will not materially impair the intent and purpose of this ordinance.
5. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

- C. Use Variances.** Under no circumstances shall the ZBA grant a variance to permit a use not permitted by right, permitted with special conditions, or permitted by special land use in the district involved, or any expressly or by implication prohibited, by the terms of this ordinance in said district.
- D. Interpretations.** The ZBA may hear and decide upon requests for the interpretation of the provisions of this ordinance.
1. Text interpretations shall be narrow and address only the situation being interpreted, be based on a thorough reading of this ordinance, and not have the effect of amending this ordinance.
  2. Interpretations shall give weight to practical interpretations by the Community Development Director and other administrative officials if applied consistently over a long period of time.
  3. Records shall be kept of all interpretations.

## SECTION 37.04 - COMPENSATION

Each member shall receive a reasonable sum as determined by the Township Board for services in attending each regular or special meeting of the ZBA. Said compensation and the expenses of the ZBA shall be appropriated annually in advance by the Township Board.

## SECTION 37.05 - MEETINGS AND RECORDS

Meetings of the ZBA shall be held at the call of the Chairman and at such other times as the ZBA in rules of procedure may specify. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the ZBA shall be open to the public and shall comply with applicable provisions of the Michigan Open Meetings Act, Act 267 of 1976, as amended. The ZBA shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record.

## SECTION 37.06 - PROCEDURE

- A.** The ZBA shall not conduct business unless a majority of the members is present. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide on any matter upon which it is required to pass under this ordinance or to effect any variation in said ordinance.
- B.** Each appeal or application shall be filed with the ZBA and shall state the requested relief. The filing fee as determined by resolution of the Township Board shall be paid at the time the appeal or application is filed.
- C.** When a matter is referred by the Planning Commission as required by the zoning ordinance to the ZBA for consideration, no fee shall be charged.
- D.** When an application or appeal has been filed in proper form and by the required date, the ZBA shall schedule a public hearing in accordance with section 36.07 of this ordinance.
- E.** Upon the day for hearing any application or appeal, the ZBA may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be



interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.

- F.** At the hearing, any party may be heard in person or by agent or attorney.
- G.** The ZBA may reverse or affirm, wholly or partly, or may modify the order to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

## **SECTION 37.07 - IMPOSITION OF CONDITIONS**

The ZBA may impose conditions with an affirmative decision. Conditions may include those necessary to insure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed 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 meet all of the following requirements:

- A.** Be designed to protect natural resources, the health, safety, welfare, and social and economic well-being of those who will exercise the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and or the community as a whole.
- B.** Be related to the valid exercise of the police power and purposes (of the relevant zone district or section of this ordinance) which are affected by the proposed use or activity.
- C.** Be necessary to meet the intent and purpose of this ordinance, be related to any standards established in this ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- D.** The conditions imposed shall be recorded in the record of the approval action, and shall remain unchanged except as provided by law.

## **SECTION 37.08 - DECISIONS OF THE BOARD**

The ZBA shall decide all applications and appeals within a reasonable time after the final hearing thereon. A copy of the decision shall be transmitted to the applicant or appellant and to the Building Inspector. Such decision shall be binding upon the Building Inspector and observed by her/him, and s/he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the ZBA.

- A.** Any decision of the ZBA shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the ZBA, unless the ZBA shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. The decision of the ZBA shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court as permitted by law.

Upon appeal, the Circuit Court shall review the record and decision of the ZBA to ensure that the decision:

- 1.** Complies with the constitution and laws of the state.
- 2.** Is based upon proper procedure.

- 3.** Is supported by competent, material, and substantial evidence on the record.
  - 4.** Represents the reasonable exercise of discretion granted by law to the ZBA.
- B.** If the court finds the record of the ZBA inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the ZBA, the court shall order further proceedings before the ZBA on conditions which the court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the Circuit Court.
- C.** No application which has been denied wholly or in part by the ZBA shall be resubmitted for a period of 1 year from the date of the last denial, except as permitted by the ZBA on grounds of newly discovered evidence or upon demonstration by the applicant to the ZBA of a change of circumstances from the previous application.
- D.** As a result of the review required by this section, the Circuit Court may affirm, reverse, or modify the decision of the ZBA.
- E.** Any variance shall be deemed abandoned and the variance shall not be resumed or relied upon thereafter, without the subsequent approval of the Zoning Board of Appeals, upon the occurrence of one or more of the following conditions:
- 1.** The owner or lawful occupant declares or otherwise makes evident their intent to abandon the need for the variance such as, but not limited to, developing a lot in conformance with applicable zoning regulations and without utilization of the variance previously granted; or
  - 2.** The owner or lawful occupant declares or otherwise makes evident their intent to abandon the need for the variance such as, but not limited to, developing a lot in conformance with applicable zoning regulations and without utilization of the variance previously granted; or
  - 3.** The owner or lawful occupant declares or otherwise makes evident their intent to abandon the need for the variance such as, but not limited to, developing a lot in conformance with applicable zoning regulations and without utilization of the variance previously granted.
- F.** Each variance granted under the provisions of this ordinance shall become null and void unless the construction authorized by such variance has been commenced within 1 year after the granting of the variance and is being carried progressively to completion, or the occupancy of land, premises, or structures authorized by the variance has taken place within 1 year after the variance was granted.

# CHAPTER 38

## MISCELLANEOUS

### **SECTION 38.01 - SEPARABILITY**

Should any section, clause, or provision of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, the same shall not affect other than the part so held to be invalid. In such case, should any court ruling fail to provide alternative standards or provisions, the corresponding provisions of the Plainfield Township Zoning Ordinance of 2006, as amended, shall be deemed to be in effect in place of any section, clause, or provision of this ordinance held by such court to be invalid until this ordinance is amended to comply with said ruling.

### **SECTION 38.02 - REPEAL**

The former zoning ordinance of the township, adopted December 18, 2006, and all amendments thereto, except as hereinafter provided, is hereby repealed in so far as the same is inconsistent with this ordinance. Provided, however, that existing permitted uses in lawfully established and approved Planned Unit Developments may continue subject to such restrictions as may have been imposed upon such PUD. Any change of plan in a PUD shall follow the procedures established in the this ordinance. Provided further, that the adoption of this ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance.

### **SECTION 38.03 - EFFECTIVE DATE**

This ordinance shall become effective 7 days after publication.

**ZONING ORDINANCE** **PLAINFIELD CHARTER TOWNSHIP**

