



# ARMADA TOWNSHIP ZONING ORDINANCE

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**#114**

**Drafted By: Armada Township Planning Commission**

**Adopted By: Armada Township Board of Trustees**

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**ARMADA TOWNSHIP, MACOMB COUNTY, MICHIGAN  
ORDINANCE NUMBER 114**

**ZONING ORDINANCE**

**TITLE**

“AN ORDINANCE regulating and restricting the use and development of land by dividing the Township of Armada into zoning districts; restricting the uses of land permitted within such districts; regulating the placement, height, bulk, erection, construction, reconstruction and uses of structures and/or other uses of land; limiting and regulating the density of population, occupancy and size of lots, yards and open spaces; regulating and limiting congestion of transportation systems through the arrangement of land uses by requiring off street parking and loading facilities; providing for a site plan review prior to construction; providing for uses within each zoning district allowed upon conditional approval; providing for the location, design and review of planned unit developments; prescribing the rights of owners and occupants of nonconforming uses and structures; providing for fees for zoning permits as a condition to the granting of authority to erect, alter, or locate dwellings, buildings, and structures; providing for a cash deposit or irrevocable bank letter of credit to insure compliance with ordinance requirements relating to the installation of improvements; graphically portraying the boundaries of zoning districts upon a map incorporated as part of said ordinance; establishing a zoning board of appeals and defining and limiting the powers and duties of said board; establishing standards of review for special land uses, planned unit developments, and for appeals or other matters reviewable by the zoning board of appeals; providing procedures for amendment, administration and enforcement of said ordinance; providing a penalty for violation of said ordinance and repealing any and all ordinances or resolutions in conflict therewith.”

**ARTICLE I -TITLE & PURPOSE**

**Section 1.00. SHORT TITLE**

This Ordinance shall be known and cited as the “Armada Township Zoning Ordinance,” and shall be referred to as “this Ordinance.”

**Section 1.01 PURPOSE**

The purposes of this Ordinance are to:

- Promote the public health, safety, morals and general welfare;
- Encourage the use of lands in accordance with their character and adaptability;
- Limit the improper use of land;
- Avoid the overcrowding of population;
- Provide adequate light and air;
- Avoid congestion on the public roads and streets;
- Reduce hazards to life and property;
- Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and

- Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

In reaching these objectives, the Township will give reasonable consideration to the character of each district, its suitability for particular uses, the general and appropriate trend, and the overall character of the land, buildings and population development, as studied, recommended and/or adopted within the Master Plan by the Armada Township Planning Commission and the Armada Township Board.

### **Section 1.02 SCOPE AND INTERPRETATION.**

The provisions of this Ordinance shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special land use permit by the Township of Armada where such higher or more restrictive conditions meet the following State requirements and are found necessary after review by the Township Planning Commission to attain the intent of this Ordinance. For the purpose of this Ordinance, all uses permitted after special approval shall be special land uses as authorized in Act 184 of the Public Acts of 1943 as amended.

Reasonable conditions may be required with the approval of a conditional use, planned unit development, or other land uses or permitted activities necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Such conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well being of those who will use the land use or activity under construction; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of this Ordinance; be related to the standards established herein for the land use or activity under consideration; and be necessary to ensure compliance with these standards.

The conditions imposed, with respect to the approval of a land use or activity, shall be recorded in the minutes of the approval action. The Township Clerk shall maintain a record of conditions and any amendments thereto.

No building, structure, parking lot, or part thereof, shall hereafter be erected, constructed, reconstructed or altered; and no building, structure, land, or part thereof, shall be used except in conformity with the provisions of this Ordinance.

### **Section 1.03 VESTED RIGHT (BUILDINGS UNDER CONSTRUCTION).**

Any structure for which a building permit has been issued and construction begun, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications upon which said building permit was granted. Any such permit for a use which would be nonconforming under this Ordinance, or any amendment hereto, shall not be renewed in the event construction pursuant to such permit is not commenced within one (1) year from the date of issuance of the permit.

## ARTICLE II GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

### Section 2.00 CONFLICTING REGULATIONS.

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

### Section 2.01 SCOPE.

Except as elsewhere provided in this Ordinance, no structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose; and no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of this Ordinance, for the district in which such structure, land or premises is located.

### Section 2.02 ACCESS ACROSS RESIDENTIAL PROPERTY.

Ingress and egress to a parking lot, loading area, or to a use other than residential, shall not be permitted across or upon land zoned as residential. This provision shall not apply if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

### Section 2.03 ACCESSORY BUILDINGS TO ONE-FAMILY RESIDENTIAL USES.

Accessory buildings or structures in all residential districts shall be customarily incidental to and subordinate in size and scope to the principal structure or use, and shall be subject to the following regulations. ***Farm structures shall not be regulated by the following regulations, however, such structures shall meet the required setbacks of the district which they are located.***

1. Where the accessory building is structurally attached to the principal building, it shall conform to all regulations applicable to the principal building and shall be considered a garage not an accessory building.
2. No accessory building shall be constructed prior to the enclosure of the principal residence.
3. An accessory building shall not be used for any business, profession, trade or occupation, except where recognized or approved by the Township as a home based business.

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One storage building or shed, which does not exceed two hundred (200) square feet, shall be permitted on each residential lot.

4. Accessory Buildings and/or Structures:
  - a. Shall not be located in the front yard nor extend past the front of the house in the side yard. Finally, such structures shall not be located in the required side yard setback. Accessory structures may be located in the non-required side yard or within the rear yard. On corner lots, accessory structures shall not be located within the required street yard setback.

Accessory buildings which are proposed to be located in the non-required front yard or the non-required street-side yard may be permitted as a special land use providing the following conditions are met:

- The accessory structure is in harmony with the principal structure, the environment, the topography and the surrounding properties.
  - There is proportionality between the size of the lot, street frontage and the size of the accessory structure.
- b. Shall not be located closer than ten (10') feet to any other building on-site.
  - c. Shall not have a sidewall height greater than sixteen (16') feet in height nor shall they exceed a total height of twenty six (26') feet measured to the top of the ridge line.
  - d. Under 2,400 square feet in area shall not be located within fifteen (15) feet of a property line. Accessory structures over 2,400 square feet shall not be located within twenty five feet (25) of a property line.
  - e. Shall have the following maximum size limits: (combined total square footage of all accessory buildings)

<u>Parcel Size</u>	<u>Maximum Permitted Size</u>
0.01 acres - 0.99 acres	1,200 square feet
1.00 acres - 1.49 acres	1,400 square feet
1.50 acres - 1.99 acres	1,600 square feet
2.00 acres - 2.49 acres	1,800 square feet
2.50 acres - 2.99 acres	2,000 square feet
3.00 acres - 3.49 acres	2,200 square feet
3.50 acres – 3.99 acres	2,400 square feet
4.00 acres – 4.49 acres	2,600 square feet
4.50 acres – 4.99 acres	2,800 square feet
5.00 acres – 5.49 acres	3,000 square feet
5.50 acres – 5.99 acres	3,200 square feet
6.00 acres – 6.49 acres	3,400 square feet
6.50 acres – 6.99 acres	3,600 square feet
7.00 acres – 7.49 acres	3,800 square feet
7.50 acres – 7.99 acres	4,000 square feet
8.00 acres – 8.49 acres	4,200 square feet
8.50 acres – 8.99 acres	4,400 square feet
9.00 acres – 9.49 acres	4,600 square feet
9.50 acres – 9.99 acres	4,800 square feet

Buildings over the maximum size permitted above may be permitted on any lot size as a Special Approval Land Use, subject to the following:

1. The provisions of Section 1601.
2. Site Plan Review.
3. The increase in size of the building is proportional to size of parcel

## **Section 2.04 ACCESSORY BUILDINGS IN OTHER THAN RESIDENTIAL ONE-FAMILY DISTRICTS.**

In multiple-family, commercial or industrial districts, and any other such district, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets.

## **Section 2.05 APPEARANCE.**

In any case where a principal non-residential building or accessory building is erected or placed within two-hundred (200') feet of the front lot line, the front walls of said building or accessory building shall be constructed of a predominance of face brick, unless otherwise approved by the Planning Commission. The approved exterior treatment shall be uniform on all sides of the building that are visible from a public right-of-way or abut a single-family residential district or use. Any ancillary buildings or out-lots shall be architecturally compatible with the principal building.

## **Section 2.06 APPROVAL OF PLATS.**

No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission, unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the statutes of the State of Michigan and the Subdivision Regulations of the Township.

## **Section 2.07 BUILDING GRADES.**

A plot plan shall be submitted to the Building Inspector showing building grades. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade shall be established and maintained from the center of the front lot line to the finished grade at the front of the building, also from the rear lot line to the rear wall of the building. However, this shall not prevent the grading of a yard space to provide a sunken or terraced area, provided proper means are provided and maintained to prevent the runoff of surface water from flowing onto adjacent properties or into the storm sewer or septic system. The yard around any new building or addition shall be graded in such a manner as to meet existing grades and not permit runoff of surface water to flow or be stored on the adjacent properties. The final grade of a building shall not be less than eight (8") inches, or more than twenty-four (24") inches, above the invert at the foundation as established by the Macomb County Health Department. Any other variances from these grade requirements must be submitted to the Zoning Board of Appeals.

Any alteration of existing grades, or previously approved grades, by the fill or redistribution of earthen materials shall first be approved by the Township Building Inspector. In the event the Township Building Inspector determines that the fill or redistribution of earthen materials may impede, obstruct, or accelerate the natural flow of surface waters, a re-approval of the building grade shall be necessary. The Township Building Inspector may consult with the Township Engineer regarding proposed grades and any drainage concerns. If it becomes necessary to consult the Township Engineer or conduct other special reviews as a result of such fill or redistribution, the landowner shall be responsible for any costs incurred to the Township. Ord. 2011-114-24 Effective Date 08/03/11

**Section 2.08 BUILDINGS TO BE MOVED.**

Any building or structure which is to be moved to a site within the limits of the Township of Armada, regardless of whether its origin be outside or within the limits of Armada Township, shall be considered for the purpose of this Ordinance to be a new building under construction, and as such shall conform to the applicable provisions of this Ordinance and any other Ordinance or Code regulating the moving, relocation, or placement of such structure. Such building shall not be moved to and placed upon any premises in Armada Township until all permits shall have first been secured. The Building Inspector shall not issue a permit to move a building into the Township until the Inspector has received in writing a notice that the unit has been inspected and meets State Construction Code Standards or until it has been inspected by the Township Building Inspector.

**Section 2.09 CLEAR VISION ZONE.**

There shall be a clear vision zone at all corners of intersecting roads or road junctions, consisting of a triangular area defined by the point of intersection of the proposed right-of-way lines and the two points extended along such lines a distance of twenty-five (25') feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2') feet to eight (8') feet above center line elevation of abutting streets.

**Section 2.10 DWELLINGS IN NON-RESIDENTIAL DISTRICTS.**

No dwellings shall be erected in the Commercial or the Industrial District. However, the sleeping quarters of a watchman or a caretaker may be permitted in said district in conformance with the specific requirements of the particular district. Said sleeping quarters shall not be constructed as permanent sleeping or housekeeping facilities.

**Section 2.11 ESSENTIAL SERVICES.**

Essential services, as defined by this Ordinance, shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Township; it being the intention hereof to exempt such essential services from the application of this Ordinance.

**Section 2.12 EXCAVATIONS OR HOLES.**

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector. Such excavations and holes shall not be permitted beyond a sixty (60) day duration (unless otherwise extended by the Township), and, provided further, that this Section shall not apply to drains created or existing by authority of the State, County, Township or other governmental agency.

## **Section 2.13 FARM, FISH OR RECREATION PONDS.**

Farm, fish or recreation ponds may be developed as a permitted land use in any single-family zoning district, subject to compliance with the following requirements (these provisions shall not apply to retention ponds):

- A. A pond construction permit shall be required to construct, enlarge, alter, or modify a pond. Prior to the issuance of a pond construction permit, the applicant shall submit to the Building Inspector a scaled drawing that indicates property lines, structures, drainage characteristics for the site, as well the location of the septic field, and well, the depth of the domestic water supply, and existing easements, a cross section of the pond with side slopes, water depth, etc. The drawing shall also indicate existing and proposed spot elevations at the pond site. The Building Inspector may require additional information or more detailed drawings, as necessary, to determine compliance with applicable regulations. A preconstruction staking inspection shall be required.
- B. All ponds shall be located on a contiguous parcel of at least two (2) acres.
- C. The pond and any incidental structures and uses shall maintain a minimum setback of one hundred (100) feet to the property line of any abutting property line or public right-of-way line.
- D. No commercial activities shall be allowed unless otherwise approved under the requirements of this Zoning Ordinance.
- E. Soils removed to create the pond must remain on the site. In the event that the property owner wishes to sell or transport excavated materials off the site, the applicant shall conform to all applicable requirements for extractive uses specified in this Ordinance.
- F. Ponds shall be constructed in such a manner that natural drainage patterns from adjacent parcels are not disrupted and that runoff, overflow, spillage or seepage shall not encroach upon adjacent properties owned by others. Ponds that require an overflow shall be required to indicate the location of the overflow on the site drawing. The Building Inspector shall approve the overflow location before the pond is constructed. The Building Inspector shall review the overflow with regard to impacts on natural drainage and impacts to adjacent properties.
- G. Pond construction shall require soil erosion control measures. A soil erosion and sedimentation control permit from the Macomb County Public Works Department shall be required.
- H. A permit from the Michigan Department of Environmental Quality shall be required if the proposed pond is located within five hundred (500) feet of a lake or stream, or within a wetland area contiguous to a lake or stream.
- I. Ponds shall be located a minimum of one hundred (100) feet from any dwelling, septic field or well. Further, ponds shall be so located on such property to avoid existing overhead electrical lines and wires.

- J. Ponds shall be constructed with side slopes at a ratio of one (1) foot vertical to five (5) feet horizontal for the first six (6) feet of pond depth and a maximum of one (1) foot of vertical to three (3) feet of horizontal beyond six (6) feet of depth. Further, ponds shall be a minimum of ten (10) feet in depth and shall be designed to continuously circulate and/or otherwise maintain a level of water quality acceptable to public health standards. Finally, said ponds shall be free of all underwater obstacles, such as sudden drop-offs, deep holes, trees, stumps, brush, rubbish, wire, junk machinery and fences. All swimming areas shall be marked with a float line.
- K. Berms that are constructed adjacent to ponds shall not exceed five (5) feet in height and shall have a maximum slope of one (1) foot vertical to six (6) feet horizontal. Berms may start their up slope at any distance from the pond, but must complete their down slope so that the existing elevation is not changed at the property line. Further, the overflow elevations of the pond shall not exceed the existing adjacent ground elevations. The Building Inspector may require that property lines be clearly marked.
- L. Pond construction shall proceed and be completed in a timely manner. Ponds shall be completed in one (1) year from the date of permit.
- M. Each pond shall provide a minimum of one (1) United States Coast Guard approved life ring with a minimum fifty (50) foot rope attached to such ring.
- N. Landscape ponds shall be exempt from the above provisions provided that such ponds are less than twenty four (24) inches in depth and have a total contiguous surface area less than six hundred (600) square feet in area. Any body of water deeper or larger than those described shall meet the minimum requirements of this Section.

**Section 2.14 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS.**

All fences, walls, hedges, etc. of any nature, type or description located in the Township shall conform to the following regulations:

- 1. The erection, construction, or alteration of any fence, wall, hedge, or other type of protective barrier within any single family district shall conform to the requirements of the zoning district wherein they are proposed and the requirements of this Section. Any fence proposed for a use other than single family residential shall be reviewed by the Planning Commission as a part of site plan review.
 

*Ord. 2011-114-24 Effective Date 08/03/11  
Item 2.b. amended June 2016*
- 2. Fences shall conform to the following requirements:
  - a. No fences shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet or less than three (3) feet in height above the average finished grade of the land on either side of said fence.
  - b. Only decorative, non-obscuring split-rail, picket or other open style fences, 24 to 42 inches high, as measured from the average finished grade of the land on either side of said fence, shall be permitted in a front yard. Similar fences which are utilized and designed for the sole purpose of being an architectural/landscape feature, including stone or brick walls not exceeding thirty (30) inches in height, may be reviewed and approved by the Planning Commission.



- c. All fences hereafter erected shall be constructed of materials customarily used for fences (wood, wood simulated vinyl, chain link, wrought iron) and be properly maintained at all times. Barbed wire, or any other sharp or pointed object(s) of any kind, or electric current applied to said fences is prohibited, unless such are incidental to the agricultural use of land for livestock enclosure purposes.
- d. Street side yard fences, other than those permitted above, shall be set back a minimum of fifteen (15) feet from the street right-of-way.
- e. Walls, constructed within any nonresidential zoning district shall not exceed six (6) feet in height as measured from the average finished grade of the land on either side of said wall.
- f. The decorative side of the fence or wall shall be directed outwards and be visible to adjacent properties. Further all fences and walls shall be kept in an acceptable and safe manner
- g. Fences constructed as a part of a cemetery, storage facility, or any other non- residential use may be constructed up to a height of six (6) feet in the front yard subject to site plan approval by the Planning Commission.

### 3. Greenbelts and Berms

- a. Whenever a berm is to be used as a greenbelt, screen or buffer for the purpose of this Ordinance, it shall be constructed to the following standards:
  - 1) All berms shall have a maximum slope ratio of four (4) feet horizontal to one (1) foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro seeded to prevent erosion.
  - 2) A detailed drawing and cross-section of the proposed berm shall be provided as part of the landscape plan.
  - 3) In lieu of a wall, the Planning Commission may allow the development of a three (3) to six (6) foot high landscaped earthen berm with a twenty-four (24) to fifty (50) foot wide greenbelt, meeting the requirements of this Section. The top of the berm shall be a minimum of two (2) feet wide. The landscaped earthen berm shall be planted with two (2) staggered rows of six (6) foot high evergreens, planted at intervals not exceeding fifteen (15) feet on center. Shrubs, a minimum of thirty (30) inches in height and/or other ground cover and mulches so as to cover the ground upon planting may also be required.
  - 4) The berm shall be provided where necessary, with flow-through drainage to assure that water run-off and drainage are not ponded. No berm shall be designed in such a way as to change or divert natural drainage patterns from or onto adjacent properties.
- 4. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the wall, greenbelt and/or landscaping required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than twelve (12) months.
- 5. Maintenance of the wall or any other substituted screening device shall be the responsibility of the property owner on whose property such wall or screen is located and shall thereafter be responsibly maintained to provide a screen to abutting properties.

6. Plans for construction in any multiple family or non-residential Zoning District that abuts any Single Family Zoning District shall be not approved unless a wall, fence or greenbelt or berm has been approved by the Planning Commission.

### **Section 2.15 FRONTAGE.**

Every dwelling or principal building shall be located on a lot, which shall front upon an improved public or an existing private street, road or highway for the full width of the lot as required in this Ordinance.

### **Section 2.16 HOME-BASED BUSINESSES.**

The intent of this section is to provide a mechanism to allow small scale businesses operated solely by family members to be conducted within a residential district provided the impacts of such are not out of character for the neighborhood. The Township has deemed this Ordinance necessary based on the existing large lot character of the Township, the typical operations conducted on a residential piece of property, and the number of businesses of this nature currently being conducted.

#### **A. Basic Requirements**

1. Only an Armada Township resident who is the owner of the subject property and their immediate family members (up to a total of three (3) employees) shall be allowed to run a home-based business.
2. No use or activity associated with the use shall create any noise, dust, fumes, odors, vibrations, electrical or electronic emissions or magnetic fields, intermittent or flashing lights or glare which are detectable to the normal senses of persons or equipment located off the premises.
3. The sales and delivery period for a home-based business shall not exceed 8:30 a.m. to 5:00 p.m. Monday thru Saturday. Home-based businesses shall not be conducted on Sundays.
4. All work must be performed completely within a building.
5. Outside storage must be within a completely enclosed fenced in area. Items being stored shall not be visible from any property line.
6. The area dedicated for outdoor storage, shall be no larger than the square footage of the accessory building or twelve hundred (1,200) square feet, whichever is less.
7. Products that are produced or manufactured on site are permitted to be displayed in the front yard, in an area not to exceed 10 feet by 20 feet or two hundred (200) square feet, during the above noted sales hours and shall be stored inside at night.
8. Signs advertising home-based businesses are permitted provided such do not exceed an overall dimension of three (3) feet in height and nine (9) square feet in area and are not permanent in nature.

9. A complete list of chemicals that are stored and used on site shall be clearly posted at the location of the home-based business at all times and shall also be registered with the Township Fire Department.
10. Any types of oils, paints, chemicals, etc. used in conjunction with the home-based business shall be stored and disposed of properly.
11. The Township Assessor shall be permitted to enter the residence or accessory building in which the home-based business is conducted within twenty-four (24) hours of notification.
12. The maximum square footage permitted to be utilized as a part of a home-based business shall be twelve hundred (1,200) square feet of building area.
13. There shall be no home-based businesses that require approval from any State or County agency or authority for their operation except as otherwise provided in this Ordinance.
14. If any of the above provisions are not met by the operator of a home-based business, an application for special land use approval shall be applied for. The process for special land use shall follow that outlined in Section 16.00. However, final authority of the special land use application shall be with the Township Planning Commission rather than the Township Board as described in Section 16.00.

**Section 2.17 LOT LIMITATIONS.**

In all residential subdivisions, only one (1) principal building shall be placed on a lot of record, with the exception of parcels of record described and designated as “outlots” which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to, or greater than, the lot area required for the district and the building and land complies with all the other requirements of the district in which it is located; provided further, that no building shall be erected on land subdivided in violation of Act 288 Public Acts of the State of Michigan, 1967, as amended.

**Section 2.18 LOTS.**

For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. No space which, for the purpose of a building, has been counted or calculated as part of a required side yard, rear yard, front yard, other open space, or lot area per dwelling unit under this Ordinance, may be counted or calculated to comply with a yard, other open space or lot area requirements for any other building. Further, no structure, other than a fence, walk or parking lot, may be erected in a public easement.

**Section 2.19 MAXIMUM WIDTH-TO-DEPTH RATIO.**

The maximum lot width-to-depth ratio for all un-subdivided residential land shall not exceed a ratio of 5-to-1 (depth to width).

**Section 2.20 MEASURING SETBACK REQUIREMENTS.**

The measurement for determining front, rear and side setback requirements shall be made from the exterior wall of the principal building to the nearest applicable road centerline or property line.

**Section 2.21 NON-RESIDENTIAL DRIVEWAYS.**

- A. Non-residential driveways, entrances and exits shall be subject to approval by the Road Commission of Macomb County, the Michigan Department of Transportation, where applicable, and by the Planning Commission after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
- B. All non-residential sites shall be permitted one (1) access drive onto the abutting public thoroughfare. Additional driveways may be permitted subject to special land use approval by the Planning Commission.
  - 1. The Planning Commission shall consider the request for special land use approval after a traffic study has been submitted by the applicant which substantiates the need for additional access drives.
  - 2. Tapers and bypass lanes shall be required, as determined by the Planning Commission. In making the determination as to whether or not additional access drives are necessary, the Planning Commission shall consider the location of driveways on adjacent sites and across the street, turning movements and traffic volumes.
  - 3. In the case of a corner lot or double frontage lot, the site may be allowed the permitted number of driveways on each road frontage.

**Section 2.22 ONE AND TWO-FAMILY DWELLING STANDARDS.**

- A. A building permit issued by Armada Township shall be required before any dwelling unit is constructed, relocated, or moved into a single family district within the Township. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the Township building, electrical, plumbing, mechanical and fire codes.

Plans for modulars, prefabricated units and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Act 230 of Public Acts of 1972 and Act 371 of Public Acts of 1980, as amended) prior to the issuance of a building or occupancy permit.

Mobile homes or trailers shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280, and as from time-to-time such standards may be amended). The Building Inspector shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure. Any addition to such mobile home must be designed and constructed by the manufacturer of such mobile home, or must be based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the Building Inspector.

- B. All dwelling units shall meet the minimum lot size, yard spaces, setbacks, parking, and all other minimum site requirements applicable to residential dwellings within the zoning district in which the use will be located.
- C. All one-family dwelling units shall have a minimum width across any front, side or rear elevation of twenty-four (24) feet.

- D. All dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the adopted Building Code, and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto, and constructed of such materials and type as required in the Building Code. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a continuous perimeter wall as required above.
- E. Single-family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have a minimum roof pitch of 4:12, have not less than two (2) exterior doors, with the second one being in either the rear or side of the dwelling; and contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. In making such determination of compatibility, the Township Building Inspector may consider the following factors: total square footage; length- to- depth proportions; value and quality of construction; exterior building materials; architectural style and design and roof line; as well as the character, design and appearance of a majority of the residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy view, unique land contour, or relief from the common or standard designed home.
- F. Each dwelling shall be connected to an approved public sewer and water system or to a sewer and water supply approved by the Macomb County Health Department.
- G. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by State or Federal law or otherwise specifically required in the Zoning Ordinance of the Township pertaining to such parks.

**Section 2.23 OPEN SPACE AND FARMLAND COMMUNITIES.**

The purpose of this Section is to allow and encourage alternative subdivision designs which preserve Armada Township's character and environmentally sensitive elements, while providing housing communities that are desired by the community and the public.

Open Space Communities shall promote the following objectives:

- Provide a means of preserving and maintaining irreplaceable natural resources that define the Township's character and preserve sensitive areas for future generations.
- Provide for "guided" growth, while maintaining the sense of rural, open space characteristics, by minimizing roadside views of urban development.
- Provide standards that accommodate the varying characteristics and circumstances of the specific site.
- Provide a diversity of lot sizes, arrangements, and housing types to meet the needs of all Township residents.
- Provide for the efficient use of Township land that will allow cost reductions in infrastructure, and consequently the overall development cost, by providing the opportunity to reduce the lengths of roads and utility lines.

- Provide the opportunity for establishing developments that create a greater sense of community by reducing the “dead” space between dwelling units, reducing the emphasis on the automobile, and providing areas conducive to personal interaction.
- Provide an array of recreational opportunities within proximity of all residents within the open space community.
- Achieve all the goals and objectives set forth in the Armada Township Master Plan and the Armada Township Open Space Study.

**A. Site Criteria.**

**1. Location of Open Space Communities.**

An open space community may be located in all residential districts.

**2. Access.**

The open space community shall have direct access to an approved public roadway.

**3. Open Space Criteria.**

To be considered as an open space community, at least two of the following open space items must be present:

**4. Preservation of Natural Assets** - sites preserving a significant amount of any of the following criteria:

- Organic Amenities:** significant views and vistas, mature woodlands, wetland or lowland areas, prairies, bodies of open water (such as lakes, ponds, streams, natural drainage ways), wildlife habitat or corridors, and significant sized trees (six (6”) inches or more, measured five (5’) feet above the grade).
- Non-organic Amenities:** farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), archeological sites (i.e., Indian artifacts or other pertinent historical items), buildings or foundations of historical value.

**Provision for Recreational Facilities** - The submittal should include both passive and active recreation areas for residents within the open space community. Passive recreation areas shall include areas such as trail way systems, common green areas of a substantial size, and open/preserved natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children’s playsets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.

**Creation of Natural Amenities** - These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain “unmanicured,” allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), natural lakes or ponds, or other areas consistent in nature.

**Preservation of Agriculture** - Land uses, such as orchards, horse stables, active farms, or other similar agricultural uses, shall be preserved where feasible or viable. In no way shall an intensive animal-raising, slaughter house, or similar use be allowed within an open space community. A buffer shall be maintained between the agricultural use and the residential

units. These areas that are created can count separately from those referenced above in “Creation of Natural Amenities” in meeting the necessary requirements for open space communities.

All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland that shall have only limited access.

## **B. Submission Requirements.**

### **1. Parallel Plan.**

The developer shall provide a “Parallel or Yield Plan” showing a feasible development under the requirements of the specified zoning district, such as lot widths, setbacks and retention areas, and which meets all State, Macomb County, and Armada Township subdivision or condominium requirements. In general, the yield plan will provide the same information as the Armada Township Subdivision Ordinance Tentative Preliminary Plat requirements (Article 4). The yield plan shall provide lots with building envelopes of sufficient size, along with all necessary roads and road improvements, without impacting wetland, floodplain, or drainage ways as regulated by the Michigan Department of Environmental Quality and any and all County departments.

This yield plan must be determined by the Planning Commission to be feasible to construct, should the open space community be denied. The Planning Commission may also require soil and ground water perk tests for lots of a suspect nature. Detailed engineering is not required at this stage.

- a. **Open Space Impacts** - Under the Open Space Community District, the net density shall be no greater than that normally permitted within that zoning district, and in no manner shall it negatively impact the site and/or its present residents, neighboring lands or residents, or the community as a whole.
- b. **Density Calculations** - The maximum “density,” as referred to in this Plan, shall be the maximum number of lots permitted for the approved Parallel Plan. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots which can be platted on a given parcel, while meeting all of the criteria and regulations applicable to a conventional subdivision development.

### **2. Site Analysis.**

A Site Analysis Plan shall be submitted, showing the following site features:

- wetlands
- water areas, such as streams, lakes and ponds
- woodlands and farmlands
- soils and topography
- drainage patterns and County drain
- historic and cultural features
- wildlife habitat corridors
- view sheds and view corridors or scenic overlooks
- existing easements of record
- existing and proposed rights-of-way

- existing infrastructure
  - adjacent development within 200 feet
3. **Conservation Areas Plan.** The combination of the site analysis elements noted above shall be used to outline the primary and secondary conservation areas. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be given.
- **Primary Conservation Areas** - floodplains, wetlands, drainage ways, easements, or other exceptional elements
  - **Secondary Conservation Areas** - farmlands, woodlands, road setbacks, tree lines, soils sensitive to development, soils prone to flooring, aesthetic views, etc.
  - **Buildable Areas** - areas that are not dedicated to primary conservation areas may be treatable as buildable areas. Housing sites should be located so as to complement the conservation area
4. **Open Space Plan** - An open space plan, with the proposed housing layout, shall not exceed the maximum number of housing units determined by the parallel/yard plan. The road shall also be shown to provide interior access to all homes. At this stage, the drawings need not be engineered, only drawn to scale.

### C. The Review Process

1. The Planning Commission shall determine that the yield plan submitted meets all applicable regulations of the State Subdivision Control Act and Armada Township's Subdivision Regulations.
2. The Planning Commission shall review the Site Analysis, Conservation Areas Plan and Open Space Plan and determine that all provisions of this Section and any other applicable Zoning Ordinance provisions have been met.
3. Planning Commission Determination.
  - a. Upon approval, the proprietor may undertake the process for Subdivision or Site Condominium Approval or Parcel Division per State Law and Township Ordinance.
  - b. Upon denial, the proprietor may either submit the yield plan or parallel plan for approval under the Subdivision or Site Condominium review process, or submit a new application for an open space communities.

### D. Site Design Requirement

Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply.

1. **Minimum Lot Size** - Lot sizes shall be determined by the State and County Health Departments' regulations or standards.
2. **Minimum Yard Setback** - None.



3. **Development Layout** - The development is encouraged to include roads that are single loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space or farmland.
4. **Minimum Exterior Road Buffer** - The developer shall preserve a minimum of a 150-foot buffer from the proposed right-of-way along any County Road or State Highway servicing the open space development.
5. **Minimum Open Space** - Under open space regulations, a minimum of fifty (50%) percent of the gross land area, shall be set aside for common open space uses, with the exception of a development which preserves farmland. The open space requirements shall not be met by such land uses as golf courses or other exclusionary commercial recreational uses or lot area within the required setbacks of each specific lot.

**Open Space shall be defined as follow:** All areas within the open space development, not individually owned, which are designed and intended to preserve environmental features for the common use and enjoyment of the residents of the development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, or agricultural uses.

6. **Maximum Amount of Unbuildable Land used as Open Space** - A maximum of fifty (50%) percent of the total open space allotment may be unbuildable land. Unbuildable land is considered to be those lands that are regulated by Michigan Department of Environmental Quality, or the Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body which has jurisdiction over land which cannot be used for the construction of housing.
7. **Houses abutting the Open Space** - A minimum of fifty (50%) percent of all dwelling units within the development shall abut or overlook the dedicated open space. This percentage may be reduced in the case of active farmland being preserved or created.
8. **Access to Open Space** - Access points or trails shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
9. **General Lot Character** - Flag lots or panhandle lots shall not be permitted within an open space community.
10. **Natural Areas** - An undisturbed greenbelt shall be required around any natural feature preserved under the common open space areas. These areas will remain natural in nature, and the Planning Commission may approve trails, lookouts, or other similar structures to provide community access. Access ways shall also be required in the form of a foot trail, natural walkway, sidewalk, or other similar access way.
11. **Pedestrian Circulation** - Adequate pedestrian circulation shall be provided by the applicant for on-site circulation. Adequate access shall be provided to all open space/recreational spaces from the residential areas. "Nature trails" are encouraged within the development. Trails provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission.

- 12. **Garages** - A minimum of fifty (50%) percent of all dwelling units shall have side, rear, or alley entry garages, or other garage configurations not opening to the road or street. Garages that face the roadway shall not extend beyond the front plane of the house and are encouraged to be recessed at least five (5') feet from the front plane of the house.
- 13. **Overall Architectural Character** - A diversity of housing styles, colors, and configurations are encouraged throughout the development.
- 14. **Minimum Cropland Buffer** - The Township may require the developer to preserve a minimum of a fifty-foot (50') buffer from croplands or active pastures.
- 15. **Minimum Barn, Barnyard or Other Animal Housing Structure Buffer** - The Township may require the developer to preserve a minimum of a 100-foot buffer from any area housing animals.

**E. Special Consideration.**

The Planning Commission may waive any part of, or all of, the site design requirements pertaining to: 1) houses abutting the open space; 2) minimum cropland buffer; 3) minimum barn, barnyard or other animal housing structure buffer; and 4) garages.

The Planning Commission may waive the submission of a yield plan if it is determined that the number of housing units proposed for open space development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission

- F. **Schedule of Roadway Widths.** The width of roadways within open space communities may be adjusted according to the number of homes that are being served. Paved roadway surface and base standards shall conform to Macomb County Road Commission standards. Gravel roadways shall have a minimum thickness of eight (8") inches of 21AA limestone aggregate base, or suitable equivalent approved by the Township Engineer, placed in two lifts when the sub-grade is approved sand or gravel. If the sub-grade is clay or silt, an aggregate base having a minimum thickness of ten (10") inches shall be required. Road rights-of-way or easements for developments of 55 lots/units or less shall be determined by the Township Engineer, based on drainage and utility needs. Road rights-of-way for developments over 55 units/lots shall be provided per Macomb County Road Commission Standards. The following roadway widths and surfaces are established for Armada Township.

**Roadway Width Schedule**

<b><u>Number of Homes</u></b>	<b><u>Road Width</u></b>	<b><u>Roadway Surface</u></b>
1-15 feet	20 feet	Gravel or paved
26-55 feet	24 feet	Gravel or paved
56 and over	28 feet	paved

## **G. Dedication of Open Space.**

The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

1. A Conservation Easement, as established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L.399.251).
2. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended
3. Distribution, gift or sale of the development rights to all property owners within the Open Space Community.

The above or similar conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas, facilities projects and programs of the Open Space Community, and shall include methods of payment and collection. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space in perpetuity.

## **Section 2.24 OPEN STORAGE AND VEHICLE PARKING AREA.**

- A. No open storage, including the stacking of wood, yard debris, manure, other objectionable materials or vehicle parking spaces are permitted in any district within the minimum front yard setbacks or in the required side or rear yards unless such vehicle is parked or stored on an approved driveway or as part of an approved site plan in a commercial or industrial zoning district.
- B. No motor vehicle requiring roadway licensing shall be kept, parked or in open storage in any district zoned for residential use, unless in an operating condition and properly licensed or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles, and, therefore, it shall not apply to any motor vehicle ordinarily used but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Code Enforcement Officer may grant the owner a reasonable time, not to exceed six (6) months, to procure a license.
- C. No junk or waste materials, building materials (unless part of an active building permit for that property), parts of motor vehicles, or parts of machines not generally suited for use on the premises shall be kept or stored outside a building or structure, except as specifically permitted in the zoning district in which same are situated.
- D. Commercial highway trailers and commercial vehicles with a rated capacity greater than 24,000 pounds Gross Vehicle Weight (G.V.W.) shall not be parked or stored on any residentially zoned property at any time.
- E. Open storage of recreation vehicles which are currently licensed, such as motor homes, travel trailers, boats and similar vehicles, and utility trailers, shall be permitted as an accessory use only in the rear or side yards of a lot in residential areas. Open storage of such vehicles is specifically prohibited in front of the front yard setback. All such vehicles shall be owned by the resident of such

lot, except that not more than one (1) non-owned recreation vehicle may be stored on the premises. Recreational vehicles which are parked or stored shall not be used for living or housekeeping purposes, nor used for storage of materials or equipment other than those items considered to be a part of the unit.

- F. The above regulations shall not apply to farm equipment, farm machinery, or farm vehicles which could reasonably be used for farm operations, provided that such storage is on a bona fide farm.

**Section 2.25 PROHIBITED OCCUPANCY.**

Any basement dwellings, garage dwellings, and/or other temporary residential structures which have been erected or occupied are hereby declared to be unlawful for residential purposes. In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings, except when located in and as part of a mobile home park, or when permitted in zoning districts set forth in this Ordinance, or when permitted by the Building Inspector as a temporary dwelling pursuant to the standards of this Ordinance. All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use as herein set forth shall not be connected to sanitary facilities and shall not be occupied.

**Section 2.26 RESTORING UNSAFE BUILDINGS.**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Township Building Inspector, and/or Fire Marshall, or required to comply with his lawful order, provided that restoration is not contrary to this Ordinance.

**Section 2.27 SATELLITE RECEIVERS AND DISH ANTENNAS.**

Any exterior audio-visual dish antenna or receiver (a “satellite dish antenna”) being three (3) feet or larger in diameter, to be placed upon a lot, parcel or building, shall be regulated as an accessory structure (building) in the applicable zoning district, and the location thereof shall comply with the regulations applicable to an accessory structure in the particular zoning district. Further, such “satellite dish antennas” shall conform to all building height restrictions in the applicable zoning district and be so located to be as obscure as possible to public view.

**Section 2.28 SINGLE FAMILY CONDOMINIUMS.**

**A. Intent.**

The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the ordinances and requirements of Armada Township. Single-family, detached condominiums may be allowed as a permitted use in all single family residential districts, subject to plan review by the Planning Commission.

1. Submission Requirements. All condominium subdivision plans shall be submitted for review, as required by Section 4.02 (Site Plan Review) of this Ordinance and Section 66 of the Condominium Act, and include the following additional information:
  - a. A survey of the condominium subdivision site.

- b. A plan delineating all natural features on the site, including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands and woodland areas.
  - c. The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
  - d. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
  - e. A utility plan showing all sanitary sewer, water and storm drainage improvements, plus all easements granted to the Township for installation, repair and maintenance of all utilities.
  - f. A street construction, paving and maintenance plan for all streets within the proposed condominium subdivision plan.
  - g. A storm drainage and stormwater management plan, including all line, swales, drains, basins and other facilities.
2. Review. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvements initiated. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Township Attorney, Planner and Engineer regarding the adequacy of the submission as it relates to the Armada Township Zoning Ordinance and requirements of the Condominium Act. The review process shall consist of the following two steps:
- a. Preliminary Plan Review — In the Preliminary Review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans, with all applicable provisions of the Armada Township Zoning Ordinance. Plans submitted for Preliminary Review shall include information specified in items A-C of the Submission Requirements.
  - b. Final Plan Review — Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by items A-G of the Submission Requirements. Such plans shall be reviewed by the Township Attorney, Engineer and Planner. Further, such plans shall be submitted for review and comment to all applicable local, county and State agencies. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.
3. District Requirements. The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided.
4. Design Standards. All streets and roads in a condominium subdivision shall conform to the standards of the Armada Township Subdivision Ordinance. All other improvements in condominium subdivisions shall meet the standards of the Armada Township Subdivision Ordinance.
5. Utility Easements. The condominium subdivision plan shall include all necessary public utility easements granted to Armada Township to enable the installation, repair and maintenance of all necessary public utilities to be installed. Appropriate dedications for sanitary sewers, lines and storm drainage improvements shall be provided.

6. Final Acceptance. The Township shall also require all the appropriate inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site is to be submitted to the Township for review by the Township Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the Township.

### **Section 2.29 SITES FRONTING ON TWO STREETS.**

A front yard shall be maintained on each street in accordance with the minimum front setback requirements established by the zoning district in which the lot is located.

### **Section 2.30 SWIMMING POOLS.**

All swimming pools erected in the Township greater than twenty-four (24) inches in depth shall receive a building permit prior to construction and shall comply with the following requirements:

- A. The pool or its fence must not be built within the required front yard or required corner lots side yard. Side and rear yard setbacks shall not be less than fifteen (15) feet between the pool outside wall and the side or rear property line, or less than fifteen (15) feet between pool wall and any building on the lot.
- B. For the protection of the general public, all swimming pools shall be completely enclosed by a fence or other means of access control meeting the requirements of the State Building Code. Above ground pools may have gates, removable swing-up steps or other means to limit entry in lieu of a fence.
- C. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the State Building Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make relocation thereof before the construction of the swimming pool. A no-fault ground unit shall be provided to protect against electrical shock.

### **Section 2.31 TEMPORARY DWELLING.**

In the case of an existing house fire, tornado or similar act of God, the Township Building Inspector may permit the temporary occupancy of a mobile home or trailer. The permit shall be for six (6) months with extensions to a maximum of two (2) years as long as progress is being made in the reconstruction.

### **Section 2.32 UTILITY APPROVAL.**

Except as provided elsewhere in this Ordinance, the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications (except transmitting or receiving towers), steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and other similar equipment and accessories in connection therewith shall require Township Board approval.

**Section 2.33 PATHWAYS.**

For those uses requiring a site plan or special land use approval, an eight (8') foot pathway shall be required across the frontage of all properties abutting regional, major and secondary roadways. Pathways shall be constructed in the proposed right-of-way, generally one (1) foot from the outermost edge and shall meet the requirements of the Armada Township Engineering Ordinance. The Planning Commission may waive the provision for pathways when an acceptable more imaginative interior solution is provided. The Commission may also outright waive the requirement for pathways upon the determination that pathways are not desirable based on a lack of connectivity, extreme topographic conditions or other environmental or physical constraints.

**Section 2.34 STRUCTURES WITHIN THE ROAD RIGHT-OF-WAY.**

No permanent structures shall be constructed within the existing road right-of-way or easement controlled by the Road Commission of Macomb County, unless such structure is specifically approved by the Road Commission.

**Section 2.35 KEEPING OF HOOFED ANIMALS AND THE LIKE.**

The following provisions shall not apply to those properties, which meet the Township's definition of farm. In all districts, the minimum required area for the keeping of any hooved animals shall be two (2) acres and shall be accessory to the primary residence. All animals kept on residential properties shall be afforded adequate shelter and shall also be fenced. The refuse and waste resulting from the maintenance of animals shall be controlled upon the premises and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects. The maximum number of hooved animals kept on a single property shall be as follows: one (1) animal for the first two (2) acres of property. One (1) additional animal shall be permitted for each whole (1) acre (43,560 square feet) above and beyond the initial two (2) acres.

	<u>Total Number of Animals</u>	
	<u>First Two Acres</u>	<u>Animals for each additional acre</u>
Hoofed Animals	1	1

**Section 2.36 TEMPORARY USES AND STRUCTURES AS APPROVED AS A PART OF A SITE PLAN.**

The Planning Commission may approve temporary uses and structures as a part of an overall site plan review provided all necessary information is submitted for review. Such uses and structures shall meet all applicable requirements of this Ordinance. Finally, the Planning Commission may place conditions on the temporary uses and structures to ensure that the intent of the Zoning Ordinance is being met.

**Section 2.37 ENTRY WAYS.**

The intent of this provision is to maintain the Township's existing agricultural, rural, open space character while allowing for decorative entry structures which demarcate the entrance way of a subdivision, allow

for the convenience of locating the subdivision and provide a break between entry traffic and adjacent residential units.

- A. The following are regulations pertaining to entry walls, columns or fences for all subdivisions, site condominiums, private roads, and multiple family developments.
1. Such wall shall not provide a continuous façade of more than twenty five (25) feet in any direction. Continuous walls and/or columns shall not be permitted along any adjacent exterior roadways except at such entry way. Open air fencing may be permitted along the exterior of the development. Such fencing shall be of a decorative nature, such as split rail or picket type fence and shall not exceed forty eight (48) inches in height
  2. Such entry wall shall not exceed an average height of six (6) feet. Architectural embellishments, columns, etc. may extend an additional two (2) feet above the six (6) foot high maximum.
  3. Shall be externally lit. Such lighting should not exceed a total of sixty (60) watts for each lighted side of the sign or wall. The lighting shall be directed solely at such wall and shall not provide glare onto adjacent properties or rights-of-way. Any lighting provided on the ground shall be adequately screened with an evergreen plant material of a sufficient height.
  4. Shall be built of decorative clay brick, natural stone, decorative poured concrete wall, wood, or other similar decorative material as approved by the Township.
  5. Shall not extend into any adjacent right-of-way, proposed right-of-way or clear vision areas as established by this Ordinance.
  6. Gate houses or similar buildings located at an entry shall not exceed a total height of fifteen (15) feet. Further, the square footage of the footprint of such gate house or similar building shall not exceed 225 square feet.
  7. Any such entry structure or gate house shall not extend into or over the road right-of- way or the road easement.

### **Section 2.38 SEASONAL FARM LABOR HOUSING.**

- A. Seasonal and farm labor housing shall be subject to the requirements of this Ordinance and all applicable County and State regulations.
- B. The minimum living area per unit shall be one hundred (100) square feet.
- C. Housing for seasonal and farm labor shall be considered accessory uses to a bona fide farming operation.

### **Section 2.39 NATURAL RESOURCE GREENBELT.**

The Township recognizes the fragility and benefits of certain natural features within the Township such as wetlands, marshes, bogs, streams, inland lakes, ponds, and drains. These features help regulate



storm water drainage, water quality, help control erosion and sediment disposition, as well as provide for wildlife and plant habitat. In an effort to help preserve these environmental features and the benefits in which they provide, the Township shall require natural resource buffers or greenbelts around natural features located on site. These buffers will help ensure that no damage, impairment, or other intrusion occurs to the natural habitat and that contaminants or pollutants do not degrade or destroy these areas.

- A. A twenty-five (25') foot undisturbed greenbelt shall be preserved around the boundary of any State or Federally regulated wetland and all other flagged wetlands which are intended to remain on site, and from the ordinary high water mark of any inland lake or pond, streams, creeks or drains (improved or unimproved). These areas shall be conspicuously noted on the site plan. Before any land clearing activities are commenced, the developer shall erect and maintain a suitable barrier between such environmental feature greenbelt and lands which are intended to be cleared.
- B. There shall be no construction, removal, or deposit of any structures or soils, including dredging, filling, or land balancing within a required natural resource greenbelt.
- C. These requirements may be modified by the Township Planning Commission (if the modification is not contrary to a State, County, or Federal Agency requirement) or the regulating State, County, or Federal Agency.

#### **Section 2.40 NONRESIDENTIAL DRIVEWAYS.**

- A. Nonresidential driveways, entrances and exits shall be subject to approval by the Macomb County Road Commission, the Michigan Department of Transportation, where applicable, and by the Planning Commission after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
- B. All nonresidential sites may be permitted one (1) access drive onto the abutting public thoroughfare. Additional driveways may be permitted subject to special land use approval by the Planning Commission.
  - 1. The Planning Commission shall consider the request for special land use approval after a traffic study has been submitted by the applicant which substantiates the need for additional access drives.
  - 2. Tapers and bypass lanes shall be required, as determined by the Planning Commission. In making the determination as to whether or not additional access drives are necessary, the Planning Commission shall consider the location of driveways on adjacent sites and across the street, turning movements and traffic volumes.
  - 3. In the case of a corner lot or double frontage lot, the site may be allowed the permitted number of driveways on each road frontage.

*Effective date July 12, 2006*

#### **Section 2.41 DEVELOPMENT IMPACT STATEMENT**

##### **A. Information and Data Required.**

- 1. Location map at 1" = 200', indicating the location of the subject property in relation to the Township's thoroughfare system.

2. Zoning Map, indicating the subject property and the zoning of adjacent properties for a radius of one half (½) mile, measured from the boundaries of the site.
3. Land Use Map, indicating the subject property and adjacent land uses by type for a radius of one half (½) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
4. Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map and accompanied by the most recent aerial photography supplied by the Macomb County Planning Commission.
  - a. Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, and vegetation inventory (classification of existing types by general location and numbers or density as appropriate). If the possibility of wetlands exist on-site, an official Level III wetlands assessment conducted by the Michigan Department of Environmental Quality shall be conducted.
  - b. A woodlands map identifying the location, size and type of site vegetation
  - c. Location and size of existing facilities and utilities, as applicable (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.
  - d. Improvements adjacent to and directly across the street, i.e., driveway approaches, passing lanes, curb-cuts, etc.
5. Conceptual Plan, showing how the proposed composting facility relates to the above referenced conditions.
6. Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development.

**B. Impact Assessment.**

The applicant shall provide information assessing the impact of the proposed composting facility as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate.

**1. Land Use Impacts.**

- a. Brief description of the proposed land use
- b. Hours of operation.
- c. Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property and how such will be mitigated.
- d. Project phasing plan or schedule.
- e. Describe how existing natural features will be preserved.

- f. Describe impacts on ground water quality or quantity.

## 2. Impact on Public Utilities.

- a. Describe how the site will be provided with water and sanitary sewer facilities, public system or private, including the adequacy of the existing public utility system to accommodate the proposed new development
- b. For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Macomb County Health Department shall be required.
- c. Describe the methods to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the Macomb County Drain Commissioner stating their initial concerns and recommendation shall be attached

## 3. Traffic Impacts

- a. Description of existing traffic conditions
  - 1) Traffic Counts. Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site. Traffic count data shall not be over two (2) years old, except the community or road agency may permit 24hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2%) percent annually in the past three to five (3-5) years.
  - 2) Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
  - 3) Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
  - 4) The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
  - 5) Approved developments within the study area shall be part of all calculations for anticipated traffic.
- b. Trip Generation
  - 1) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. This shall include the anticipated truck traffic entering and exiting the site. The forecasts shall be based on

the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan. All approved but not yet constructed developments shall be included in the forecasted trip generation for the area.

- 2) Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
- 3) For projects intended to be developed in phases, the trip generation by phase shall be described.

c. Trip Distribution.

The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report.

d. Impact Analysis.

Level of service or “capacity” analysis at all intersections significantly impacted by the proposed development shall be provided using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board

e. Access Design/Access Management Standards.

The report shall include a map and description of the location and design of proposed access (driveways or new street intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of Armada Township and the Road Commission of Macomb County.

f. Other Study Items.

The traffic impact study shall include:

1. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency
2. Changes which should be considered to the site plan layout.

3. If a traffic signal is being requested, the relationship of anticipated traffic-to-traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
4. Description of site circulation and available sight distances at site driveways.
5. The anticipated area for truck stacking and how such stacking area will alleviate stacking on the adjacent public thoroughfare, not negatively impact any surrounding residential properties, and not interfere with on-site circulation and emergency access.

g. **Mitigation/Alternatives.**

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

All traffic impact studies shall be prepared by a registered Professional Engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three (3) years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

**C. Evaluation Standards.**

In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:

**1. Land Use Impacts.**

- a. The use shall not result in a negative impact on the surrounding neighborhood or future development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
- b. The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.

**2. Public Utilities**

- a. Public water and sanitary sewers with adequate capacity to serve the site are available, as determined by the Township Engineer

- b. For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting on-site wastewater disposal systems and well(s).
- c. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading the watercourses in the area. Further, that such runoff will not impact water quality of adjacent water bodies.
- d. That the plan provides for the proper extension of public utilities and drainage improvements as provided for in the Township Master Plan and as determined by the Township Engineer.

### 3. Traffic Impacts

- a. The proposed development has access to a public road capable of supporting the development
- b. The use will not increase traffic that will effectively result in a level of service of “D” or lower on the abutting road at intersections proximate to the proposed development.
- c. The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
- d. The placement and design of driveways will accommodate safe movement of traffic into and out of the site, giving particular attention to truck traffic.
- e. Appropriate mitigation measures have been provided to address anticipated traffic impacts of the development.

### 4. Natural Resources.

- a. That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
- b. The proposed development does not encroach into floodways or floodplains.
- c. That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
- d. The proposed development will not cause soil erosion or sedimentation problems.

- 5. Any adverse impacts that are the direct result of mitigation strategies shall also be addressed.  
*Effective date July 12, 2006*

## **Section 2.42 WIND ENERGY CONVERSION SYSTEMS (WIND TURBINES)**

- A. This section is intended to provide for accommodation and regulation of onsite wind turbines in Armada Township according to the provisions listed below. Further, an onsite wind energy

conversion system (Wind Turbine) is any device that converts wind energy to mechanical or electrical energy. Finally, this Ordinance does not guarantee any wind rights or establish access to the wind.

- B. Tower mounted wind turbines under 80 feet in total height, along with the associated generator, blades, tower, base and transformer shall be considered an accessory use in each of the Township's Residential Zoning Districts and is intended to primarily serve the needs of the consumer on that site. No Planning Commission review shall be required for such a wind turbine, however, all necessary building permits and fees shall be obtained from the Township Building Department. Tower mounted wind turbines on residentially zoned properties over 80 feet in height, shall require Planning Commission and Special Land Use Article XVI approval. Wind turbines of any height on any non-residentially zoned or used property shall require site plan approval in accordance with Article IV. Planning Commission and Special Land Use Article XVI approval shall be required for arrays of more than two wind energy conversion systems on any single parcel.
- C. The minimum parcel size shall be determined by the minimum setback distances for the height of the wind turbine.
- D. Setbacks shall be measured from the property line to the center of the windmill tower structure as follows:

The minimum setbacks for all wind turbines from all abutting rights of way and property lines shall be a distance equal to one and one-half (1½) times the height of the tower.
- E. Sound pressure levels shall not exceed 55 dB(A) at the property line. This sound pressure level may be exceeded during short term events such as utility outages or during severe wind storms. If the ambient sound pressure level exceeds 55 dB(A) the standard shall be ambient dB(A) plus 5 dB(A).
- F. Wind turbines including towers shall comply with all applicable construction and electrical codes, building codes, building permit requirements, State of Michigan compliance requirements and shall also comply with the Michigan Airport Zoning Act and Michigan Tall Structures Act as well as all requirements of the Federal Aviation Administration (FAA).
- G. Wind turbines shall not be artificially illuminated or have any lighting unless such is required by the FAA.
- H. Wind turbines and their ancillary support structures, shall have a natural colored and non- reflective surface
- I. For purposes of safety, the on-site use wind energy systems shall have automatic braking, governing or other system to prevent uncontrolled rotation or over-speeding. The design speed shall be 80 mph. Further, all wind energy conversion systems shall be adequately grounded to protect against lightning strikes.
- J. The minimum vertical blade tip clearance from the existing grade shall be a minimum of twenty (20) feet.
- K. Wind energy systems mounted on pre-existing buildings or structures shall not be subject to setback and height restrictions provided the height of the wind energy conversion system does not extend more than ten (10) feet above the existing structure to which it is mounted.
- L. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line. Such

building shall not be considered an accessory building in terms of the total number or total size of accessory buildings permitted onsite. Ord. 2011-114-24 Effective Date 08/03/11

## **Section 2.43 MEDICAL MARIJUANA USES.**

### **A. Intent**

1. Voters in the State of Michigan approved the referendum authorizing the use of marijuana for certain medical conditions, being the Michigan Medical Marihuana Act, MCL 333.26421, et seq. ("The Act").
2. The specified intent of the Act is to enable certain specified persons who comply with the registration provisions of the law to acquire, possess, cultivate, grow and use marijuana as well as to assist specifically registered individuals identified in the statute without being subject to criminal prosecution under state law in limited, specific circumstances.
3. Despite the specific provisions of the Act and the activities identified in the Act, marijuana remains a controlled substance (Schedule 1 drug) under Michigan law. The activities set forth in the Act have a potential for abuse. Such activities should be closely monitored and, to the extent permissible, regulated by local authorities.
4. If not closely monitored or regulated, the presence of marijuana even for the purposes specified by the Act may present an increase for illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of Armada Township.
5. Nothing in this Ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow any other activity relating to cultivation/ growing, distribution or consumption of marijuana that is otherwise illegal.

### **B. Medical Marijuana Dispensary, Compassion Centers or other similar operation for the consumption or distribution of medicinal marijuana.**

It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center, grow facility, growth cooperative or other similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, grow facility, growth cooperative or other similar operation in Armada Township.

### **C. Registered Primary Caregiver.**

A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Act and the requirements of this section, shall be permitted to grow marijuana as a home based business as regulated by Section 2.16. Nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. Also, since Federal Law is not affected by the Act or General Rules, nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal Law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

1. The medical use of marijuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;



2. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school property (as measured from the property lines), including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements;
3. A registered primary caregiver must be located outside of a one thousand (1,000) foot radius from any public or private park property or public library property (as measured from the property lines).
4. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a single parcel or within an approved, livable unit;
5. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient;
6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;
7. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Armada Township Fire Department to insure compliance with the Michigan Fire Protection Code;
8. The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material. Ord. 2011-114-24 Effective Date 08/03/11

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## **ARTICLE III GENERAL EXCEPTIONS**

Except as hereinafter otherwise provided, the following general exceptions shall apply:

### **Section 3.00 DRIVEWAYS.**

Driveways may be constructed within required front, rear or side yard setbacks.

### **Section 3.01 HEIGHT LIMIT.**

No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, stage lofts and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures, excluding light poles, may be erected above the limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building, nor shall such structure be used for any residential purpose other than a use incidental to the main use of the building. Any increases in building height other than those specified herein shall require approval by the Zoning Board of Appeals. Commercial or cellular communication antenna towers, monopoles, and similar structures shall be regulated as per the requirements of Section 16.36.

### **Section 3.02 LOT AREA.**

Any lot which was (of) record at the time of the adoption of this Ordinance that does not meet the requirement of this Ordinance for lot width and depth and available space for yards, shall meet the provisions of Section 17.07 Nonconforming Lots.

### **Section 3.03 PORCHES/TERRACES, AT-GRADE PATIOS, STEPS/STAIRS AND DECKS.**

At-grade patios may be constructed within required side and rear yards for a distance not exceeding ten (10) feet, but not in a required yard facing upon a street.

Unenclosed and uncovered access porches (i.e., one which is not roofed over) or paved terraces may project into a required front or rear yard for a distance not exceeding ten (10) feet. Patio and porches covered or partially covered by permanent construction (awnings excepted) shall not project into any required yard space, but this shall not be interpreted to include or permit fixed canopies or awnings. An unenclosed porch, steps, or stairs may project into a street-facing front yard for a distance not exceeding ten (10) feet.

Decks may be permitted within the allowable building envelope in the rear yard or open space, provided that the following conditions are met and a Building Permit has been obtained from the Township Building Department:

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1. The deck does not encroach into any easement.

2. The deck conforms with applicable yard setback requirements.
3. The deck is located not less than ten (10) feet from any detached accessory building.
4. The deck elevation shall be no greater than eight (8) inches over the first floor grade elevation of the main structure. (Exception: a deck around a pool may match the height of the pool.)
5. Any additional structures attached to the deck, such as a gazebo or pool, shall be located at least ten (10) feet from any main or accessory structure.

**Section 3.04 PROJECTION INTO YARDS.**

Architectural features such as, but not limited to: window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet.

**Section 3.05 SALE OF NATURAL SEASONAL ITEMS.**

The sale of natural (unmanufactured) seasonal items such as Christmas trees, pumpkins, flowers, and certain fruits and vegetables shall be permitted in any commercial, agricultural or residential districts, unless specifically excepted. Such display and sale shall observe the setbacks of the respective district in which they are located. In the case of nonconforming uses, the Building Inspector shall establish the setback beyond which merchandise shall not be displayed. Special exception may be granted to philanthropic organizations to establish such uses within defined time limits by the Building Inspector.

**Section 3.06 VOTING PLACE.**

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

## **ARTICLE IV - SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES**

### **Section 4.00 INTENT.**

Site plan review provides the Township with an opportunity to review the proposed use of a site in relation to all applicable provisions of the Zoning Ordinance and Township planning. Site plan review also provides the Township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.

### **Section 4.01 PLANNING STANDARDS.**

In reviewing all applications for site plan approval, the Planning Commission shall consider the plan in relation to the following standards:

#### **A. Vehicular Access and Circulation.**

The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The Planning Commission shall require public streets adjacent or through a proposed development, when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the Planning Commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required.

#### **B. Relationship to Surrounding Property.**

All site development features shall be arranged to minimize the potential for negatively impacting surrounding property. In making this determination, the Planning Commission shall review the plan for negative conditions such as, but not limited to: Channeling excessive traffic onto local residential streets. The lack of adequate screening of parking or service areas. The impediments to the access of emergency vehicles.

- Channeling excessive traffic onto local residential streets
- The lack of adequate screening of parking or service areas
- The impediments to the access of emergency vehicles

#### **C. Relationship to Natural Features.**

All buildings, driveways, parking lots and site improvements shall be designed to be compatible with the physical characteristics of the site, including, but not limited to, woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development shall not have an adverse impact on the natural environment of the site or the surrounding area.

## **Section 4.02 SUBMISSION REQUIREMENTS.**

- A. A site plan shall be submitted for review and approval by the Planning Commission whenever one or more of the following conditions apply:
1. Whenever a building permit is required for the erection or structural alteration of a building (other than one-family homes, farm buildings or accessory structures to these uses)
  2. For the construction, use or establishment of a new or additional parking or storage area.
  3. For all special land uses.
  4. For any substantial change in use or class of use.
  5. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.
  6. All public improvements including roadways, municipal buildings, and the like.
  7. All construction of wetland mitigation, detention areas, and the like.
- B. A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement shown. Unplanned areas of the site shall also be shown. All site plans submitted for consideration shall include the following information:
1. General Site Data.
    - a. The site plan shall be prepared by and carry the seal and signature of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it, and shall consist of one or more sheets necessary to adequately provide the required data.
    - b. The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan's compliance with the applicable Zoning Ordinance standards and requirements.
    - c. Northpoint. Scale should customarily be provided at 1" = 20' or 1" = 30'. For large-scale development, 1" = 50' or 1" = 100' may be acceptable, provided all important typical areas and Ordinance requirements are thoroughly detailed in clearly recognizable form and presented at the customary scale
    - d. Complete legal description.
    - e. Size of the site expressed in acres.
    - f. A legible location map (4 inches = 1 mile) showing major roads, nearby cross- streets and property lines, where necessary.
    - g. Zoning of site and all surrounding property

- h. Proposed address, if available.
- i. Location of existing structures and improvements onsite. (Indicate if any such structure or improvement is to be removed).
- j. Location of proposed structures and improvements.
- k. Yards/setbacks and critical dimensions between buildings and other site improvements.
- l. Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks etc.) within two hundred (200) feet of all property lines.
- m. Topography at two (2) foot contours (existing and proposed), if site drainage is affected. All grades shall be provided using USGS Datum
- n. Recorded easements

## 2. Building Plans.

- a. All architectural building elevations (front, sides and rear).
- b. Type of surface material and design of all exterior surfaces.
- c. Dimensioned floor plans.

## 3. Access, Parking and Circulation.

- a. Existing and proposed rights-of-way for all abutting roads.
- b. Location and dimensions of all driveways and street approaches.
- c. Indicate the type of surface (paving).
- d. Parking spaces (location, number, dimensions, aisle dimensions, and surface material).
- e. Site circulation pattern. (Direction of pedestrian and vehicular traffic flow if one- way or not obvious from the arrangement).

## 4. Environmental Features.

- a. Complete landscaping plan, including ground cover and the location, number, type and size of all proposed plantings.
- b. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy.
- c. Whenever a tree or group of trees of six (6) inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted "to be removed."

- d. Greenbelts, walls and/or berm details. (Provide at least one cross-section for each type used.)
- e. Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
- f. Trash receptacles and method of screening.
- g. Site lighting details (location, height, type, intensity and shielding.
- h. All signage to be located on site (including location, size, height, area of sign surface, and illumination).
- i. Location and extent of wetland areas or floodplains (if applicable).

5. Other Information.

- a. Location of all site utilities, including well or septic system
  - b. Site drainage characteristics and improvements.
  - c. Park or recreation areas (show boundary and size in square feet).
  - d. Fences, screen wall or similar structure (location and details).
  - e. Statistical data shall be furnished, including: number of dwelling units; size of dwelling units (i.e., 1-bedroom, 2-bedrooms and 3-bedrooms), if any; and the total net acreage involved. (In the case of mobile home parks, the size and location of each mobile home site shall be shown.)
  - f. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions and other data of all such equipment and/or machinery shall be indicated.
  - g. Location of storage, use and disposal areas, if any, for hazardous substances and evidence of approval by the applicable federal, state or local review agency.
  - h. List of hazardous substances used, stored or generated at the proposed facility.
6. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Commission's minutes, together with the unique circumstances and reasons for such waiver.

**Section 4.03 REVIEW PROCEDURES.**

A. Submission.

The proposed site plan shall be submitted to the Township Hall and, if the submission data is complete, it shall then be transmitted to the following:



1. Macomb County Road Commission or MDOT, whichever is appropriate
2. Macomb County Public Works Commissioner (if necessary)
3. Macomb County Health Department (if necessary)
4. Building Inspector
5. Assessor (if necessary)
6. Township Engineer
7. Township Planner
8. Planning Commissioners (one for each)
9. Planning Commission File
10. Appropriate School District (if necessary)
11. Fire Department
12. Appropriate State Agencies (as necessary)

B. Planning Commission Review.

The site plan shall be reviewed by the Planning Commission with reference to the specific requirements of this Ordinance. The Planning Commission shall also review the site plan relative to other planning documents and other applicable ordinances. The Commission shall require review and comment from the Township Planner, Township Engineer and Township Attorney, where appropriate. Approval of the site plan (as submitted, or with additions, corrections, or alterations) by the Planning Commission shall satisfy the requirements of this Zoning Ordinance for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other Township ordinances. If a site plan is not approved by the Planning Commission, the reasons shall be stated in writing and a copy of said reasons supplied to the applicant. The approved site plan shall be part of the record of approval and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Planning Commission.

C. Approval Period.

A site plan shall be valid for a period of twelve (12) months from the date of the Planning Commission meeting date where final approval was granted and the site improvements shall be completed within two (2) years of the same date. If physical improvement to the site is not in progress at the end of the twelve (12) month period or the site completed within two (2) years, such approval shall be null and void.

Prior to the expiration of site plan approval, the applicant/landowner may request an extension of such approval in a written request to the Township. Such request shall be submitted according to Township deadlines prior to the expiration of the twelve (12) month approval period. The same requirements shall apply to extensions for site improvements at the end of the two (2) year timeframe.

The Planning Commission shall act on such request for extension at their next available meeting. The Planning Commission may grant an extension for a period of one to twelve (1-12) months at their discretion based on the factors leading to the extension request. Such extension shall also apply equally to the requirement for site completion noted above.

The Planning Commission does not have a limitation on the number of extensions it may grant, however, the Commission shall take into consideration, economic conditions, diligence in pursuing the project to completion, the number of previous extensions granted, changes to Ordinances or regulations which may impact the site design or development, amongst others, in determining whether to grant additional extensions. The Planning Commission may request a review from the Township Planner and/or Engineer or other reviewing department to determine to what extent the site

plan may be impacted by new or modified Ordinances in making their determination to grant additional extensions. All fees incurred (if any) as a result of such reviews shall be paid by the requestor of the extension.

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D. Performance Bonds.

The Planning Commission may require a cash deposit or irrevocable bank letter of credit acceptable to the Township, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the Treasurer of the Township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.

E. Review Fees.

A site plan fee shall be required to cover the cost of review by the Township's Engineer, Planner, and other professional and Township services in accordance with a schedule of fees as determined by resolution of the Township Board.

**Section 4.04 ADMINISTRATIVE REVIEW AUTHORITY**

A. There is hereby created an administrative review committee consisting of the Planning and Zoning Administrator, a Planning Commission member, and the Township Planner. The administrative review committee shall have the authority to review and approve minor amendments to an existing site plan

1. Minor Amendments may include:

- a. Changes in landscape specifications and designs (provided the intent of the original approval is maintained)
- b. Changes to the building façade which do not create additional square footage (subject to (d) below).
- c. Fences within any nonresidential development or district
- d. Building additions which include enclosing existing roofed area, small building additions under five hundred (500) square feet, or construction of new or additions to accessory buildings under five hundred (500) square feet, etc. (if new parking lot and/or maneuvering lanes are required as a result of the addition, Planning Commission review shall be required).
- e. Changes in location of previously approved sidewalks, dumpsters, heating and cooling units, and the like
- f. Temporary buildings such as construction trailers and the like.

B. The administrative review committee shall also:

- 1. Have the authority to consult with any other Township department head, consultant or other appropriate agency regarding site plan issues.
- 2. Refer any issue to the full Planning Commission for their review should they deem such necessary.
- 3. Provide a report to the Planning Commission each month regarding the issues which the administrative review committee heard.

C. Any and all costs associated with the administrative review shall be paid by the applicant prior to the issuance of a building permit.

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## ARTICLE V - SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

### Section 5.00 INTENT.

The intent of the Site Development and Environmental Standards is to preserve the quality and character of the Township's environment by regulating man-made development and by conserving natural resources. The requirements of this Section are promulgated pursuant to the following objectives:

- Screen and buffer incompatible views and activities within and between uses.
- Define the limits of site functions and areas.
- Reduce or eliminate glare into and from adjacent sites and activities.
- Reduce dust and other pollutants from the air.
- Control noise and provide acoustical modification into and from adjacent sites.
- Contain odors and minimize their passage into and from adjacent sites.
- Control the direction and velocity of surface water runoff and minimize soil erosion.
- Moderate interior and exterior temperatures by controlling solar radiation on buildings and paved surfaces.
- Maintain aesthetic quality of property and preserve its value.
- Maintain and enhance the visual quality of the Township.

### Section 5.01 SCREENING REQUIREMENTS.

A. The Planning Commission shall require screening whenever construction or development in a non-residential district or of a nonresidential use, abuts a residential zoning district or use. Screening shall also be required where multiple-family or mobile home developments abut single-family districts or uses. The Planning Commission shall evaluate the need for screening between adjacent uses based on the following standards:

- The compatibility of adjoining uses.
- The distance between structures, parking lots, access drives, service areas, and other applicable development features on the abutting sites; dimensional conditions unique to the parcel; existing and proposed building placement.
- The presence of existing natural vegetation. Ord. 2011-114-24 Effective Date 08/03/11
- In those locations where screening between dissimilar uses or districts is required, the screening shall consist of a decorative masonry wall, greenbelt, berm, or combination thereof as determined by the Planning Commission, meeting the following standards:

In those locations where screening between dissimilar uses or districts is required, the screening shall consist of a decorative masonry wall, greenbelt, berm, or combination thereof as determined by the Planning Commission, meeting the following standards:

#### 1. Walls.

- a. Walls shall be constructed of reinforced masonry with face brick, poured concrete with a brick embossed pattern, or other durable and decorative masonry product compatible with other materials used on site. In no instance shall the wall be painted, nor shall it be constructed of exposed concrete block, cinder block or wood products. The color of brick or facing shall be compatible with brick or materials used on the site and shall be durable, weather-resistant and easy to maintain.
- b. Walls shall be placed on the lot line of the subject property wherever possible and shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings, and the arrangement of such,

as may be approved by the Planning Commission for the purposes of public safety. Where walls are pierced, the openings shall be so spaced as to maintain the overall obscuring character required and shall not reduce the minimum height requirement. Maintenance easements shall be obtained (where appropriate) from the adjoining property owner to ensure long term maintenance of both sides of such wall.

- c. The foundation of any wall shall be constructed to meet the requirements of the Building Department.
- d. Whenever a wall abuts a parking lot, the wall shall be placed on the property line with a five (5) foot landscaped greenbelt provided between the wall and the surface of the parking lot. This greenbelt shall be planted with grass, ground cover, or other landscape materials acceptable to the Planning Commission. The wall shall not be permitted to extend into the required front yard setback or the parking lot setback, whichever is less.
- e. The height of a required screen wall shall be between four (4) and six (6) feet in height.

## 2. Greenbelts.

- a. The minimum required greenbelt width shall be ten (10) feet.
- b. Six (6) foot high evergreen trees and/or two and one-half (2½) inch caliper deciduous trees, planted at staggered intervals an average of not less than fifteen (15) feet on center. Not more than fifty (50) percent of planting shall consist of deciduous trees.
- c. Shrubs and ground cover or mulches so as to cover the ground at the time of planting. All such plantings shall meet the height and spacing requirements specified herein.
  - 1) Plant material shall not be placed closer than four (4) feet from the fence line or property line.
  - 2) Where plant materials are planted in two (2) or more rows, planting shall be staggered in rows.
  - 3) Evergreen trees shall be planted not more than fifteen (15) feet on centers.
  - 4) Narrow evergreens shall be planted not more than three (3) feet on centers.
  - 5) Deciduous trees shall be planted not more than thirty (30) feet on centers.
  - 6) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
  - 7) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

## 3. Berms.

Whenever a berm is to be used as a greenbelt, screen, or buffer for the purpose of this Ordinance, it shall be constructed to the following standards:

- a. All berms shall have a maximum slope ratio of four (4) feet horizontal to one (1) foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro seeded to prevent erosion.
- b. A detailed drawing and cross-section of the proposed berm shall be provided as part of the landscape plan. The berm shall be provided where necessary, with flow-through drainage, in accordance with the Township's engineering requirement to assure that

water runoff and drainage shall not be blocked nor ponded. No berm shall be designed in such a way as to change or divert natural drainage patterns from or onto adjacent properties.

- B. All protective walls or greenbelts shall be provided along the zoning district boundary line and/or property line and shall be installed so as to lie wholly on the land of the applicant seeking site plan approval. In instances where drains, trees or other obstacles preclude such location, the Planning Commission shall determine the most appropriate alternative location. The Planning Commission shall also have the authority to approve creative alternative landscape and screening alternatives, not along the zoning district line or property line based on the types of uses proposed, the existence of existing vegetation and topography, as well as the distance between dislike uses.

The extent and length of screening along such property line or zoning district line shall be reviewed by the Planning Commission in relationship to the amount and intensity of development being proposed or being screened to the adjacent properties which require the screening. The Planning Commission may allow for a reduction in the length or extent of such landscaping or screening if such landscaping or screening would serve no good purpose.

- C. All walls or greenbelts required by this Ordinance shall be completely installed prior to the issuance of an occupancy permit for the use of the premises. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the wall, greenbelt and/or landscaping required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than twelve (12) months provided that a financial guarantee in the amount acceptable to the Township has been provided for the improvements which have not been completed.
- D. Maintenance of the wall or any other substituted screening device shall be the responsibility of the property owner on whose property such wall or screen is located and shall be contained within an acceptable landscape easement and thereafter be reasonably maintained to provide a screen to abutting properties. Ord. 2011-114-24 Effective Date 08/03/11

## **Section 5.02 LANDSCAPING REQUIREMENTS.**

### **A. General Requirements.**

Whenever a landscaping plan is required by this Ordinance, the following general requirements and standards shall apply:

1. Whenever any yard (front, side or rear) is not designated for building, off-street parking, loading and unloading, storage or other approved purpose within the terms and requirements of a given zoning district, it shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition.
2. All landscaped areas shall be protected from the encroachment of vehicles by curbing or other suitable device.
3. A detailed landscape plan for all yard areas shall be submitted to the Planning Commission showing the names (common and botanical), location, spacing, starting size and planting and staking details of all plantings to be installed, and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply

to all landscape yards including those expanded beyond the minimum setback requirements of this Ordinance. This landscape plan shall be reviewed and approved by the Planning Commission.

4. Existing trees and natural vegetation shall be integrated into the site landscape plan whenever possible.
5. Undeveloped portions and subsequent phases of the site shall be seeded, mowed and maintained.
6. The Planning Commission may approve constructed features of other materials, such as masonry walls or brick, stone and cobblestone pavement, as a supplement or substitute upon a showing by the applicant that the general plantings will not prosper at the intended location.
7. Landscaping shall be planted, landscape elements shall be installed, and earth moving or grading performed in a sound workmanlike manner and according to accepted good planting and grading procedures.
8. All landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced with the originally approved material or other acceptable material within one (1) year or the next appropriate planting period, whichever comes first.
9. Grass may be plugged, sprigged, seeded or sodded, except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Approved ground cover used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season, with at least three (3) plants per square foot.
10. The following plant materials are specifically prohibited from inclusion as part of a required landscaping plan:
  - a. Box elder.
  - b. Soft maple (silver).
  - c. Elm.
  - d. Poplar.
  - e. Willow.
  - f. Horse Chestnut (nut bearing)
  - g. Tree of Heaven.
  - h. Catalpa.
  - i. Fruit-bearing Trees.
  - j. All thorned trees and shrubs
  - k. Ribes (Gooseberry).
  - l. Cottonwood
  - m. Ash Trees
11. All proposed landscaped plantings shall meet the minimum size requirements specified in the following table.



**PLANT MATERIAL SIZE - Minimum Size Allowable**

Tree	Height				Caliper				
	6'	3' - 4'	2' - 3'	18" - 2'	2"	2 1/2"	18" - 2	2" peat pot	2 gal. container
<b>Evergreen</b>									
Fir	X								
Spruce	X								
Pine	X								
Hemlock	X								
Douglas Fir	X								
<b>Narrow Evergreens</b>									
Red Cedar	X								
Arborvitae	X								
Juniper (selected varieties)	X								
<b>Large Deciduous Trees</b>									
Oak						X			
Maple						X			
Beech						X			
Linden						X			
Ash						X			
Birch						X			
Sycamore						X			
<b>Small Deciduous Trees (Ornamental)</b>									
Flowering Dogwood (disease resistant)						X			
Flowering Cherry, Plum, Pear						X			
Hawthorn						X			
Redbud						X			
Magnolia						X			
Flowering Crabapple						X			
Mountain Ash						X			
Hornbeam						X			
Russian Olive						X			
<b>Large Evergreen Shrubs</b>									
Irish Yew				X					
Hicks Yew				X					
Upright Yew				X					
Spreading Yew							X		
Pfitzer Juniper							X		
Savin Yew							X		
Magnopine							X		
<b>Small Evergreen Shrubs</b>									
Brown's, Wards, Seblon Yews							X		
Dwarf Spreading Juniper							X		
Dwarf Magnopine							X		
Euonymus varieties							X		

**PLANT MATERIAL SIZE - Minimum Size Allowable**

Tree	Height				Caliper				
	6'	3' - 4'	2' - 3'	18" - 2'	2"	2 1/2"	18" - 2	2" peat pot	2 gal. container
<b>Large Deciduous Shrubs</b>									
Honeysuckle				X					
Lilac				X					
Border Privet (hedge plantings)					X				
Sumac			X						
Buckthorn			X	X					
Pyracantha				X					
Weigela			X						
Flowering quince			X						
Barberry			X						
Cotoneaster (peking and spreading)			X						
Sargent Crabapple			X						
Dogwood (Redosier & Grey)			X						
Euonymus Varieties			X						
Tall Hedge (hedge planting)				X					
<b>Small Deciduous Shrubs</b>									
Dwarf Winged					X				
Regal Pruet					X				
Fragrant Sumac					X				
Japanese Quince					X				
Cotoneaster Rocksrapay and Cranberry)					X				
<b>Ground Cover</b>									
Periwinkle								X	
Baltic Ivy								X	
Euonymus Varieties								X	
Hall Honeysuckle								X	
Pyracantha								X	
<b>Vines</b>									
Euonymus Varieties									X
Violet Creeper									X
Baltic Ivy								X	
Wisteria									X

### **Section 5.03 PARKING LOT LANDSCAPING REQUIREMENTS.**

The intent of these requirements is to enhance the visual environment of the Township; to promote public safety; to moderate heat, wind and other local climatic effects produced by parking lots; and to minimize nuisances, particularly noise and glare.

- A. Interior Parking Lot Landscaping. All interior parking lots shall incorporate and provide curbed tree planting spaces providing not less than fifty (50) square feet of land area for each tree planted. Trees shall be placed somewhat evenly, either symmetrically or asymmetrically, throughout the parking area. The number of trees required shall be based on a ratio of one (1) tree for each five (5) parking spaces, or fraction thereof. Small parking lots with less than twenty (20) spaces may place the required trees on the perimeter of the parking lot, rather than the interior of the lot. The minimum size of all parking lot trees shall be two and one-half (2½) inches caliper at the time of planting. The following types of trees or similar types are considered to be suitable for parking lots and other intense urban conditions:
1. White Fir
  2. Norway Maple
  3. Tulip Tree (Magnolia)
  4. Austrian and Red Pine
  5. Moraine, Skyline, Majestic and Sunburst Locusts
- B. Frontage Landscaping. Street landscaping shall be required along any public right-of-way line of any street, road or highway. One (1) tree shall be planted for each thirty (30) linear feet of the landscaping strip and shall be located within the required front yard setback.
- C. Vision Clearance. To ensure that landscape materials do not constitute a driving hazard, clear vision site triangles shall be established at all street intersections and at the intersection of site driveways and streets, as provided and regulated in this Ordinance. Internal parking lot landscaping improvements should be located to avoid blocking the vision of drivers within the parking lot.

### **Section 5.04 LIGHTING.**

Lighting in all use districts shall conform to the following requirements as to type, location and intensity.

- A. All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect light away from all adjacent residential districts or adjacent residences.
- B. All outdoor lighting shall be directed toward and confined to the ground areas of lawns, parking lots or surface areas, except as noted in C. below.
- C. All lighting in non-residential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- D. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination except for an approved LED display. In addition, there shall be no bare bulb illumination of any kind exposed to public view.

- E. There shall be no lights which tend to be harmful to natural forms of vegetation in any use district.
- F. The intensity of outdoor lighting in all use districts shall be limited to the following maximum amounts:

**Schedule of Maximum Illumination**  
(in foot candles measured at the surface)

<u>Illumination of</u>	<u>Residential</u>	<u>Office/Public Buildings</u>	<u>Commercial</u>	<u>Industrial</u>
General	0.5	0.5	0.5	0.5
Driveway	1.0	3.0	4.0	2.0
Parking	1.0	3.0	4.0	3.0
Walks	0.5	1.0	2.0	1.0
Protective	0.5	2.0	3.0	2.0
Building	0.5	3.0	5.0	5.0
Loading areas	N/A	1.0	1.0	1.0

No light measured (at eye level) at the property line between any use and any residential district or use shall be greater than one-quarter (1/4) foot candle at the side and rear property line, nor greater than one-half (1/2) foot candle for the intensity of the available street lighting at the front property line, whichever is greater.

- G. The standards contained above shall not preclude the use of ornamental lighting which may not meet the standards contained herein.
- H. A lighting as-built plan shall be submitted for all developments to which this Ordinance applies.

**Section 5.05 PERFORMANCE STANDARDS.**

Financial guarantees shall be processed in accordance with the requirements of Section 4.03.D. The sum of the effects of concurrent operations on two or more lots measured at any property line shall not be greater or more offensive to the senses than the standards contained herein. Compliance with the provisions of this subsection by single or mutual changes in operational levels, scheduling of operations and other adjustments is permitted. In case of conflict among these standards and Federal and State regulations, the most restrictive standard or regulation shall apply.

**A. Noise.**

The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines, except that, where normal street traffic noises exceed sixty-five (65) decibels, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. In the Industrial District, the following maximum noise levels may be permitted:

<u>6:00 a.m. to 11:00 p.m.</u>	<u>11:00 p.m. to 6:00 a.m.</u>
75	70

In addition, objectionable sounds of an intermittent nature or characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance to adjacent uses.

B. Odors.

Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment. The values given in Table III (Odor Thresholds) in the latest revision of Chapter 5, "Physiological Effects," in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. In such case, the smallest value given in Table III shall be the maximum odor permitted. In the Industrial District, no obnoxious odors shall be emitted which may be harmful to public health and/or safety.

C. Glare.

Any operation producing intense glare or heat shall be confined to an enclosed building so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

D. Vibration.

Vibration shall not be discernible at any property line to the human sense of feeling. In the Industrial District, vibration shall not cause a ground displacement exceeding .003 inches, as measured at any property line, and not detectable at any residential district boundary.

E. Smoke.

Emission of smoke on the site shall be controlled so that a nuisance will not result. Emission of smoke shall not exceed the number 1 standard as established by the Ringlemann Chart. In the Industrial District, the emission of smoke shall not exceed the number 2 standard as established by the Ringlemann Chart for periods aggregating four (4) minutes in any thirty (30) minutes.

F. Gases.

Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. In the Industrial District, no obnoxious odors or gases shall be emitted which may be harmful to public health and/or safety.

G. Electrical Radiation.

Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation.

H. Air-Borne Matter General.

There shall not be discharged from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment or nuisance to the public, or which endanger the comfort, repose, health or safety of persons, or which cause injury or damage to business or property, except burning activities as may be permitted by the Township. In the Industrial District, the emission of dirt, dust and fly ash shall not exceed 0.3 grains per cubic foot of flue gas as measured at a temperature of 500 degrees Fahrenheit, with not to exceed fifty (50) percent excess air. No haze shall be caused by such emission that would impair visibility.

I. Storage of Hazardous Substances.

1. Applicability.

These provisions apply to all businesses and facilities that use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).

2. Above-Ground Storage.

- a. Primary containment of hazardous substances shall be product-tight.
- b. Secondary containment of hazardous substances shall be provided for all facilities, subject to site plan review. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- c. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
- d. At a minimum, State and Federal agency requirements for storage, leak detection, record-keeping, spill prevention, emergency response, transport and disposal shall be met Below-Ground Storage.

3. Below Ground Storage

- a. At a minimum, regulations of the Michigan Department of Natural Resources, Michigan Fire Marshall Division, and the Township for the installation, inspection, maintenance of a leak detection system, inventory and record-keeping, emergency response and closure must be met.
- b. All underground storage tanks which have been out-of-service for nine (9) months or longer shall be removed from the site before a building permit is issued. This requirement may be adjusted by the Fire Chief in situations where a clear timetable for the safe use of the underground tank is established.

4. Plan Review and Approval.

Site plans for facilities with hazardous substances shall be reviewed by the Fire Marshall, Fire Chief, or his/her designee prior to the approval by the Planning Commission.

**Section 5.06 LOCATION AND SCREENING OF TRASH RECEPTACLES.**

The location of trash receptacles shall be indicated on a site plan. All such trash receptacles shall be located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, site traffic circulation patterns, or any public right-of-way.

All trash receptacles shall be screened on three (3) sides by decorative masonry walls which are similar to, or compatible with, the exterior construction materials used elsewhere on site. Chain-link fencing with

view obscuring slats or wooden fencing shall not be considered to be suitable screening materials. All trash receptacles shall be placed on a concrete pad having a minimum dimension of ten (10) feet by ten (10) feet. Concrete or metal bollards shall be placed between the trash receptacle and the rear wall of the enclosure.

The height of the masonry screening shall be six (6) feet in height. The walls shall be maintained so as to remain structurally sound and neat and clean in appearance. Trash shall not be allowed to overflow from the receptacle. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. No trash receptacle shall be placed any closer than forty (40) feet to any residential zoning district. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns.

If usage patterns determine that the number of trash receptacle provided on-site are insufficient, additional receptacles may be required by the Township. Any additional trash receptacles so provided shall be located and constructed according to the standards contained herein.

## **SECTION 5.07 SIGNS.**

### **A. Intent.**

The intent of this section is to create a comprehensive, balanced system of regulating signs and, thereby, to facilitate an easy and pleasant communication between people and their environment, to enhance the physical appearance of the Township, to make the Township a more enjoyable and pleasing community, and to create a more attractive economic and business climate. It is intended by the provisions of this section to reduce signage and advertising distractions, to eliminate hazards caused by signs being too close to the public rights-of-way, to avoid the confusion of conflicting adjacent signs, to protect property values, and to eliminate obsolete, irrelevant, nonconforming and deteriorated signs. With these purposes in mind, it is the intention of this section to authorize the use of signs which are:

- Compatible with their surroundings.
- Appropriate to the type of activity to which they pertain.
- Expressive of the identity of individual proprietors or of the development as a whole.
- Legible in the circumstances in which they are seen.
- That all signs within the Township are consistent in size and aesthetic character.

### **B. Submission and Permit Requirements.**

#### **1. Application.**

No person shall alter, relocate, erect, re-erect or construct any sign, except those which are exempted, unless a permit for same has been issued by the Township pursuant to this Ordinance. Written applications for sign permits shall be made on forms provided by the Planning and Zoning Administrator. The application shall be accompanied by a drawing and site plan illustrating the location of the sign on the site as well as the applicable fees as established by resolution of the Township Board as well as any reasonable expenses incurred by the Township for the review of such sign.

1. The site plan shall be drawn to a scale not less than fifty (50) feet to the inch.
2. The site plan shall show the location of all existing and proposed sign(s) on the site.

3. The site plan shall show the location of existing and proposed streets, roadways, parking areas, entrances and exits within fifty (50) feet of the proposed sign(s). Clearly indicate the setback and clear vision triangle.
4. Drawings of the proposed sign(s) to be erected or installed on the site shall be submitted with the site plan and shall include all of the following detailed information:
  - a. Height of the sign above the ground.
  - b. Surface of the sign (material, color and dimensions).
  - c. Area of sign surface. Clearly outline the areas computed as sign area on an illustration.
  - d. Lettering of sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and weight approximating that of the final constructed sign.
  - e. Method and color of illumination, if any.
  - f. Logos, emblems or additional features.
  - g. Such additional information as the Planning Commission deems necessary and/or pertinent to the application.
  - h. A drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale, preferably  $\frac{1}{4}'' = 1'0''$ .

## 2. **Permit Approval.**

No person shall erect, construct, alter or relocate a sign, except as otherwise specified herein, unless an approval for said sign has been issued by the Township Planning and Zoning Administrator pursuant to the requirements hereinafter specified. The Planning and Zoning Administrator shall review the application for compliance with the requirements of the Armada Township Zoning Ordinance and shall either approve or disapprove the application. Further, the application shall be reviewed by the Township Planning Consultant and provide their recommendation to the Planning and Zoning Administrator. Finally, the application shall be reviewed by the Township Building Inspector for compliance with the Township Building Code.

If the sign is determined to be in compliance with the Building Code, a building permit shall be issued. If any issue arises as to whether the sign is approvable as submitted, the Planning and Zoning Administrator may refer or the petitioner may request that the application be sent to the Township Planning Commission for their review. The application shall be placed on the next available agenda. All information originally submitted to the Planning and Zoning Administrator shall be forwarded to the Planning Commission for their review. The petitioner shall provide sufficient copies as required for sign site plan approval to the Planning and Zoning Administrator. If approval is obtained from the Planning Commission, review and approval from the Building Inspector must still be obtained.

- C. **Zoning District Regulations.** For the purposes of this Ordinance, the term "site" shall be defined as all land in a development which is necessary or indicated as part of the development proposal to meet parking requirements, setback requirements, landscape requirements, drainage requirements (i.e., retention or detention basin), and lot coverage requirements.



1. Residential Zoning Districts (All Residential Zoning Districts).

- a. One (1) identification sign or nameplate is permitted for each dwelling unit with a permitted home occupation.
- b. One (1) monument sign is permitted for each approved non-residential building site.
- c. One (1) double-faced subdivision entrance sign placed parallel to the entrance road or two (2) single-faced subdivision entrance signs placed perpendicular or within forty-five (45) degrees of the entrance road shall be permitted for each major entrance to a residential subdivision, mobile home park and multiple-family development, as approved in the site plan or subdivision approval.
- d. One (1) wall and one (1) monument sign, each not to exceed thirty-two (32) square feet, may be permitted on farm property to advertise farm produce or agricultural products sold on the site.

2. Local Commercial Zoning Districts (B-1 Zoning District).

- a. One (1) identification sign or nameplate is permitted for each office unit within a multi-tenant professional office development.
- b. For professional office uses, one (1) wall sign and one (1) monument sign shall be permitted for each site.
- c. For general office uses and retail uses in the B-1 District, one (1) wall sign shall be permitted for each tenant which has both a separate unit within a building and has an individual exterior public entrance to a building. In those cases where multiple tenants share an entrance, one (1) wall sign shall be permitted to include all tenants. In addition, one (1) monument sign shall be permitted for each site.
- d. In shopping centers with multiple tenants, all signage shall be coordinated as to size, location, color and character. A coordinated sign package shall be submitted for the entire complex or center prior to individual permits being granted.

3. Commercial Zoning Districts (B-2 Zoning District)

- a. One (1) monument sign shall be permitted for each site.
- b. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building. In those cases where multiple tenants share an entrance, one (1) wall sign shall be permitted to include all tenants.
- c. One (1) additional wall sign shall be permitted on buildings which front on two (2) major streets. Only one (1) wall sign shall be placed on each street facade. The sum of the two (2) signs shall not exceed the permitted individual wall sign area allowance.
- d. In shopping centers with multiple tenants, all signage shall be coordinated as to size, location, color and character. A coordinated sign package shall be submitted for the entire complex or center prior to individual permits being granted.

4. Industrial Zoning Districts (M-1 and M-2 Zoning Districts).

- a. One (1) monument sign shall be permitted for each site.
- b. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building.
- c. One (1) subdivision entrance sign shall be permitted for each major road entrance to identify an industrial or technical park

**D. Specific Regulations.**

1. Awning or Canopy Signs.

- a. An awning or canopy sign may be used to display the name of the firm, the address or a symbol, or type of business, and shall be placed only on the principal front of the building.
- b. An awning or canopy sign shall be permitted in lieu of a permitted wall sign.
- c. An awning or canopy sign shall not exceed one (1) square foot for each linear foot of store frontage on which the sign is to be placed, or fifteen (15) square feet, whichever is greater. In no case shall an awning or canopy sign exceed sixty (60) square feet.
- d. A minimum vertical clearance of fourteen (14') feet shall be provided beneath any awning or canopy sign which projects over a parking area or driveway. In all other areas, a minimum vertical clearance of eight (8') feet shall be provided beneath an awning or canopy

2. Directional Signs.

- a. Directional signs shall not exceed two (2) square feet in area, and shall not exceed three (3') feet in height. No more than one (1) such sign shall be located at each drive location.
- b. At-grade directional signs painted on or adhered to the surface of paved areas are exempt from these standards.
- c. All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal government, shall be permitted.

3. Identification Signs. Identification signs shall be limited to:

- a. One (1) unlit wall-mounted sign for a permitted home occupation.
- b. One (1) unlit wall-mounted identification sign shall be permitted for each approved professional office or each exterior entrance for a multiple tenant office. Such sign shall be located at the entrance of the office to which it refers.
- c. An identification sign shall not exceed one (1) square feet in sign area. Such wall-mounted signs shall not extend outward more than two (2") inches from the surface of a wall on the subject structure.

4. Monument or Ground Signs.

- a. Monument or ground signs shall not exceed sixty-four (64) square feet in sign area in the B-2 Zoning District; forty (40) square feet in the B-1 Zoning Districts; and, twenty-four (24) square feet in all residential zoning districts and in the M-1 or M-2 Zoning Districts. Retail establishments with over 80,000 square feet of gross floor area and over 300 feet of road frontage on a single thoroughfare shall be permitted two (2) ground signs with forty (40) square feet of sign area each. The signs shall be evenly spaced along the frontage of the site and shall not in any case abut each other. If the Planning Commission determines that architectural features of the sign, such as wood, rock or brick framing, are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
- b. Monument signs, including the architectural features, shall not exceed six (6) feet in height. Monument signs shall not have more than one (1) foot of clearance between the bottom of the sign and the established grades.

5. Political Signs.

- a. Not more than three (3) political signs, which do not exceed a total aggregate area of sixteen (16) square feet, may be allowed on any one residential or commercially zoned parcel.
- b. No such sign shall be displayed no longer than ten (10) days after the election for which the sign was erected.
- c. All such signs shall be set back at least ten (10') feet from the public right-of- way.

6. Portable Signs.

- a. Portable signs are hereby prohibited, regardless of form, size, character or placement, unless otherwise specifically permitted within this Ordinance.

7. Projecting Signs.

- a. Projecting signs are hereby prohibited, regardless of form, size, character or placement, unless otherwise specifically permitted within this Ordinance.

8. Pylon Signs.

- a. Pylon signs are hereby prohibited, regardless of form, size, character or placement.

9. Real Estate Signs.

- a. One (1) unlit real estate sign shall be permitted which advertises the sale, rental, or lease of the premises or property upon which said sign is located.
- b. In residential districts, no such sign shall exceed six (6) square feet in display area.
- c. In non-residential zoning districts, such signs shall not exceed twenty (20) square feet in display area. In no case shall a site contain both a real estate sign and a real estate development sign.

10. Real Estate Development Signs.

- a. One (1) real estate development sign shall be permitted for each development in which lots/units are still available. Such sign shall only be located on the site of the development. No such sign shall exceed twenty (20) square feet in sign area and six (6) feet in height. Such sign shall also include the date and permit number of the permit being issued, written in indelible ink. Where a real estate development sign advertises a development, each lot/unit within the development shall not be permitted a real estate sign. Each lot/unit may include a four (4') square foot sign indicating the lot number and model. Such sign shall not be mounted higher than four (4') feet from grade.
- b. Such sign shall be removed within seven (7) days after all of the units or lots on that site have been sold or leased. In the case of office, commercial and industrial units, the signs shall be removed upon the granting of an occupancy permit.
- c. A real estate development sign shall not be allowed to occupy the property for more than two (2) years, except when an extension is granted. The Planning Commission may grant one (1) extension of such approval for a period not exceeding one (1) year.

#### 11. Subdivision or Apartment Entrance Signs.

- a. A subdivision or apartment entrance sign shall not exceed thirty-two (32) square feet in sign display area. If the Planning Commission determines that architectural features of the sign are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
- b. A subdivision entrance sign, including its architectural features, shall not exceed six (6') feet in height.
- c. A subdivision entrance sign may be located in a traffic island at the entrance of a subdivision, if the Planning Commission determines that the sign will not obstruct motorist vision.

#### 12. Temporary Signs.

- a. A business or organization shall be permitted one (1) temporary portable, banner or A-Frame sign, not exceeding twenty (20) square feet in display area or six (6') feet in height. A maximum of two (2) temporary sign permits shall be permitted for any one business or organization during a calendar year, with a combined permitted display time not exceeding thirty (30) days. Only one (1) such sign shall be permitted at the same time on a site. Signs shall include the permit number and date of issue, written in indelible ink on the face of the sign. Political signs shall not be subject to the requirements of this paragraph.
- b. The Building Inspector may issue a permit for temporary signs to businesses, organizations or groups to display a banner or A-Frame sign for a specific cause, function or activity.

#### 13. Temporary Off Site Signs for Value Added Farming Operations

Based on the temporary sales period of farming operations, the Township has recognized the need for additional signs providing direction and advertisement for farming operations.

- a. Signs shall not exceed a maximum height of eight (8) feet from the established grade.

- b. Signs shall have a maximum area of forty five (45) square feet.
- c. Temporary signs may be placed off-site for a period not exceeding eight (8) months (out of a twelve (12) month period) or the timeframe of the sales season being advertised whichever is less. All signs shall be removed by December 31 of each year
- d. All such signs shall be provided with a decorative frame base and border.
- e. All signs shall provide the date upon which they were placed onsite in a clearly identifiable location.
- f. Permits shall be obtained from the Township. As a part of the permit process, the applicant shall provide a letter from the property owner consenting to such sign.
- g. Signs may be located on properties immediately adjacent to a roadway intersection. Only one sign for each business may be located at any one intersection
- h. Signs may be lit provided the following conditions are met.
  - 1. The lighting of the sign may only be permitted when night activities are being conducted at the business.
  - 2. Lighting directed at a temporary sign shall be properly shielded and shall not cause glare onto adjacent roadways.
  - 3. All other requirements of the lighting section shall be met.

#### 14. Wall Signs.

- a. A wall sign shall not project more than twelve (12") inches horizontally beyond the wall of a building.
- b. A wall sign shall be used to display the name of the firm, the address or a symbol, or type of business.
- c. Wall signs shall not project above the roof line (eave) of a building or structure.
- d. Wall signs shall not exceed one (1) square foot for each linear foot of store front on which the sign is to be placed, or fifteen (15) square feet, whichever is greater. In no case shall a wall sign exceed sixty (60) square feet (except as permitted in 14.e.).
- e. Large, multi-department stores and uses with over one hundred and fifty thousand (150,000) square feet of floor area may be permitted a wall sign area equal to one (1) square foot for each linear foot of store frontage up to a maximum of two hundred (200) square feet.

#### 15. Digital Signs. Electronic Message Centers (Digital signs) shall be subject to the following requirements:

- a. Location, Digital signs shall be permitted:
  - i. as a special land use in all of the Township's residential districts for nonresidential uses.
  - ii. as a special land use on those properties in nonresidential zoning districts which immediately abut a residentially zoned district, including those across a public thoroughfare

- iii. as a permitted use in a nonresidential zoning district (subject to (b) above).
- b. No digital sign shall be permitted to intermittently or continuously scroll, flash, oscillate or have full animation in a manner which constitutes a distraction/safety hazard to drivers or pedestrians
- c. Any electronic message displayed shall remain unchanged for a minimum of five (5) seconds prior to switching messages. Message changes may fade but shall not be deemed to violate (b) above.
- d. A digital sign shall be integrated into the freestanding sign for the site and shall not be larger than twenty (20) percent of the total permissible sign area and shall be counted towards a part of the overall permissible sign area for the freestanding sign. The Planning Commission may approve a digital sign larger than twenty (20) percent of the permissible sign area only after special land use approval. Gasoline service station signs specifically advertising the cost of gasoline per gallon or signs specifically advertising the time and/or temperature shall not count against the twenty (20) percent requirement, but shall count towards overall sign area.
- e. The digital sign may be full color but shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver. Further, all digital signs shall maintain an automatic brightness control keyed to ambient light levels. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum permitted intensity level.
 

Daytime Brightness	5,000 nits
Nighttime Brightness	500 nits
- f. Digital signs shall be programmed to go dark if the sign malfunctions.
- g. Signage should not be designed to emulate traffic safety signage.

*Ord. 2011-114-24 Effective Date 08/03/11*

## **E. General Regulations.**

No sign may be erected, displayed or substantially altered or reconstructed, except in conformance with the regulations specified in this Ordinance. The following conditions shall apply to all signs regardless of use district, unless otherwise specified in this Ordinance:

1. Exemptions. The following signs, as defined herein, shall be exempt from procedural, review and approval requirements as specified in the following sections. The signs shall, however, conform to all applicable regulations specified within this Ordinance.
  - a. The following signs shall not require Planning Commission approval and building permits:
    - Address numbers
    - Handicap signs
    - Historical marker signs (official)
    - Identification signs or nameplates
    - "Open" and "Closed" signs (not exceeding two (2) square feet in area)
    - Political signs
    - Real estate signs for a single-family home or a single-family unit
    - Other real estate signs are exempt from Planning Commission approval, but a building permit must be obtained
    - Refacing an existing sign frame (shall not include any changes to the frame or structure). Such a change shall require a building permit when applicable
    - Warning signs and other non-advertising signs
    - Home Occupation signs

- Township, County, State or Federal road or traffic control signs shall be exempt from the provisions of this Ordinance.
- b. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way, shall not be counted toward the maximum number of signs permitted on the subject lot or parcel. These signs shall remain subject to Planning Commission approval, permit requirements, inspections, and height and setback requirements.
  - c. In all zoning districts, flags of the United States, the State of Michigan, any political subdivision of the State of Michigan, or other flags or banners specifically approved by the Township Board for general display, are permitted as long as the size or number of such flag or flags are not of such nature that it would be commonly understood that their display was primarily intended to be a commercial advertisement to attract the attention of the general public.

## 2. Prohibited Signs.

Unless otherwise specifically permitted under this Ordinance, the following signs and/or sign parts shall not be permitted or erected in the Township:

- a. Cloth signs, balloon signs or displays, streamers, windblown devices, spinners, portable signs, trailer signs and pennants.
- b. There shall be no flashing, oscillating or intermittent type of illuminated sign in any zoning district unless otherwise specifically provided for in this Ordinance under subsection (15).  
*Ord. 2011-114-24 Effective Date 08/03/11*
- c. Changeable copy signs, except as part of a permanent freestanding sign. No more than twenty (20%) percent of a permanent freestanding sign shall be utilized for changeable copy unless otherwise specified in this Ordinance. Schools, churches and public buildings may utilize up to fifty (50%) percent of the sign face for changeable copy.
- d. Signs painted directly onto wall surfaces or attached to telephone or electrical poles.
- e. Vehicle business signs and trailer signs.

## 3. Locational Requirements.

- a. No sign, except as otherwise permitted herein, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, or be attached to a utility pole.
- b. No sign, except those established and maintained by the Township, County, State or Federal governments, shall be located within the triangle formed by the intersection of any road right-of-ways and/or access drive at points twenty five (25) feet distant from the point of their intersection.
- c. No signs shall be located so as to impede pedestrian or automobile traffic.

- d. In no case shall a sign be closer than ten (10') feet to any property line. All signs shall meet the following minimum setbacks as measured in feet from the centerline of each road right-of-way (ROW) in accordance with the Township's Master Plan.

<b>Road Type (See Master Plan)</b>	<b>Distance in Feet</b>
32 Mile Road, Capac Road	75
Wolcott Road, Old Farm Trail	60
Major (120' R.O.W.)	60

4. Illumination.

- a. Illumination of signs shall be positioned and shielded so that the light shines away from adjoining properties and the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.
- b. Specialty lighting, such as neon accent lighting, may be permitted by the Planning Commission on a finding that the proposal is in character with the use and not detrimental to other uses in the vicinity. This regulation does not apply to lighted window signs.
- c. A lighted display of time, temperature, or other scrolling information shall be permitted as part of a sign subject to Planning Commission review and approval. The sign information must be accessory to the use on site and shall not include any off-site advertising. The size of such lighted, sign shall not exceed fifty (50%) of the total permitted sign area.

5. Width-to-Height Ratio. In no case shall any sign exceed a maximum width-to-height ratio of six (6') feet in width to one (1') foot in height, unless otherwise provided for within this Ordinance.

6. Landscape Requirements. A monument sign shall be located within a landscaped area. Such landscaping shall include evergreen shrubs and other landscape amenities.

7. Maintenance of Signs. If, upon inspection by the Building Inspector, a sign is found to be unsafe, insecure, corroded, subject to corrosion, or otherwise poorly maintained, then the owner shall make the sign safe and secure by completing any necessary reconstruction, repairs, painting or other improvements in accordance with the following timetable, unless the sign is required to be removed by the nonconforming sign regulations herein:

- a. If the Building Inspector determines that the sign is an immediate threat to the safety of persons or property nearby, all required action to correct the defect shall be taken within forty-eight (48) hours (two working days) from the time of notification in writing from the Township, provided that the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If such sign cannot be cordoned off or secured so as to eliminate any immediate threat to the safety of persons or property, then all required action to correct the defect shall be made forthwith.



- b. If the Building Inspector determines that the sign is not an immediate threat to the safety of persons or property, all required action to correct the defect shall be made within thirty (30) days after notification in writing from the Township. The Building Inspector may extend the thirty (30) day timetable (until the Building Inspector deems conditions are suitable for repair) if temperatures below twenty-five (25) degrees Fahrenheit prevent painting, or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety (such as replacement of burned out light bulbs).
8. Nonconforming Signs. Any sign already established by the effective date of this Ordinance which is rendered nonconforming by the provisions of this Ordinance, and any sign which is rendered nonconforming as a result of subsequent amendments hereto, shall be subject to the regulations concerning nonconforming signs as follows:
  - a. Any sign which advertises a business or industry no longer being conducted, or a product no longer being manufactured or sold on the property, shall be considered nonconforming. Such signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land within one (1) month from the date of written notice from the Township.

However, where such a sign structure and frame are typically reused by the current occupant or business in leased or rented buildings, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in accordance with this chapter and other relevant Township ordinances and codes, and provided, further, that the time period of non-use does not exceed ninety (90) days.

9. Removal of Signs. Whenever a sign is removed, or is required to be removed, by this Ordinance or by order of the Building Inspector, the entire sign structure, including fastenings and anchorages, shall be removed.

#### **F. Measurement of Sign Area.**

1. Sign area, unless otherwise noted herein, shall include the total area within any circle, triangle, rectangle, or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, logo, graphic or any similar figure or element of the sign, together with any frame or other material forming an integral part of the display, if any, or used to differentiate such sign from the background against which it is placed.
  - a. In the case of a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the full perimeter of any grouping of letters, logos, emblems, figures, pictures, etc.
  - b. In the case of an awning or canopy sign, where there is no design or envelope forming an integral part of the display which differentiates the sign from the background of the awning material or color, the envelope shall be around the full perimeter of any grouping of letters, logos, emblems, figures, stripes, etc. Transparent or translucent awnings or canopies which have internal lighting, the entire surface of the awning or canopy shall be considered as the sign.
  - c. For a single-faced sign, the area shall be computed as the total exposed exterior surface in square feet.

- d. The area of a double-faced freestanding sign shall be computed using only one face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back-to-back so that only one face is visible at any given location. In all other cases, the sum of both faces shall be computed for the sign area.

## **G. Appeals Procedure.**

Any party who had a sign denied by the Planning Commission or a sign permit denied by the Building Department may seek a variance of the provision(s) of this Ordinance by filing an appeal application to the Zoning Board of Appeals. Such a variance request must be applied for within thirty (30) days of such denial.

1. At the hearing for a variance, the Zoning Board of Appeals may grant a variance from the provisions of this Ordinance upon a finding of all of the following:
  - a. The particular physical surroundings, shape or topographical conditions of the property would render compliance with the provisions of this Ordinance difficult and would likely result in a particular hardship on the owner, as distinguished from inconvenience of the Ordinance requirements or a desire to increase financial gain or avoid the financial expense of compliance.
  - b. Strict enforcement of the provisions of this Ordinance would serve no useful purpose.
  - c. The type of sign structure and the location proposed would not pose a significant risk to the public health, safety and welfare.
  - d. The benefit of the sign to the general public and/or applicant under the circumstances outweighs any risk to traffic safety and the Township's desire to eliminate the accumulation of visual clutter in accordance with the stated purpose of this Ordinance.
  - e. A variance would be in the interest of the Township and not against the spirit and intent of this Ordinance.
2. In issuing a variance from the strict letter of the provisions of this Ordinance, the Zoning Board of Appeals may grant a variance of any sign requirement or place reasonable conditions or restrictions upon issuance of a permit.

## ARTICLE VI - OFF-STREET PARKING AND LOADING REQUIREMENTS

### Section 6.00 INTENT.

The off-street parking and loading requirements of this Ordinance are established to prevent congestion on public streets by providing clearly defined parking areas that are separated from roadways; to remove the hazard to pedestrians emerging between parked vehicles onto a public street; to facilitate proper storm-water runoff; to prevent the generation of dust into the area; and to make clear the availability and arrangement of spaces to all users.

### Section 6.01 GENERAL PARKING REQUIREMENTS.

It shall be the duty of both the owner and occupant of any premises to provide off-street parking spaces as required in this Article. Such off-street parking areas shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. Whenever a building, structure, use or an activity requiring off-street parking is created, enlarged or increased in activity or intensity, off-street parking spaces shall be provided and maintained on site as required by this Ordinance.
- B. The amount of required off-street parking for new uses of buildings, additions to existing buildings, new uses of land, and accessory buildings shall be determined in accordance with the regulations in effect at the time the new use or addition was proposed, and the space so required shall be shown on the site plan and shall be irrevocably reserved for such use. No such designated parking area shall be changed to any other use, unless and until equal facilities are properly approved and provided elsewhere on the site. Existing off-street parking facilities shall not be reduced to an amount less than required herein.
- C. Shared Parking

The Planning Commission may permit the collective provision of off-street parking facilities for two or more buildings or uses on separate sites, provided that, collectively, such parking shall not be less than the sum of requirements for the various uses computed separately, except as specified below. The provision for shared parking shall not be construed to allow for development without parking located reasonably proximate to the development it is intended to serve. Parking shall be reasonably distributed to fulfill the parking needs of each use being served and be irrevocably dedicated to each use.

The Planning Commission may also grant a reduction in the number of parking spaces required based on the following:

Mixed-use Developments: The Planning Commission may permit parking requirements to be applied by use within a mixed use building or development. In order to qualify, at least 20 percent of the total floor area of a development must contain an additional land use for parking calculation purposes. For example, if a 10,000 square foot industrial building is proposed that has a 2,500 square foot warehouse component, the Planning Commission may allow the applicant to apply the area devoted to industrial at the industrial parking rate and the area devoted to warehouse at the warehouse parking rate. The same method could apply to other land uses. The Planning Commission can also permit the reduction of the total parking requirements by up to 20 percent if the applicant can demonstrate that 1) uses on the site have different peak parking demand characteristics and 2) the difference is sufficient enough to warrant the requested reduction in the total number of parking

spaces provided. When considering a reduction of parking requirements, the Planning Commission shall be provided information regarding the number of employees, visitors, and others as well as other reasonable information necessary to make a determination. The Planning Commission may also require the submittal of a shared parking study performed by a professional traffic or parking consultant.

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#### D. Landbanked Parking

Intent. The Township recognizes that certain uses may function with less off-street parking than other uses permitted in their respective zoning districts. Notwithstanding the specific provisions of the Zoning Ordinance, landbanking may be permitted on the request of the applicant if an applicant can demonstrate that the number of parking spaces required under this Section is in excess of the actual requirements for the functional use of the building, for up to thirty-five (35) percent of the required number of parking spaces on the site, subject to the following conditions:

1. In no case shall landbanking be permitted for a parcel requiring twenty (20) or fewer spaces.
2. An alternative parking site plan shall be submitted to the Planning Commission that conforms to the Zoning Ordinance, provided that the area where parking spaces will be landbanked shall be so designated on the site plan in addition to the areas where parking spaces will be initially constructed. The alternative parking site plan shall show the number of parking spaces to be provided, the number of spaces to be landbanked, and the layout of both provided and landbanked parking areas. All areas designated for land banking shall be maintained as landscaped open space and may not be used for any other purposes.
3. The applicant shall demonstrate that all proposed and landbanked parking areas can be developed in accordance with Township, County, and State standards and regulations including, but not limited to, stormwater management and wetland protection.
4. Areas of land where parking construction has been landbanked shall be landscaped and maintained with grass or other acceptable plant materials. If that area is not disturbed during construction, it may, with the approval of the Planning Commission, be maintained in its natural vegetative condition existing prior to development, provided the natural vegetation is in keeping with the general appearance of the area.
5. In addition to the above requirements, approval for landbanking of parking lot construction shall be granted only upon finding by the Planning Commission that the proposal meets the following:
  - a. The applicant has demonstrated through substantial evidence that the specified occupant or building use would require less parking than what would typically be required by this Section;
  - b. Parking will not occur on any driveway;
  - c. Parking will not occur on any area not approved and developed for parking;
  - d. Parking will not occur on that area where parking construction has been landbanked until such time as that area is constructed for such parking;
  - e. The requested parking landbanking shall not create traffic or circulation problems on or off site; and

- f. The requested parking landbanking shall be consistent with the public health, safety, and welfare of the Township and the purposes of this Ordinance.
- 6. The owner of property for which parking landbanking has been granted shall report any proposed change in the use or occupancy of the property to the Building Official prior to said increase or change, and the Building Official shall evaluate the need for some or all of the landbanked parking spaces to be installed.
- 7. Upon determination by the Building Official, or his/her designee, that some or all of the landbanked spaces need to be installed, the applicant shall install some or all of the landbanked spaces prior to any change in the use or occupancy of the property. The Planning Commission may permit deferral of construction of landbanked parking for up to six (6) months from the determination of need by the Building Official.
- 8. In approving landbanking of parking, the Planning Commission may prescribe such conditions regarding the character, location, landscaping and other features that will in its judgment secure the objectives and purposes of this Ordinance. Violations of such conditions, when made a part of the terms under which the landbanking is permitted, shall be deemed a violation of this Ordinance.

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- E. Off-street parking required herein shall be located within three hundred (300) feet of the permitted use it is intended to serve. The distance shall be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served. The off-street parking facility shall not be separated from the building to be served by any major or secondary thoroughfare so designated by the Armada Township Master Plan or a physical barrier.
- F. Required off-street parking may not be enclosed with a gate that would permit it to be closed to either employees or patrons.
- G. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one (1) parking space.
- H. For the purpose of determining off-street parking requirements for all uses, floor area shall mean one hundred (100) percent of the gross floor area as measured from all the exterior walls, unless otherwise specified below. For those buildings which feature unique interior natural features, such as atriums and landscaped areas, floor area occupied by such areas may be deducted from the gross floor area used to calculate parking requirements as determined appropriate by the Planning Commission.
- I. Whenever drive-through or vehicle stacking lanes are provided, such lanes shall be so located so as not to impede pedestrian or vehicular circulation on the site or on abutting sites, nor shall any drive-through lane cross a vehicle maneuvering lane or aisle.

**Section 6.02 MINIMUM NUMBER OF OFF-STREET PARKING SPACES.**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is most similar in type as determined by the Planning Commission.

## A. Residential.

1. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground of the building they are intended to serve and shall consist of a parking strip, parking apron, carport and/or garage on the basis of two (2) parking spaces for each dwelling unit.
2. Multiple-family residential dwellings shall have two (2) paved off-street parking spaces for each one-bedroom dwelling unit. For each additional bedroom over two (2) per unit, one-half (½) additional parking space shall be provided.
3. Housing for the Elderly. Two (2) spaces for each three (3) dwelling units, and one (1) for each employee. Should the dwelling units revert to general occupancy, then two (2) spaces per unit shall be provided. The location of this reserved parking area shall be shown on the site plan at the time of the original approval.
4. Mobile Homes. Two (2) spaces per unit, plus one (1) space for every three (3) mobile home sites for visitor parking. Visitor parking shall be located within three hundred (300) feet of the mobile home sites they are intended to serve.
5. Community Buildings (Multiple-Family and Mobile Home Parks). One (1) space for each four (4) persons allowed within the maximum occupancy load, as determined by the Fire Department.
6. In Multiple-Family Residential Districts and Mobile Home Parks where recreation vehicles are permitted, a secured storage area for such vehicles shall be provided and buffered from adjacent uses. No unlicensed motor vehicle of any type shall be parked within the development at any time, except within a covered building or the enclosed storage area. In the Mobile Home Park District, no motorized recreation vehicles or boats shall be parked on individual home sites.

## B. Institutional

1. Auditoriums (incidental to churches, schools and hospitals)  

One (1) space for each three (3) seats; plus one (1) for each two (2) employees. If no seats, one (1) for each fifty (50) square feet of floor area.
2. Churches or Temples  

One (1) space for each three (3) seats or six (6) feet of pew in the main worship area; plus spaces for any residential uses, as determined in accordance with the parking requirements established for residential uses. Additional spaces for ancillary facilities, such as social halls, schools, etc. may be required by the Planning Commission.
3. Convalescent Homes  

One (1) space for each two (2) beds; plus one (1) for each staff member.
4. Elementary and Junior High Schools  

One (1) space for each two (2) beds; plus one (1) for each staff member.

5. Elementary and Junior High Schools

Ten (10) spaces, plus one (1) for each employee (including teachers and administrators), in addition to the requirements of the auditorium. Additional spaces for ancillary facilities and activities may be required by the Planning Commission

6. Hospitals

One (1) space per bed; plus one (1) space per employee and doctor on peak employment shift. Additional spaces shall be required for ancillary medical office buildings based on their individual requirements. Parking for emergency facilities shall be provided on the basis of one (1) space per one hundred (100) square feet of floor area of the emergency room, patient treatment areas and waiting areas.

7. Libraries/Museums

One (1) space for every five hundred (500) square feet of gross floor space.

8. Nursery Schools, Day Nurseries or Child Care Facilities

One (1) space for each employee; plus one (1) space for each four (4) students on the premise at one time. Adequate, but not fewer than five (5), stacking spaces shall be provided for pick-up and drop-off.

9. Private Clubs and Lodges

One (1) space for each three (3) members allowed within the maximum occupancy load, as determined by the Fire Department, plus one (1) per employee.

10. Senior High Schools and Colleges

One (1) space for each employee (including teachers and administrators); plus one (1) for each three (3) students; plus the requirements of the auditorium. Additional spaces for ancillary facilities and activities may be required by the Planning Commission.

**C. Recreational**

1. Bowling Alleys

Five (5) spaces per lane, plus parking required for ancillary uses such as restaurants or lounges, as determined in accordance with the requirements of this Section.

2. Dance Halls, Roller Rinks, Amusement Device Centers, Billiards, Ice Skating Rinks, Indoor Shooting Ranges, Archery Ranges and Exhibition Halls

One (1) space per three (3) persons allowed at maximum occupancy load, as determined by the Fire Department.

3. Miniature Golf, Par 3 Courses and Driving Ranges

Three (3) spaces for each miniature golf or par 3 golf hole; one (1) space for each driving range tee; plus one (1) space per employee; plus spaces required for any ancillary uses, as determined in accordance with the requirements of this Section

4. Private Golf, Swimming or Tennis Clubs and similar use

Three (3) spaces for each miniature golf or par 3 golf hole; one (1) space for each driving range tee; plus one (1) space per employee; plus spaces required for any ancillary uses, as determined in accordance with the requirements of this Section.

5. Private Golf, Swimming or Tennis Clubs and similar uses

One (1) space for each three (3) member families; plus one (1) per employee. If clubhouses are provided, one (1) additional space shall be provided for each three (3) persons allowed within the maximum occupancy load, as determined by the Fire Department.

6. Private Parks

One (1) space for each two (2) individual members.

7. Public Golf Courses (not including miniature golf, driving ranges or par 3 courses)

Six (6) spaces for each golf hole; plus one (1) per employee; plus spaces required for any ancillary use, such as a restaurant or bar, as determined in accordance with the requirements of this Section.

**D. Offices**

1. Banks

One (1) space for each one hundred (100) square feet of floor area. Stacking lanes for drive-thru tellers shall be provided, as required in this Ordinance.

2. Business Offices or free-standing administrative offices, except as indicated below

One (1) space for each one hundred fifty (150) square feet of floor space.

3. Clinics, Medical, Dental and Veterinary

One (1) space for each employee; plus one (1) space for each one hundred fifty (150) square feet of floor space.

4. Professional Buildings and all offices located in the Professional Office District

One (1) space for each one hundred twenty (120) square feet of floor area, or one (1) space for each twenty-five (25) square feet in waiting rooms; and one (1) space for each examining room, dental chair, office or similar use, whichever is greater

**E. Auto Related Uses**

1. Auto Wash, hand or coin-operated



Four (4) exterior waiting spaces at entry, plus two (2) exterior drying spaces for each bay; plus one (1) space for each employee.

2. Enclosed Self-Service two-door time charge car wash

Where all washing and drying operations are designed to take place within the building, four (4) waiting spaces shall be provided for each bay, plus one (1) space for each employee. A properly drained fifty (50) foot long drying lane shall also be provided at the exit of each washing lane or stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard

3. Auto Wash, high speed commercial

One (1) space for each employee, plus twenty (20) exterior waiting spaces at entry. A properly drained fifty (50) foot long drying lane shall also be provided at the exit of each washing lane or stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.

4. Auto Service Stations (gasoline and repair) and Auto Repair Services, excluding heavy and major repair.

In addition to a service space to be provided at each pump, the following additional requirements shall apply: three (3) spaces for each service bay; one (1) space per employee; plus one (1) space per each one hundred (100) square feet of retail floor area.

5. Self-Service Gasoline Stations (gasoline and convenience retail; no repair)

In addition to a service space to be provided at each pump, the following additional requirements shall apply: one (1) space for each one hundred (100) square feet of retail floor area; plus one (1) space for each employee.

6. Heavy and Major Auto Repairs

Three (3) spaces for each service bay. No wrecked vehicles to be parked or stored outside.

7. Quick Oil Changes

Two (2) spaces per bay; plus one (1) space per employee at the peak shift; one (1) space per two hundred (200) square feet of floor area used for retail sales.

8. New Vehicle Sales Establishments

One (1) space for each three hundred (300) square feet of sales area; one (1) space for each two hundred (200) square feet of office area; and three (3) spaces for each service bay.

**F. Commercial**

1. Agricultural Sales, Greenhouses and Nurseries

One (1) space per employee, plus one (1) space for each one hundred (100) square feet of actual permanent or temporary areas devoted primarily to where sales occur

2. Banquet/Catering Halls

One (1) space for each two (2) persons allowed within maximum occupancy, as determined by the Fire Department.

3. Beauty Parlors/Barber Shops

Three (3) spaces for the first two (2) chairs, plus one and one-half (1½) spaces for each additional chair; or one (1) space for each seventy-five (75) square feet of floor area, whichever is less.

4. Dry Cleaners.

One (1) space per each two (2) employees, with a minimum of five (5) spaces.

5. Funeral Homes/Mortuaries

One (1) space for each fifty (50) square feet of assembly room floor space, parlors and slumber rooms.

6. Furniture and Appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses.

One (1) space for each five hundred (500) square feet of floor area. For that floor area used in processing or storage, one (1) additional space shall be provided for each two (2) persons employed within or each one thousand (1,000) square feet, whichever is greater.

7. Laundromats and Coin-operated Dry Cleaners

One (1) space for each two (2) machines.

8. Motel, Hotel or other commercial lodging establishments

One (1) space for each occupancy unit, plus one (1) space for each employee; spaces required for ancillary uses, such as lounges, restaurants or conference areas, shall be determined on the basis of the individual requirements for each use as specified herein.

9. Open Air Businesses

One (1) space for each one hundred fifty (150) square feet of floor area

10. Retail Stores, except as otherwise specified herein

One (1) space for each one hundred (100) square feet of floor area, or one (1) space for each two (2) persons allowed within maximum occupancy, whichever is greater.

11. Restaurants/Lounges (excluding fast- food or carry-out establishments)

One (1) space for each two (2) employees, plus one (1) space for each two (2) seats intended for patrons within the restaurant building and one (1) space for each twenty (20) square feet of building floor area available in the order-waiting area

12. Restaurants – Fast Food and Drive-Ins

One (1) space for each two (2) employees, plus one (1) space for each two (2) seats intended for patrons within the restaurant building and one (1) space for each twenty (20) square feet of building floor area available in the order-waiting area

13. Restaurants — Carry-out only

One (1) space per employee, plus fifty (50%) percent of the parking requirement for restaurants with permanent seating.

14. Specialty Shops

One (1) space for each two hundred (200) square feet of floor space

15. Drive-thru restaurants, carry-out only

**Parking spaces:** One (1) for each employee on the largest shift, plus three (3); **Stacking spaces:** five (5) stacking spaces between the pick-up window and the ordering kiosk, plus five (5) additional stacking spaces before the ordering station

16. Drive-thru restaurants, with seating

**Parking spaces:** One (1) space for every two (2) employees, plus one (1) space for every two (2) customers permitted under maximum occupancy; **Stacking spaces:** five (5) stacking spaces between the pick-up window and the ordering kiosk, plus five (5) additional stacking spaces before the ordering station

17. Stacking spaces for pharmacies

Three (3)

18. Stacking spaces for banks

Three (3) per lane

**G. Industrial - Industrial Wholesale or Warehouse**

1. Five (5) spaces, plus one (1) per five hundred (500) square feet of floor area for each tenant or occupancy unit

2. Office-Research

One (1) space for each three hundred (300) square feet of floor area.

3. Mini-Warehouses or Self-Storage Units. Two (2) spaces for the residential caretaker's unit, plus one (1) space per fifty (50) square feet of floor area used for office purposes.

4. Warehousing

One (1) for each seventeen hundred (1,700) square feet of floor area.

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**Section 6.03 OFF-STREET PARKING SPACE LAYOUT STANDARDS, CONSTRUCTION AND MAINTENANCE.**

Wherever the off-street parking requirements in Section 6.02 above require the construction of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot, or part thereof, shall be constructed or modified unless and until a permit therefore is issued by the Building Department. Applications for a permit shall be submitted as per the requirements of Site Plan Review (Article 4).
- B. Plans for the layout of an off-street parking lot shall have dimensions consistent with the following standards:

- 1. Ninety-Degree Pattern: Parking spaces and maneuvering lanes shall be provided based on one of the following alternatives:

<b>Space Width</b>	<b>Space Length</b>	<b>Maneuvering Width</b>	<b>Two Tiers of parking and one Maneuvering lane</b>
9.5 Feet	20 Feet	24 Feet	64 Feet

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- 2. Sixty-Degree Pattern: Fifty-eight (58) feet for two (2) tiers of spaces, and one (1) aisle/ maneuvering lane, with minimum aisle width being twenty (20) feet.
- 3. Forty-Five Degree Pattern: Fifty-six (56) feet with two (2) tiers of parking spaces, plus one (1) aisle/maneuvering lane of at least twenty (20) feet in width.
- 4. All other drives or maneuvering lanes not indicated above shall have a minimum width of twenty-four (24) feet. One way drives may be permitted and shall have a minimum width of twenty (20) feet.
- 5. Parking spaces to accommodate vehicles with trailers (boats and recreational vehicles) shall be at least ten (10) feet by forty (40) feet.
- 6. Parallel parking spaces shall be a minimum of ten (10) feet by twenty three (23) feet.
- 7. All parking lot stalls shall be striped and maintained.

- C. Handicapped spaces shall be furnished as required by State law.
- D. All parking spaces shall be provided with adequate access by means of maneuvering lanes. Spaces shall not be designed to permit backing directly onto a street.
- E. The entire parking area, including parking spaces, maneuvering lanes and drives required under this Section shall be provided with an asphaltic or concrete surfacing unless a waiver is granted by the Board of Appeals for a specified period of time. Areas used as secondary parking areas (above that required by Ordinance) or those areas intended for storage may be gravel.
- F. In any area where front-end parking abuts a curbed area at least two (2) feet in width or a raised sidewalk having a minimum width of at least seven (7) feet, the minimum parking stall depth of twenty

(20) feet (as otherwise specified herein) may be decreased by up to two (2) feet in depth in order to allow for a vehicle to overhang such landscaped area or such sidewalk. In no case shall the parking stall depth be decreased to allow a vehicle to overhang a required parking setback or property line.

- G. Ingress and egress to a parking lot for non-residential purposes shall not be provided across land zoned for one-family or two-family residential purposes. All such entrances and exits shall also be located at least twenty-five (25) feet from any property zoned for one-family residential use.
- H. The surface of the parking lot area shall be maintained and kept free from weeds, rubbish, refuse and debris.
- I. All parking serving other than one or two-family dwellings shall be side-by-side. Tandem parking shall be prohibited, except where a multiple-family unit has its own separate two-car garage. Their separate approach apron can be used for visitor parking. Tandem parking to a depth of three (3) cars may be permitted in vehicle storage and inventory areas provided such areas are under the control of employees and are not accessible by the general public. Any parking or vehicle circulation areas accessible to the public shall meet the size standards specified in this Section.
- J. The storage of vehicles or merchandise, vehicles for sale, trucks or the repair of vehicles in any off-street parking lot is prohibited, except as permitted in conjunction with an approved site plan.
- K. The Planning Commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic. In such instances, a reciprocal access agreement shall be signed by each owner.
- L. Adequate ingress and egress to the parking lot by means of clearly limited and defined paved drives shall be provided for all vehicles. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall be thirty (30) feet in width. The number of driveways permitted for each site shall be determined by the Planning Commission as part of site plan review. In making this determination, consideration shall be given to the following factors: the location of driveways on adjacent sites and across the street, turning movements and traffic volumes. The location of each such entrance and exit shall be submitted for approval of the Road Commission of Macomb County or the Michigan Department of Transportation, as the case may be, and Armada Township. Tapers and bypass lanes shall be required, as determined by the Planning Commission.
- M. The use of curbing may be required by the Planning Commission to provide for safe pedestrian and vehicular circulation, to protect buildings and structures from vehicle collision and prevent encroachment onto adjacent properties. Other unique solutions may be approved by the Commission upon a finding that the intent of this Ordinance is being met.
- N. Whenever a parking lot or maneuvering lane abuts a residential lot, a side or rear yard setback of at least twenty (20) feet shall be provided between the parking lot and the adjoining residential property line.
- O. No charge for parking shall be made in an off-street parking area provided under this subsection.
- P. The use of any outdoor loud noise-producing device or public address system shall be prohibited.

#### **Section 6.04 OFF-STREET LOADING AND UNLOADING.**

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

- A. All loading or unloading areas shall provide a minimum height clearance of fourteen (14) feet.
- B. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. When required, loading and unloading areas shall be designated and defined.
- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities, except as specifically authorized by this Ordinance.
- D. Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the Planning Commission when it is determined that such space and loading facilities would not interfere with parking and circulation, either vehicular or pedestrian, or with abutting uses. All overhead doors shall be considered accessory to loading and unloading activities and shall not be located on the front or street-side of a building or structure.
- E. All loading and unloading areas shall be surfaced, drained, and otherwise developed in accordance with the provisions applicable to off-street parking areas.
- F. Loading and unloading areas and related service drives shall meet all setback requirements established for parking.

## ARTICLE VII ZONING DISTRICTS

### Section 7.00. DISTRICTS AND ZONING MAP.

For the purpose of this Ordinance, the Township of Armada is hereby divided into zones or districts as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in this Ordinance of the Township of Armada (include date of adoption)." If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board, together with an entry on the Official Zoning Map as follows: Amended (date) , Amendment No. ( ) .

The Official Zoning Ordinance and Map are to be maintained and kept up-to-date. This Ordinance and Map shall be filed with the Township Clerk and shall be the official record as to the current zoning status of lands, buildings, and other structures in the Township.

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

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the Township Limits shall be construed as following the Township Limits.
4. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
5. Boundaries indicated as parallel to, or extensions of, features noted in subsections 1. Through above shall be so construed.
6. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map.
7. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections 1. through 6. above, the Board of Appeals shall interpret the district boundaries.





## **ARTICLE VIII - AG - AGRICULTURAL PRESERVATION DISTRICT**

### **Section 8.00 STATEMENT OF INTENT**

1. Encourage the continued use and preservation of Armada Township's productive agricultural land.
2. Foster an attitude that encourages agricultural preservation and which recognizes that farming will continue to be an important land use.
3. Minimize the premature conversion of productive agricultural land for urban uses.
4. Provide opportunities for agriculture to exist compatibly with single-family homes.
5. Maintain existing large parcels of land which readily lend themselves to continued agricultural use, and discourage land divisions that serve to prematurely retire productive agricultural land.
6. Provide some flexibility to agricultural property owners which recognizes the need to convert some farmland to other uses, but which does not compromise the long-term viability of existing agricultural uses.
7. Discourage utility extensions that would lead to the conversion of farmland for urban uses.
8. Consider a range of appropriate alternative measures for preserving existing farm land.
9. Recognize that agriculture is the proper utilization of a natural resource.
10. Provide for large lot, single-family residential interspersed, within farm lot, recreation and open space developments. It is anticipated that this area will never have public water or sewer facilities available.

### **Section 8.01 USES PERMITTED.**

- A. General and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products and foodstuffs until consumed on the premises or until moved to an off-premise place of collection, distribution, or processing, and for the incidental sale of the crops, products and foodstuffs raised or grown on said parcel or in said building or structure
- B. Agri-Business (Value Added Farming Operations)

1. Intent

The Township recognizes the need for farming and its ancillary uses to evolve as the broader market and economic conditions of farming evolve. Further that, to maintain the remaining farms and orchards within the Township, preserving the agricultural heritage of the community, as well as furthering the goals and objectives of the Township Master Plan, it is necessary to allow ancillary uses connected with the typical farm and farm operations which may have a slightly more commercial nature. The long term preservation of farming operations was listed as one of the Township residents main objectives within a survey

released by Michigan State University Extension in November of 2002. This section of the Ordinance is intended to provide a mechanism to allow agribusinesses or value added farming operations on existing farm facilities while protecting the long term planning interests of the Township. As part of the agri-business approval process noted below, a farm must produce some form of recognition from the State of Michigan that the subject site is a bona fide farm. If any question arises such documentation shall be available for inspection by the Township Supervisor, the Township Code Enforcer, or other appointed designee. These methods may include tax records, enrollment in state or federal programs, or other acceptable means as determined by the Township Board.

## 2. Acceptable Ancillary Uses

The following uses shall be deemed as acceptable ancillary uses as part of an overall agri-business and shall not require a site plan; however, site plan review as well as the appropriate permits/inspections shall only be required where the general public is allowed internal access to a building. Site plan and engineering review shall also be required for any paved parking areas. Finally, bona fide farms need not provide a full site plan for the entire farm site or be subject to the full extent of the site plan review requirements set forth in this Ordinance for the following reasons: 1) The overall size of the farming operation as it relates to the portion of the property utilized for agri-business. 2) The anticipated limited scale and development intensity of an agri-business.

- a. Agricultural products grown on site, including but not limited to farm markets, you-pick farms, greenhouses and nurseries (a minimum of fifty-five (55) percent grown on site).
- b. Cider mills or wineries derived from produce grown primarily on site (a minimum of fifty-five (55) percent grown on site).
- c. Bakeries selling baked goods containing produce grown primarily on site (a minimum of fifty-five (55) percent grown on site).
- d. Children play areas including inflatables (not including motorized vehicles or rides).
- e. Petting zoos (limited to farm animals) and pony rides.
- f. Small scale entertainment on a minimum of twenty (20) acres (not including permanent seating areas).
- g. Gift shops for the sale of crafts and antiques limited to twenty-five (25) percent of all indoor retail square footage on site.
- h. Family orientated animated barns (fun houses, haunted house, or similar) and hayrides on a minimum of twenty (20) acres.
- i. Kitchen facilities along with the sale of cider, doughnuts, fruit, etc. operation limited to eight (8) months out of the year. Kitchen facilities do not include restaurant
- j. Indoor storage facilities for the storage of automobiles, recreational vehicles and items similar in nature. Indoor storage may only occur in buildings that existed at the time of the adoption of this Ordinance.
- k. Processing farm products (a minimum of fifty-five (55) percent grown on site).

- l. Accessory or other similar uses to those listed above as approved by the Planning Commission. If the Commission determines that the type of use is not similar to an above stated acceptable ancillary use or that the impacts from such a use may be of a more intense nature, the Planning Commission may consider the use as a special land use approval and if approved, may place appropriate conditions on the use to ensure that the health, safety, and general welfare of the Township are protected.
- m. Accessory uses which include mud bogs, race tracks, tractor pulls, the use of motor vehicles or off road vehicles for entertainment, charitable or for profit purposes, shall not be considered acceptable ancillary uses. This shall not include the use of tractors for hayrides or other similar events or normal farm related activities.

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### 3. Minimum Site Requirements

- a. The ancillary uses above, may only be considered for farms or orchards with a minimum land area of ten (10) acres or more unless otherwise stated above.

### 4. Setbacks for all Agri-Business Buildings

- a. Front yard: As required in the Zoning District.
- b. Side yard: A minimum of fifty (50) feet.
- c. Rear yard: A minimum of fifty (50) feet.

*\*Existing buildings being utilized for storage are not subject to the above noted setback requirements.*

### 5. Pedestrian Circulation

- a. Dedicated pedestrian walkways or pathways shall be provided from all parking areas to the designated activity or shopping area. Walkways shall incorporate some form or combination of fencing, curbing, landscaping, etc., as a method of separation.

### 6. Parking

- a. An improved parking area shall be provided for the farm market, stand, or any other building in which the public can enter. Parking shall be provided at a rate of one (1) space for each one hundred and fifty (150) square feet of such building area. Improved parking may be either paved or gravel.
  - 1. The dimensions and location of the gravel parking lot shall be shown on the site plan. For the purpose of determining the size of the parking area, 2,500 square feet of parking area shall be provided for every ten (10) parking spaces
  - 2. The limits of the gravel parking lot shall be clearly identified by an appropriate movable barrier (i.e., snow fencing, string line with tied ribbons, small logs, precast concrete bumpers, etc.). Access for overflow parking shall also be clearly identified.
  - 3. The topsoil in the gravel parking lot area shall be stripped. (If stockpiled, proper soil erosion control measures shall be put in place. If immediately placed on a farm field, no measures are required). No topsoil may be transported off site from one legally described parcel to another without a permit from the Township.

4. Under certain conditions, (frozen ground, saturated soil, or soft unstable soils are examples) a geotextile fabric shall be placed in the parking area where the topsoil has been stripped and the area has been graded. The grade shall be inspected by the Township to ascertain if the geotextile fabric is needed prior to placing any aggregate. When a geotextile fabric is needed, all overlapping seams and the outside border of the fabric will be adequately staked. (The purpose of the geotextile is to prevent saturated or unstable soil from migrating into the aggregate).
5. Six (6) inches of MDOT 21 AA aggregate shall be placed over the fabric and compacted in place.
- b. Overflow parking shall be serviced by a one hundred (100) foot long gravel driveway no less than twenty (20) feet wide from any exterior roadway.
- c. No parking shall occur within the road right-of-way.
- d. Parking areas within one hundred (100) feet of an exterior property line shall be adequately screened from adjacent residential uses. Screening shall consist of a landscape greenbelt consistent with the standards of this Ordinance.

#### 7. Conditions of Agri-Business Operations

- a. All proper permitting and licensing records (as required) shall be available to the Township upon request.
- b. Noise emanating from such use shall meet the acceptable decibel requirements set forth in this Ordinance.
- c. Lighting shall be shielded downward and away from all adjacent residences and public rights-of-way.
- d. Permits or proof of review for all new access drives shall be obtained from the Road Commission of Macomb County. For all existing drives, created after April 2000, proof of permit or review from the Road Commission shall be provided as a part of approval.
- e. Uses shall provide an emergency action/access plan (as approved by the Fire Department) for emergency response for each aspect of the agribusiness use (if and as determined necessary by the Township).

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C. Single-Family Dwellings.

D. Open Space Communities.

E. Raising or growing of plants, trees, shrubs, horticulture and nursery stock, and any building or structure used for such raising or growing, and for the storage of equipment and materials necessary for such raising or growing.

F. The growing, stripping and removal therefrom of sod, provided that said lot or portion thereof shall be reseeded after stripping, but within one planting season

G. The keeping of horses, cows, or similar animals for riding, show or personal use shall be permitted only on a lot or parcel of two (2) acres or more. One (1) additional acre is required for each animal after the first. Fowl and small animals may be permitted only on a parcel of land of at least two (2) acres, provided that all such fowl or animals are penned or housed and that such enclosure is located at least fifty (50) feet from any lot line and at least one hundred (100) feet from any adjacent dwelling. Horses or other such livestock shall be fenced in or otherwise prevented from roaming at-large off the premises. The above regulations do not apply to farms as defined in this Ordinance.

- H. Family Day-Care (1-6 children).
- I. Public Schools.
- J. Township Municipal buildings and uses.
- K. Home Based Business.
- L. Accessory buildings, structures and uses customarily incidental to any of the uses when located on the same property.

**Section 8.02 SPECIAL APPROVAL LAND USES.**

The following uses may be permitted as special approval land uses by the Township Board, after a recommendation by the Township Planning Commission.

- A. Airports and Private Airstrips (Section 16.04).
- B. Bed and Breakfasts (Section 16.07).
- C. Cemeteries (Section 16.10).
- D. Churches (Section 16.11).
- E. Day Care Centers and Nursery Schools (Section 16.14).
- F. Golf Courses, Ball Fields and Athletic Fields (Section 16.20).
- G. Group Day-Care (7-12 children) (Section 16.21).
- H. Mining and Extraction (Section 16.26).
- I. Private Clubs, Fraternal Organizations, Lodge Halls, Cultural Centers and Union Halls (Section 16.29).
- J. Public Utility Buildings (Section 16.30).
- K. Raising of Fur Bearing Animals, Including Kennels (Section 16.31).
- L. Shooting Ranges and Gun Clubs (Section 16.33).
- M. Private Schools (Section 16.11).

**Section 8.03 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

- A. In the AG district, the following area, height, density, bulk and placement regulations shall apply:

Minimum parcel size: One and Three Quarter (1.75) acres (76,230 square feet)

Minimum lot width: 165 feet, corner lots 215 feet

B. All parcels created after the adoption of this Ordinance shall have a maximum depth-to-width ratio of 5-to-1. This shall not apply to the remainder of the parent parcel or parent tract if such is retained by the proprietor. Lots that legally existed and were recorded prior to the amended Ordinance may be developed, provided they meet the yard setback requirements of this Article.

C. Maximum height of structures: Two (2) stories; thirty-five (35) feet

D. Minimum lot setbacks:

Front yard (measured from each road centerline):

32 Mile Road, Capac Road Wolcott Road, Old Farm Trail	125 feet
Major Roadway	110 feet
Collector Roadway	93 feet
Local Roadway	80 feet

For sites fronting on two streets, a front yard setback in accordance with the requirements above shall be maintained on each street.

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a. Least side yard:	25 feet
b. Total of both sides:	50 feet
c. Rear yard:	60 feet
d. Lot coverage:	25 percent

E. Minimum floor area in square feet:

	<b><u>1st Floor</u></b>	<b><u>Total</u></b>
Total One (1) story:	1,000 sq. ft.	1,000 sq. ft.
One and one-half (1½) story:	800 sq. ft.	1,200 sq. ft.
Two (2) story:	650 sq. ft.	1,300 sq. ft.

Where a single-family home is constructed without a basement, an additional one hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to, hot water heater, laundry tubs and the like.

## **ARTICLE VIII-A SAA – SPECIAL ANCILLARY AGRICULTURAL USES OVERLAY DISTRICT**

*Ord. Effective Date 04/08/2015*

### **Section 8A.00 STATEMENT OF INTENT**

The Township recognizes that the nature of the economy changes over time, and that within the AG Agricultural Preservation District, commercial activities that are ancillary to a principal agricultural use and not otherwise permitted in the district may be appropriate in certain locations. The Special Ancillary Agricultural Uses Overlay District is intended to facilitate these uses in locations that the Township Board deems appropriate. The Overlay District is intended to be applied only to properties where the underlying zoning is AG Agricultural Preservation District, shall be applied only to properties where working farms are located, and shall only be applied when the Township has rezoned the subject property to add the SAA overlay district. Such uses shall maintain the rural character and design elements of the district and should not interfere with bona-fide agricultural operations. These supplemental uses should be targeted away from prime farmland. In some cases, Special Approval Land Uses permitted under the Overlay District may operate year-round. Any Special Approval Land Use applied for in the Overlay District shall require a site plan.

### **Section 8A.01 USES PERMITTED**

**Reserved.**

### **Section 8A.02 SPECIAL APPROVAL LAND USES**

- A. Event hosting facilities §16.39
- B. Special outdoor events §16.40
- C. Manufacture of food and beverages, including the distillation, fermentation, brewing, and related packaging of alcoholic beverages §16.41
- D. Year-round kitchens with seating areas/tasting rooms §16.42
- E. Ancillary uses similar to those uses listed above as approved by the Township Board.

### **Section 8A.03 SITE, AREA AND PLACEMENT REQUIREMENTS**

- A. All Special Approval Land Uses in the Special Ancillary Agricultural Uses Overlay District shall meet the minimum requirements of the underlying AG Agricultural Preservation District. Where the standards of the Special Approval Land Use set forth under ARTICLE XVI apply more rigorous requirements to a use, the Special Approval Land Use standards shall apply.
- B. Minimum Parking and Loading/Unloading Requirements
  - 1. An improved parking area shall be provided for all employees and visitors to the facility.
    - a. Improved parking areas shall be gravel. A portion of the parking area may be paved, subject to approval by the Township Board.
    - b. The dimensions and location of the gravel parking lot shall be shown on the site plan. For the purpose of determining the size of the parking area, at least 2,500 square feet of parking area shall be provided for every ten (10) parking spaces.
    - c. The limits of the gravel parking lot shall be clearly identified by an appropriate movable barrier (i.e., wood-stake or metal-stake snow fencing, small logs, precast concrete bumpers, etc.). The use of bring orange, plastic snow fence or similar material is not permitted for this purpose.
    - d. The topsoil in the gravel parking lot area shall be stripped. (If stockpiled, proper soil erosion control measures shall be put in place. If immediately placed on a farm field, no measures are required). No topsoil may be transported off site from one legally

described parcel to another without a permit from the Township and County, as applicable.

- e. Under certain conditions, (frozen ground, saturated soil, or soft unstable soils are examples) a geotextile fabric shall be placed in the parking area where the topsoil has been stripped and the area has been graded. The grade shall be inspected by the Township to ascertain whether the geotextile fabric is needed prior to placing any aggregate. When a geotextile fabric is needed, all overlapping seams and the outside border of the fabric will be adequately staked. (The purpose of the geotextile is to prevent saturated or unstable soil from migrating into the aggregate).
  - f. Six (6) inches of MDOT 21 AA aggregate shall be placed over the fabric and compacted in place.
2. No parking shall occur within the road right-of-way.
  3. Access
    - a. All parking and loading/unloading areas shall have ingress and egress directly onto a paved major thoroughfare with an existing or planned right-of-way width of at least one hundred and twenty (120') feet.
    - b. Tapers and bypass lanes or center left-turn lanes shall be required, if warranted, as determined by the Macomb County Department of Roads.
  4. Shared Parking
    - a. On sites with existing parking lots that serve other uses, a parking plan may be developed demonstrating how existing lots can accommodate a portion of the required parking for the proposed Special Approval Land Use.
    - b. Adequacy of the parking plan shall be determined by the Township Board, which may require the construction of additional parking lot as it deems necessary.
  5. Screening of Parking and Loading Unloading Areas
    - a. Where possible, parking and loading/unloading areas for the Special Approval Land Use should be interior to the site, with the structures on the site screening said areas from neighboring properties.
    - b. The minimum side or rear yard setback for a parking lot or loading/unloading area is 35 feet.
    - c. New permanent parking lots and loading/unloading areas within one hundred (100) feet of an exterior property line shall be adequately screened from adjacent residential uses. Screening shall consist of a landscaped greenbelt consistent with the standards of Section 5.01. This shall not apply to temporary seasonal lots used for overflow parking.
    - d. Parking visible from a public road shall be screened by a landscaped berm, hedgerow, or native vegetation between 2.5 and 3.0 feet high.

C. Pedestrian Circulation

1. Dedicated, permanent pedestrian walkways or pathways shall be provided from all parking areas to the structure housing the event hosting facility. Walkways shall incorporate some form or combination of fencing, curbing, paving, or landscaping as a method of separation and shall provide barrier-free access to the facility.
2. Areas where pedestrian walkways cross vehicular circulation paths shall be properly signed and marked.

D. All exterior lighting shall be directed downward and shielded with full cut-off fixtures to prevent light being directed off of the premises.

E. All federal, state, and county permits, when required, shall be obtained and maintained in good standing.

F. Signage

1. All signs visible from a property line and closer than 300 feet to the centerline of the public right-of-way shall be subject to the Zoning Ordinance. Signs further than 300 feet from the centerline of the public right-of-way exceeding 80 square feet in size and visible from the



- roadway shall also be subject to the Zoning Ordinance. A Special Land Use application shall include a Master Sign Plan showing the signage proposed, including its location on the site.
2. Building-mounted signs shall not exceed 25 percent of the total street-facing façade.
  3. One primary monument sign shall be permitted, not to exceed 48 square feet. A secondary monument sign no greater than 40 square feet in size may also be permitted on sites with greater than 2,600 feet of public right-of-way frontage.
  4. Directional signs no greater than 32 square feet in size may be provided at a rate not to exceed one sign per 500 feet of public road frontage. The Township Board shall approve directional signs upon a finding that the spacing of the signs does not create visual clutter, does not impair the safety of drivers exiting and entering the site, and does not impair the safety of drivers in the public right-of-way.
  5. Legally established nonconforming signs may be retained upon a finding by the Township Board that such signs are compatible with the character of the Agricultural Preservation District.
  6. All signs shall be professionally produced and constructed from durable materials and shall be in keeping with the intent of the District, as determined by the Township Board.
  7. All signs exceeding three (3) square feet in size shall be permanently fixed in their locations, as indicated on the Master Sign Plan. Small directional signs 3 square feet or less in size and intended to regulate on-site vehicular and pedestrian circulation shall be provided at a rate of no greater than one (1) for each direction of travel per drive or walkway location.
  8. Illumination of signs may be permitted subject to review of each individual special land use application.
  9. Temporary off-site signs shall be permitted as regulated in Section 5.07.D.13.

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## **ARTICLE IX - R-1 - RESIDENTIAL ZONING DISTRICT**

### **Section 9.00 STATEMENT OF INTENT**

This area provides for higher density, single-family development, limited commercial and industrial uses proximate to the Villages of Armada and Romeo. Limited utility extensions would be allowed in these areas, provided that the timing of any extensions coincide with the higher density. This residential district would provide for a range of housing choices with varying densities based upon the availability of utilities. Planned neighborhoods and subdivisions are anticipated in this district.

### **Section 9.01 USES PERMITTED**

- A. Single-Family Dwellings.
- B. Open Space Communities.
- C. Family Day-Care (1-6 children).
- D. Public Schools.
- E. Township Municipal Buildings and Uses.
- F. Home Based Business.
- G. Accessory buildings, structures and use customarily incidental to any of the uses when located on the same property.
- H. Farms as defined in 8.01 A., E., F.

### **Section 9.02 SPECIAL APPROVAL LAND USES.**

The following special approval land uses may be permitted by the Township Board after a recommendation by the Township Planning Commission:

- A. Bed and Breakfasts (Section 16.07).
- B. Cemeteries (Section 16.10).
- C. Churches (Section 16.11).
- D. Golf Courses, Ball Fields and Athletic Fields (Section 16.20).
- E. Group Day-Care (7-12 children) (Section 16.21).
- F. Private Clubs, Fraternal Organizations, Lodge Halls, Cultural Centers and Union Halls (Section 16.29).
- G. Public Utility Buildings (Section 16.30).
- H. Two Family Dwelling (Section 16.34) .

**Section 9.03 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

A. In the R-1 district, the following area, height, density, bulk and placement regulations shall apply:

Without Public Sewer

- Minimum parcel size: 43,560 square fee
- Minimum lot width: 165 feet, corner lots 215 fee
- Minimum lot depth: 200 feet

B. All parcels created after the adoption of this Ordinance shall have a maximum depth-to-width ratio of 5-to-1. This shall not apply to the remainder of the parent parcel or parent tract if such is retained by the proprietor. Lots that legally existed and were recorded prior to the amended Ordinance may be developed, provided they meet the yard setback requirements of this Article.

C. Maximum height of structures: Two (2) stories; thirty-five (35) feet. D.

D. Minimum lot setbacks:

Front yard (measured from each road centerline):

32 Mile Road, Capac Road Wolcott Road, Old Farm Trail	125 feet
Major Roadway	110 feet
Collector Roadway	93 feet
Local Roadway	80 feet

For sites fronting on two streets, a front yard setback in accordance with the requirement above shall be maintained on each street

	<i>Ord. 2011-114-24 Effective Date 08/03/11</i>
Least side yard:	15 feet
Total of both sides:	30 feet
Rear yard:	60 feet
Lot coverage:	25 percent

E. Minimum floor area in square feet:

	<u>1<sup>st</sup> floor</u>	<u>2<sup>nd</sup> Floor</u>
Total One (1) story	1,000 sq. ft.	1,000 sq. ft.
One and one-half (1½) story:	800 sq. ft.	1,200 sq. ft.
Two (2) story:	650 sq. ft.	1,300 sq. ft.

Where a single-family home is constructed without a basement, an additional one hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to, hot water heater, laundry tubs and the like.

## **ARTICLE X - RM - MODERATE DENSITY RESIDENTIAL ZONING DISTRICT**

### **Section 10.00 STATEMENT OF INTENT**

The R-M, Moderate Density Residential District is intended to permit a more intensive residential use of land with various types of multiple-family dwellings, mobile homes and related uses. These areas would be located near major streets for good accessibility and within areas of potential sewer service. Various types and sizes of residential accommodation for ownership or rental would, thereby, be provided to meet the needs of the different age groups in the community.

### **Section 10.01 USES PERMITTED**

In all RM Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified uses:

- A. Farms as defined in 8.01 A., E., F.
- B. Single-Family Dwellings.
- C. Two-Family Dwellings.
- D. Multiple-Family Dwellings.
- E. Family Day-Care (1-6 children).
- F. Public Schools.
- G. Township Municipal Buildings and Uses.
- H. Home Based Business.
- I. Accessory buildings, structures and uses customarily incidental to any of the above uses when located on the same property.

### **Section 10.02 SPECIAL LAND USES**

The following special approval land uses may be permitted by the Township Board after a recommendation by the Township Planning Commission:

- A. Churches (Section 16.11).
- B. Colleges and Universities (Section 16.12).
- C. Convalescent, Nursing Homes or Hospices (Section 16.13).
- D. Day Care Centers and Nursery Schools (Section 16.14).
- E. General Hospitals (Section 16.19).

- F. Golf Courses, Ball Fields and Athletic Fields (Section 16.20).
- G. Group Day-Care (7-12 children) (Section 16.21).
- H. Housing for the Elderly or Senior Citizen Housing (Section 16.23).
- I. Non-Commercial Recreation (Section 16.27).
- J. Private Clubs, Fraternal Organizations, etc. (Section 16.29).
- K. Public Utility Buildings (Section 16.30).
- L. Private Schools (Section 16.11)

**Section 10.03 AREA, HEIGHT, AND REQUIREMENTS**

No project site shall have less than twelve thousand (12,000) square feet of area and one hundred (100) feet of frontage.

- 1. Minimum gross site area in square feet, per dwelling unit for each Multiple-Family District: \*

1 bedroom	5,000
2 bedroom	5,500
3 bedroom	6,000

\* Efficiency units shall be regulated the same as one (1) bedroom units.

NOTE: Units with more than three (3) bedrooms shall provide an additional 1,000 square feet of site area for each additional bedroom.

- 2. Plans presented which include a den, library or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.
- 3. Each development shall be limited to a maximum of ten (10) percent efficiency units.
- 4. Well-defined and improved recreation areas and facilities, such as parks, playgrounds, swimming pools and community buildings, shall be provided. At a minimum, these parks shall include amenities such as picnic tables, benches and paved walking paths. The minimum number of square feet of recreation area and/or facilities shall be provided in addition to all required setbacks and greenbelts and shall be provided on a per unit basis according to the following schedule:

<b><u>Minimum Sq. Ft.</u></b>	
1 bedroom	500
2 bedroom	600
3 bedroom	800
4 bedroom	1,000

- a. Regulated wetlands, floodplains, detention ponds, lakes, rivers and other such areas may not be included in the calculations towards required recreation areas.
  - b. Natural open space, excluding the types of areas mentioned above, may be included and credited for up to one-half (½) the requirement upon Planning Commission approval.
  - c. Recreation facilities generally shall be provided in a central location and should be convenient to all units within the development. In larger developments, however, recreation facilities may be decentralized or part of an approved open space area plan.
5. Landscaped setbacks must be provided adjacent to, and surrounding each building on the following basis:

**Required Setback**

Front	30 feet
Rear	40 feet
Side	15 feet

- a. Setbacks utilized for one building shall not be utilized to fulfill the setback requirement for any other building. Such landscape setback shall be exclusive to the building it surrounds.
  - b. Where a side of a building is adjacent to and parallel to a side of an adjacent building and where such sides of the buildings have no doors or windows, the side yard requirement may be reduced by five (5') feet for each building. The total distance allowable between such buildings shall not be less than twenty (20') feet.
  - c. Buildings which include attached garages may eliminate the required setback on sides of the building where garages are located in order to permit a parking apron and paved access to garages. However, pavement shall not surround more than forty (40) percent of the overall perimeter of the building.
  - d. Each square foot of pavement which encroaches into a required setback must be replaced on another side of the same building. Site plans must clearly dimension landscaped greenbelts and provide calculations in instances of setback transfer.
  - e. In no case shall any building encroach any closer than thirty (30) feet to a road, drive, access lane or parking area.
  - f. Yard areas used to facilitate utilities must maintain a thirty (30) foot greenbelt.
6. No multiple-family building shall exceed one hundred fifty (150) feet in length along any one face of the building.

**D. Building Requirements.**

- 1. Maximum Height of Each Building:
  - a. In Stories: Two (2)

- b. In Feet: Thirty-five (35).
2. Minimum Yard Setback from the Project's Perimeter: Perimeter setbacks shall not be based on building orientation. Front yards shall be all yards located between buildings and public roads.
- a. Front Yard. One hundred twenty five (125) feet shall be required from the centerline of all abutting public roads to the nearest building on the site. No parking shall be permitted in the first eighty-five (85) feet of required front yard space, as measured from the centerline of the right-of-way.
  - b. Side and Rear Yard. No building shall be closer than fifty (50) feet to any property line.
3. Minimum Floor Areas for Multiple-Family shall be as follows:
- a. Efficiency Unit. The term "Efficiency Unit" shall mean a dwelling unit containing a minimum of four hundred fifty (450) square feet of floor area and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities.
  - b. One-Bedroom Unit. The term "One-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
  - c. Two-Bedroom Unit. The term "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities.
  - d. Three or More Bedroom Unit. The term "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room, in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to be minimum floor area of eight hundred (800) square feet.
  - e. In addition to the above minimum floor area per unit, thirty-two (32) square feet shall be provided in each unit for utilities space (washer, dryer and work space). Buildings with enclosed common tenant or occupant hallways, such as apartment structures, may provide central utility rooms in lieu of the individual unit spaces required above. In each building where a central utility room is permitted, internal access shall be provided from each dwelling unit; the central utility room shall contain twenty (20) square feet for each dwelling unit in the building; and there shall be one (1) washer and one (1) dryer for every four (4) dwelling units or fraction thereof.

**E. Off-Street Parking Requirements.**

- 1. Where any recreation vehicles are permitted in the development by the Township Planning Commission, adequate fenced, locked or secured and visually buffered parking and storage spaces shall be provided in addition to those required elsewhere in this Ordinance. Such parking shall be collective and in a central location. In no case, however, shall a recreation vehicle be parked or stored closer than thirty (30) feet to any building or site boundary line.



2. Storage of commercial vehicles or trailers on the premises is prohibited.
3. No multiple-family dwelling shall be given a certification of occupancy or use unless public sewers or an approved on-site sewage system approved by the Macomb County and State of Michigan Health Departments has been installed and inspected.
4. Concrete sidewalks, which are a minimum of three (3) feet, shall be provided from the entrances of each multiple-family dwelling to the recreation or service facilities.
5. All access to a multiple-family dwelling complex shall be from an improved hard-surfaced major or secondary thoroughfare having an existing or planned right-of-way width of 120 feet or more, as shown on the adopted Armada Master Plan.
6. Facilities for the storage and disposal of trash and garbage in a sanitary manner shall be in each multiple-family complex.

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## **ARTICLE XI LAND LEASE DEVELOPMENT**

### **Section 11.00 LAND LEASE DEVELOPMENT DISTRICT**

The Land Lease Development District is a residential district. The rules are those set forth by the Mobile Home Commission, except for the following regulations designed to provide adequate space and land use separation in harmony with the Township's other zoning districts.

#### **Section 11.01 PERMITTED USES**

- A. Mobile home parks, as defined and subject to the requirements, as established and regulated by Act 96 of the Public Acts of 1987, as amended.
- B. Accessory commercial uses may be conducted in a manufactured housing community in separate, permanent structures and for such purposes as the office of the manager, laundry and dry cleaning facilities, or other services for the residents of the park. Accessory uses may also include clubhouses and recreational facilities. Adequate parking for such services shall be provided. All accessory uses shall require full site plan review and approval.

#### **Section 11.02 GENERAL SITE REGULATIONS**

- A. Minimum Site Size - A manufactured housing community shall only be permitted on a minimum site of twenty (20) acres.
- B. Building Height - The maximum height of service buildings and permitted office structures shall be two (2) stories or thirty five (35) feet.
- C. Fire Hydrants - Shall be provided as required by the Township. Further, appropriate volume and pressures of any fire suppression system shall be provided as required by the Township.
- D. Access to Public Roads - A manufactured housing community shall be developed with public roads meeting the requirements of the Road Commission of Macomb County.
- E. Sidewalks shall be provided on both sides of the street throughout the manufactured housing community.
- F. Screening as required by the Ordinance shall be provided along the exterior boundaries of the manufactured housing community.
- G. Building Size - The minimum size of any manufactured home placed within a manufactured housing community shall be one thousand one hundred (1,100) square feet. Further, the minimum width of any such unit shall be twenty four (24) square feet. Finally, ceiling heights shall be a minimum of seven and one half (7.5) feet.
- H. Reference is hereby made to Sections 11, 12 and 13 of the Mobile Home Commission Act (No. 419, P.A. 1976) which requires, among other things, that a person who desires to develop a manufactured housing community shall submit a preliminary plan to the Armada Township Planning Commission for approval. The preliminary plan shall include the location, layout, general design and a general description of the project for submission requirements and procedures. The preliminary plan shall not include detailed construction plans.

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## **ARTICLE XII - B-1 BUSINESS DISTRICT**

### **Section 12.00 STATEMENT OF INTENT.**

The B-1 Business District is designated to permit the full range of retail shopping, office, personal service, business and entertainment activities. These uses would generate large volumes of vehicular traffic, would need off-street parking and loading and would need careful planning to integrate such districts with adjacent residential areas.

### **Section 12.01 PERMITTED USES.**

- A. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
- B. Personal Service Establishments such as Beauty Shops and Self-Service Laundries.
- C. Professional and Business Offices, Banks, Medical and Dental Offices and Clinics.
- D. Churches and Nursery schools.
- E. Private Clubs, fraternal organizations, lodge halls, cultural centers and union halls.
- F. Any service establishment of an office, showroom or workshop nature that requires a retail adjunct.
- G. Other retail uses similar to any of the above uses.
- H. Farms as defined in 8.01 A., E., F.
- I. Accessory buildings and uses customarily incidental to the above permitted uses.

### **Section 12.02 SPECIAL APPROVAL LAND USES.**

The following special approval land uses may be permitted by the Township Board after a recommendation by the Township Planning Commission.

- A. Drive-Thru Facilities (Section 16.15).
- B. Funeral Homes and Mortuaries, Not Including Crematoriums (Section 16.17).
- C. Public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations (Section 16.30).

**Section 12.03 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

A. In the B-1 Business District, the following area, height, density, bulk and placement requirements shall apply:

Minimum lot size:	30,000 square feet.
Minimum lot width:	120 feet
Minimum front yard setback:	110 feet from each abutting road right of way centerline 125 feet from the road right of way centerline of 32 Mile Road, Capac Road, Wolcott Road, Old Farm Trail.

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Minimum side yards:	15 feet each side.
Minimum rear yard:	50 feet
Maximum height of building:	2 stories, 35 feet.
Maximum lot coverage:	25 percent.

Footnotes:

1. No side yards are required along the interior side lot lines if the buildings have a common wall or abut each other. In all other cases, side yards of not less than fifteen (15) feet shall be provided. On the side yard which borders on a Residential District, there shall be a building and parking lot setback of not less than thirty (30) feet.
2. An obscuring wall or fence, or a greenbelt, shall be provided on those sides of the property abutting a residential use or an AG, R-1 or R-M District and shall meet the requirements of this Ordinance.
3. Parking may be permitted within the front, side and rear yards if, after review of the parking layout and points of access on the site plan, the Planning Commission determines that no detrimental traffic problems or adverse effects upon the surrounding area will result. In any case, a greenbelt shall be provided in the first twenty-five (25) feet of the front yard area, which shall be constructed and maintained according to the standards of this Ordinance.

B. All proposed structures or uses of land shall be subject to the site plan review provisions of this Ordinance.

## **ARTICLE XIII - B-2 - GENERAL BUSINESS DISTRICT**

The B-2 General Commercial Districts are designed to provide areas served typically by a more intense variety of thoroughfare oriented commercial uses which would be incompatible with uses permitted in local commercial districts. The General Commercial District is characterized by more diversified business types that are often located so as to serve large traffic volumes.

### **Section 13.00 PERMITTED USES.**

- A. All permitted uses in the B-1 District.
- B. Bowling Alleys, Pool or Billiard Parlor or Club, Indoor Archery and Indoor Tennis Clubs, and other similar indoor commercial recreation establishments.
- C. Clinics and Veterinary Facilities provided no outdoor runs or kennels are proposed.
- D. Eating and Drinking Establishments, excluding Fast-Food Restaurants with Drive-Thru Windows.
- E. Funeral homes.
- F. Municipal Facilities and Buildings, Governmental Offices or other Governmental uses; Public Utility Offices, Exchanges, Transformer Stations, Pump Stations, and Service Yards, but not including Outdoor Storage.
- G. Physical Fitness Facilities.
- H. Private Clubs or Lodge Halls.
- I. Self-Service Laundry and Dry Cleaning Establishments.
- J. Other uses which are similar to the above uses.
- K. Accessory structures customarily incident to the above permitted uses.

### **Section 13.01 SPECIAL LAND USES.**

The following special approval land uses may be permitted by the Township Board after a recommendation by the Township Planning Commission.

- A. Adult Entertainment and Business Uses (Section 16.03).
- B. Automobile Repair and Service Centers excluding Paint and Collision Shops (Section 16.06).
- C. Car, Truck, Farm Implement, House Trailer, and Travel Trailer Sales (Section 16.09).
- D. Commercially Used Outdoor Recreational Space for Miniature Golf Courses, Driving Ranges and Similar Type Uses.
- E. Drive-Thru Facilities (Section 16.15).
- F. Full and Self-Service Car Wash (16.16).

- G. Gasoline Service Stations (Section 16.18).
- H. Hotels and Motels.
- I. Raising of Fur-Bearing Animals, Including Kennels (Section 16.31).
- J. Self Storage Facilities (Section 16.32)
- K. Wireless Communication Towers (Section 16.36).

**Section 13.02 SITE, AREA AND PLACEMENT REQUIREMENTS**

1. Minimum Size Each Lot:

- a. Lot Area (square feet): 43,560
- b. Lot Width (linear feet): 150

2. Minimum Yard Setbacks per Lot:

a. Front Yard

110 feet from each abutting road right of way centerline

125 feet from the road right of way centerline of 32 Mile Road, Capac Road, Wolcott Road, and Old Farm Trail. Parking shall not be permitted within the required front yard set back

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b. Side yard: Twenty (20) feet. If an exterior side yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.

c. Rear Yard: Twenty (20) feet. If an exterior rear yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.

3. Maximum Building Height: Thirty-five (35) feet

4. Maximum Number of Stories: Two (2)



## **ARTICLE XIV - M-1 - INDUSTRIAL DISTRICT**

### **Section 14.00 STATEMENT OF INTENT.**

The Industrial District is designed to primarily accommodate wholesale activities, warehouses, and industrial operations, all conducted wholly within a building and whose external, physical effects are restricted to the area of the District, and in no manner affect, in a detrimental way, any of the surrounding districts. The processing of raw material for shipment in bulk form for use in industrial operations at other locations shall not be permitted in this district.

### **Section 14.01 PERMITTED USES.**

All uses in this district shall be conducted wholly within a building.

- A. Warehousing and wholesale establishments, storage and mini warehouses.
- B. The compounding, processing, packaging, or treatment of such products as: bakery goods, candy, toiletries, food products, hardware and cutlery.
- C. The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wire, wood and yarns or such other similar materials as approved by the Planning Commission.
- D. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- E. Manufacture of musical instruments, toys, novelties, and metal, plastic or rubber stamps, or other small molded products.
- F. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- G. County, State, or Federal Uses.
- H. Automobile Repair and Service Centers Excluding Paint and Collision Shops (Section 16.06).
- I. Utility service buildings, water supply and water and gas tanks.
- J. Farms as defined in 8.01 A., E., F.
- K. Accessory uses and accessory outside storage customarily incidental to any of the above uses. Outside storage shall be limited to currently licensed and operable cars, trucks, and recreation vehicles, finished and semi-finished manufactured materials produced on the premises and equipment necessary as an accessory to the principal use.
- L. Uses expressly prohibited under this Article include the following:
  - a. Used auto parts and used building materials.

- b. Storage of loose minerals, including soil, stone, sand, gravel, coal, cinders and similar materials.
- c. Incubation, raising, killing or storage of poultry.
- d. Residential uses, including dwelling units.

No use in this District shall be permitted whose operation may violate the performance standards set forth in this Section of the Ordinance.

No outdoor storage shall be permitted, unless it is part of an approved site plan. If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.

**Section 14.02 SPECIAL LAND USES.**

The following special approval land uses, and others similar to those cited in this Article, may be permitted by the Planning Commission.

- A. Airports and Private Airstrips (Section 16.04).
- B. Automobile Heavy Repair Garage (Section 16.05).
- C. Junk yards, including the storage of wrecked motor vehicles, equipment, and auto parts (Section 16.25).
- D. Outdoor Storage (Section 16.28).
- E. Various Retail Uses (Section 16.35).
- F. Wireless Communication Towers (Section 16.36).
- G. Yard Composting Facilities (Section 16.37).

**Section 14.03 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.**

**A. Minimum Lot Size Requirements.**

- 1. Lot Area (square feet): 40,000
- 2. Lot Width (linear feet): 165

**B. Building Requirements.**

- 1. Maximum Height:
  - a. In stories: Two (2).
  - b. In feet: Thirty-Five (35).

Building height may be allowed to exceed the thirty five (35) foot requirement noted above, provided that all yards are increased by one (1) foot for each one (1) foot that the building exceeds thirty-five (35) feet.

2. Maximum lot coverage is equal to the remainder of the site after all right-of-way, parking and yard space requirements are deducted from the gross site area.

### **C. Minimum Yard Spaces.**

1. **Front Yard.** One hundred and ten (110) feet from each abutting road right of way centerline, 125 feet from the road right of way centerline of 32 Mile Road, Capac Road, Wolcott Road, Old Farm Trail, and 93 feet from industrial collectors, with no parking allowed within the required front yard setback.

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2. **Rear Yard.** Fifty (50) feet. No building shall be located closer than fifty (50) feet to the outer perimeter property lines of this district where said property lines abut any residential district and such space shall be used only for the parking of individual passenger vehicles and/or small trucks.

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3. **Side Yard.** Twenty (20) feet on each side. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior yard abuts other than a manufacturing district, there shall be provided a yard setback of not less than fifty (50) feet.

4. **Distance Between Buildings.** The distance at the closest point between any two (2) buildings on the same site shall not be less than thirty (30) feet.

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## **ARTICLE XV - M-2 GENERAL INDUSTRIAL DISTRICT**

The M-2 General Industrial District is established primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The District is so structured as to permit, in addition to M-1 Light Industrial uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

### **Section 15.00 PERMITTED USES.**

- A. Any principal and special land use permitted in the M-1 Light Industrial District, (with the exception of any commercial uses allowable in the M-1 District).
- B. Industrial uses to be conducted wholly within a building or within a building and/or an area enclosed within a chain-link fence; the fence shall be not less than six (6) feet high, located not less than fifty (50) feet from the front property line or side street property line; outside of the fence shall be planted a twenty (20) foot greenbelt planting strip, which shall be not less than eight (8) feet or more in height, to screen view of storage materials from the street and adjacent properties. On a side and/or rear property line abutting residential, the fence shall be located on the property line and a twenty (20) foot greenbelt planting strip, not less than eight (8) feet in height, shall be planted and maintained along the fence inside of the property to screen view of storage materials from adjacent properties.
  - a. Building materials storage yards.
  - b. Equipment rental or storage yards
  - c. Feed and fuel yards.
  - d. Trucking terminals and transfer warehouses with outside storage for trucks, trailers, etc. when direct access is available to County highways.
- C. Industrial uses conducted wholly within a building, with a landscaped front yard and with the side or rear yard used for loading and unloading and parking.
- D. No use in this district shall be permitted whose operation may violate the performance standards set forth in this Section of this Ordinance.

No outdoor storage shall be permitted unless it is part of an approved site plan. If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.

### **Section 15.01 SPECIAL LAND USES.**

The special land uses and any use similar to those set forth in this Article as Permitted Uses shall be permitted in this district only after proper notice has been given as required by State Law and when determined by the Planning Commission to be in accord with the provisions of this Section, the Articles of this Ordinance, and which in the opinion of the Planning Commission are no more objectionable character than permitted uses.

- A. Bulk Storage of Flammable Materials (Section 16.08).

- B. Junk Yards (Section 16.25).
- C. Landfills (16.26).
- D. Public Utility Buildings (16.30).
- E. Wireless Communication Towers (16.36).
- F. Any lawful use of land or buildings not expressly prohibited or provided for (as a permitted or special approval use) shall be a lawful use in all M-2 General Industrial District when such uses comply with this chapter and the following sections of this Article.
- G. Various retail uses to serve the needs of persons working in the industrial district or otherwise associated with industrial uses such as eating and drinking establishments; banks; automobile service stations; other retail uses, medical clinics and/or offices.

Storage of used rags, waste paper or similar combustible materials, as a business, shall be permitted when enclosed within a masonry building of four (4) hour fire construction and no part of which shall be located closer than one hundred (100) feet from any adjoining property line. The storage of lumber, coal or other combustible materials shall not be less than twenty (20) feet from any interior lot line. A roadway shall be provided, graded and maintained from the street to the rear of the property to permit free access of fire trucks at all times.

**Section 15.02 SITE, AREA AND PLACEMENT REQUIREMENTS.**

1. Minimum Size Each Lot:

- a. Lot Area (square feet): 43,560
- b. Lot Width (linear feet): 200

2. Minimum Yard Setbacks per Lot:

- a. Front Yard: One hundred and ten (110) feet from each abutting road right of way centerline, 125 feet from the road right of way centerline of 32 Mile Road, Capac Road, Wolcott Road, Old Farm Trail, and 93 feet from the road centerline of industrial collectors with no parking allowed within the required front yard setback.
- b. Side Yard (linear feet): Twenty (20). Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior yard borders a residential district there shall be provided a yard setback of not less than one hundred (100) feet.
- c. Rear Yard (linear feet): Twenty (20).

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No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said property lines abut any residential district and such space shall only be used for the parking of individual passenger vehicles and/or small trucks.

3. **Building Requirements.**

- a. Building Height. 35 feet
- b. Number of Stories. 3 stories.
- c. The distance, at the closest point, between any two (2) buildings on the same site shall not be less than forty (40) feet.

## **ARTICLE XVI SPECIAL LAND USE REQUIREMENTS**

### **Section 16.00 INTRODUCTION.**

For all special land uses, a site plan shall be submitted to the Armada Township Planning Commission and conform to the requirements and procedures for site plan review as described in Article IV. If the plans meet the required standards of this Ordinance, Article and applicable sections, and indicates no adverse effects which, in the opinion of the Township Planning Commission, cause injury to the residents, users, adjoining property, or the Township as a whole, the Township Planning Commission shall recommend approval of the use. The Township Board, after a public hearing and recommendation by the Planning Commission, shall have sole power to approve or disapprove all special land uses. In consideration of all applications for special land use, the Township Board shall review each case individually as to its appropriateness and must find affirmatively to each of the following standards of the proposed land use if it is to be approved. Such uses shall be subject to conditions, restrictions, and safeguards deemed necessary to the interest of public health, safety and welfare.

### **Section 16.01 REVIEW STANDARDS.**

1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic.
3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses in regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and shall be in harmony with the general purpose and intent of the Zoning Ordinance.

## **Section 16.02 PROCEDURES.**

An application for the approval of a special land use shall be made by a person having an interest in the land on which the special land use is to be located to the Township Planning & Zoning Administrator, accompanied by the necessary fees and site plans, submitted in compliance with the requirements of Article IV.

### **1. Approval.**

If the Township Board determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one (1) year thereafter, or such approval shall automatically be revoked. However, the Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months (per extension) as it shall determine to be necessary and appropriate.

Further, the Township shall have the right to inspect the approved site on a yearly basis to determine whether the site plan and conditions of special land use approval are being met.

### **2. Denial.**

The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The statement shall specify the basis for the decision and any conditions imposed. The Applicant shall record the Special Approval land use permit with the Macomb County Register of Deeds.

### **3. Record.**

The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The statement shall specify the basis for the decision and any conditions imposed.

### **4. Hearings.**

The Township Board shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto, as required by State Law and/or its rules of procedure.

### **5. Conditions.**

The Township Board may impose such conditions or limitations in granting approval, as may be permitted by State Law and this Ordinance, which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:



- a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

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

## 6. **Revocation.**

If any special land use fails to conform to the specific standards for the particular use, any conditions imposed as part of the special land use permit, the Site Development and Environmental Standards of Article V, the lot area and width requirements of this Ordinance, any other provisions of the Zoning Ordinance, or any federal, state and local statutes governing the particular land use allowed under the permit, then the Township Board shall have the authority to revoke the Special Approval Land Use Permit based on a site inspection by the Ordinance Enforcement Officer and its own findings of fact. Prior to revoking the special land use permit, the Township shall:

- a. Have its Ordinance Enforcement Officer inspect the site and use under consideration and issue a written notice of the violations found to the current permit holder by Regular US Mail.
- b. Offer the permit holder thirty (30) days to correct all violations, without penalty.

If all violations are not corrected within thirty (30) days, the Township Board shall hold a revocation hearing as follows:

- a. The Township Board shall notify the permit holder by Regular U.S. Mail of the date, time and place of a hearing concerning the proposed revocation of the special land use permit.
- b. Public notice of the revocation hearing shall be given in the same manner as required by Section 16.02.
- c. During the hearing, the permit holder shall be afforded an opportunity to present any reasons for why the standards of the permit and/or this Ordinance are not being met.
- d. Following the hearing, the Township Board may revoke the special land use permit, based upon findings made in the specific case and testimony received during the hearing, and shall notify the permit holder of the findings and decision in writing.

If at any point the original Special Land Use permit holder transfers the land and the use to another party, the Permit shall remain valid for the property subject to the conditions and requirements of Article XVI and any conditions placed on the original special land use and permit by the Planning Commission. The new holder of the permit shall submit notification of the transfer and an affidavit agreeing to all conditions of the original approval to the Planning Commission within sixty (60) days of the transfer.

### **Section 16.03 ADULT ENTERTAINMENT AND BUSINESS USES.**

- A. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, 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. In addition to the review standards contained in this Article, additional special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two (2) such uses within one thousand (1,000') feet of each other) which would create such adverse effects.
- B. The Planning Commission may waive the locational requirement established in subsection A. herein for adult entertainment and business establishments if the following findings are made:
1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
  2. That the proposed use will not enlarge or encourage the development of a "skid row" area.
  3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
  4. That all applicable regulations of this Ordinance will be observed.
- C. For establishments for the sale of beer or intoxicating liquor for consumption on the premises, the Township Board may waive the locational requirements if the findings required in subsection B. can be made and after receiving a report and recommendation from the Planning Commission.
- D. It shall be unlawful to hereafter establish any adult book store, adult motion picture theater, adult novelty store, or class "D" cabaret within five hundred (500) feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the Township Planning Commission a petition which indicates approval of the proposed regulated use by fifty-one (51) percent of the persons owning, residing or doing business within a radius of five hundred (500') feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
- E. The Township Clerk shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this Section of the Ordinance. The rules shall provide that the circulation of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Clerk and that the circulation personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.
- F. The Planning Commission shall not consider the waiver of locational requirements set forth in subsections A., B. and C. until the above-described petition shall have been filed and verified.

**Section 16.04 AIRPORTS AND PRIVATE AIRSTRIPS.**

- A. Commercial airports including runway(s), landing platforms, taxiway(s), terminals, hangars, communication facilities, beacons, service facilities and similar uses ancillary to the operation of a commercial airport may be permitted provided all such uses shall be at least 500 feet from a residential district and provided further that all applicable State and Federal codes pertaining to the location, development and operations of a commercial airport shall be fully complied with.
  
- B. Privately owned and operated airstrips may be permitted provided the following conditions are met:
  - 1. No such facility shall be located on land incapable of containing one (1) runway of at least two hundred fifty (250) feet in width and two thousand (2,000) feet in length. Except, a shorter runway length and width may be permitted provided approval for same has been granted by the proper Federal or State Bureaus, for the type of aircraft to be kept at the airstrip.
  - 2. No such facility shall be located closer than three hundred fifty (350) feet from an existing permitted dwelling or any other residential district.
  - 3. No such facility shall contain fuel storage capability nor equipment to dispense fuel.
  - 4. All exterior lighting shall be located so as not to shine on adjacent property.
  - 5. One hangar structure shall be permitted in which privately owned aircraft may be stored and within which light mechanical service may be performed on that aircraft.
  - 6. Because of the potentially hazardous impact such uses can have on adjacent land use, the following additional conditions shall apply.
    - a. All applicable State and Federal codes shall be met and all plans shall have been reviewed and approved by the appropriate State and/or Federal agencies prior to approval of such plans by the Township Planning Commission.
    - b. The Township Planning Commission may grant temporary approval to establish a private airstrip for a period not to exceed two (2) years in developed or developing areas and five (5) years in undeveloped areas.

**Section 16.05 AUTOMOBILE HEAVY REPAIR GARAGE.**

**A. Specific Requirements and Conditions.**

- 1. All repair activities shall be confined to the interior of the building.
- 2. No outdoor storage shall be permitted.
- 3. An adequate means of waste disposal shall be provided.
- 4. The use shall not abut a residential district.

**Section 16.06 AUTOMOBILE REPAIR AND SERVICE CENTERS EXCLUDING PAINT AND COLLISION SHOPS.**

**A. Specific Requirements and Conditions.**

1. All repair activities shall be confined to the interior of the building.
2. No outdoor storage shall be permitted.

**Section 16.07 BED AND BREAKFASTS.**

**A. Specific Requirements and Conditions.**

1. The room utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes.
2. There shall be no separate cooking facilities used for the Bed and Breakfast rooms.
3. The residence shall be occupied at all times by the owner or a staff member.
4. Adequate lavatory, bathing facilities and kitchen facilities for the lodging room shall be provided, as per the requirements of the Macomb County Health Department.
5. Parking shall be provided at a rate of one space for each rentable room.

**Section 16.08 BULK STORAGE OF FLAMMABLE AND RAW MATERIALS.**

**A. Specific Requirements and Conditions.**

1. All such uses shall be located on a parcel of land which is surrounded by abutting land zoned M-2 General Industrial.
2. All access to the parking areas shall be provided from a major thoroughfare.
3. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20') foot wide greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said screening shall be in accord with Section 5.01.
4. No building, structure or tanks or containers for storage or part thereof shall be erected closer than one hundred (100') feet from any property line.
5. Outdoor storage requirements of Section 16.28 shall be met.

**Section 16.09 CAR, TRUCK, FARM IMPLEMENT, HOUSE TRAILER AND TRAVEL TRAILER SALES.**

**A. Specific Requirements and Conditions.**

1. The lot or area shall be provided and maintained with a permanent, durable and dustless surface constructed of either asphalt or concrete and shall be so graded and drained as to dispose within the site of all surface water accumulated within the area.

2. The location of the site shall be upon a street with a right-of-way of at least one hundred twenty (120') feet (existing or proposed) and shall contain no fewer than forty thousand (40,000) square feet
3. Ingress and egress points shall be located at least one hundred (100') feet from the intersection of any two (2) streets.
4. No vehicle repair, bumping, painting or refinishing shall be done on the site. Cleaning and refurbishing of vehicles or units shall be permitted if done completely within an enclosed building.
5. Devices for the transmission or broadcasting of voices and/or music shall be prohibited.
6. If such a use abuts a street of less than one hundred twenty (120') feet of right-of-way located abutting a residential district, a berm and landscaping in the front yard on such street shall be provided to screen all outdoor facilities, including storage and display areas, from adjacent residential property. In addition, all other areas of the site shall be fully landscaped.
7. The applicant shall be required to meet all parking standards set forth in Article 6 unless one of the following standards has been met:
  - a. A decorative masonry wall or fence has been provided around all outdoor sales areas. In addition, landscaping in accordance with Section 5.01 shall be located around the exterior of such wall or fence, or;
  - b. A three (3') foot high landscaped berm has been provided along all road frontages. Said berm shall be landscaped in accordance with Section 5.01.

## **Section 16.10 CEMETERIES.**

### **A. Specific Requirements and Conditions.**

1. A greenbelt and decorative fence or wall (as specified in Section 5.01 of this Zoning Ordinance) shall be installed along the perimeter boundaries of the site. Along those boundaries of the site abutting a road, the greenbelt or wall may be located in the front yard. Along all other site boundaries, the greenbelt or wall may be placed on the property line.
2. Suitable gates for ingress and egress shall be provided, and the principal entrance shall not be closer than two hundred (200') feet to an adjoining residential site.
3. If the applicant desires to install a cyclone wire fence (or other type of fencing) instead of a masonry wall, this shall be described on the application, and it may be approved in the discretion of the Planning Commission if the fence will be substantially compatible and harmonious with existing, adjacent types of installations.
4. No building shall be erected closer than one hundred (100') feet to an adjacent site line, nor such building cover more than ten (10) percent of the site on which it is to be constructed.
5. Any such use shall not be permitted in a floodplain.
6. The applicant shall show with reasonable certainty that the elevations of the site when finished will provide adequate drainage.

7. Minimum cemetery site shall be eight (8) acres. Where a State law specifically permits a smaller size, or sets a maximum size less than eight (8) acres, this regulation shall not apply to an addition to the site of a use existing at the time of adoption of this Ordinance.
8. Fencing up to eight (8) feet in height may be provided around the perimeter of the cemetery site.

#### **Section 16.11 CHURCHES AND PRIVATE/CHARTER SCHOOLS.**

##### **A. Site Requirements.**

1. The site shall be a minimum of two (2) acres in size on a continuous parcel.
2. The site shall abut a public road having a right-of-way of not less than that of a collector thoroughfare (86 feet).
3. The site shall maintain a minimum fifty (50') foot wide greenbelt around all property lines abutting a residential use.

#### **Section 16.12 COLLEGES, UNIVERSITIES AND SIMILAR INSTITUTIONS.**

##### **A. Specific Requirements and Conditions.**

1. Any use permitted herein shall be developed on sites of at least fifteen (15) acres in area.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120') feet.
3. No building shall be closer than fifty (50') feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
4. The site shall maintain a minimum fifty (50') foot wide greenbelt around all property lines abutting a residential use.

#### **Section 16.13 CONVALESCENT AND NURSING HOMES OR HOSPICES.**

##### **A. Specific Requirements and Conditions.**

1. All such facilities shall have ingress and egress from a site directly onto a major or secondary thoroughfare.
2. All such facilities shall be developed only on sites consisting of at least three (3) acres in area.
3. There shall be provided at least eight hundred (800) square feet of lot area per bed.

## **Section 16.14 DAY-CARE CENTERS AND NURSERY SCHOOLS.**

### **A. Specific Requirements and Conditions.**

1. The site shall contain a minimum of two hundred (200) square feet of outdoor play area per child and not less than five thousand (5,000) square feet in total area.
2. All outdoor play areas shall be fenced and screened from any abutting residentially developed sites.
3. Designated child drop-off areas shall be shown on the plan.
4. No playground or equipment fencing shall be allowed in the front yard.

## **Section 16.15 DRIVE-THRU FACILITIES.**

*Amended June 2016*

### **A. Specific Requirements and Conditions.**

1. The site and use shall be located on a major thoroughfare having a right-of-way equal to, or greater than, one hundred and twenty (120') feet. Drive-thru facilities are prohibited in the AG, R-1 and RM districts.
2. Any freestanding drive-thru facility located in a shopping center shall be aesthetically compatible in design and appearance with the other buildings and uses located in the shopping center. In making this determination, the Planning Commission shall consider the architectural design of the building, the signage and the landscaping to ensure that the design and appearance of the developed site is compatible with the design and appearance of the remainder of the shopping center.
3. Multiple drive-thrus shall be permitted on a multi-tenant site, provided that ingress and egress to each drive-thru is adequately separated and that circulation on the site is safe and orderly, as determined by the Planning Commission. Each drive-thru shall fully comply with the standards of this section.
4. Drive-thru lanes shall not be located on the street-facing side of the building.
5. Multiple lanes may be permitted for a drive-thru.
6. Drive-thru lanes shall at all points in their course be set back no less than 60 feet from any neighboring residential property line.
7. No drive-thru use shall have greater than one driveway or two one-way drives per street frontage.
8. Drive-thru lanes shall be screened from neighboring residences by a decorative masonry wall or decorative obscuring fence six feet in height and a 20-foot-wide greenbelt. The greenbelt shall consist, at a minimum, of the following:
  - a. Deciduous trees planted in a row no greater than 25 feet apart on centers.
  - b. Evergreen trees planted in a separate row no greater than 20 feet apart on centers.
  - c. In the event that natural or other existing vegetation along the property line provides equivalent of greater screening than a. and b. above, this vegetation may be preserved with Planning Commission approval in lieu of new plantings.
10. Where the exit from the drive-thru lane faces a roadway, said exit shall be screened from traffic on the roadway by evergreen shrubs reaching a height of no less than 3 feet in order to prevent headlights from shining directly into the roadway.

11. All site lighting shall consist of full cut-off fixtures, shielded to direct light downward and away from all neighboring residences and roadways. Site lighting shall otherwise comply with Section 5.04 Lighting.
12. Devices for electronically amplified communication shall be directed or muffled to prevent any such noises from being audible at any lot line. Outdoor sound systems that do not directly aid communication between customers and employees are not permitted.
13. Drive-thru lanes shall provide at least one means for vehicles to bypass the remainder of the lane between the entrance to the lane and the order pick-up window, or payment window, if a separate payment window is included in the plan.
14. Stacking spaces shall not interfere with access to parking spaces, maneuvering lanes, or loading areas.
15. Vehicle stacking lanes shall not cross any maneuvering lanes, drives or sidewalks.
16. The centerline turning radius of all drive-thru lanes shall be a minimum of 25 feet.

## **Section 16.16 FULL AND SELF-SERVICE CAR WASHES.**

### **A. Specific Requirements and Conditions.**

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare, except that it may be permissible to allow vehicles to exit from the facility onto a public alley.
2. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space, and no vehicle shall be permitted to wait on the public right-of-way as part of the traffic approach.
3. An on-site, fifty (50') foot long drying lane shall be required at the exit point of the car washing facility.
4. A twenty-five (25') foot greenbelt in accordance with Section 11.01 shall be provided between all property lines.

## **Section 16.17 FUNERAL HOMES AND MORTUARIES, NOT INCLUDING CREMATORIUMS.**

### **A. Specific Requirements and Conditions.**

1. Sufficient off-street automobile parking and assembly area is provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area. A circulation plan identifying the arrangement of the vehicular assembly area shall be provided as part of the required site plan.
2. The site shall be located so as to have one property line abutting a major thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed.
3. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the district when said property line abuts any single-family residential district.
4. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from all residential view by a wall six (6) feet in height.



## **Section 16.18 GASOLINE SERVICE STATIONS.**

### **A. Specific Requirements and Conditions.**

1. The site shall be located at the intersection of two public roads with at least one of the roads having a proposed right-of-way of one hundred twenty (120') feet.
2. Not more than fifty (50) percent of all lots located at the intersection of two roads shall be occupied by a gasoline service station.
3. The site for the gasoline service station shall have one hundred twenty (120') feet of frontage on the principal street serving the station.
4. The site shall contain an area of not less than one half ( $\frac{1}{2}$ ) of an acre.
5. All buildings shall observe front yard setbacks plus ten (10') feet. For purposes of this section, gasoline pumps and pump islands shall not be considered buildings.
6. In order to facilitate pedestrian circulation and safety, no parking or standing of customer vehicles shall be permitted in the area immediately adjacent to any customer entrance or payment window.

## **Section 16.19 GENERAL HOSPITALS.**

### **A. Specific Requirements and Conditions.**

1. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area and providing a minimum of one thousand five hundred (1,500) square feet of lot area per bed.
2. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120') feet.
3. Ambulance delivery and service areas, when visible from adjacent land zoned for residential purposes, shall be obscured from view by a wall at least six (6) feet in height.
4. The minimum distance between any structure and a property line shall be fifty (50') feet.
5. Maximum lot coverage shall not exceed forty (40%) percent.
6. No hospital shall be permitted unless its size is at least fifty (50) in-patient beds.

## **Section 16.20 GOLF COURSES, BALL FIELDS, ATHLETIC FIELDS, AND STADIUMS.**

### **A. Specific Requirements and Conditions.**

1. The site shall be a minimum of three (3) acres in size.
2. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120') feet.

3. The site shall not abut a residential zoning district on more than two sides.
4. A minimum thirty (30') foot wide landscaped greenbelt shall be provided along all property lines abutting a residential zoning district.

### **Section 16.21 GROUP DAY-CARE (7-12 Children).**

#### **A. Specific Requirements and Conditions.**

1. The location of such proposed use shall meet the requirements as set forth in State Statute.  
*Ord. 2011-114-24 Effective Date 08/03/11*
2. Fencing shall be required next to residential uses or districts and shall also enclose all play areas as required by the Planning Commission or by State review.  
*Ord. 2011-114-24 Effective Date 08/03/11*
3. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
4. The proposed use, if approved, may have one (1) non-illuminated sign that complies with Armada Township sign regulations and shall display only the name and address of the family day-care home.
5. Operating hours shall be limited from 6:00 a.m. to 11:00 p.m. daily  
*Ord. 2011-114-24 Effective Date 08/03/11*
6. The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within ten (10) days of the anniversary of the Certificate of Occupancy.

### **Section 16.22 RESERVED FOR FUTURE USE.**

### **Section 16.23 HOUSING FOR THE ELDERLY AND SENIOR CITIZENS HOUSING.**

#### **A. Specific Requirements and Conditions.**

1. All housing for the elderly shall be constructed on parcels meeting the minimum requirements of the district in which it is located and may provide for the following:
  - a. Cottage-type dwellings and/or apartment-type dwelling units.
  - b. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge and workshops.
2. All dwellings shall consist of at least four hundred (400) square feet per unit (not including kitchen and sanitary facilities).

3. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed forty (40) percent of the total site, exclusive of any dedicated public right-of-way.
4. Business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. No identifying sign for any such business or service use shall be visible from any exterior view. Such businesses or services shall not exceed twenty-five (25) percent of the floor area at grade level.
5. All proposals for housing for the elderly shall be reviewed against the standards for such housing as published by the Michigan State Housing Development Authority. The MSHDA standards shall be used only as a general guide for the review to assure minimum adequacy and shall not limit the requirements placed on the use by Armada Township.

#### **Section 16.24 RESERVED FOR FUTURE USE.**

#### **Section 16.25 JUNK YARDS, AUTO WRECKING YARDS, AND STORAGE OF INDUSTRIAL WASTES.**

##### **A. Specific Requirements and Conditions.**

1. The minimum site size shall be two and one-half (2½) acres.
2. The use shall be entirely enclosed within a building, or the entire site shall be enclosed by a masonry or precast wall not less than eight (8) feet in height.
3. The area between the front fence and the front site line shall be completely landscaped and maintained with lawn and coniferous trees and shrubs.
4. Parking shall only be permitted within the fenced enclosure.
5. The site shall not abut property zoned for residential use.
6. All structures, parking and storage areas shall maintain a minimum front yard setback of not less than seventy-five (75) feet from the future road right-of-way.
7. The use shall be located on a public road designated as a major thoroughfare on the Township's adopted Master Plan. All ingress and egress shall be from said major thoroughfare.

#### **Section 16.26 MINING, EXTRACTIVE, LANDFILL AND INCINERATION.**

The purpose of these requirements is to provide for the use of lands which have significant gravel and/ or sand deposits or landfill capabilities, and which, if mined for such deposits or land filled under the regulations of this Article and this Ordinance, would not constitute a hazard to the public health, safety and welfare. The regulations are intended to result in mining, excavation, landfill or similar operations

that will not be detrimental to the public health, safety and welfare, and operations which will be conducive to and result in the reclamation of the land so that it will be suitable for other purposes.

Sand and gravel mining or extraction, similar removal operations, land stripping and landfills (does not include solid waste or sanitary landfills approved under Act 641, P.A. 1978) may be permitted as a special land use within the AG, R-1 or M-1 Districts, subject to the approval of the Township Board, upon a finding that the proposed use meets the requirement of all other Township ordinances, the requirements of this Ordinance, Federal and State Regulations, and the following conditions:

1. The minimum site size shall be at least twenty (20) acres, with a minimum road frontage of three-hundred (300) feet. All such uses shall be located upon a public road designated as a major thoroughfare on the Township's adopted Master Plan.
2. Permit Procedures and Regulations.
  - a. The owner of an interest in the land on which the use is to be located shall make an application to the Township Planning & Zoning Administrator, accompanied by the necessary fees, financial guarantees and documents, for the approval of a landfill, incineration, or mining extractive permit.
  - b. The application shall be accompanied by a site plan, per Section 402, as well as the following information:
    1. Name of the owner(s) of land from which removal or landfill is to be made.
    2. Name and address of applicant making a request for such permit.
    3. Name and address of the person, firm, or corporation who or which will be conducting the actual removal operation
    4. Location, size, and legal description of the total land area proposed for such use.
    5. Location of the processing plant.
    6. Type of materials or resources to be removed or to be brought to the site.
    7. Proposed method of removal or filling, general haul route, and whether blasting or other use of explosives will be required.
    8. General description of equipment to be used.
    9. The estimated time to complete total operations.
    10. The total area (expressed in acres) proposed to be excavated, mined or landfilled in the first year of operation; said period to commence from the date of issuance of the mining and extractive industry permit.
    11. A reuse plan, drawn to a scale of 1" = 50' placed on a standard sheet and containing the following information:
      - a. A description of the land use activities proposed to be located on the site upon completion of mining, extraction and landfill operations and how the proposed development meets the requirements of the Township in terms of overall development density.
      - b. A description and location of the street, drainage, water and sanitary sewer facilities required to serve the uses intended and described in (a) above.
    12. The Township may require a hydrogeological study based on a recommendation from the Township Engineer, verifying adequacy of groundwater or water table in relation to the proposed development or that the proposed development will not otherwise negatively impact the groundwater supply or water table.

- c. The application for a permit shall be accompanied by the fee established by the Township Board.
  - 1. The application shall be referred within thirty (30) days after the receipt by the Township Clerk to the Township Planning Commission for its review and recommendation.
  - 2. The Commission shall hold a public hearing and shall hear any person wishing to express an opinion on the application and review the application at its next regular meeting, following receipt of the application, provided such regular meeting provides adequate time to notify adjacent property owners and post a notice of public hearing, as required.
    - a. The Township shall publish a notice of such public hearing in a newspaper of general circulation within the Township not less than one (1) week nor more than two (2) weeks before the next regular meeting of the Commission as provided above.
    - b. The Township shall mail a copy of such notices to each resident and owner of all properties as listed on the tax roll and located within three hundred (300) feet from the property involved in the application.

**3. Regulations.** After the public hearing at which the application was considered, the Commission shall advise the applicant and the Township Board of its findings regarding problems which can be anticipated from the proposed activity, and of its recommended approval, with any condition the Commission may find necessary, or if its recommended disapproval, with its reason in writing. The Township Board shall then make the final determination. All mining and extraction are subject to the following requirements and regulations:

- a. No mining, landfill, stockpiling of material, incineration or processing shall take place closer than fifty (50) feet to any property line, provided, however, that the Township may approve a reduction in this setback requirement for mining or stockpiling where the Township finds that proposed lateral support will adequately protect abutting property. If the circumstances of the site indicate that the fifty (50) foot setback requirement would not be adequate to protect abutting property, the Township shall require such greater distance to adjacent property. If deemed necessary to protect adjacent property, the Township may require a fence or greenbelt along such property.
- b. No mining or landfill shall be carried on closer than seventy-five (75) feet of the right-of-way of a dedicated street, road or highway, or the edge of the traveled portion of an existing and non-dedicated street, road or highway, except that mining may be conducted within such setback area in order to reduce or raise the final elevation thereof to be in substantial conformity to the existing elevation of such street, road, or highway. Any area excavating along a street, road, or highway within the seventy-five (75) foot setback area shall be back-filled within twelve (12) months after completion of excavation to result in elevation in substantial conformity to the adjoining street, road, or highway.
- c. Site barriers or fences shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one of the following:

1. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, or shrubs.
  2. Planting of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective site barriers when six (6) feet in height.
- d. Both permanent and/or temporary processing or incineration plants and their accessory structures shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practical, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and equipment.
- e. Pit Operations.
1. Where an excavation in excess of five (5) feet will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends said fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
  2. All roads used for the purpose of ingress and egress to said excavation site shall be kept dust free by hard topping with cement bituminous substance or chemical treatment.
  3. The slopes of the banks of the excavation shall in no event exceed a minimum of seven (7) feet to one (1) foot (seven feet horizontal to one foot vertical) when ponded water results from the operation. This slope must be maintained and extended into the water to a depth of five (5) feet.
  4. Where quarrying operations result in a body of water, the owner or operator shall place appropriate "KEEP OUT" - "DANGER" signs around said premises not more than two hundred (200) feet apart. In order to protect water wells and the water supply of the Township, the pumping or draining of water from such quarrying operations is absolutely prohibited. A drag line or other method of quarrying approved by the Township shall be followed.
  5. The Township shall require such other performance standards where, because of peculiar conditions, they deem it necessary for the protection of health, safety, morals and well being of the citizens of the Township.
  6. Dust, vibration and noise emitted from said operations shall be controlled by Section 5.05 of this Ordinance.
- i. All equipment and facilities used in the landfilling, processing, or of sand, gravel or stone, shall be constructed, maintained and operated in such manner as to

eliminate, insofar as practicable, noises, vibrations or dust which are injurious or unduly annoying.

- A. Temporary stockpiling of topsoil or overburden near road intersections and similar operational problems shall be subject to approval of the Township.
- B. Reclamation and rehabilitation of mining and landfill areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute for this purpose, termination of mining activity.
- C. Stripping Operations.
  - 1. No soil, sand, gravel, clay or similar materials shall be removed below a point of six (6) inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the Road Commission of Macomb County, except as required for the installation of utilities and pavements.
    - a. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage is not interfered with
  - 2. Sufficient top soil shall be stockpiled on said site so that the entire site, when stripping or landfill operations are completed, may be covered with a minimum of four (4) inches of top soil immediately following the termination of the stripping operations. In the event, however, that such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored top soil over the stripped or landfilled areas as he progresses.
  - 3. The Township shall require such other and further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of the Township.
- D. The hours of operation shall be limited to 7:00 a.m. to 6:30 p.m. Truck stacking and general site cleanup may occur one half hour before and after the above noted times.
- E. Township Board Action.
  - 1. No building permit shall be issued until the Planning Commission has recommended approval of the special land use and the Township Board has issued a mining permit .

## **Section 16.27 NON-COMMERCIAL RECREATION.**

- A. Private non-commercial recreation areas, institutional or community recreation centers and non-profit swimming pools are included under this Section.
- B. Specific Requirements and Conditions.
  - 1. The proposed site for any of the community-servicing uses permitted herein (i.e., those which would attract persons from beyond the immediate neighborhood) shall have one property line abutting a major or secondary thoroughfare, and the site shall be so planned as to provide vehicular ingress and egress directly onto said major or secondary thoroughfare.
  - 2. No building shall be located, nor activity take place, within thirty (30') feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective wall or greenbelt as described in Article 11 of this Ordinance.
  - 3. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height and entry shall be by means of a controlled gate or turn-style.

## **Section 16.28 OUTDOOR STORAGE.**

### **A. Specific Requirements and Conditions.**

1. Any such use must be completely enclosed with screening in accordance with the requirements of Section 5.01 and subsection 2. below.
2. No improvements for such use shall be erected closer to the site boundary lines than permitted in the M-2 General Industrial District. No storage use shall be closer than one hundred (100') feet to the outer perimeter (property lines) of the district where said property lines abut any residential district or border other than an industrial district, and such space shall be fully landscaped and fenced at the setback line. Corner lot side yards must equal the setback requirements for the front yard on the street side as referenced herein.
3. Whenever a different material is to be stored other than what was approved in the original request, a new approval shall be required from the Planning Commission.
4. Uses expressly prohibited under this Section include the following:
  - a. Junkyards, including used auto parts
  - b. Used building materials.
  - c. Storage of combustible or odoriferous materials.

## **Section 16.29 PRIVATE CLUBS, FRATERNAL ORGANIZATIONS, LODGE HALLS, CULTURAL CENTERS AND UNION HALLS.**

*Amended June 2016*

### **A. Specific Requirements and Conditions.**

1. All such uses shall have ingress and egress directly onto 32 Mile Road, North Avenue, Romeo Plank, or Powell Road and shall be located in the preliminary sewer district, as established in the Township Master Plan.
2. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the Township.
3. No building shall be closer than twenty-five (25') feet to any non-residential property line. Where any such use is adjacent to an existing residential use, the setback from any property line shared with the residential use shall be 50 feet.
4. No such use shall be permitted in the R-1 district on a zoning lot with greater than 60% of its perimeter abutting existing single family residential uses. For the purposes of this section:
  - a. A bona fide farm shall not be considered a single family residential use.
  - b. Uses across a road right-of-way shall be considered adjacent.
5. In the R-1 district, such uses shall not be established on zoning lots less than ten (10) acres in size.

## **Section 16.30 PUBLIC UTILITY BUILDINGS.**

### **A. Specific Requirements and Conditions.**

1. The maximum height of the structure shall be twenty (20') feet.
2. No antenna or other exterior transmitting and receiving devices shall be permitted.
3. All driveways or maneuvering areas servicing the facility shall be hard-surfaced, installed and maintained by the public utility in accordance with all applicable Township standards.



4. The parking of vehicles pertaining to said use shall be limited to the use of such vehicles in the performance of ongoing service work or repairs to the facility for the period of time necessary to complete such service or repairs.
5. The structure shall be maintained against deterioration and/or damage from the elements or from any other cause by prompt and appropriate repairs, painting, and other protective measures.
6. Outdoor storage shall not be permitted unless the site is located in the M-1 or M-2 District.

### **Section 16.31 RAISING OF FUR-BEARING ANIMALS, INCLUDING KENNELS.**

#### **A. Specific Requirements and Conditions.**

1. Minimum site size: Ten (10) acres, with a minimum width of not less than three-hundred (300) feet for a commercial or boarding kennel. There shall be at least two (2) acres of land with a minimum width of three (300) feet for a private kennel.
2. The site shall abut a roadway designated as a major thoroughfare in the Armada Township Master Plan.
3. There shall be provided an area of at least one hundred (100) square feet for each animal, including the area devoted to interior kennel space and runs.
4. All interior building areas used for the keeping of animals shall be soundproofed.
5. All animals shall be kept in soundproofed buildings between 8:00 p.m. and 8:00 a.m.
6. Exterior dog runs and non-soundproofed interior buildings shall not be located closer than two hundred (200) feet to any lot line.
7. Soundproofed interior buildings shall be located at least one hundred (100) feet from any property line.
8. Exterior areas for the keeping of dogs shall be provided with fencing capable of confining the animals.
9. All exterior dog runs shall be screened from view by adjoining parcels and the public road.
10. The design and appearance of buildings used as animal boarding places shall be consistent with surrounding uses.
11. One (1) parking space shall be provided for every five (5) kennel runs.
12. All kennel runs and interior building areas shall have concrete floors or a suitable equivalent that can be easily cleaned.

### **Section 16.32 SELF-STORAGE FACILITIES.**

#### **A. Specific Requirements and Conditions.**

1. The minimum size of the site shall not be less than one (1) acre.
2. All ingress and egress from the site shall be directly onto a major thoroughfare having a right-of-way equal to, or greater than, one-hundred-twenty (120) feet, as indicated on the Township's adopted Master Plan.
3. No storage of combustible or flammable liquids, combustible fibers or explosive material, as defined in the fire prevention code, or toxic materials shall be permitted within the self-storage building or upon the premises.
4. No storage outside of the self-storage building shall be permitted.
5. Except as provided herein, the use of the premises shall be limited to storage only and shall not be for operating any other business, for maintaining or repairing of any vehicles, recreational equipment or other items, or for any recreational activity, hobby or purpose other than the storage of personal items and business items as hereinbefore set forth.
6. Screening shall be provided, as specified in Section 5.01.

7. The site shall be graded, drained, hard-surfaced (asphalt or concrete), and maintained in accordance with the standards and specifications of the Armada Township Engineer.
8. All buildings shall observe the yard setback requirements of the B-1 District.
9. The use of barbed wire or electrical fencing shall not be permitted.
10. Lighting shall be directed onto the subject site and be shielded from adjacent properties.

## **Section 16.33 SHOOTING RANGES AND GUN CLUBS.**

### **A. Specific Requirements and Conditions.**

#### **1. Site Requirements**

- a. The minimum site size shall be forty (40) acres.
  - b. All ingress and egress to the proposed use shall be directly onto a public road designated as a major or secondary thoroughfare on the Township's adopted Master Plan.
2. Every shooting range, public or private, shall be constructed and maintained in accordance with nationally recognized safe practice standards for such activity, in particular those standards set forth by the National Rifle Association. Each range shall be of sufficient size and appropriate design to permit the discharge thereon or therein of firearms without endangering the safety of the general public and of persons living within the velocity area of the various firearms utilized on such shooting ranges.
  3. Every shooting range shall be posted with signs that indicate the area as a shooting range. The Township Planning Commission shall determine that adequate backstops, bench rests, baffles, and necessary safety features will be provided for the safety of those shooting, as well as adjacent properties. There shall be a greenbelt or open area not used for shooting along the perimeter of the shooting range. Such greenbelt or open space shall be a minimum of two hundred (200) feet in width.
  4. In their review, the Planning Commission shall consider lighting, safety and noise both on the site and in the general area surrounding the shooting range. There shall be no shooting between the hours of 7:00 p.m. and 9:00 a.m.
  5. The application shall be accompanied by plans and drawings showing the area of land, shooting areas, and the backstops or buildings to be used for the shooting range.
  6. Trap and skeet shooting should be established under the rules and regulations of the Michigan Trap and Skeet Association.
  7. Off-Street Parking.
    - a. Off-street parking shall be provided in the ratio of one (1) space for each two members or each two uses at maximum capacity.
    - b. All off-street parking shall be constructed according to the standards of Article VI.

## **Section 16.34 TWO-FAMILY DWELLINGS.**

**A. Specific Requirements and Conditions.**

1. The proposed units shall be located on a major or secondary thoroughfare as designated on the Township's adopted Master Plan.
2. The minimum lot size shall be 50,000 square feet and a frontage of two hundred (200) feet.
3. The minimum floor area shall be nine hundred (900) square feet for each unit.

**Section 16.35 VARIOUS RETAIL USES.**

**A. Specific Requirements and Conditions.**

1. This category shall include retail uses which have a warehouse, or which have an industrial character by reason of outdoor storage requirements or activities, such as, but not limited to, lumber yards, building materials, upholsterers, outdoor boats, recreational vehicle storage, house trailers, automobile or agricultural implement sales and storage. The category may also include uses which serve the convenience needs of the Industrial District, such as, but not limited to, eating and drinking establishments, banks, savings and loan associations, trade or industrial schools, medical or other offices serving such district, including an industrial medical clinic.

**Section 16.36 WIRELESS COMMUNICATION TOWERS.**

**A. Purpose and Intent.**

It is the general purpose and intent of Armada Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems as may be required by law. However, it is the further purpose and intent of the Township to provide for such authorization only in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at-large. In fashioning and administering the provisions of this Ordinance, an attempt has been made to balance these potentially competing interests. It is the further purpose and intent of this Section to:

1. Protect residential areas and land uses from the potential adverse impact of towers and antennas.
2. Establish predetermined districts or zones of the number, shape, and in the location considered best for the establishment of wireless communication facilities as special land uses, subject to conformance with applicable standards.
3. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings, and limit inappropriate physical and aesthetic overcrowding of land use activities and adverse impact upon existing population, transportation systems, and other public services and facility needs by regulating and limiting the establishment, placement and manner of wireless communication facilities.

4. Minimize the total number of towers or antennas throughout the community.
5. Promote the public health, safety and welfare.
6. Provide for adequate public information about plans for wireless communication facilities and allow the Township to efficiently plan for the location of such facilities.
7. Minimize the adverse impacts of technological obsolescence of such facilities, including timely removal of facilities.
8. Encourage users of towers and antennas to configure them (stealth technology) in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
9. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of tower structures. In furtherance of these goals, Armada Township shall give due consideration to the Township's Master Plan, Zoning Ordinance, existing land uses, and environmentally sensitive areas in considering sites for the location of towers and antennas. It is noted that communication towers do not fall under the classification of essential services or public or local utilities and may in no way be regulated as such.

## **B. General Provisions.**

Commercial wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall meet the following requirements:

1. In order to maximize the efficiency of providing such services, while minimizing the negative impact of such facilities on the Township, co-location of such facilities on an existing tower or other existing structure is required, when feasible. An applicant shall furnish written documentation as to why a co-location at another site is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if co-location is possible. This documentation should also show that co-location was economically infeasible.

If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and shall commit itself to:

- a. Promptly responding to any requests for information from a potential co-user of their tower/antenna;
- b. Negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
- c. Make no more than a reasonable charge for a shared use lease. Further, if the application involves co-location on an existing tower or structure, the application shall be reviewed by the Township Building Inspector to ensure that all applicable Zoning Ordinance requirements have been met, and by the Township Engineer to ensure that the host structure is structurally capable of housing the proposed antennae. Written documentation from the owner(s) of the host structure shall also be submitted, stating that their permission for co- location has been granted. Co-locations on existing towers and structures are permissible in all zoning districts.

2. Wireless Communication Towers are allowed as a:
  - a. Permitted Use, subject to site plan approval, on:
    - i. Any property owned by the Township (preferred location);
    - ii. Publicly-owned property;
    - iii. Consumers Power gas fields.
  - b. Special Approval Use:
    1. In the Residential and Agricultural Districts, provided all facilities are:
      - a. Located at least 1,000 feet from any public roadway, or
      - b. Located within 500 feet of a Detroit Edison high voltage transmission corridor.
    2. Within the M-1 Industrial Zoning District.
3. The applicant shall demonstrate the need for the facility. If a new tower is proposed, the application shall include a map showing existing and known proposed wireless communication facilities within the Township and, further, showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township, in the location and area relevant in terms of potential co-location or in demonstrating the need for the proposed facility. The Township may also request that the applicant provide a map or overlay identifying all of the tower locations, "search rings," or coverage areas within Armada Township and the nearest adjoining units of government which are within a one-mile radius of the applicant's site. The Township may also require the applicant to show why a cable-based, fiber optic, or similar system cannot, or should not, be used in lieu of a wireless communication tower.
4. A signed and sealed written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted by a State of Michigan Certified Professional Engineer. This information shall also address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided.
5. The location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements:
  - a. The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the Township, and any such tower/antenna shall not exceed one hundred seventy-five (175) feet in height above the average grade around the structure it is mounted upon.
  - b. The Township encourages innovative designs and utility pole camouflage as practical solutions for minimizing the visual impact on residential neighborhoods or the motoring public. Monopole (stealth or equivalent type) antenna structures shall be required where such are technologically feasible.
  - c. The tower site shall be landscaped in an aesthetically pleasing and functional manner. The tower base, accessory buildings, and protective fencing shall be screened from the view of any public right-of-way and/or adjacent properties by an obscuring

greenbelt. Landscaping shall also be incorporated along access drives servicing the tower site.

- d. Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this Section. Minimum setback requirements, unless otherwise provided for, are as follows:
  1. When adjacent to non-residential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a non-residential zoning district may be reduced to no less than fifty (50) feet. In no instance shall any tower facility be located within a front yard. Accessory buildings shall be screened from view by an obscuring greenbelt.
  2. When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus fifty (50) feet. This setback shall also apply to all accessory buildings. In no instance shall any tower be located within a front yard.
  3. Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower.
  4. Additional setbacks may be required if the established fall zone for the tower/antennae is greater than the above-stated setback requirements. The setbacks shall be no less than the fall zone, as established by the design engineer or the above-mentioned setback, whichever is greater.
  5. All structures, buildings, and required improvements shall comply with all other applicable codes and ordinances and shall be continuously maintained in a safe, healthful and complying condition. The permit shall include a requirement for structural and safety inspections and reports every five (5) years, as required by the Township Building Inspector.
  6. The applicant shall submit a letter agreeing that, should any tower/antenna facility approved under this Section cease to be used for its approved use for more than ninety (90) continuous days, or more than 90 days of any 120-day period, it shall be removed from the site within one hundred eighty (180) days of such cessation. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with top soil. The letter of agreement may include a financial guarantee, to insure removal of any or all of the facilities approved under the Special Use Permit. Such agreement, including financial guarantee, shall be in a form acceptable to the Township Attorney. The financial guarantee may also include a provision for periodic adjustments to reflect changes in the Consumers Price Index or other similarly established and accepted price indexes.

7. If, and to the extent, the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCL 15.243(1)(g)). This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

### **C. Procedures**

Once all information has been collected and the public hearing has been held (if necessary), the Planning Commission shall make its recommendation to the Township Board stating the findings of fact which support a recommendation for approval or denial. Any stipulations of approval which may be pertinent shall also be submitted to the Board. The Township Board shall render their decision after reviewing all relevant information to the case. The record of the Planning Commission and Township Board shall include the findings of fact and evidence to support such decisions. The written findings and conclusions shall be contained in the minutes of the Commission and Board.

## **Section 16.37 YARD COMPOSTING FACILITIES.**

### **A. Specific Requirements and Conditions.**

- a. The minimum site shall be twenty (20) acres.
- b. A minimum area of one (1) acre shall be provided for each three thousand (3,000) cubic yards of organic material to be composted.
- c. All ingress and egress shall be directly to a proposed major thoroughfare of at least one hundred twenty (120) feet of right-of-way or an approved industrial collector road.
- d. The public road servicing the site must be paved. The access or service roads on the site shall be paved for at least the first two hundred fifty (250) feet from the public road. This portion of the access road shall be a minimum of twenty-four (24) feet in pavement.
- e. Only typical yard waste shall be composted or stored on site. These yard wastes typically include leaves, grass clippings, brush or shrub trimmings.
- f. The portion of the site actively being utilized for composting shall be designed to include a clay lining, acceptable to the Township Engineer in terms of composition, thickness and degree of imperviousness.

### **B. Application Requirements** (may be shown on the site plan or as an addendum to the plan).

- a. A site plan meeting the requirements of this Ordinance.
- b. Name, address and telephone number of the person, firm or corporation who or which will be conducting the actual composting operation.

- c. Types of materials to be composted.
- d. Types and number of equipment used (i.e., shredders, front-end loaders, windrow turning machines, screening and shakers).
- e. Location and sizes of staging area, windrows, curing area, screening area, finished product, shipping and loading.
- f. Location and dimensions of office, control booths, maintenance and storage buildings. Plans shall show the location of all fuel storage facilities and shall detail all primary and secondary containment for all hazardous materials.
- g. Location, numbers, types and cross-sections for landscaping, screening, berms and buffers.
- h. Location of any adjacent wetland or floodplain.
- i. On-site topography with elevations or contours not greater than two (2) feet. (Sites with significant slopes should be avoided.)
- j. A site drainage plan addressing the method of storm water runoff shall be provided for review and approval by the Township Engineer. Pooled water shall not be permitted to collect on site. An appropriate stormwater quality facility or similar device shall be installed prior to the discharge off site.
- k. Soil types and water table.
- l. Water source.
- m. Personnel, number and classifications.
- n. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
- o. Analysis for all ground and surface water monitoring events shall be submitted to the Health Department within sixty (60) days after analysis.

**C. Operational Requirements.**

- a. Composting shall be aerobic in nature.
- b. Operation cycle and timetable from acceptance of material on site to disposition of the final product. This shall include shredding, aeration, moisture control, mechanical turning and screening.
- c. Proposed methods of disposing of the final product. The applicant shall show that sufficient contracts exist for the sale of the final product. The plan shall show the size and height of the storage area. The plan shall indicate the type of sales or distribution of products (i.e., retail, individual bags, truckloads or wholesale).



- d. All operational details shall be clearly delineated. The hours of operation and days of week the facility is open shall be stated. The hours of operation for active composting shall be limited to 7 a.m. to 6 p.m. Site preparation and clean up may extend one hour earlier and one hour later than the stated times.
- e. Use of any chemicals or accelerating agents, including bacteria, fungi, nitrogen or sewage and how such use will not effect the general health, safety and welfare of the subject property but also those adjacent to such property.
- f. Monitoring and control methods for environmental protection (odor, dust, anaerobic problems, methane production). Prior to the start of operation, the owner or operator shall provide a written control plan to the Township which shall outline the steps necessary to reverse a breakdown in the system or a pollution problem. Upon a declaration by the Township that such a problem exists, the owner and operator shall be notified and given a reasonable amount of time (not to exceed one (1) year unless otherwise extended by the Township Board for just cause) to correct the problem. If the problem is not corrected, the Township shall have the right to intervene, correct the problem, and use the performance bond to pay for the services.
- g. Plan to ensure that trash and contaminants are not brought onto the site or, if they are, that there is a plan for proper disposal of non-yard wastes at an approved sanitary landfill.
- h. Plan for disposition of unmarketable compost.
- i. Demonstration by operators that the operation is capable of success (profitable).
- j. Yard waste shall be actively rotated. There shall be a maximum accumulation period of three (3) years.

**D. Area, Height and Placement Requirements.**

- a. **Front Yard Setbacks** (measured from the road centerline): One hundred and ten (110) feet for all local, collector and major roadways, one hundred and twenty five (125) feet along 32 Mile Road, Capac Road, Old Farm Trail, and Wolcott Road. No stockpiling shall be located closer than one hundred and twenty five (125) feet for all local, collector and major roadways, one hundred and fifty (150) feet along 32 Mile Road, Capac Road, Old Farm Trail and Wolcott Road.
- b. **Side and Rear.** No composted material, stockpiling or processing shall be located closer than fifty (50) feet from side or rear property lines.
- c. **Height.** The height of any composted material (windrows or stockpiling) shall be limited to eight (8) feet.
- d. **Distance to Housing.** No stockpiling, storage, transfer, loading or unloading, processing, windrows or composting shall take place within one thousand (1,000) feet of an existing residential dwelling unit.

**E. Other Requirements.**

- a. **Screening.** That portion of the site used for composting or stockpiling which is visible from the street or an adjacent residence shall be enclosed, screened or buffered as follows: a six (6) foot high berm with a four (4) foot wide flat crown, shall be constructed along the

entire perimeter of the site or the area being actively utilized for composting. A double row of evergreens (6'-8'in height at planting) shall be planted atop the berm fifteen (15') feet on center for each row. The rows shall be offset a minimum of eight feet. This requirement may be altered as determined by the Planning Commission based on a finding that a more suitable alternative is available which accomplishes the intent of this section.

- b. **Trash Receptacles.** Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen, fence or wall.
- c. **Signs.** There shall be no more than one (1) freestanding or ground sign, not to exceed thirty-two (32) square feet of sign area.
- d. **Parking.** A minimum of three (3) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used. The Planning Commission shall determine the number of additional parking spaces necessary based on the number of employees and the anticipated traffic that will be generated.
- e. **Performance Standards.** All applicable performance standards specified in this Ordinance shall be observed.
- f. **Performance Guarantees.** The Commission shall require and establish the amount of any performance guarantees, such as bonds or letters of credit, to assure zoning and special approval compliance; to correct breakdowns in the composting system; and to guarantee restoration in the event of abandonment, hazardous waste or other environmental pollution.
- g. **Approvals.** The applicant shall provide letters from Macomb County and the State Department of Natural Resources (DNR) that this operation, based on the proposed site plan:
  - 1. is consistent with the Macomb County Solid Waste Plan (as applicable); and
  - 2. that the State DNR Waste Management Division has reviewed such plan and is not aware of any problems and does not have any environmental concerns from the proposed operation.
- h. **Licensing.** All yard waste composting operations shall be licensed yearly by the Township Board. Any violation of this Ordinance shall be grounds for the denial of a license.
- i. **Inspection.** As a condition of the composting license, the site shall be open for inspection within twenty four (24) hours per Township request. Further, the operator of the facility shall supply the Township with a monthly report including at a minimum the following information: the amount of material brought to the site, the amount of material taken from the site, results of groundwater and surface water monitoring, any issues with rodents or other health concerns, any indications of violations or potential violations of the license or this Ordinance and actions to correct such action, and any other information cited as a condition of the annual license as granted by the Township. Any and all cost associated with the monthly or annual review and/or inspection of the site shall be the responsibility of the applicant and/or holder of the permit.

- j. Those farming operations which are operating under a State approved compost management plan and the State's Generally Accepted Agricultural Management Practices, shall be exempt from the requirements of this Ordinance. Effective date October 27, 2006

## **Section 16.38 PLANNED UNIT DEVELOPMENT**

### **A. Statement of Purpose**

It is deemed necessary to the preservation of health, safety and welfare that the certain uses hereinafter set forth be specially controlled because they serve an area, market and/or purpose considerably beyond the borders of the Township and/or create particular problems of control in relation to adjoining uses, districts, public health, safety and welfare. These uses, because of their unique characteristics and/or effects upon public health, safety and welfare, are deemed to be impractical to be permitted without Special Land Use or Planned Unit Development (PUD) approval, and then only as specifically allowed.

The intent of the Planned Unit Development is to permit flexibility in the regulations of land development; encourage innovation in land use and variety of design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township.

- Provide for a mixture of acceptable uses such as commercial, industrial, office, and residential.
- Allow for an innovative site design that incorporates all uses, parking, open spaces, etc.
- Approve the development of a planned unit development through an overall site development plan.
- Provide for flexibility in setbacks, building relationships, and use relationships.
- Provide regulations for coverage, density, and building heights.
- Provide a mechanism for managing site access for multiple uses through joint roads and driveways as well as interconnection of uses.

### **B. Location**

1. Planned unit developments (PUDs) may be permitted as regulated in this section within all Zoning Districts.

### **C. Permitted Uses**

1. All permitted uses within the R-1, B-1, B-2, and M-1 Zoning Districts. Uses consisting largely of outdoor storage and/or outdoor operation shall be located in an internal location when feasible. Further, landscaping and screening which completely masks such storage or activity shall be provided. Residential densities shall be consistent with those contained within the adopted Township Master Plan

### **D. Special Land Uses**

1. All special land uses within the R-1, B-1, B-2 and M-1 Zoning Districts.

### **E. Minimum Site Criteria**

1. Ownership and Minimum Site Area. Any person or persons having a beneficial interest or right to obtain a beneficial interest in at least five (5) acres of land may apply for development as a PUD under the procedures for, and in compliance with, the standards of this Article.
2. Access. The PUD must have direct access to a major road as defined in the Township Master Plan. Local roads adjacent to the PUD shall not be used except for uses and traffic intensity compatible with the adjacent zoning. Access drives within close proximity to major intersections of public streets shall be avoided. Common drives or roadways shall be provided for all uses on site. The use of boulevard roadways and entryways is encouraged. Further, separate roads may be provided for truck traffic as deemed appropriate by the Planning Commission.

## F. Procedures Submission and Approval

Approval of a PUD shall require a two-step process by the Township Planning Commission, preliminary and final PUD approval. The preliminary phase shall involve a review of the preliminary PUD development plan to determine its suitability and consistency in the land use and zoning patterns of the Township. The final phase shall require detailed site plans for all or various parts of the preliminary PUD development plan prior to the issuance of building permits. The Armada Township Planning Commission shall make recommendations to the Township Board on all reviews of PUDs.

### 1. *Submission of Preliminary Plans.*

An application as supplied by the Township along with all applicable fees as established by the Township Board shall be submitted to the Township along with the necessary number of copies of the site plan and supplemental information. Unless otherwise stated within this Ordinance, the requirements and review process for site plan review shall be met. Once placed on the agenda, a presentation shall be made to the Planning Commission for review and decision.

- a. A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer (Scale: 1" = 200').
- b. A topography map drawn as contours, with an interval of at least two (2) feet. This map shall indicate all stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography or similar conditions (Scale: 1" = 200').
- c. A recent aerial photograph of the area shall be provided (Scale: 1" = 200').
- d. A preliminary development plan for the entire PUD area, carried out in such detail as to indicate the functional use areas, any subdivision of land, building layout, architecture and design and the character of non-residential development being requested; the densities being proposed; a generalized thoroughfare, traffic and pedestrian circulation plan; natural resource areas and other usable open spaces, and common areas for users of the Planned Unit Development. Phasing lines (if proposed) must be shown on the plan at this time.
- e. A preliminary utility plan shall show each utility as a one-line diagram, with flow direction drawn on the proposed street or site layout. Preliminary estimates shall also be provided regarding contemplated total storm water flow, sanitary sewage flows and water requirements. The anticipated method of treating sanitary sewer flows and providing water

shall be specified. The Planning Commission or Township Board may require appropriate studies to verify the ability of the site to accommodate onsite water and sewer.

- f. All supporting documentation and material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the Township; market needs; utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan. The Township may require the applicant to provide additional information demonstrating the demand for this project, surety that public services and facilities affected by the land use or activity will be capable of accommodating the increased service and facility loads caused by the land use or caused by the activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner. Such information may include, but shall not be limited to, the following: market demand studies, relevant financial information, banking references, and examples of previously completed projects.
- g. The general architectural themes shall be established at preliminary planned unit development approval.

## 2. *Review of Preliminary Plans.*

Upon receipt of a completed application for preliminary approval, and all required supplemental information, the Planning Commission shall set and hold a public hearing on the application. Proper notice, as required by the Township Zoning Act, shall be given to required individuals/property owners. The applicant shall make a presentation to the Planning Commission and the public regarding the proposed PUD. The Planning Commission shall review all applicable site plans, correspondence, studies, public comment, etc. in reviewing a PUD application. In addition, the Planning Commission shall review the planning standards contained within the Township's special land use section and subsection G of this section. Further, in reviewing the PUD application, the Planning Commission shall also review adjacent land use, adjacent zonings, adjacent Master Plan designations, etc. to ensure that the intent of the PUD meets the intent of the Township's goals, policies and land use planning practices for the particular area in which it is proposed. And finally that there is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and the road system and storm water drainage system will be adequate.

## 3. *Action on Preliminary Planned Unit Development Plan.*

- a. If the Planning Commission determines the application meets the standards and requirements set forth in subsection (F)(2) and has potential to meet the requirements of this Section, it shall recommend approval of the preliminary PUD plan by motion including the findings of fact and reasons for such preliminary approval. If the Planning Commission determines the application does not meet the standards and requirements set forth in subsection (F)(2) or does not have the potential to meet the requirements of this Section, it shall recommend denial of the application and provide the reasons for such denial in the Planning Commission minutes. In either instance, the application shall be placed on the next available Township Board meeting. The Township Board shall review the report and recommendation prepared by the Planning Commission and make the final determination on the preliminary application, setting forth any conditions necessary as a part of planned unit development approval. If the Township Board recommends denial of the planned unit development, the reasons for such denial shall be clearly noted within the Board's minutes.

- b. Once an area has been included within a preliminary development plan for Planned Unit Development and the Board has approved such plan, no development may take place in such area, nor may any use thereof be made, except in accordance with the preliminary development plan approved or in accordance with a Board approved amendment thereto.
- c. Within a period of eighteen (18) months following approval by the Board, final detailed site plans for the entire area embraced within the area approved for development under this district by the Board must be submitted as hereinafter provided. If such site plans have not been submitted and approved within a two (2) year period, the right to develop under the approved plan may be terminated by the Board and a new application must then be filed and processed in the same manner as in the original instance if the project is to be considered for continuation.

4. *Submission of Final Plans.*

- a. Before any building permits shall be issued for buildings and structures within the area of the Planned Unit Development District, a final detailed site plan for all or a portion of the PUD site shall be submitted to the Planning Commission for review. The following documentation shall be submitted with the final plans.
  - 1. A detailed site plan (meeting the requirements of SITE PLAN REVIEW), fully dimensioned, showing a fully scaled plan view of all buildings, all public road rights-of-way and private streets (commercial and industrial), boundaries and acreage of each use area and the proposed ultimate density thereof, parking areas, utilities; and the detailed site plan shall indicate plans for natural resource preservation, the development of open space or areas to be set aside for the use of the public within the development (Scale: 1" = 50').
  - 2. The proposed topography, contour interval of at least two (2) feet, shall be superimposed on all site plans (Scale: 1" = 50').
  - 3. Typical floor plans for all principal buildings and structures, with a schedule of building types.
  - 4. Each plat or site plan within the PUD submitted for final approval shall, either individually or in combination with previously approved project areas, meet the standards of this Section as to density and open space requirements. Open space shall be computed as a proportionate amount of the total open space requirement.
  - 5. A final scheduling indicating the proposed timing of the development including phasing and partialization, if appropriate.
  - 6. Statement of Covenants, Grants of Easements and other restrictions to be imposed upon the uses of land and structures.
  - 7. Any other data, plans, or drawings considered by the Planning Commission to be necessary for the consideration of the proposal, including but not limited to assurances that areas shown on the plan for use by the public and occupants shall be, or have been, irrevocably committed for that purpose. The Township reserves the right to require conveyances or other documents to be placed in escrow. Assurance of financial support for and maintenance of all improvements indicated on the plan for open space areas and common use areas. Assurances may require posting of bonds as determined by the Township.
  - 8. All other provisions of the Township's site plan review requirements, unless otherwise provided for in this section.

5. *Review of Final Plans.*

- a. The Planning Commission shall review the final site plans, additional documentation provided by the applicant, and reviewing agency's comments. In the process of their review, the Planning Commission shall consider:
  1. Specific development requirements set forth in this section.
  2. The location and design of service roads or drives and driveways providing vehicular ingress to and egress from each building site, in relation to streets giving access to the site and in relation to pedestrian traffic.
  3. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will ensure:
    - a. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
    - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent parcels and districts.
    - c. Accessibility afforded to emergency vehicles.
  4. The arrangement of use areas on the site to ensure functional, efficient and compatible arrangements within the site and also to those adjacent uses offsite.
    - a. The treatment of public space.
    - b. The availability of sewer and water capacity and the capacity of other utilities.
    - c. The impact on air quality.
    - d. The potential noise from development and traffic sources.
  5. The plan's conformity with, and compatibility to, the character of the surrounding property and that it will not substantially interfere with the safety, light, air and convenience of the surrounding private and public property.
  6. Any other matters that are within the Township departments' or the Township Planning Commission or Boards jurisdiction.
  7. Before approval of any final, detailed site plan, the Township shall determine:
    - a. That all use areas shown upon the development plan for the entire Planned Unit Development District for use by the public or the users of land within the Planned Unit Development District have been irrevocably committed to such uses by dedication, restrictive covenants or in some other manner satisfactory to the Township.
    - b. That the final detailed site plan is in conformity with the original preliminary plan previously approved.
    - c. That the sanitary sewage, water and storm water drainage requirements of the proposed development have been adequately addressed by the applicant.

- d. If necessary, the provision for public roads has been made so as to cause continuity of public access between any abutting throughfare and ingress and egress to all development within the plan.

6. *Action on Final Submittal to the Planning Commission and Township Board.*

- a. If the Planning Commission determines the final plans meet the requirements set forth in subsection F(4), F(5) and those set forth in subsection G, the Commission shall recommend approval of the final plans to the Township Board. Any recommendation for approval by the Planning Commission or approval by the Township Board may include conditions as set forth in subsection F(7). If the Commission determines that the final plans do not meet the requirements set forth at subsection F(4), F(5) and/or subsection G, it shall recommend denial of the application. The reasons for the denial of the application and the final plans shall be set forth in detail in the Commission minutes. This recommendation shall be forwarded to the Township Board for their decision. The Board's final action shall be documented in the minutes.
- b. Upon approval of the Township Board, each detailed final site plan shall be effective for a period of one (1) year. If development in compliance with a final site plan is not substantially underway in this period, further development shall not be approved until the final site plan in question is completed or until the timeframe for completion is extended or waived by the Township Board. Reasons for extending such timeframe may include a showing by the applicant of good faith in completing engineering review and approval or construction or the overall project still meets the intent of the original approval.

7. *Conditions to Approvals*

- a. The Planning Commission and Township Board may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
  1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
  4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving



authority and the landowner. The Township shall maintain a record of changes granted in conditions.

- ii. Once a Planned Unit Development has been approved, no Zoning Board of Appeals requests shall be permitted. Any changes in the development plans must be made following the same procedure as with the detailed-final-site plan in accordance with revision procedures contained herein.
- iii. The Township Board shall have the right to establish a Special Assessment District for the entire project boundary to ensure that the uses and buildings approved as a part of the overall planned unit development are kept in a clean, safe and acceptable manner. The terms and conditions of any special assessment district shall be established by the Board and reviewed by the Township Attorney.

## **G. DETAILED SITE CRITERIA**

### *1. Consistency of Uses.*

The uses proposed shall be generally consistent with the adopted Armada Township Master Plan. Any variations or mixture of uses which are not shown on the Township Master Plan shall be duly noted and rationale for such deviation shall be made a part of the Planning Commission and Township Board record.

### *2. Perimeter Setbacks.*

All non-residential structures shall be located not less than one hundred (100) feet from all exterior property lines. Further, a twenty five (25) foot greenbelt shall be provided along all exterior property lines of the PUD where incompatible uses abut. This area shall not be used for building, parking, maneuvering, etc. and shall be planted with mixture of deciduous and evergreen trees consistent with the Armada Township Zoning Ordinance. These plantings shall provide a continuous visual screen. Trees may be grouped to allow landscape variation. The required tree plantings shall be supplemented with shrubbery and other decorative plantings.

### *3. Interior Setbacks.*

All proposed uses shall comply with the applicable setback, height, minimum floor area and lot coverage requirements of the applicable zoning district. The Township may modify any of these standards, when found to be consistent with the general planning standards of the Township's special land use section. In making any such modifications, the Township shall determine that all structures are located and designed to assure maximum privacy. Building elevations and floor plans shall be required to assure compliance with these requirements.

### *4. Landscaping and Screening.*

Whenever incompatible uses, in particular, off-street parking areas, service areas for loading and unloading vehicles other than passengers, and areas for storage and collection of refuse and garbage abut one another or are visible from public view or public right of way, either within the area of the Planned Unit Development or between the Planned Unit Development and the adjacent land uses or zoning districts, adequate screening and buffering must be provided. Adequate screening may consist of a view obscuring fence, wall, greenbelt, intensive plantings, or any combination of the above. The Township shall have the discretion in determining the appropriate method and intensity of screening. Further screening shall be provided between exterior roadways and the area of the planned unit development.

5. *Architectural Compatibility.*

Architectural features of all structures shall be designed to be compatibly integrated within the overall PUD. The plan shall demonstrate such common architectural designs, materials, and amenities. The general architectural themes shall be established at preliminary planned unit development approval.

6. *Access Management.*

Well-defined circulation routes shall be required. Particular attention shall be paid to entry and exit drives and the potential conflicts that arise either onsite or offsite. Access drives shall be the absolute minimum number needed to adequately service the site. Main drives connected to the entry and exit points shall be provided. These drives shall limit the number of intersections or cross traffic within the parking and maneuvering areas extending the throat of the access drive. Further landscaped parking islands may be required along the above noted main drives and may be required at the end of all parking aisles. Parking lot landscaping shall be provided at a rate of one tree per five (5) parking spaces. These trees shall be planted within concrete islands placed at the end of parking lanes to provide parking lot definition.

7. *Open Space.*

A minimum of fifteen (15) percent of the total project area shall be developed for outdoor recreation and open space uses; but such areas shall not include space devoted to streets, parking, onsite stormwater facilities, or required setbacks. In calculating open space acreage, the applicant may, at the discretion of the Township, include existing natural features that occur on the site, including wetlands, lakes or ponds, woodlands, etc., provided that facilities are made available as a part of the PUD approval to use these areas for active or passive recreation purposes.

8. *Parking Requirements*

The applicant may propose a reduction in the overall number of parking spaces servicing the site. Information and support data shall also be furnished to the Township substantiating such reduction. The Township may allow for the banking of parking spaces on site. This will allow for a reduction in the total number of parking spaces constructed in the immediate provided ample space for such future spaces is shown on the site plan. However, such provision would allow the Township to require the number of parking spaces reduced or banked to be built at a later date upon a finding that such spaces are necessary for the effective and safe operation of the site.

9. *Signage*

As a part of the overall signage for the PUD, the applicant shall submit a sign package either meeting Township Ordinance or providing a package that allows sign sizes to be averaged over the entire site. The Township shall approve such package that is in the best interest of the Township.

10. *Pedestrian Circulation*

The proposed planned unit development shall contain pedestrian pathways throughout the entire development. Pathways shall generally be provided along all roadways, maneuvering lanes, parking areas, etc. The Township may approve alternative pathway concepts which are

deemed acceptable based on suitable connectivity, overall pedestrian separation from vehicular areas, among others. Pathways shall be a minimum of five (5) feet in width

### 11. Lighting

Lighting shall be provided throughout the entire planned unit development. Lighting details, including, lighting types, mounting heights, intensity, method of shielding, etc. shall be provided for all lighting fixtures. The Township may require a photometric plan to ensure that lighting is being maintained at acceptable levels and is being shielded from adjacent properties.

## Section 16.39 EVENT AND HOSTING FACILITIES

### A. Intent

1. This Special Approval Land Use permits the Applicant to renovate an existing structure for the purpose of hosting events, or to construct a new building or structure for that purpose.

### B. Minimum Site Requirements

1. Event hosting facilities shall be constructed on a site 20 acres in size or greater.
2. Setbacks
  - a. Front yard: as required in the AG district
  - b. Rear yard: 50 feet
  - c. Side yard: 50 feet

### C. Specific Parking Requirements

1. Parking shall be provided at a rate of one (1) space for each two (2) persons allowed within maximum occupancy, as determined by the Fire Department.

### D. Screening

1. Event hosting facilities shall be screened from adjacent residential uses by a greenbelt consistent with the standards of this Ordinance.

### E. Other Requirements

1. Events shall take place within an entirely enclosed structure that is designated for event hosting on an approved site plan
2. The Township Board shall make a determination as to whether the event hosting facility is truly ancillary to the site's agricultural use or uses. The Township Board shall limit the number, duration and intensity of the events, as appropriate, to ensure compatibility with the surrounding area and neighborhood. The maximum number of guests for an event regulated by this section shall be 300 guests.
3. Traffic study
  - a. In order to help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the event hosting facility, the Township shall require a traffic impact study for proposed event hosting facilities with a planned maximum occupancy of greater than 300 guests.
  - b. A traffic study shall include, at a minimum, a description of existing traffic conditions, forecasted trip generation and forecasted trip distribution, a level of service analysis, the proposed access design for the site, and proposed mitigation measures, if needed.
  - c. This requirement may be waived by the Township Board when a site has an existing use with activity levels at or more intensive than 300 guests. For example, hayrides and cider mill operations that already attract guests in excess of 300 people.

- F. The number, type, duration, frequency, and size of hosted events shall be reviewed as part of the special land use application. The Township Board shall take into consideration the intent of this district and consider whether the activities proposed are truly ancillary to the site's agricultural use or uses.

**Section 16.40 SPECIAL OUTDOOR EVENTS.**

*Ord. Effective Date 04/08/2015*

- A. Intent
  - 1. This Special Approval Land Use permits the Applicant to host outdoor events in a designated event hosting area.
- B. Minimum Site Requirements
  - 1. Special outdoor events shall be permitted on sites no less than 50 acres in size.
  - 2. Special outdoor events shall be hosted only in areas designated for events on an approved site plan. The site plan shall provide a planned maximum capacity for the event area, to be determined by the Fire Department.
- C. Setbacks – For events with amplified sound, the following setbacks shall apply to all activities related to the event, including crowd staging, crowd assembly and use areas, and event staging.
  - 1. Front yard: 200 feet
  - 2. Rear yard: 200 feet
  - 3. Side yard: 200 feet
- D. Specific Parking Requirements
  - 1. Parking shall be provided at a rate of one (1) space for each two (2) persons allowed within the event area’s maximum occupancy, as determined by the Fire Department.
- E. Screening
  - 1. Areas designated for outdoor events shall be screened from neighboring properties by buildings, a greenbelt, a six-foot wooden fence, equivalent decorative material or some combination thereof.
- F. Other Requirements
  - 1. Outdoor events shall be limited to Sunday through Thursday 8:00a.m. to 7:00 p.m.; and Friday, Saturday and national holidays 8:00 a.m. to 11:00 p.m. The Township Board may grant an extension of these hours to midnight upon a finding that such an extension will preserve the health, safety and welfare of surrounding residential uses.
  - 2. Outdoor events shall be limited to no more than three per week that extend after 7:00p.m.
  - 3. Temporary structures
    - a. Temporary structures erected for outdoor events shall comply with all height, bulk, and setback requirements of the AG district and this section, whichever are more stringent.
    - b. Temporary structures shall be placed only within the area designated for outdoor events.
    - c. Temporary structures shall be erected only for a single, scheduled event, and shall be removed within 48 hours after completion of the event. If multiple events are scheduled within one week of each other, the tent may stay up between events.
  - 4. All temporary structures shall comply with the Township Fire Code and Building Codes.
  - 5. Sanitary facilities
    - a. The Applicant shall demonstrate that adequate sanitary facilities exist on site to accommodate the planned maximum number of event attendees.
    - b. Where adequate facilities do not exist, they shall be constructed, or temporary facilities shall be provided. Where temporary facilities are provided, said facilities shall remain on site no longer than 72 hours.
  - 6. Traffic study
    - a. In order to help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the event hosting facility, the Township shall require a traffic impact study for proposed outdoor events with a planned maximum attendance of greater than 300 attendees.

- b. A traffic study shall include, at a minimum, a description of existing traffic conditions, forecasted trip generation and forecasted trip distribution, a level of service analysis, the proposed access design for the site, and proposed mitigation measures, if needed.
  - c. This requirement may be waived by the Township Board when a site has an existing use with activity levels at or more intensive than 300 guests. For example, hayrides and cider mill operations that already attract guests in excess of 300 people.
- G. The number, type, duration, frequency, and size of outdoor events shall be reviewed as part of the special land use application. The Township Board shall take into consideration the intent of this district and consider whether the activities proposed are truly ancillary to the site's agricultural use or uses.

**Section 16.41 MANUFACTURE OF FOOD AND BEVERAGES, INCLUDING THE DISTILLATION, FERMENTATION, BREWING, AND RELATED PACKAGING OF ALCOHOLIC BEVERAGES.**

*Ord. Effective Date 04/08/2015*

**A. Specific Requirements and Conditions.**

- 1. Minimum Site Requirements
  - a. Manufacture of food and beverages, including the distillation, fermentation, brewing, and related packaging of alcoholic beverages, may only be considered for farms or orchards with a minimum land area of twenty (20) acres or more.
  - b. The site shall have a minimum of ten (10) planted acres of fruit or other crop used in the wine, cider, microbrewery or spirit processing, which shall be maintained pursuant to generally accepted agricultural management practices. At least 51% of the fruit and other crops used to make alcoholic beverages shall be grown by the Applicant. This requirement may be waived in the case of catastrophic crop failure.
- 2. Lot Coverage
  - a. The total land area covered by buildings and structures used for the beverage processing, storage and sales may not exceed two percent (2%) of the contiguous lot area.
- 3. Setbacks
  - a. Any building, loading area, or internal truck circulation route that is part of the operations permitted under this subsection shall be located at least 100 feet from any adjacent property and at least 300 feet from any residential dwelling, unless the property is zoned SAA Overlay District.
- 4. Other Requirements
  - a. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the Township.

**Section 16.42 YEAR-ROUND KITCHENS WITH SEATING AREAS/TASTING ROOMS.**

*Ord. Effective Date 04/08/2015*

**A. A winery, cider mill, microbrewery or distillery may offer food service subject to the following conditions:**

- 1. The area serving food shall seat no more than 300 patrons at one time. Up to 100 of the seats may be in an accessory outdoor seating area.
- 2. Food and beverage service shall be completed at 12:00 a.m. (midnight).
- 3. The facility must be licensed to prepare and serve food by the appropriate Health Agency.
- 4. Any alcoholic beverages sold at retail at the winery, cider mill, microbrewery, brewery or distillery must be produced by the Applicant.

**B. Minimum Site Requirements**

1. Ancillary kitchens with seating areas or tasting rooms shall be constructed on a site 20 acres in size or greater.
- C. Setbacks
1. Front yard: as required in the AG district
  2. Rear yard: 50 feet
  3. Side yard: 50 feet
- D. Specific Parking Requirements
1. Parking shall be provided at a rate of one (1) space for each one hundred (100) square feet of floor area, or one (1) space for each two (2) persons allowed within maximum occupancy, as determined by the Fire Department, whichever is greater.
- E. Screening
1. Any outdoor seating shall be screened from adjacent residential uses by a greenbelt consistent with the standards of this Ordinance. Outdoor seating shall be limited to no more than 100% of the indoor seating and the total of both indoor and outdoor seating cannot exceed 300 people.
- F. Other Requirements
1. Retail sales and food service associated with a year-round kitchen, if permitted by law, must be clearly accessory to production of the beverage being processed. Retail sales and food service areas shall occupy no more than twenty-five (25) percent of the floor area devoted to beverage processing and storage, or no more than 10,000 square feet, whichever is less.

### **Section 16.43 RESIDENTIAL DRIVEWAY ENTRY FEATURES**

*Added June 2016*

Entry features for residential driveways, including but not limited to columns, pillars, and monuments, shall meet the following standards:

1. Entry features shall not exceed seven (7) feet in height from the finished grade of the center of the driveway.
2. Archway features shall be constructed of non-obscuring materials (such as wrought iron or aluminum) and shall be permitted to protrude above the main entry feature.
3. Entry features and attached archway features shall provide a minimum clearance of fourteen (14) feet for a width of not less than ten (10) feet or the width of the drive, whichever is greater. Archway features shall not exceed a total height of eighteen (18) feet, measured from the finished grade of the center of the driveway beneath the feature to the highest point on the feature.
4. Entry features shall not be located within the existing road right-of-way.
5. Entry features shall meet the corner clearance requirements of the Township and the sight distance requirements of the Road Commission of Macomb County.
6. Obscuring entry features shall not occupy greater than ten (10) total feet of roadway frontage for a given property measured from and parallel to the front lot line. Fences and walls as permitted in Section 2.14 may be attached to entry features.
7. Gates are permitted and shall be of an open type, with no greater than fifty (50) percent opacity. The height of a gate shall not exceed six (6) feet. Gates shall be approved by the Armada Township Fire Department and a means of access such as a Knox box shall be provided.
8. Entry features shall be constructed of durable materials, including but not limited to wrought iron, steel, brick, stone, and other decorative masonry, including stamped or sculpted concrete.
9. Output from lighting incorporated into entry features shall not pose a danger to traffic and shall not exceed a light output of 800 lumens.
10. Signage not in compliance with Section 5.07 Signs shall not be permitted on entry features.

## **ARTICLE XVII NONCONFORMING LOTS, USES, STRUCTURES**

**Section 17.00 Provisions Applicable to Nonconforming Lots, Uses, and Structures.** It is the intent to recognize that the elimination, as expeditiously as is reasonable, of existing structures and uses that are not in conformity with the provisions of this Ordinance, is as much a subject of health, safety, and welfare as is the prevention of the establishment of new structures and uses that would violate the provisions of this Ordinance. It is therefore, the intent to administer the elimination of nonconforming structures and uses, recognizing established private property rights, and avoiding any undue hardship. The following regulations shall apply to all nonconforming buildings and structures, or parts thereof, and nonconforming uses existing at the effective date of this Ordinance.

### **Section 17.01 General**

#### **A. Continuance of Nonconforming Building.**

Any such nonconforming building or structure may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such building or structure, except as permitted hereinafter.

#### **B. Continuance of Nonconforming Use.**

Any such nonconforming use may be continued and maintained, provided there is no increase or enlargement of the area, space or volume occupied by, or devoted to, such nonconforming use within a building or on site.

### **Section 17.02 Nonconforming Use**

#### **A. Change of Use.**

The nonconforming use of a building, structure or land may not be changed to a different use unless one or more of the following conditions has been met:

1. Such different use is permitted in the Zoning District under which the property is currently zoned, subject to site plan review and approval as required in the Zoning Ordinance.
2. Such proposed use, while still nonconforming, is considered less intense than the previous nonconforming use as determined by the Armada Township Planning Commission, and would bring the site closer into conformance with existing Ordinance standards. A use may be deemed more intense if the Planning Commission determines that the proposed use meets any of the following criteria:
  - a. The proposed use generates more light, noise, air, or other pollution than the current use;
  - b. The proposed use generates more traffic and/or turning movements, or negatively alters the traffic circulation pattern on or off the site;
  - c. The use generates a greater need for parking on site;

**B. Abandonment; Termination of Nonconforming Use.**

Any part of a building, structure or land occupied by a nonconforming use which hereafter is abandoned and remains unoccupied for a continuous period of twelve (12) months shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located. This shall not apply to a seasonal nonconforming use of land. However, discontinuation for a full season with no active attempt to sell or market the property shall be considered abandoned and any future use shall conform to this Ordinance.

**C. Change of Tenancy or Ownership.**

There may be a change of tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.

**D. Expansion of Nonconforming Use Prohibited.**

A nonconforming use of a portion of a building, structure or lot, which building, structure, or lot otherwise conforms to the provisions of this Ordinance, shall not be expanded or extended into any other portion of such conforming building, structure, or lot nor changed, except to a conforming use (unless otherwise allowed by this Ordinance). If such nonconforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure, lot or portion thereof, shall be in conformity to the regulations of the district in which such building, structure, or lot is located.

**E. Nonconforming Use of Land. Continuation of Use.**

The nonconforming use of land (where no building is involved) existing at the date this Ordinance becomes effective, may be continued, provided that:

1. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
2. If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

**Section 17.03 Nonconforming Buildings**

**A. Maintenance Permitted.**

Except as otherwise provided in this Section, a nonconforming building or structure may be maintained. The maintenance of such building or structure shall include necessary repairs and incidental alterations, which alterations, however, shall not extend the extent or degree of nonconformity of such building or structure to this Ordinance, provided that in a building which is nonconforming as to use regulations, no structural alterations shall be made, except those required by law or ordinance. Provided further, that the cost of such work shall not exceed thirty (30) percent of the assessed valuation of such building or structure at the time such work is done. This requirement shall not be considered as prohibiting the bringing of a structure into conformity with the regulations of the district in which it is located.

**B. Restoration of Damaged Building.**

A nonconforming building or structure having been damaged or partially destroyed by fire or other calamity to an extent not exceeding seventy five (75) percent of its assessed valuation, at that time, may be restored; and its immediately previous occupancy or use existing at the time of such partial destruction may be continued or be resumed, provided that such reconstruction is approved by the



Building Official, and the work of restoration is commenced within one (1) year of the date of such partial destruction and is diligently carried on to completion. Whenever a nonconforming building or structure is damaged in excess of seventy five (75) percent of its assessed valuation, at that time, the repair or reconstruction of such building shall conform to all of the regulations of the district in which it is located and it shall be treated as a new building.

C. Additions, Enlargements, Moving.

A building or structure that is nonconforming, in regard to setbacks or height, may be added to or enlarged if such addition or enlargement conforms to all of the regulations of the district in which it is located. In such case, such addition or enlargement shall be treated as a separate conforming building or structure if all other requirements of the Ordinance are met. Further, the expansion of a nonconforming building or structure in a vertical direction (i.e. increasing the height of the building) is permissible provided that the expansion in no way increases the size of the footprint of the building (on the ground) for that area which is nonconforming and provided the addition meets all other applicable Ordinance requirements. When a building or structure, or portion thereof, is moved from one district/lot to another or to another location within the same district, it must conform or be made to conform to all of the regulations, ordinances and codes of the district/lot to which it is moved

**Section 17.04 Nonconforming Lots**

A. Nonconforming Lot of Record. Division of Nonconforming Lot.

Parcels shall not be divided in a manner that increases nonconformity, causes an existing structure or site improvement to become nonconforming, or creates one or more nonconforming or substandard lots.

B. Use of a Nonconforming Lot of Record.

Any nonconforming lot of record shall only be used as permitted in the district in which it is located. A single nonconforming lot may be developed or improved with a principal building and permitted accessory structures, without the need for a variance, provided that the following conditions have been met:

1. The structure and lot shall conform with at least (66 2/3) of all applicable yard dimensions, setbacks and other requirements, other than minimum lot width and lot area, for the district in which it is located.
2. The lot is not under contiguous single ownership with other lots that could be combined into one or more conforming lots.

C. Contiguous Nonconforming Lots Under the Same Ownership.

Two (2) or more contiguous, nonconforming lots under the same ownership shall be considered one parcel for the purposes of this Ordinance. The applicant shall not be permitted to make improvements to the parcel prior to combining such lots to create one conforming lot of record.

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## **ARTICLE XVIII - ZONING BOARD OF APPEALS**

### **Section 18.00 PREAMBLE**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 110 of 2006, as amended, in such a manner that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done. The Zoning Board of Appeals shall consist of five (5) members as follows:

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1. The first member shall be a member of the Township Planning Commission, appointed by the Township Board.
2. The second member may be a member of the Township Board, appointed by the Township Board.
3. The remaining members shall be selected and appointed by the Township Board from the electors of the Township residing outside of incorporated cities and villages, which members shall be representative of the population distribution and of the various interests present in the Township. An elected officer of the Township shall not serve as Chairman of the Zoning Board of Appeals. Further, an employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.
4. The term of each member shall be for three (3) years, except that of the members first appointed, two (2) shall serve for two (2) years and the remaining members for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
5. The Township Board may appoint two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from, or unable to attend, two or more consecutive meetings of the Zoning Board of Appeals, or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
6. Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

### **Section 18.01 APPEALS PROCEDURES.**

These appeals procedures are instituted to hear and decide appeals from and review an order, requirement, decision, or determination made by an administrative official or commission charged with the enforcement of the Township Zoning Ordinance, except the issuance of a variance which shall follow the procedures set forth in this Ordinance.

1. An appeal shall be filed with the officer or commission from whom the appeal is taken and with the Zoning Board of Appeals specifying the ground for the appeal.
  - a. The officer or commission from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the appeal is taken.
  - b. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or commission from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reasons of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
  - c. Such appeal may be taken by any person aggrieved or by an officer, department, commission, board or bureau of the Township.
  - d. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, as in its opinion ought to be made in the premises, and to that end shall have all power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties in the way of carrying out the strict letter of such ordinance, the Board shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done. The decision of the Board shall be final. However a person having an interest in such matter may appeal to the circuit court which shall review the record prepared by the Zoning Board of Appeals consistent with the provisions of Public Act 110 of 2006 as amended.

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  - e. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official.
  - f. Any action by the Board shall be stated in writing.

## **Section 18.02 VARIANCE REVIEW PROCEDURES.**

These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance through a variance, where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant or his predecessors in title, a literal enforcement of the Ordinance would result in practical difficulties. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

1. An application for the approval of a variance shall be made by an owner of an interest in the lot to the Township Planning & Zoning Administrator, accompanied by the necessary fees and documents as provided in this Ordinance.
2. The application shall be accompanied by a site plan drawn to the minimum scale of 1" = 30' and placed on a standard sheet and containing the following information:
  - a. Dimensional elements for which a variance is requested.
  - b. Dimensional relationships of the subject lot to the structures on all adjacent lots.
3. The application shall be accompanied by an affidavit by the applicant explaining:
  - a. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
  - b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
  - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
  - d. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
  - e. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
4. The Township Planning & Zoning Administrator shall notify by certified mail the applicant and all owners of an interest in lots, as recorded on the Township tax roll, and within three hundred (300') feet of the subject lot upon which a variance is requested, of the time and place of the Zoning Board of Appeals meeting at which such application will be considered, provided, however, such notice shall be given not less than fifteen (15) days before such meeting. Further, such notice shall also be published within a newspaper of general circulation within the Township no less than fifteen (15) days prior to such meeting.
5. The Board shall consider the application for variance at its next regular meeting, which provides sufficient time for notice as required heretofore, or within not more than forty-five (45) days after receipt of the application by the Township Planning & Zoning Administrator and hear and question any witness appearing before the Board.
6. The Board shall approve, with or without conditions, or disapprove the application and shall communicate its action, in writing, to the applicant, the Township Board, the Building Inspector, and the Township Planning Commission within one (1) week from the time of the meeting at which it considered the application.
  - a. The Board shall not approve an application for a variance unless it has found positively that:
    1. The strict enforcement of the Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.

2. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
4. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
5. The requested variance will not be contrary to the spirit and intent of the Township Zoning Ordinance.

The Building Inspector shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit, or such other approval, permitting the variance, subject to all conditions imposed by such approval.

**Section 18.03 APPROVAL OF TEMPORARY STRUCTURES OR USES.**

1. The Zoning Board of Appeals may authorize temporary structures, signs and uses permitted in a district for periods not to exceed two (2) years. The Zoning Board of Appeals may also authorize temporary uses which do not require the erection of any capital improvement of a structural nature which are not otherwise permitted in any district, for a period not to exceed twelve (12) months, with the granting of twelve (12) month extensions. The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:
  - a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
  - b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
  - c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Armada Township shall be made at the discretion of the Board of Appeals.
  - d. The use shall be in harmony with the general character of the district.
  - e. No temporary use permit shall be granted without first giving notice to owners of the adjacent property of the time and place of a public hearing for consideration of the request by the Zoning Board of Appeals. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
2. The Zoning Board of Appeals may issue a permit for the temporary establishment of a portable cement plant or portable asphalt plant solely for use in construction of improvements upon the land where said plant is proposed to be located and/or land immediately adjacent thereto.
3. Temporary approval granted pursuant to this section shall become effective upon issuance of a permit signed by the Chairman of the Zoning Board of Appeals. Said permit shall clearly state its date

of expiration. Any permit may be suspended by an ordinance enforcement officer for a period of not to exceed twenty-one (21) days whenever:

- a. Any condition of the permit is not being observed;
- b. Any provision of this Ordinance is being violated;
- c. It is necessary to preserve or protect public health, safety or welfare;

Provided, however, that the enforcement officer shall forthwith report the suspension and the reasons therefor to the Township Clerk. The Township Clerk shall notify the holder of the permit and the Township Board shall review the action of the enforcement officer at its next regular meeting to determine whether the permit shall be reinstated, suspended for a further period of time, or permanently revoked.

4. The Building Inspector may grant approval of a temporary dwelling in the instance of new construction or reconstruction as a result of fire or other force of nature, provided adequate assurance has been obtained that the temporary dwelling will be removed upon the completion of the main residence. The length of occupancy shall be valid for one year and may be extended by the Building Inspector for periods up to six months upon written request by the Homeowner.
5. The Building Inspector may grant the placement of a temporary construction trailer on any active development site for a period not to exceed active development or one year whichever is less. The Building Inspector may grant extensions for periods up to six months upon written request of the landowner. The Building Inspector may refer such request to the Planning Commission or the Township's professional consultants for their review and recommendation.

#### **Section 18.04 APPROVAL PERIOD.**

Except as otherwise provided in this Ordinance, no order of the Zoning Board of Appeals permitting a use of a building or land shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

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## **ARTICLE XIX ADMINISTRATION AND ENFORCEMENT**

### **Section 19.00 ENFORCEMENT.**

The provisions of this Ordinance shall be administered and enforced by the Township Board through the Building Inspector or any other employees, inspectors, and officials as the Township Board may designate to enforce the provisions of the Ordinance as an Ordinance Enforcement Officer.

### **Section 19.01 DUTIES OF BUILDING INSPECTOR.**

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector may require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail, to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Ordinance:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. The signature of the fee holder owner of the premises concerned.

Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a zoning compliance permit. If any application for such permit is not approved, the Building Inspector shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

Whenever an application for a building permit and/or zoning compliance permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the Building Inspector shall not issue such permit unless the Macomb County Health Department shall have approved the site for the construction of such facilities.

The Building Inspector under no circumstances is permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use either buildings, structures or land within the Township.

The Building Inspector under no circumstances is permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

The Building Inspector shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant, notwithstanding violations of deed restrictions, contracts, covenants or agreements which may result upon the granting of said permit.

For all permit applications for industrial performance uses within Articles 14 and 15, compliance with the standard described in Section 5.05 shall be controlled by requiring that the applicant submit certification from registered engineers with the State of Michigan assuring that the activities to be carried out and the machinery to be installed meets with the performance standards as described.

## **Section 19.02 PERMITS.**

The following shall apply in the issuance of any permit:

### **1. Permits Required.**

It shall be unlawful for any person to commence excavation for, or construction of any building or structure, (except concrete work not requiring a foundation or ratwall) structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Zoning Compliance Permit and a building permit from the Building Inspector, unless such is exempted by State Statute. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and the Building Code. No plumbing, electrical, drainage or other 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 to the provisions of this Ordinance. "Alteration" or "repair" of any existing building or structure shall not include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

### **2. Permits for New Use of Land.**

A Zoning Compliance Permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

### **3. Permits for New Use of Buildings or Structures.**

A Zoning Compliance Permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

## **Section 19.03 CERTIFICATES OF OCCUPANCY.**

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

### **1. Certificate Validity.**

The Certificate of Occupancy, as required for new construction of or renovations to existing buildings and structures in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.

**2. Certificates for Existing Buildings.**

Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than thirty (30) days.

**3. Temporary Certificates.**

Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than ninety (90) days. The Building Inspector may grant one (1) extension of a temporary occupancy certificate up to ninety (90) days.

**4. Records of Certificates.**

A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

**5. Certificates for Accessory Buildings to Dwellings.**

Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

**6. Application for Certificates.**

Certificates of Occupancy shall be applied for in writing to the Building Inspector coincidentally with an application for building permits and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such Certificate is refused, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

**Section 19.04 FINAL INSPECTION.**

The recipient of any building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

**Section 19.05 PLANNING COMMISSION.**

The Armada Township Planning Commission as established under Act 168 of the Michigan Public Acts of 1959, as amended, shall perform all of the duties of such Commission in accordance with the law in such case made and provided, relating to amendments of this Ordinance, and such other duties as are established in this Ordinance.

In cases where the Planning Commission is required to recommend or approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such use and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

Any approval granted by the Planning Commission, under which premises are not used or work is not started within one (1) year, or when such use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect.

### **Section 19.06 AMENDMENTS AND CHANGES.**

Legislative Amendments. Amendments to this Ordinance may be made from time to time in the manner provided in Public Act 110 of 2006. Amendments may be initiated by the Township Board upon written request to the Planning Commission or the Planning Commission may initiate amendments upon its own motion. Any person, firm or corporation affected by the provisions of this Ordinance may request an amendment hereto by submitting the necessary forms and documentation, obtainable from the Township, to the Township Clerk or their designee. The request shall be processed according to the procedures adopted by the Township.

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### **Section 19.07 FEES.**

The Township Board shall establish, by resolution, fees for each of the following:

**1. Inspection and Certification.**

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance, shall be collected by the Township Treasurer in advance of the issuance of such permits or certificates.

**2. Appeals.**

Any person appealing this Ordinance in all cases shall pay the established fixed fee plus such additional fees as may be deemed reasonable by the Township Board for expert services necessary to render a proper decision.

**3. Reviews.**

Fees for the review of site plans, special approval uses, or other matters requiring Township Board, Planning Commission or the Zoning Board of Appeals review under the terms of this Ordinance, shall be paid to cover the cost of such reviews including notice, publication, delivery, administration and professional services.

**4. Rezoning.**

Any petition for the rezoning of land requiring an amendment of the Armada Township Zoning Ordinance shall be accompanied by a fee payable by the petitioner. Said fee shall be utilized

to defray all costs including necessary expert opinions in conjunction with the legislative review of the petition.

5. **Other.**

Fees for special resolutions pertaining to any matter relevant to this Ordinance or for the cost of special meetings of the Township Board, Planning Commission or the Board of Appeals shall be paid by the applicant prior to said resolution or meeting.

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## ARTICLE XX – CONSTRUCTION OF LANGUAGE AND DEFINITIONS

### Section 20.00 CONSTRUCTION OF LANGUAGE

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The words “shall” and “will” are always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. A “building” or “structure” includes any part thereof.
6. The term “lot” includes any site or parcel comprising an individual piece of land, whether created by platting, splitting, condominium or other legal process.
7. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
8. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
9. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions “and,” “or,” “either...or,” the conjunction shall be interpreted as follows:
  - a. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. “Either...or” indicates that the connected items, conditions, provisions or events shall apply but not in combination.
10. Terms not herein defined shall have the meaning customarily assigned to them.

### SECTION 20.01 DEFINITIONS.

**ABUTTING:** Having a common border or property line.

**ACCESSORY BUILDING (ACCESSORY STRUCTURE):** A subordinate building or structure detached from, but located on the same lot as, the principal structure, the use of which is customary, clearly incidental, and accessory to that of the principal structure.

**ACCESSORY USE, OR ACCESSORY:** A use that is clearly incidental to, customarily found in

connection with, and generally located on the same lot as the principal use to which it is related.

**ADULT BOOK STORE:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas,” or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons therein.

**ADULT VIDEO STORE:** An establishment having as a substantial or significant portion of its stock in trade, pictures, films or videotapes which are characterized or distinguished by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” (as further defined).

**AGRICULTURAL USE:** Substantially open land devoted to the production of plants and animals useful to man, including forages and sod crops; grains and feed crops; dairy and dairy crops; livestock, including breeding and grazing; fruits; vegetables; and other similar uses and activities.

**AGRI-BUSINESS (VALUE ADDED FARMING):** A commercial use ancillary to the general operation of a farm.

**AIRPORT, COMMERCIAL:** A facility from which public and privately owned aircraft may take off and land, and at which facility such aircraft may be kept and serviced for remuneration.

**AIRSTRIP:** A privately owned facility from which only the fixed wing aircraft owned and operated by the owner of the facility and the land upon which the facility is located, may land and take off and at which facility that same fixed wing aircraft may be parked, stored and serviced.

**ALLEY:** Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic.

**ALTERATIONS:** Any change, addition or modification in construction in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed” (also see STRUCTURAL ALTERATION).

**ANCILLARY USE:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**ANIMALS, PRIVATE OWNERSHIP OF:** The keeping of no more than three (3) household pets, typically a member of the canine or feline species, which are in the ownership of the principal resident.

**ANTENNA:** A wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure including, but not limited to, amateur radio antennas, television antennas, satellite receiving dishes, cellular phones, and similar uses.

**APARTMENT:** A room or suite of rooms used as a dwelling for one family which does its own cooking and contains sanitary facilities therein.

**APARTMENT (HOUSE):** A building containing three (3) or more dwelling units whose entrances are



from a common hallway or area or series of hallways or areas.

**ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**AUTOMOBILE HEAVY REPAIR GARAGE:** Truck repair, collision service (such as body, frame, or fender straightening and repair), overall painting and vehicle rustproofing.

**AUTOMOBILE REPAIR:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service (such as body, frame or fender straightening and repair), overall painting, and vehicle rustproofing.

**AUTOMOBILE WASH:** See CAR WASH.

**AUTOMOBILE WRECKING YARD:** (also see JUNKYARD) The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**BASEMENT (CELLAR):** A basement is that portion of a building partly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5) feet or more, such areas shall be considered as a story.

**BERM:** An earthen mound graded, shaped and improved with landscaping, in such a fashion as to be utilized for screening purposes.

**BUILDABLE AREA:** The buildable area of a site or lot is the space remaining after the minimum yard and space requirements of this Ordinance have been deducted.

**BUILDING:** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels in a building. This shall include tents, awnings or vehicles situated on private property and use for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**BUILDING HEIGHT:** The vertical distance from the average elevation of the street curb paralleling the front, or if on a street corner the front and side of the building, to the highest point of the roof surface if the roof is flat; to the deck line if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. For buildings set back from the street line, this vertical distance shall be taken above the average elevation of the ground along the front of this building, provided its distance from the street line is more than the average height of such ground above the established curb elevation. Total height is measured from the ground to the highest point of the structure.

**BUILDING INSPECTOR:** The Building Inspector (Building Official) of the Township, or his/her authorized representative.

**BUILDING LINE:** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

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

**BUILDING, MULTIPLE-FAMILY:** A building, or portion thereof, used or designed as residence for three (3) or more families living independently of each other and doing their own cooking in said building. This definition includes three-family building, four-family building, and apartment building, but does not include trailer camps or mobile home parks.

**BUILDING PERMITS:** A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

**BUILDING, SINGLE-FAMILY:** A detached building designed or occupied exclusively by one (1) family.

**BUILDING, TEMPORARY:** A structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

**BUILDING, TWO-FAMILY:** A detached building designed for or occupied exclusively by two (2) families living independently of each other, such as a duplex dwelling unit.

**CAR WASH, FULL SERVICE:** An area of land and/or structure with machine- or hand-operated facilities used principally for the cleaning and washing of motor vehicles. In no instance shall a commercial car wash so defined be considered an accessory use.

**CAR WASH, SELF-SERVICE:** A building that provides facilities for washing and cleaning motor vehicles, which uses production line methods with a conveyor, blower or other mechanical devices, and which may employ some hand labor for drying, polishing or waxing.

**CARPORT:** A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

**CARRY-OUT RESTAURANT:** See RESTAURANT, FAST-FOOD.

**CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**CHURCH OR PLACE OF RELIGIOUS WORSHIP:** An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The word "church" shall not include or mean an undertaker's chapel or funeral building.

**CLINIC:** A place for the care, diagnosis and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

**CLUB, LODGE OR FRATERNITY:** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

**COMMERCIAL USE:** An occupation, employment or enterprise dealing with the public that is carried on for profit by the owner, lessee or licensee.

**COMMISSION:** The word “Commission” shall mean the Armada Township Planning Commission.

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

**COMPOSTING:** A yard waste management alternative to burning and/or landfilling, in which compostable yard waste is collected, processed and recovered as a resource rather than disposed of. Composting involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions.

**CONDOMINIUM:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space. A condominium may include, in addition, a separate interest in other portions of such real property. A site condominium is the same as a condominium subdivision plan.

**CONDOMINIUM ACT:** Act 59 of 1978, as amended.

**CONDOMINIUM SUBDIVISION PLAN:** The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements of site plan review. A means of subdividing land and sharing ownership through the Condominium Act.

**CONSERVATION EASEMENT:** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

**CONVALESCENT OR NURSING HOME:** A convalescent home or nursing home is a home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are cared for. Said home shall conform and qualify for license under State law, even though State law has different size regulations.

**COURT:** An open space on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings. A court shall be unoccupied, except as otherwise herein provided.

**DECK:** A wooden platform which is above the mean yard grade.

**DENSITY:** The number of families residing on, or dwelling units developed on, an acre of land.

**DETENTION BASIN -** A wet or dry facility constructed as a part of land development used for the storage of stormwater runoff which has an outlet. Such facility shall meet all applicable Township Engineering Standards. Detention Basins as defined, shall not be subject to the Township’s requirements for farm, fish, and recreation ponds.

**DISTRICT (Zoning District):** A portion of the Township of Armada within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**DRIVE-IN ESTABLISHMENT:** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (i.e., restaurants, cleaners, banks, theaters, etc.).

**DRIVE-THRU:** A maneuvering lane established for the sole purpose of directing traffic to a service window which is intended to be used for sales and/or service to patrons who remain in their vehicles.

**DRIVEWAY:** A private access from a public road to a building or buildings.

**DWELLING UNIT:** A dwelling unit is any house or building, or portion thereof, having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling unit.

**EASEMENT:** The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

**ERECTED:** The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

**ESSENTIAL SERVICES:** The term “essential services” means the erection, construction, alteration, maintenance addition, reconstruction or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communications (excluding commercial radio, television and other transmitting or relay antenna towers or monopoles), steam or water transmission or distributing systems, collection, supply or disposal system including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory. Such facilities both above and below ground, including storage fields and high-pressure mains designated to serve users outside of this municipality and immediate surrounding territory, shall not be considered essential services under this definition (see PUBLIC UTILITY).

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

**FAMILY:** One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four (4) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition of the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, non-profit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

**FAMILY DAY-CARE:** A private residence where care, protection and supervision are provided, for a fee, to at least one (1) and no more than six (6) children, including children of the adult provider.

**FARM:** means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. If any issues or conflicts arise, the terms and definitions of the “Right to Farm Act”, being Public Act 93 of 1981, shall prevail.

**FARM PRODUCT:** means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

*Ord. 2011-114-24 Effective Date 08/03/11*

**FARM BUILDINGS:** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities.

**FARM MARKET:** A building for the sale of produce, vegetation, etc. on a farm as defined within this Ordinance which allows for the general public to enter the building.

**FARM, FISH OR RECREATION POND:** A water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout to provide water for livestock, fish and wildlife, fish production, recreation, fire control, crop and orchard spraying and related uses. Such ponds shall meet the minimum standards set by the Soil Conservation Service (SCS) for design, engineering, construction and maintenance.

**FEED LOT:** A lot or area in which cattle, livestock or hogs or similar animals are confined in high densities or numbers which require feed areas, corrals or holding pens, feed storage and diversion channels or detention ponds to process, treat or store animal waste and water runoff. Any such feed lot shall meet the minimum standards set by the Extension Agricultural Engineer at Michigan State University or the Macomb County Cooperative Extension Service.

**FENCE:** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**FILLING:** Shall mean the depositing or dumping of any matter onto or into the ground, except common household gardening.

**FLEA MARKET:** An occasional or periodic sales activity within a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

**FLOODPLAIN:** Floodplain shall be that area as defined on the Official FIRM maps prepared for the Township by FEMA.

**FLOOR AREA, GROSS** (for the purpose of computing parking): Floor area is the sum of the gross horizontal areas of the several floors of the building measured from the exterior walls or from the centerline of walls separating two buildings. "Floor area" shall include elevator shafts and stairwells at each floor or story, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines.

**FLOOR AREA, RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings.

The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**FOOT CANDLE:** The unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one (1) square foot in area on which there is a uniformly distributed flux of one (1) lumen, or the illumination produced on a surface all points of which are at a distance of one (1) foot from a directionally uniform point source of one (1) candela.

**FRONTAGE:** The front or frontage is that side of a lot abutting on a street or way.

**FRONT SETBACK LINE:** The minimum required setback from the centerline of the street right-of-way to the principal structure.

**FRONT YARD:** See YARD.

**FUNERAL HOME:** A building, or part thereof, used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**GARAGE, AUTOMOBILE REPAIR:** See AUTOMOBILE REPAIR.

**GARAGE, PRIVATE:** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature.

**GARBAGE:** Garbage shall mean all wastes, animal, fish, fowl or vegetable matter or household waste.

**GASOLINE SERVICE STATION:** A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair as herein defined for Automobile Repair Stations.

**GRADE:** The elevation of the surface of the ground. The established grade of the street or sidewalk shall be the elevation of the curb, or the centerline of the road if there is no curb, at the midpoint of the front of the lot.

**GRADE, BUILDING:** The average of finished grade at each side of the building shall be the building grade.

**GREENBELT:** A strip of land of definite width and location reserved for the planting of shrubs and/ or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**GROSS ANNUAL INCOME, FARMING RELATED:** An average income computed from two of the three tax years immediately preceding the current from the raising or harvesting of any agricultural commodities.

**GROUP DAY-CARE:** A private residence where care, protection and supervision are provided, for a fee, to at least seven (7) and no more than twelve (12) children, including children of the adult provider.

**HAZARDOUS SUBSTANCES:** Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials are defined by the U.S. Department of Transportation; critical materials and polluting materials as defined by the Michigan Department of Natural Resources, and hazardous waste as defined by the Michigan Department of Natural Resources.

**HEIGHT:** See BUILDING HEIGHT.

**HOME-BASED BUSINESS:** A limited office, commercial or industrial activity being conducted on a residential property by a residential landowner of the Township and/or their immediate family members either within the main residential dwelling unit, the property's accessory building(s) and/or an approved outdoor storage area.

**HOME OCCUPATION:** An activity carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes, and is such that it does not generate additional vehicular traffic to or from the dwelling unit.

**HOOFED ANIMALS AND THE LIKE:** shall be defined as but not limited to horses, cattle, alpaca, llamas, buffalo, pigs, miniature horses, ponies, sheep, goats, or other similar animals.

**HOSPITAL:** A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

**HOUSE, BOARDING:** A residential structure in which non-family members are sheltered and fed for a fee.

**HOUSE, ROOMING:** A residential structure in which non-family members are sheltered for a fee.

**HOUSE, TRAILER:** See MOBILE HOME.

**INDIRECT ILLUMINATION:** Illumination from a concealed light source.

**INTERNAL ILLUMINATION:** Illumination from a light source concealed or contained within the sign and which is transmitted through a translucent surface.

**JUNK:** For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**JUNKYARD:** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**KENNEL:** Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept permanently or temporarily.

- A. Kennel, Private: Any lot or premises on which not less than four (4) but not more than (10) dogs, six (6) months old or over, that are owned by the resident are kept.

- B. Kennel, Commercial or Boarding: Any lot or premises on which four (4) or more dogs, six (6) months old or over, are kept either temporarily or permanently for boarding, breeding, training, competition, or showing.

**LANDFILL:** The orderly deposit of earthen and/or non-earthen materials for the purpose of elevating the grade to develop the site for specific use.

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

**LOT:** A parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street or an approved private road.

**LOT AREA:** The total horizontal area within the lot lines of a lot.

**LOT, CONDOMINIUM:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium lot shall be of sufficient size and area of the zoning district within which it is located to accommodate a structure observing all required yard setbacks.

**LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of both streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curbed street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**LOT COVERAGE:** The percent of the lot occupied by buildings or structures, including accessory buildings or structures (except swimming pools).

**LOT DEPTH:** The mean horizontal distance measured from the front property line to the rear lot line.

**LOT, DOUBLE FRONTAGE:** Any interior lot having frontage on two more-or-less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

**LOT, FRONT, REAR AND DEPTH:** The front of a lot is that boundary line which borders on a street other than an alley. In case of a corner lot, the side which has the narrowest dimension bordering on a street shall be deemed to be the front of such lot. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. The rear of a lot is the side opposite to the front. In the case of a triangular or irregular lot, the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the mean depth.

**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT LINES:** The lines bounding a lot as defined herein:

- a. Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a through-lot, is the line separating said lot from both streets.



- b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or a system of registration used by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof and which is currently taxed as a separate description on the Township tax roll.

**LOT, SUBSTANDARD:** A lot or parcel of land that has less than the required minimum area, depth or width as established by the zone in which it is located, and provided that such lot or parcel was on record as a legally created lot on the effective date of this Ordinance.

**LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

**MAJOR THOROUGHFARE:** An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, freeway, or equivalent term in the Township's Master Plan.

**MANEUVERING LANE:** A paved lane designed to accommodate the on-site circulation of motorized vehicles.

**MANUFACTURED HOME:** Shall mean a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Manufactured housing does not include a recreational vehicle.

**MANUFACTURED HOUSING COMMUNITY:** A parcel or tract of land under the control of a person upon which two (2) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park and licensed pursuant to the provisions of Act 419, Public Acts of 1976, as amended.

**MASTER DEED:** The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium plan for the site.

**MASTER PLAN:** The Township's Master Land Use Plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Municipality, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan shall be adopted by the Planning Commission.

**MEAN GRADE:** Mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than one hundred (100) feet apart.

**MEDICAL MARIJUANA DISPENSARY, COMPASSION CENTER OR SIMILAR OPERATION FOR THE CONSUMPTION OF MEDICINAL MARIJUANA** is any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at the location where the medical marijuana is grown, cultivated, or possessed, or any facility or location where medical marijuana is grown, processed, possessed or where a means is provided for the purpose of distributing or facilitating the distribution of medical marijuana to more than five (5) qualified patients.

*Ord. 2011-114-24 Effective Date 08/03/11*

**MOTEL:** A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation.

**MUNICIPALITY:** Armada Township.

**NONCONFORMING BUILDING:** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located.

**NONCONFORMING USE:** A use that lawfully existed before the enactment of the Zoning Ordinance and that is maintained at the effective date of the Ordinance even though it does not comply with the restrictions applicable to the district in which it is situated wrongfully.

**NUISANCE:** The word “nuisance” shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

**NURSERY SCHOOL, DAY SCHOOL, CHILD CENTER:** An establishment wherein seven (7) or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.

**NURSING HOME** (also see CONVALESCENT OR NURSING HOME): A home, whether operated for profit or not, for the care of the aged, infirmed, or those suffering from bodily disorders, wherein seven (7) or more persons are housed or lodged and furnished with nursing care.

**OCCUPANCY LOAD:** The number of persons that a building can hold, as determined by the Fire Marshall or as determined by the Township Building Code.

**OCCUPIED:** The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**OPEN AIR BUSINESS USES:** Open air business uses not conducted from a wholly enclosed building, if operated for profit, may include, by way of example:

- a. Mobile homes, motor vehicles, farm implements, boats, or home equipment sale or rental services;

- b. Swimming pools;
- c. Sales of fruits, vegetables, trees, shrubbery, plants, and other home garden supplies and equipment;
- d. Miniature golf, golf driving range, children's amusement park or similar recreation uses.

**OPEN FRONT STORE:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patrons to enter said structure.

**OPEN SPACE:** Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

**OPEN SPACE, COMMON:** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**OUTDOOR/OPEN STORAGE:** The keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

**PARCEL:** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**PARK:** Any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.

**PARKING SPACE:** An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the parking of permitted vehicles. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to be fully accessible for the purpose of this definition.

**PERFORMANCE GUARANTEE (Maintenance Guarantee):** Any financial guarantee accepted by the Township in the form of cash, letter of credit or performance bond, provided that the Township shall not require that a financial guarantee more than ten (10) percent of the total performance costs to ensure that all improvements, facilities or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

**PERSON:** Any natural person, firm, partnership, association, corporation, or limited liability company; however, this definition does not include any governmental unit.

**PLANNING COMMISSION:** The Township of Armada Planning Commission.

**PORCH, ENCLOSED:** A covered entrance to a building or structure which is totally enclosed and projects out from the exterior wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN:** A covered entrance to a building or structure which is un-enclosed, except for columns supporting the porch roof, and projects out from the exterior wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PRINCIPAL BUILDING:** A building which contains the primary use of the lot.

**PRINCIPAL USE:** The main use of land or structures, as distinguished from a secondary or accessory use.

**PRIVATE STREET OR ROAD:** A street or road which is not under public ownership or control serving two or more lots.

**PUBLIC ROAD:** All public property reserved or dedicated for street traffic.

**PUBLIC UTILITY:** Any persons, firm, corporation, governmental unit or other entity duly authorized to furnish to the public, electricity, gas, sanitary sewers, water, communications, transportation or other services or commodities pursuant to Federal, State or municipal regulations, excluding commercial radio, television and other transmitting or relay antenna towers or monopoles.

**REAR YARD:** See YARD.

**RECREATION VEHICLES:**

- a. A “travel trailer” is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a “travel trailer” by the manufacturer.
- b. A “pick-up camper” is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- c. A “motorized home” is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. A “folding tent trailer” is a metal, plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
- e. “Boats” and “boat trailers” shall include boats, jet skis, floats and rafts, plus the normal equipment to transport the same on the highway.
- f. “Snowmobiles” and “all terrain vehicles,” plus the normal equipment to transport the same on the highway.

**RECYCLING CENTER:** A facility that is not a junk yard and in which recoverable resources, such as newspapers, plastics, glassware and metal cans, are collected, stored, flattened, crushed or bundled within a completely enclosed building.

**RESTAURANT:** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**RESTAURANT, DRIVE-IN:** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**RESTAURANT, FAST-FOOD:** Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts or beverages are usually

served in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers window or curbside service.

**RETENTION BASIN** - A wet facility constructed as a part of land development with no outlet, used for the permanent storage of stormwater runoff. Such facility shall meet all applicable Township Engineering Standards. Retention Basins as defined, shall not be subject to the Township's requirements for farm, fish, and recreation ponds.

**RIGHT-OF-WAY:** The right-of-way line shall be the line established by the Township of Armada, Road Commission of Macomb County, or Michigan Department of Transportation in their right-of-way requirements.

**ROADSIDE STAND:** A roadside stand is a temporary or existing permanent building, where the public is not invited into and is operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed an approved commercial activity.

**RUBBISH:** Waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices.

**SCREENING:** The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition: walls, berms or plantings.

**SELF-SERVICE STORAGE FACILITY:** A building consisting of individual, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

**SEPARATE OWNERSHIP:** Ownership of a parcel of property wherein the owner does not own adjoining property.

**SETBACK:** The minimum horizontal distance between any face of the building (excluding only steps, porches, chimneys and decks) and the adjoining property lines.

**SIDE YARD:** See YARD.

**SIGN:** The use of any word, numeral, figure, object, device, letter, symbol, insignia, illustration, design, trademark, or combination of these, by which anything is made known to the general public, or which is commonly understood to be used to attract the attention of the general public, irrespective of where it is visible from off the site or lot. Customary displays of merchandise or objects and material within a building without lettering shall not be considered as a sign nor shall the customary non-communicative architecture of a building.

**ACCESSORY SIGN:** A sign which is accessory to the principal use of the premises. A sign which directly relates to the business activity or service conducted on the premises upon which the sign is placed.

**ALTER:** A change to the physical component of the sign, including but not limited to the structural size, height or width of the sign. Such definition shall not include resurfacing the face of an existing sign with a new sign face of equal size and shape.

**A-FRAME:** A temporary sign with two panels attached at the top with hinges.

**ANIMATION (SIGNS):** means displaying images in a dynamic way, like television or movie video or having graphics portraying a moving scene.

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**AWNING:** A metal, wooden, fiberglass, canvas, or other fabric cover fastened to a building, which extends over a porch, patio, deck, balcony, window, door or open space.

**AWNING SIGN:** An accessory sign that is printed on, or otherwise affixed to, an awning.

**BALLOON SIGN:** One or more balloons, or any other air-filled or gas-filled object used as a sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any entertainment.

**BANNER SIGN:** A sign or display constructed of paper, plastic or fabric of any kind, intended to be hung, either with or without frames.

**BILLBOARD SIGN:** An off-site or non-accessory outdoor sign which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy.

**BULLETIN BOARD OR ANNOUNCEMENT SIGN:** A business sign of the following types:

1. Announcing existing religious services or activities;
2. A directory of offices or activities for a building or group of buildings
3. Announcing employment opportunities.

**BUSINESS SIGN:** An accessory sign which relates to the business, activity or service conducted on the site upon which the sign is located.

**CANOPY SIGN:** An accessory sign that is printed on or otherwise affixed to a canopy.

**DIRECTIONAL SIGN:** An accessory sign directing vehicular traffic to parking or loading areas and pedestrians to specified locations.

**DISPLAY INTERVAL (SIGNS):** means the amount of time between displaying different messages or images.

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**FLAG:** A rectangular piece of fabric fastened to a pole on one end and free on the other. A series of flags on a single pole or pole string, or similar type of mount, shall be considered a pennant.

**FLASHING, ANIMATED OR MOVING SIGN:** A sign which intermittently reflects lights from either an artificial source or the sun; a sign which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity; or a sign which has any visible portion in motion, either constantly or intermittently.

**FLASHING (SIGNS):** means have displays or images lit in sudden or intermittent bursts.

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**FREESTANDING SIGN:** A sign located in or upon the ground or to something requiring location on the ground which is not attached to any principal or accessory structure.

**GARAGE SALE SIGN:** A sign relating to a garage sale, rummage sale, craft sale or show, and similar activities.

**GROUND OR MONUMENT SIGN:** A freestanding sign with less than four (4) feet of clearance between the bottom of the face of the sign and the finished grade.

**IDENTIFICATION SIGN AND NAMEPLATE:** A wall sign stating the name of a person or the name or description of a certain permitted use.

**INFLATABLE SIGN:** A sign that is inflated by a gaseous substance before use.

**MARQUEE SIGN:** A display sign attached to or hung from a marquee canopy or other covered structure projecting from and supported by the building and extending beyond the building wall or building line.

**MAXIMUM SIZE OF SIGN:** The total area of a sign included within the rectangle, triangle, circle, or other geometric shape caused by encompassing the outermost portions of the sign or the outermost edges of a sign formed of letters or symbols only.

**MECHANICAL MOVEMENT:** Any animation, revolution, vertical or horizontal movement.

**MEMORIAL SIGN:** A sign containing the name of the building and date of construction cut into its masonry surface or on a bronze or other non-combustible plate permanently fixed or attached to the building (also includes historical sign).

**NON-ACCESSORY SIGN:** A sign which is not accessory to the principal use of the site.

**OFF-SITE SIGNS:** A sign which is not accessory to the principal use of the premises. Any card, cloth, paper, metal, painted glass, wood, plastic, stone, or other object of any kind or character whatsoever, placed for non-accessory advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in this definition shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing, or making visible in any manner whatsoever to the public.

**POLITICAL SIGN:** A temporary sign relating to the election of a person to public office, a political party, or a matter to be voted upon at an election called by a public body.

**PORTABLE SIGN:** A sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, trailers, "A" frame, "T" shaped, inverted T" shaped, or message or sandwich board signs.

**PROJECTING SIGN:** A sign affixed to a building or part thereof, which extends beyond the building wall or parts thereof, by more than twelve (12) inches.

**PYLON SIGN:** A freestanding sign with not less than ten (10) feet clearance between the bottom of the face of the sign and the finished grade.

**REAL ESTATE DEVELOPMENT SIGN:** A business sign placed on the site of a subdivision or other real estate development to indicate a proposed start of construction or to inform relative to availability.

**REAL ESTATE DEVELOPMENT SIGN (NON-ACCESSORY):** A sign placed on a site to indicate

proposed start of construction or to inform relative to the availability of another site or sites.

**REAL ESTATE SIGN:** A business sign placed upon a site advertising that particular site is for sale, rent or lease.

**REAL ESTATE SIGN (NON-ACCESSORY):** A sign placed upon a site advertising that another site or sites is for sale, rent or lease.

**RESURFACE:** The replacement or restoration of a previously approved sign which does not include alteration to the existing structure or brackets.

**ROOF SIGN:** A sign constructed, erected or maintained upon the roof or parapet of a building.

**SCROLLING (SIGNS):** means having the letters or images move across the sign in any direction or pattern.

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**SIGN HEIGHT:** The vertical distance from the uppermost portion of a sign or sign structure to the grade at the base of the sign.

**SUBDIVISION ENTRANCE SIGN:** A sign depicting the name of a residential, office/service, commercial, or industrial subdivision, and which sign is located at the entrance to said subdivision.

**TEMPORARY SIGN:** A business sign with or without letters and numerals, and made or constructed of lightweight cardboard, cloth, plastic, paper or other such materials, which are not permanently fastened to any structure, including posts with permanent footings.

**VEHICLE BUSINESS SIGN:** Any sign which is painted, affixed or attached to a motor vehicle, whether licensed or not, parked or placed upon a site primarily for advertising purposes, except signs on licensed commercial vehicles in daily off-site use, are not included in this definition.

**WALL SIGN:** A sign attached to and placed flat against the exterior wall or surface of a building.

**WINDOW SIGN:** A temporary sign attached to or painted on a window by which anything is made known to the general public and is visible and discernible off the site or from a public right-of-way.

**SITE:** A parcel of land.

**SMALL SCALE ENTERTAINMENT** - A specified area or areas dedicated for the purpose of providing a family orientated entertainment which has a general seating capacity of not more than one thousand five hundred (1,500) persons. Seating shall consist of individual seats, bleachers (two linear feet of bleacher equals one (1) seat), or five (5) square feet of general seating area, (such area shall equal one seat). Small scale entertainment uses shall not be conducted for more than three (3) consecutive hours or for more than three (3) hours in any four (4) hour span.

**SOIL REMOVAL:** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof.

**SPECIAL LAND USE:** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke or noise) is permitted in a district, subject to approval by the Township and subject to special requirements, different from those usual requirements for the district in which the special land use may be located.

**SPECIFIED ANATOMICAL AREAS:**



1. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and

1. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STABLE, PRIVATE:** A structure or shelter for the keeping of horses which are not boarded and are not for hire and are owned by the immediate family.

**STABLE, PUBLIC:** A structure or shelter where horses are boarded or are kept for hire.

**STORY:** That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A “mezzanine” shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

**STORY, HALF:** An uppermost story lying under a sloping roof, having an area of at least two hundred (200) square feet, with a clear height of seven feet six inches (7’ 6”). For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

**STREET:** A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

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

**STRUCTURE:** Anything constructed or erected on the ground or attached to the ground, including, but without limitation to, buildings, factories, sheds.

**SWIMMING POOL:** The term “swimming pool” shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of twenty-four (24) inches or greater.

**TANDEM PARKING:** The parking of vehicles in a stacked or linear manner (typically front end to rear end) that does not have appropriate maneuvering lanes servicing such spaces.

**TEMPORARY USE OR BUILDING:** A use or building permitted by the Building Inspector or Clerk to exist during periods of construction of the main building or use, or for special events or purpose. Tents or similar enclosures used in residential zoning districts for short-term events, not exceeding three (3) days, shall not be defined as a temporary use or building.

**TENTS:** Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children’s recreational purposes.

**TOWER HEIGHT (WIND ENERGY CONVERSION SYSTEM):** The height of the actual tower, including the blade in its most vertical position as measured from the established or natural grade of the property. Ord. 2011-114-24 Effective Date 08/03/11

**USE:** It is the purpose for which land or a building is designed, arranged or intended to be used, or for which land or a building is or may be occupied.

**UTILITY ROOM:** A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

**VARIANCE:** A relaxation by the Zoning Board of Appeals of the dimensional regulations of the Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in practical difficulty or unnecessary and undue hardship.

**VERTICAL PROJECTION:** Any architectural feature which projects into the yard space from the ground up through the first story.

**VETERINARIAN CLINIC:** A place for the care, diagnosis and treatment of sick or injured animals and those in need of medical or surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

**WALLS, OBSCURING:** An obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

**WIND ENERGY CONVERSION SYSTEMS (WIND TURBINE):** Any device that converts wind energy to mechanical or electrical energy.

*Ord. 2011-114-24 Effective Date 08/03/11*

**WOODLAND OR WOODLOT:** A tract of land dominated by trees, but usually also containing woody shrubs and other vegetation.

**YARD:** An open space, unoccupied and unobstructed from the ground upward, except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure. A “required yard” is that portion of any lot on which the erection of a main building is prohibited.

- a. Front yard is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- b. Rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- c. Side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**YARD, REQUIRED:** The open space between a lot line and the required setback line within which no structure shall be located except as provided in the Zoning Ordinance.

**ZONE:** See: DISTRICT (Zoning District).

**ZONING BOARD OF APPEALS:** Shall mean the Zoning Board of Appeals of the Township of Armada.

**ZONING ORDINANCE:** The Zoning Ordinance of the Township of Armada.

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## **ARTICLE XXI ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

### **Section 21.00 VIOLATIONS.**

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Board of Appeals, Planning Commission, or the Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred (\$500.00) dollars or by imprisonment not to exceed ninety (90) days, or both. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

### **Section 21.01 PUBLIC NUISANCE PER SE.**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

### **Section 21.02 FINES, IMPRISONMENT.**

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

### **Section 21.03 SEPARATE OFFENSE.**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

### **Section 21.04 RIGHTS AND REMEDIES ARE CUMULATIVE.**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

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## **ARTICLE XXII CONFLICTING PROVISIONS**

Other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance for the Township of Armada, Macomb County, Michigan, Ordinance Number 113, adopted on the twelfth day of September, 1979, and as amended, is specifically repealed in its entirety.

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## **ARTICLE XXIII INTERPRETATION AND APPLICATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with, abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and, likewise, not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provision of this Ordinance shall control.

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## **ARTICLE XXIV SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

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**ARTICLE XXV EFFECTIVE DATE**

This Ordinance shall take immediate effect after publication in full of said Ordinance in the Armada Times, a newspaper of general circulation within the Township of Armada, Macomb County, Michigan.

This is to certify that this is the official Zoning Map referred to in Section 7.00 of Ordinance Number 114 of Armada Township, Macomb County, Michigan, adopted on May 10, 2006.

\_\_\_\_\_  
Township Clerk (Signature on File with Township)