

# CITY of NOVI CITY COUNCIL

Agenda Item 4 August 26, 2013

**SUBJECT:** Approval to award professional services contract to Clearzoning for modification to the format of the Zoning Ordinance, in the amount of \$37,000.

SUBMITTING DEPARTMENT: Community Development, Planning

CITY MANAGER APPROVAL

EXPENDITURE REQUIRED	\$37,000
AMOUNT BUDGETED	\$39,000
APPROPRIATION REQUIRED	\$37,000
LINE ITEM NUMBER	101-807.00-816.000

# **BACKGROUND INFORMATION:**

The City Council approved the requested 2013-2014 budget item to reformat the City's existing Zoning Ordinance through the "Clearzoning" process. The reformatted code replaces traditional text, charts and graphs by consolidating text, adding graphics, reducing bulk and clarifying regulations. The end result is a pdf file providing hyperlinked text references using Adobe Acrobat Reader that will serve the development community, the Planning Commission and City Council and the City's staff and consultants in reading and applying the Zoning Ordinance.

Over the years, communities have traditionally relied on printed paper copies of Zoning Ordinances. Communities the size of Novi can have ordinances that are 300 pages long, which typically include: a definitions section; descriptions of uses permitted uses in each district; standards for parking, landscaping standards, building height and setback; procedures for development review and approval; and enforcement standards, among other sections. Over the last ten years, many communities have been moving toward providing electronic versions of ordinances. Novi has used the Municode system to provide electronic and internet-accessible versions of the ordinance, and in the last few years, has stopped providing printed copies of the ordinance to the public. The City's website statistics show that searches for the term "Zoning Ordinance" have appeared in the top 25 of the most popular website queries historically.

Benefits of the new formatting are a reduction in paper, a better understanding of the zoning code by all users, enhancement of economic development, and less time for staff to answer zoning questions. Another improvement is that the Zoning Map will also be provided as a part of the Zoning Ordinance, with an easy click on any property to access the development regulations for each district. Samples of the Clearzoning product from Farmington Hills and West Bloomfield are attached for reference.

Once implemented, the reformatted code will be easy to navigate on the tablets that are now in use by the City Council and the Planning Commission. The cost to have the consultant review and prepare the update is \$37,000. As the ordinance is subsequently updated, amended

ordinance pages are provided to the consultant for formatting purposes. Each page of new formatted text costs \$30 per page.

The complete list of Clearzoning clients is attached. Oakland County communities that have already begun or completed the process:

- Bloomfield Township
- Farmington Hills
- Lathrup Village
- West Bloomfield
- White Lake Township.

Bids were not solicited for this project, as it appears that Clearzoning is a unique code-formatting process. The attached Agreement for Consultant Services indicates the details of the project, much of which will be done behind the scenes by the Consultant, with periodic reviews and discussion by Planning Staff. If this project is approved by the City Council, the intent is to complete the necessary work within <u>5 months</u>, including a public hearing with the Planning Commission and adoption of the reformatted ordinance by the City Council.

The intent is to make <u>no substantive changes</u> to the ordinance during this process, but to simply format the language into a new version that will be easier to use. One additional benefit is that current inconsistencies in ordinance language will be identified and addressed as a part of this process.

**RECOMMENDED ACTION:** Approval to award professional services contract to Clearzoning for modification to the format of the Zoning Ordinance, in the amount of \$37,000.

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Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

# AGREEMENT FOR CONSULTANT SERVICES

# clearzoning Agreement



# AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT has been made and entered into on this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2013, by the City of Novi, Michigan, hereinafter referred to as the "City" and *Clearzoning, Inc.*, herein-after referred to as the "Consultants" with offices located at 28021 Southfield Rd., Lathrup Village, Michigan 48076.

# WITNESSETH:

WHEREAS, the City is empowered to regulate the development of land, and,

WHEREAS, it is the intention of the City, in order to carry out the above-mentioned duties, to engage the technical assistance of the Consultants identified above,

NOW THEREFORE, in consideration of the foregoing and of the mutual agreement hereinafter set forth, the City and the Consultants do agree for themselves and their respective successors and assigns as follows:

# SECTION 1. WORK PLAN / SCOPE OF SERVICES

The following is an outline and description of the scope of services proposed by the Consultants for the *City of Novi Zoning Ordinance:* 

- 1. City will provide consultants with a complete digital copy of the adopted zoning ordinance and any recent amendments (.doc file) and zoning map (ArcGIS, jpeg, or pdf file).
- 2. Consultants will prepare a sample template and identify graphics to be included in the new *clearzoning* code. The City will review the list of illustrations and concur or provide an amended list of desired illustrations to the Consultants. The Consultants shall provide up to ten (10) illustrations within the definitions, up to a maximum of twenty eight (28) different zoning districts, and up to ten (10) additional illustrations elsewhere in the code.
- 3. Consultants will transform existing ordinance to new format.
- 4. The *clear*zoning code will include the following, at a minimum.
  - Reformat of the zoning ordinance to the seven main sections in the clearzoning format.
  - A use district matrix (with zoning district headings hyperlinked to the district regulations)
  - Setback illustrations necessary for the City's zoning districts
  - Up to (20) illustrations as described in #2 above
  - Seven (7) side tabs on each page will be hyperlinked to the reformatted subsections of the ordinance.
  - The legend of the zoning map will include hyperlinks from the individual districts back to the district standards.

- Three bottom buttons on each page will be hyperlinked to the zoning map, table of contents, and information page, respectively
- Each listed definition in the definition index will be hyperlinked to the actual definition
- Suggested references for each district will be hyperlinked to the referenced section
- One meeting with the City (including presentation) and review of draft by City
- One (1) pdf disk of the draft and final product
- Three (3) color hardcopies of the draft and final product
- 5. Planning Commission will need to hold a public hearing and pass on a recommendation to the City Council.
- 6. City Council will need to adopt the final ordinance.
- 7. Consultants will prepare final hyperlinked version in pdf format after final adoption by the City Council.

# **SECTION 2.** Cost of Services

The professional fee will be as follows:

\$37,000.00 Total Professional Fee

This cost quote is valid for 150 days from February 1, 2013.

The above cost does not include amendments to the ordinance to substantially change the regulatory effect of the existing regulations. If changes are necessary, they should be addressed following adoption of the newly transformed code.

Note: Cost for additional copies beyond those promised in Section 1 and out-of-pocket expenses will be paid for by the City and are not part of the project professional fee.

# SECTION 3. MISCELLANEOUS DETAILS

- Cost Breakdown and Payment Schedule This project will be billed in five (5) equal monthly installments. The expected timeline from start to completion of a draft code is five (5) months. All out of pocket expenses for printing, purchase of data, etc. are not included in the cost quote and will be billed at cost.
- 2) Occasionally, a community may choose to make modifications to a product prior to adoption that were not discussed or anticipated when the original document draft was prepared. We can accommodate minor modifications as part of the normal process (2-3 hours of staff time per month). Major changes will be prepared based on our prevailing hourly rates, plus expenses. If the duration of the contract job extends beyond the timeline set forth in this agreement for reasons beyond the Consultants control, the cost of services will be adjusted accordingly to reflect increases in cost to the Consultants.

- 3) The Consultants will provide three (3) working copies of all drafts plus an electronic copy (pdf). Additional public hearing copies will be available at the City's request, at Planner's actual cost. One (1) copy of the entire final adopted zoning ordinance will be provided on CD to the City in Adobe Acrobat format.
- 4) Future amendments to the *clear*zoning code are performed by the Consultants under a separate agreement. If the City chooses to no longer use *clear*zoning in the future, the Consultants will provide the City with a text file (Word compatible) of zoning code and jpeg files of all illustrations.

**SECTION 4.** It is understood that the Consultants will have the cooperation of the City officials in the collection of basic data and other information for the above work. The City will provide a digital copy of the current ordinance in MS Word compatible format.

**SECTION 5.** The City agrees to reimburse the Consultants in accordance with the above Cost Breakdown and Payment Schedule in Section 3, item 1.

**SECTION 6.** It is understood that Rodney L. Arroyo will be responsible for project management for performing the work for the City that is specified under this Agreement. The scope of this project will also necessitate involvement by other staff members.

**SECTION 7.** This Agreement may be terminated by either the City or the Consultants individually or jointly upon thirty (30) days written notice to the City and/or Consultants. Compensation during the notice period will be paid by the City to the Consultants if services are faithfully rendered to the City during that time. The Consultants reserve the right to copyright sketches, concepts, formatting, and documents as intellectual property, however, the City is hereby granted permission to reproduce and use, without limitation, all such materials for the Zoning Ordinance. The text of the code remains the property of the City of Novi. Consultants may use examples of the final product on its web site or in its promotional literature.

<b>SECTION 8.</b> For and in consideration of the faithful performance of the services, as herein set for the City will hire the Consultants, commencing on, 2013.	h,
N WITNESS WHEREOF, we set our hands and seals the date and year first set forth in this Agreeme	nt.
CITY OF NOVI	
Signed By:	

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Rodney L. Arroyo, AICP
President

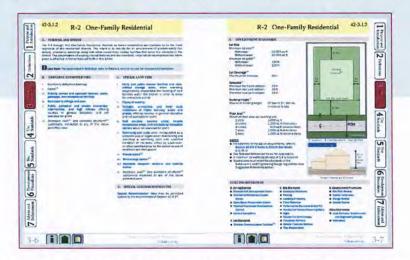
David C. Birchler, AICP, PCP
CEO

# CLEARZONING SERVICE PROFILE



# ZONING ORDINANCES

In times of slow growth, communities can take a wait-and-see attitude or they can take positive steps to open the door to new economic development. A user-friendly zoning code can be one of the strategies to set your community apart from others. From zoning amendments that reflect the community vision, land use policy, and current development patterns to a complete reformatting of the ordinance, Clearzoning® can help boost your community's economic development potential.

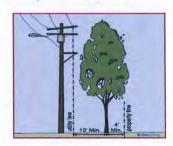


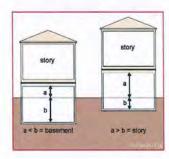
Advances in technology and widespread accessibility of the Internet call for a change in the traditional text-based zoning ordinance format of yesterday. Many communities are choosing to make their zoning ordinance and other codes available online for easier access for the public as well as staff and officials. A clearzoning® Ordinance format is designed to effectively portray zoning regulations with fewer words and more illustrations. Our ordinances are user-friendly and easy to navigate in both printed and digital formats.

Clearzoning® will partner with you to transform your conventional zoning code into an easy-to-read, better organized, digital document that will revolutionize the way your code functions, saving staff time at the counter, and making it easier for officials and citizens to use. A clearzoning® ordinance can guide the development community in a more effective way.



Graphics clearly illustrate code standards and present regulations in a simple and straightforward manner.





Master Plans Recreation Plans Downtown Plans Parking Studies

Community Visioning

Zoning Ordinances

Place Making Traffic Engineering Transportation Plans Access Management Form-Based Codes Expert Witness Services

# CLEARZONING SAMPLE FROM FARMINGTON HILLS

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# 34-3.1.28

# IRO Industrial Research Office District

# A. INTENT

The IRO industrial research office districts are designed to provide for uses which are office or research type or industrial uses which have limited impact outside of the industrial building. The district is designed to be used in areas which are not adjacent to lands indicated as single-family residential on the city's master plan. The district is intended to encourage uses which have a high value per acre of land that will supplement the city's tax base. Certain businesses are permitted within office buildings as secondary uses.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

# B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in Sections 34-3.13.

- Any use charged with the principal function of basic research, design, pilot or experimental product development in connection with any product or material permitted in the IRO district or with transportation products
- ii. Office buildings for any of the following occupations: Executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales
- Banks, credit unions, savings and loan associations.
- iv. Medical offices or clinics<sup>™</sup>
- Assembling or packaging of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products
- vi. Assembling or packaging of electrical appliances, electronic instruments and devices, computer hardware or software
- vii. Municipal buildings and uses
- viii. Business schools or colleges
- ix. Churches
- x. Community cable television operations § 34-4.42
- xii. Accessory structures and uses customarily incident to the of the above uses
- xiii. On a zoning lot which does not abut an RP, RC, SP-1, SP-2, SP-5 or MH district, the following uses shall be permitted
  - a. Industrial uses § 34-4.43
  - Laboratories-Medical, experimental, film or testing; not including laboratories engaging in genetic research
  - c. Motels or hotels

# B. PRINCIPAL PERMITTED USES (cont.)

- d. Assembly halls, display halls or similar places of assembly § 4.44
- e. Hospitals
- f. Cellular tower and cellular antennae s 4.24

# C. SECONDARY PERMITTED USES

The following uses are permitted subject to the required conditions in Sections 34-3.13.

- Retail business or service establishments § 344.45
- ii. Personal service establishments § 34-4.45
- Theaters, bowling alleys, billiard halls, health salons or similar forms of indoor recreation § 34-4.45
- iv. Restaurants<sup>®</sup> or other places serving food or beverage, but not including drive-in, fast food or carryout restaurants § 34-4.45

# D. ACCESSORY USES

The following uses are permitted subject to the required conditions in Section 34-3.13.

- i. Electric vehicle infrastructure § 34-4.55
- ii. On a zoning lot which does not abut an RP, RC, SP-1, SP-2, SP-5 or MH district, the following uses shall be permitted:
  - a. Community cable television operations accessory tower § 34-4.54







# IRO Industrial Research Office District

# **DEVELOPMENT STANDARDS**

# Lot Size

Minimum lot area<sup>™</sup>: Not specified

# Setbacks<sup>11</sup>

Minimum front yard setback: 50 ft Minimum rear yard setback: 40 ft Minimum side yard setback: 30 ft Minimum from residential district: 40 ft Minimum from side street: 40 ft

# Building Height<sup>®</sup>

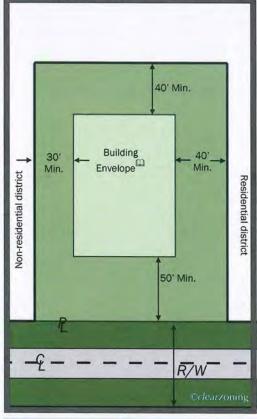
Maximum building height: 50 ft

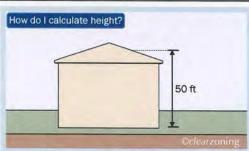
# Open Space

Front yard open space required 50%

# **NOTES**

For additions to the above requirements, refer to Section 34-3.5: A, J, N, Q, R, U and V.





The above drawings are not to scale.

# SELECTED REFERENCES

# 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development § 34-3.20

# 4. Use Standards

- Special Land Uses<sup>®</sup> § 34-4.20
- Standards for Cellular Towers § 34-4.24.8

# 5. Site Standards

- **Accessory Buildings and Structures** § 34-5.1
- **Off-street Parking Requirements** § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4 Signs
- § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8 Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10
- Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15
- Exterior Lighting § 34-5.16

- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement

# 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards§ 34-6.3

# 7. Admin and Enforcement

■ Guarantee for Improvements § 34-7.2

Admin and Enforcement









34-3.1.29

# LI-1 Light Industrial District

# A. INTENT

The LI-1 light industrial districts are designed to primarily accommodate wholesale activities, warehouses and industrial operations whose external physical effects, in the form of nuisance factors, are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The LI-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing or raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

# B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the required conditions in Sections 34-3.14.

- The following uses are permitted subject to Section 34-4.46.1
  - a. Manufacturing [1]
  - Laboratories—experimental, film or testing, except biological laboratories engaging in genetic research
  - c. Warehouse, storage and transfer and electric and gas service buildings and yards, excluding gas treatment and gas pumping stations; water supply and sewage disposal plants; water and gas tanks and holders
  - d. Automobile repair § 34-4.31
- ii. Farms
- iii. Freestanding non-accessory signs
- iv. Trade or industrial schools
- v. Commercial kennels
- Other uses similar to and of no more objectionable character than the above uses
- Accessory buildings and uses customarily incident to any of the above uses
- viii. Storage facilities for building materials, sand, gravel, stone, lumber, open storage for construction contractor's equipment, and supplies § 34-4.47
- ix. Cellular tower and cellular antennae § 34-4.24
- x. The following uses shall be permitted subject to Section 34-4.46.2 and Section 34-4.46.3
  - Office buildings for any of the following occupations: Executive, administrative, professional, accounting, writing, clerical, stenographic, drafting or sales
  - b. Banks, credit unions, savings and loan associations
  - c. Medical offices or clinics
  - d. Bowling alleys
  - Personal service establishments, which perform services on the premises
  - f. Laundry, dry-cleaning establishments or pickupstations
  - g. Restaurants<sup>m</sup>, including fast food or carryout restaurants, drive-in restaurants<sup>m</sup> § 34-4.35
  - h. Gasoline service stations § 34-4.28

# B. PRINCIPAL PERMITTED USES (cont.)

- Any service establishment or an office, showroom or workshop of an electrician, decorator, dressmaker, tailor, baker, printer or upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that may include a retail adjunct
- Retail sales of plant materials not grown on-site and sales of lawn furniture, playground equipment and other home garden supplies
- Recreation space providing children's amusement park, shuffleboard, miniature golf and other similar outdoor recreation
- I. Lawnmower sales or service
- m. Data processing, computer centers
- Outdoor sales space for sale or rental of new or used motor vehicles, trailers, mobile homes, boats, recreational vehicles and other similar products § 34-4.36

# C. SPECIAL APPROVAL USES

The following uses are permitted subject to the required conditions in Sections 34-3.14.

- i. Automobile or other machinery assembly plants 34-4.48
- ii. Painting, varnishing and undercoating shops § 34-4.49
- Lumber and planing mills and lumber cutting and other finishing processes § 34-4.53
- iv. Junkyards
- Other industrial uses of a similar and no more objectionable character § 34-4.51
- Indoor tennis or racquet court facilities, indoor ice or roller skating arenas and other similar uses § 34-4.52
- vii. Metal plating, buffing, polishing, and the manufacturing, compounding, processing, packaging or treatment of solvents, surface coatings, degreesing/metal cleaning materials, pesticides (including storage), pharmaceuticals or chemicals § 34-4.50

# D. ACCESSORY USES

i. Electric vehicle infrastructure § 34-4.55







# LI-1 Light Industrial District

# **DEVELOPMENT STANDARDS**

Minimum lot area :: Not specified

# Setbacks<sup>111</sup>

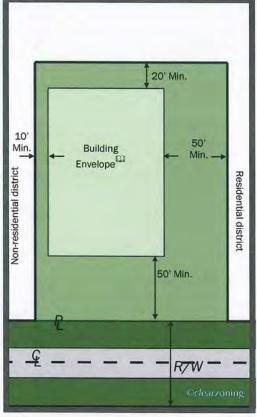
Minimum front yard setback: 50 ft Minimum rear yard setback: 20 ft Minimum side yard setback: 10 ft Minimum from residential district: 50 ft Minimum from side street: 25 ft

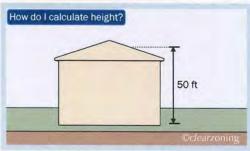
# Building Height<sup>(1)</sup>

Maximum building height: 50 ft

# NOTES

For additions to the above requirements, refer to Section 34-3.5: A, M, N, S, T, U and V.





The above drawings are not to scale.

# SELECTED REFERENCES

# 3. Zoning Districts

- General Exceptions § 34-3.26
- Planned Unit Development § 34-3.20

# 4. Use Standards

- Special Land Uses § 34-4.20 Adult Businesses § 34-4.21
- Standards for Cellular Towers § 34-4.24.8

# 5. Site Standards

- Accessory Buildings<sup>™</sup> and Structures
- **Off-street Parking Requirements** § 34-5.2

- Off-street Parking Space Layout Standards § 34-5.3
- Off-street Loading and Unloading § 34-5.4
- Signs<sup>™</sup> § 34-5.5
- Acceleration-deceleration Passing Lanes § 34-5.6
- Flood Zone Controls § 34-5.8
- Entranceway Structures § 34-5.9
- Corner Clearance § 34-5.10 ■ Frontage on Public Street § 34-5.11
- Fences § 34-5.12
- Access to Major or Secondary Thoroughfares § 34-5.13
- Landscape Development § 34-5.14
- Walls and Berms § 34-5.15

- Exterior Lighting § 34-5.16
- Screening of Rooftop Equipment § 34-5.17
- Tree Protection, Removal & Replacement

# 6. Development Procedures

- Site Plan Review § 34-6.1
- Notice of Public Hearing § 34-6.2
- Special Land Use and Special Approval Use Standards § 34-6.3

# 7. Admin and Enforcement

■ Guarantee for Improvements § 34-7.2





# CLEARZONING SAMPLE FROM WEST BLOOMFIELD

# 2.1 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section. Terms not defined in this section shall have the meaning customarily assigned to them.

- Accessory building or structure means a subordinate building or structure, the use of which is clearly incidental to that of the main building or to the use of the land.
- Accessory use means a use subordinate, incidental and ancillary to the principal use of the lot and used for purposes clearly incidental to those of the principal use.
- Alley means a minor vehicular way used primarily to serve as an access way to the back or side of properties otherwise abutting on a street.
- 4. Alterations means any change, addition or modification to a structure or type of occupancy, any change 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 as "altered" or "reconstructed."
- Automobile repair means general repair, engine rebuilding, or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.
- 6. Automobile service station means a place for the retail dispensing, sale or offering for sale of motor fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles, retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers, and retail sales of non-automotive related products including:
  - sundries such as gum, candy, cigarettes, newspapers, magazines and other individually packaged convenience items.
  - basic convenience grocery items such as milk and bread.
  - C. pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department.
  - D. non-alcoholic beverages only.
     It being the finding and public policy determination of the township that the sale

of beer, wine, liquor, or other beverages containing alcohol should never be found or determined to be customarily incidental to an automobile service station for the following reasons:

- i. Alcohol is not a product that should be conveniently available to the motoring public at a location where they purchase fuel for their vehicle. Such availability has a strong potential to encourage or facilitate alcohol related driving offenses and accidents that might not otherwise occur if a motorist in need of fuel had to make a separate stop to purchase alcohol.
- ii. The nature of modern day automobile service stations and the multiple transactions employees must handle at the same time is inconsistent with the proper administration and enforcement of the State's liquor control laws and prohibitions on sales to minors and visibly intoxicated persons and the Michigan Liquor Control Code of 1998, MCL 436.1906, does not require server training programs for off-premises licensees and their employees.
- iii. Many automobile service stations are open later than other stores where alcohol is sold, creating the ability for persons who had been consuming alcohol in an on-premises establishment to conveniently purchase alcohol after leaving that establishment, increasing the chances of alcohol related driving offenses and accidents and potentially undermining the liability of on-premises licensees for serving alcohol to minors or visibly intoxicated persons under the rebuttable presumption in MCL 436.1801(8), that licensees other than the one who made the last sale are not liable for damages caused by a minor or visibly intoxicated person they served.
- iv. Allowing the sale of alcohol at automobile service stations would increase the volume of motor vehicle traffic and parking demands on properties that were not planned or designed to accommodate the increased demand, resulting in





Purpose and Introduction

2 Definitions

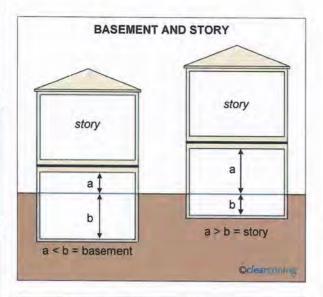
3 Zoning Districts

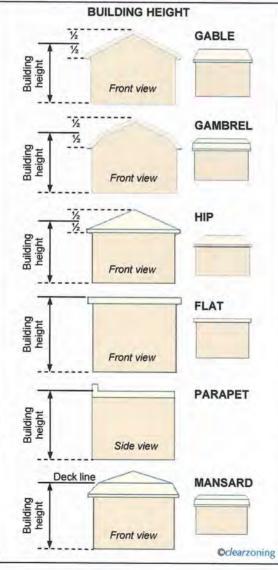
4 Use Standards

Site Standards

Development Procedures

Admin and Enforcement

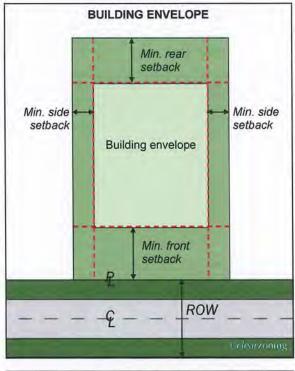


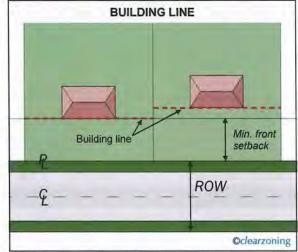


- increased vehicle conflicts and accidents.
- v. Locations that sell alcohol are a separate retail use under this chapter, which the township pursuant to its zoning authority to ensure that use of land is situated in appropriate locations and relationships, reduce hazards to life and property, and to promote and protect the public health, safety and welfare, has determined should not be allowed at automobile service station locations.
- Basal area shall mean the cross-sectional square footage of tree trunk area per acre, measured four and one-half (4 1/2) feet from the ground.
- 8. Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement will not be counted as a story.
- 9. Bed and breakfast means a use which is subordinate to the principal use of a detached single-family dwelling unit in which a specified maximum number of transient guests are provided a sleeping room for a limited number of nights and certain light foods in return for payment.
- Boat means a watercraft, however propelled designed to be operated on a body of water.
- 11. Building means any structure, either temporary or permanent, having a roof, supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for such purposes. The word "building" includes the word "structure."
- 12. Building envelope means the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance.
- 13. Building height means the vertical distance measured from the established grade to the highest point of the roof for flat roof; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roof; and to the average height between the lowest point and the highest point of a shed roof. Where a building is located on









sloping terrain, the height may be measured from the average ground level of the grade at the building wall.  $\not$ 

- 14. Building line means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.
- Building, main or principal means a building in which is conducted the principal use of the lot on which it is situated.
- Canopy shall mean the substantially continuous horizontal layer formed by the

- leaves and branches of adjacent trees in woodland.
- 17. Child care center means a facility licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, other than a private residence receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child.
- 18. Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.
- 19. Commercial vehicle means a motor vehicle used for commercial activity which is licensed by the Secretary of State as a commercial vehicle and has a gross vehicle weight of not less than six thousand (6,000) pounds. Recreational-type vehicles or vehicles requiring commercial license plates but not used for a commercial purpose shall not be considered a commercial vehicle.
- 20. Community development department means the Township department charged with the enforcement of this ordinance which includes the planning, building and code enforcement divisions. The department head, supervisors, or anyone authorized by the department head has the ability to enforce this ordinance.
- 21. Community special event sign means temporary signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, non-profit, or school activities and events.
- 22. Congregate elderly housing shall mean dwelling units containing sanitary, sleeping and living spaces in addition to common services area, including, but not limited to, central dining room(s), recreational room(s) and central lounge under common management.
- 23. Construction sign means a temporary ground sign that may be displayed throughout the active construction period that identifies the project name, owner, architect, engineer, general contractor, and/or sub-contractor names, with phone numbers and addresses.
- 24. District means a portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.





- 25. Dwelling includes the word "residence."
- 26. Dwelling, multiple-family means a building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
- Dwelling, one-family means a building designed exclusively for and occupied exclusively by one (1) family.
- 28. Dwelling, two-family means a building designed exclusively for occupancy by two (2) families living independently of each other.
- Dwelling unit means a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- 30. Environmental feature shall mean any:
  - A. Watercourse; or
  - B. Wetland.
- 31. Erected includes built, constructed, altered, reconstructed or moved upon, or any physical operations on the premises required for construction. Excavation, fill drainage and the like shall be considered a part of erection.
- 32. Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead electrical, steam, fuel or water transmission or distribution systems; collection, communication, supply or disposal systems, poles, wires, drains, sewers, pipes, conduits, cables; fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare, and not including communication and/or wireless transmission towers or poles in excess of thirty-five (35) feet in height.
- 33. Exterior appliances means a central airconditioning condenser unit, heat pump, or any other noise-producing mechanical system components which are typically required to be located on the exterior of a structure.
- 34. Family means one (1) or two (2) persons or parents with their direct lineal descendants or adopted or foster children (and including the domestic employees thereof); together with not more than two (2) persons not so related, living together in the whole or part of a dwelling unit comprising a single housekeeping unit. Every

- additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.
- 35. Family day care home means a private home, licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, in which one (1) but less than seven (7) minor children are received for care and supervised for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult manner of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- 36. Farm means all of the continuous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating furbearing animals, riding or boarding stables, commercial dog kennels, stone quarries or gravel or sand pits shall not be considered farms hereunder. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.
- Fence means a man-made barrier or structure which is erected or placed to enclose, screen or separate areas.
- 38. Fence, obscuring (walls) means a structure constructed of masonry material or material equally as durable of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.
- 39. Festoon signs mean a sign consisting of strings of exposed incandescent light bulbs or strings of pennants hung overhead to draw attention to items on display.







- 40. Floor area, for the purposes 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. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- 41. Floor area, gross, for the purposes of calculating required parking under Section 26-5.8, means the total square footage of a building or other area described in Section 26-5.8, which for buildings shall be measured from the interior face of the exterior walls.
- 42. Floor area, usable, for the purposes of calculating required parking under Section 26-5.8, which is also referred to in Section 26-5.8 as usable floor space, gross leasable area, gross leasable floor area and usable gross leasable area, means eighty (80) percent of the gross floor area.
- 43. Forest products is a term describing those wood related items from a woodlands to include veneer logs, saw logs, firewood, pulpwood, pole trees, groundcover, branches, boughs and whole trees and/or saplings for transplanting.
- 44. Gasoline station means an automobile service station as defined and subject to the same accessory use limitations as contained in that definition.
- 45. Grade, and specified types or categories of grade shall mean the following:
  - A. Grade means a ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined to be the average grade.
  - B. Average grade means a reference plain representing the average of the level of the ground adjoining the building at all exterior walls.
  - C. Natural grade means the elevation of the ground surface before any grading, excavation, filling or man-made alterations.
  - D. Finished grade means the final elevation of the ground surface after completion of alterations and development.

- 46. Greenbelt means a strip of land to definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer in carrying out the requirements of this chapter.
- Ground floor means the first floor of a building other than a cellar or basement.
- 48. Group day care home means a private home licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- 49. Home occupation means any legal use that is customarily conducted entirely within a dwelling and carried on by the occupants thereof, including uses involving the use of business mailing addresses and business telephone numbers, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display or signage; no internal or external alterations to the dwelling; no construction features or equipment machinery not customary in residential areas; no parking or traffic generated that is not customary in residential areas; no outside storage of equipment; no commodities sold on the premises except such as produced by such occupation; and not more than two (2) persons are engaged in such occupation who shall be family members of the residence. The high hazard use section of the BOCA codes and the performance standards of Section 26-5.11, of this Ordinance, shall apply to a use which fits within this definition. Such uses as clinic, hospital, animal hospital, kennel, millinery shop, barber shop, beauty shop and dancing school shall not be deemed to be home occupations.
- 50. Hospital, general means an installation providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility.





- 51. Identification sign means a sign which identifies by number an individual building or parcel, not to exceed two (2) square feet.
- 52. Independent elderly housing shall mean attached or detached dwellings (apartment, townhouse or single-family structures) occupied by elderly individuals and their spouses as part of a planned development and provided with qualified management services to maintain the premises.
- 53. Information sign means those signs which have the sole function of providing information and direction, and are not larger than two (2) square feet, and are not oriented to motorized traffic on public rights-of-way. Such signs would include, but are not limited to, tree names, putting green information, clubhouse direction and others of this type used on the interior of a project and designed for those using that area.
- 54. Kennel, commercial means the use, for gain or profit, of all or a portion of any lot or premises for either the permanent or temporary boarding of three (3) or more dogs or cats.
- 55. Lake, for purposes of this chapter, means any permanent body of open water with a minimum surface area of five (5) acres, including any connected navigable canals.
- 56. Loading space means an off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- 57. Lot means a parcel of land occupied, or 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 open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records. The word "lot" includes the words "plot" and "parcel."
- Lot area means the total horizontal area within the lot lines of the lot.
- Lot, contiguous means lots or parcels of land adjoining each other and under the same ownership.
- 60. Lot, corner means a lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines

- Lot coverage means the percent of the lot occupied by buildings including accessory buildings.
- 62. Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between side lot lines. ∠ ✓
- Lot, interior means any lot other than a corner lot.
- 64. Lot, lakefront, for purposes of this chapter, means any lot, outlot or parcel of land which abuts and includes any portion of the lake shore of a lake.
- 65. Lot, lakeview, for purposes of this chapter, means any lot, outlot or parcel of land which abuts a private or public lakefront park, association, beach or other similar open space area where the distance between the shoreline of the lake and the closest edge of the lot is not more than one hundred fifty (150) feet.
- 66. Lot lines mean the lines bounding a lot. &
  - A. Front lot line, in the case of an interior lot, means the line separating the lot from the street; in the case of a corner lot, or double frontage lot, means that line separating the lot from that street which is designated as the front street in the plat and the request for a building permit. In the case of lots bordering on a lake, river or canal, the water or shore line shall be designated as the front of such lots.
  - B. Rear lot line means the 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 means any lot lines other than the front lot lines or rear lot lines. 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.
- 67. Lot of record means a parcel of land, the dimensions of which are shown on a recorded plat on file with the county register of deeds, on June 1, 1966, or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a

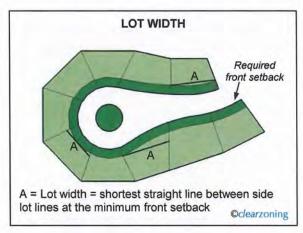




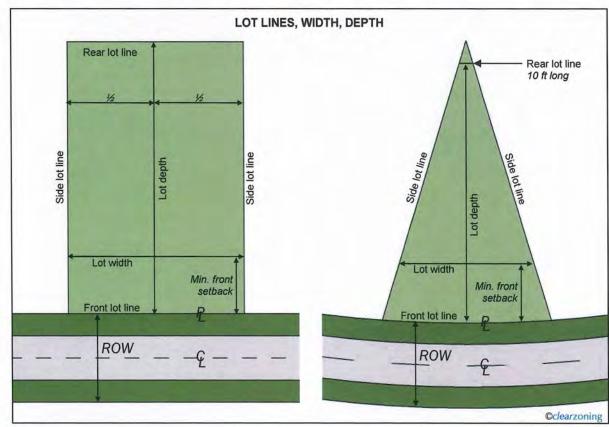


record ownership separate from that of the remainder thereof.

- 68. Lot width means the distance between side lot lines, with the specific location for measurement being governed by other provisions of this ordinance, including Section 26-3.5, specifying minimum lot width. &
- 69. Master plan means the comprehensive plan including graphic and writing proposals indicating the general location for streets, parks, schools, public buildings and all physical













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- development of the township and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the township board.
- 70. Nonconforming building means a building or portion thereof, existing on June 1, 1966, or upon amendment hereto, that does not conform to the provisions of this chapter nor to the use regulations of the district in which it is located.
- 71. Nonconforming use means a use which lawfully occupied a building or land at the time the ordinance on June 1, 1966, or amendments thereto, became effective, and that does not conform to the use regulations of the district in which it is located.
- 72. Nursery, plant material means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. Nursery does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
- 73. Nursing or convalescent home means a structure with sleeping rooms where persons are housed or lodged and furnished with means and nursing care for hire, and is authorized and licensed by the state, county and local authorities.
- NON-CONFORMING BUILDING

  Example: Factory building in a residential area

  NON-CONFORMING USE

  Shop

  Example: Residence converted to commercial use

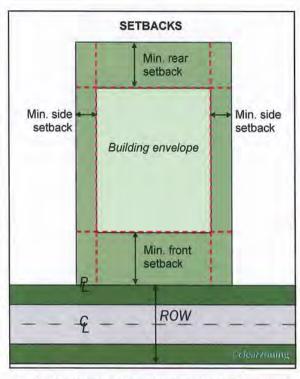
- 74. Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
- 75. Open-front store means a business establishment other than a restaurant, bank or gasoline station, so developed that service to the portion may be extended beyond the walls of the building, not requiring the patron to enter the building.
- 76. Open storage. See "Outdoor storage."
- 77. Outdoor storage means the keeping outdoors of any goods, materials, merchandise, equipment, boats or vehicles.
- 78. Outline tubing sign means an arrangement of exposed gaseous tubes (i.e., neon tubes) that outline and call attention to the sign.
- 79. Parking space means an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
- 80. Place of Worship means any structure wherein persons regularly assemble for religious activity.
- 81. Portable sign means a sign and sign structure which is designed to facilitate the movement of the sign from one (1) location to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. Political-election and political signs are excluded from the definition of portable signs.
- 82. Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.
- 83. Public utility means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
- 84. Pylon sign means a freestanding sign which is located more than five (5) feet but a maximum of twenty (20) feet above the ground.
- 85. Real estate development sign means a sign which offers for sale, rent or lease more than four (4) lots or parcels or dwelling units.
- 86. Real estate sign means a sign which offers for sale, rent or lease a single lot, parcel, residence or any other single building.





**Oclearzoning** 

- 87. Residential development identification sign means a sign used to identify, by name, the complex of lots and/or residences within a specific development.
- 88. Restaurant means any establishment whose principal business is the sale of food and/or beverages to the customer prepared in an onsite kitchen in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in/-through, standard restaurant, or combination thereof, as defined below:
  - A. Carry-out restaurant means a business establishment which sells food and/or beverages served in disposable containers or wrappers for consumption primarily off of the premises. A carry-out restaurant differs from a drive-in/-through restaurant in that a customer must enter the restaurant or an employee must exit the restaurant and deliver the food to a customer for consumption off the premises.
  - B. Drive-in restaurant means a business establishment which sells food and/or beverages served in disposable containers or wrappers. A drive-in restaurant involves the delivery of prepared food to the customer in a motor vehicle for consumption in a motor vehicle while parked on the premise.
  - C. Drive-through restaurant means a business establishment which sells food and/or beverages served in disposable containers or wrappers. A drive-through restaurant involves the delivery of prepared food to the customer inside the building or in a motor vehicle, commonly through a drive-through window, for consumption off the premises or inside of the building.
  - D. Standard restaurant means a business establishment which sells food and/or beverages for consumption by customers in a dining area either delivered by waitstaff or acquired by customers at a cafeteria or buffet.
- 89. Safety path means an improvement located within public or private rights-of-way designed primarily for the use of pedestrians and bicyclists and as shown on the master safety path system plan.
- 90. **Setbacks** means the distance required to obtain the front, side or rear yard open space provisions of this chapter. ∠



- 91. Senior housing. A building or group of buildings containing dwellings intended to be occupied by elderly persons, as defined by the Federal Fair Housing Act, as amended. Housing for the elderly may include independent and/or assisted living arrangements but shall not include nursing or convalescent homes regulated by the State of Michigan. Independent and assisted living housing are defined as follows:
  - A. Senior independent living. Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households. Such housing may provide certain services such as security, housekeeping and recreational and social activities. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.
  - B. Senior assisted living. Housing that provides 24-hour supervision and is designed and operated for elderly people who require some level of support for daily living. Such support shall include meals, security, and housekeeping, and may include daily personal care, transportation and other support services, where needed. Individual dwellings may contain kitchen facilities.
  - C. Shared elderly housing shall mean a single dwelling structure specifically for a

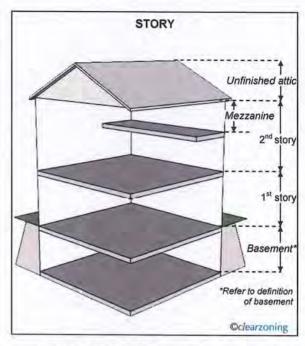




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maximum of four (4) unrelated elderly individuals, with or without spouses. Each dwelling shall provide for separate bedrooms and sanitary facilities for each occupant (husband and wife shall constitute one occupant), together with a shared kitchen, dining and living space. Also, each dwelling within the development shall be provided with qualified management services to maintain the premises.

- 92. Shopping center means a structure or group of structures located on the same zoning lot or parcels which provide a variety of commercial uses and also provide common off-street parking facilities, pedestrian areas and vehicular movement areas.
- 93. Sign means any use of words, numbers, figures, devices, designs or trademarks visible to the general public.
- 94. Sign, accessory means a sign which is directly related to the principal use of the premises, such as the name and nature of the use and which does not advertise products or goods sold or produced on the premises.
- 95. Sign, non-accessory means a sign which is either indirectly related or not related to the principal use of the premises, such as the advertising of products sold or produced.
- 96. Sign, political-election sign shall mean a sign relating to the election of a person to public office or relating to a political party, or a matter to be voted upon at an election called by a public body.
- 97. Sign, political sign (other than election) shall mean a sign which is displayed for the purpose of conveying a message which is a political expression unrelated to an election, and unrelated to a promotion for commercial purposes.
- 98. Stable, private means a stable for the keeping of horses for the noncommercial use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding.
- 99. Stable, public means a stable other than a private stable, with a capacity for more than two (2) horses, and carried on with an unplatted tract of land of not less than forty (40) acres.
- 100. Story means that part of a building included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus



defined shall not be counted as a story when more than fifty (50) percent by cubic content is below the level of the adjoining ground. ∠

- 101.Story, half means an uppermost story lying under sloping roof, the usable floor area of which, at a height of four (4) feet above the floor, does not exceed two-thirds of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet six (6) inches.
- 102. Street means a public thoroughfare which affords the principal means of access to abutting property.
- 103.Structure means anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.
- 104. Swimming pool club, private (nonprofit) means a private club incorporated as a nonprofit club or organization, maintaining and operating a swimming pool, with specified limitations upon the numbers of members, or limited to residents of a block, subdivision, neighborhood, community or other specified area of residence, for the exclusive use of members and their guests.
- 105. Swimming pool, private means a swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or







in connection with any business operated for profit, located on a lot as an accessory use to a residence.

- 106. Temporary building or use means a structure or use permitted by the board of appeals to exist during a specified period of time.
- 107. Temporary sign means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or building, but not including decorative displays for holidays or public demonstration. Temporary signs include but are not limited to grand opening, special events, coming soon, special sales and occasion, change of business and promotional signs.
- 108. Thoroughfare, major means an arterial street which is intended to serve as a large volume traffic-way for both the immediate township area and the region beyond. Major thoroughfares shall be considered to be those streets so designated in the master plan of the township.
- 109. Thoroughfare, secondary means an arterial street which is intended as a traffic-way to serve primarily the immediate township area. Secondary thoroughfares shall be considered to be those streets so designated in the master plan of the township.
- 110. Trailer coach (mobile home) means any vehicle designed, used or so constructed as to permit its being uses as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such manner as will permit occupancy thereof as a dwelling or sleeping space for one (1) or more persons.
- 111. Trailer court means any plot of ground upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes, are located.
- 112. Travel trailer means a vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.
- 113. Tree shall mean a woody plant which attains the height of at least ten (10) feet at maturity and has a single main stem (trunk).
- 114. Tree stand shall mean a group of trees within a woodland at least one (1) acre in area, related in terms of common soils, common

- species, and related in terms of the size of trees within the overall group.
- 115. Use means the purpose for which land or a building is designed, arranged or intended, or for which land or a building is or may be occupied.
- 116. Used or occupied includes the words "intended, designed or arranged to be occupied."
- 117. Vehicle means a self-propelled device, or an apparatus or contrivance capable of being towed or otherwise placed in motion by any means, or a free-moving device used for transportation of people, animals, materials or goods of any type.
- 118. Vehicle, commercial means a vehicle licensed by the appropriate state agency as a commercial vehicle which has a gross vehicle weight of at least six thousand five hundred (6,500) pounds. Recreational vehicles with commercial license plates but not used for the transport of cargo or materials shall not be considered a commercial vehicle.
- 119. Vehicle, recreational means a vehicle without permanent foundation that is primarily designed as a temporary living accommodation for recreational, camping, and travel use including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
- 120. Vehicles, junk or wrecked means a vehicle that is damaged, deteriorated or with parts missing or that is in the process of being dismantled, destroyed, processed or salvaged and is in a condition that prevents the use of the vehicle for the purpose for which it was manufactured.
- 121. Vehicle, inoperable means a vehicle that is not operational and that cannot be used for the purpose for which it was manufactured or a vehicle, whether licensed or unlicensed, that has remained on public or private property and that has not been moved from the property for a period of at least thirty (30) consecutive days.
- 122. Veterinary clinic means a place where animals or pets are given medical or surgical treatment with use as a kennel limited to short-time boarding which is incidental to the medical use.
- 123. Wall sign means a sign visible to the general public through display from the exterior wall of a structure.

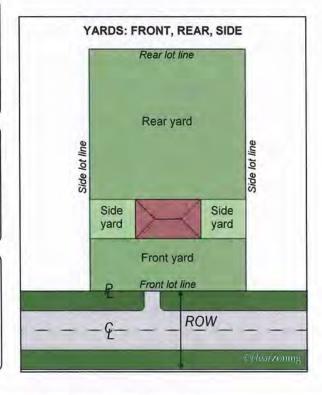




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- 124. Watercourse means any waterway or other body of water having well-defined banks, including: (1) Rivers, streams, creeks and brooks, whether continually or intermittently flowing; (2) lakes and ponds; or (3) other watercourses as shown on the official township watercourse and wetland map, and the flood boundary-floodway map and flood insurance map which accompanies the flood insurance study for the township, dated September 2, 1982, as may be amended.
- 125. Wetland means land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.
- 126. Window sign means an accessory or nonaccessory sign that is posted inside a building and is visible from the exterior.
- 127. Woodland shall mean an area shown and identified as woodland on the official woodland map of the township. (The criteria for identifying the mapped woodland areas are: at least three (3) contiguous acres and the existence of canopy coverage over more than one-half of the area or average tree density of thirty (30) square feet of tree trunk area per acre (basal area).)

- 128. Woodland construction envelope shall mean the area of direct disturbance in woodland determined under Section 26-3.1.21, anticipated to be caused by clearing or construction activities for buildings, driveways, parking, and/or other activities which cause disturbance to woodland.
- 129. Woodland disturbance configuration shall mean the location of permitted clearing or construction activities causing disturbance within a woodland resulting from construction activities such as, but limited to, installation of buildings, roadways, driveways, parking areas, utilities, and retention basins.
- 130. Woodland harvesting is a term to describe the cutting of trees or removal of forest products from woodland.
- 131. Woodland preservation area shall mean an area of trees required to be preserved in accordance with a decision of the township following application and review under Section 26-3.1.21 of this chapter.
- 132. Woodland tree cutting means any act within a designated woodland area to cut down, remove all or a substantial part of a tree, or damage a tree or other vegetation that will cause the tree or other vegetation to be negatively impacted or die. (Such acts shall include, but shall not be limited to, damage inflicted upon the root system of the vegetation by any equipment and/or vehicles, by the placement of any materials, by changing the natural grade, or by any other alteration of natural physical condition.)
- 133. Yards means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter. &
  - A. Front yard means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building or structure.
  - B. Rear yard means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building or structure. &
  - Side yard means an open space between a main building or structure 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









# 134. Zoning exceptions and variances:

- A. Exception means a use permitted only after review of an application by the board of appeals or the planning commission other than the administrative official (building inspector), such review being necessary because of the provisions of this chapter covering conditions precedent or subsequent are not precise enough to all applications without interpretation, and such review is required by the chapter.
- B. Variance means a modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three (3) elements are present in the case.

An "exception" differs from a "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this chapter appear as "special approval" or review by the planning commission, legislative body or board of appeals. These land uses could not be conveniently allocated to one (1) zone or another or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one (1) or more of the following:

- i. They require large areas:
- ii. They are infrequent;
- iii. They sometimes create an unusual amount of traffic;
- iv. They are sometimes obnoxious or hazardous;
- They are required for public safety and convenience.





# CLEARZONING CLIENTS LIST

# clearzoning

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# clients

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Communities across the country are choosing Clearzoning as a way to transform their zoning codes, saving staff time and money as well as creating an online presence that is available around the clock and around the world.

Visit these clients to see the Clearzoning product in action:

# Michigan:

- Genesee County:
  - Grand Blanc Township
- Kalamazoo County
  - Texas Township
- · Lapeer County:
  - Attica
  - Imlay Township
- Livingston County:
  - Hartland
- · Oakland County:
  - Bloomfield
  - Farmington Hills
  - Lathrup Village
  - West Bloomfield
  - White Lake Township
- Wayne County:
  - hearing)

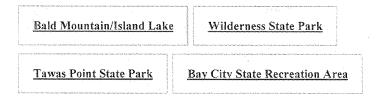
■ City of Belleville (draft for public

# Ohio:

• Danbury: <u>High resolution</u> | <u>Low-resolution</u>

Clearzoning often includes a project webpage for our clients, used to keep staff, stakeholders, or the public informed and seek input. Current projects include:

Michigan Department of Natural Resources:



Municipalities:

Grand Blanc Township

Comments are closed.

# Louisiana:

• Ruston

# Mississippi:

• Harrison County (Unified Development Code) – Draft

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