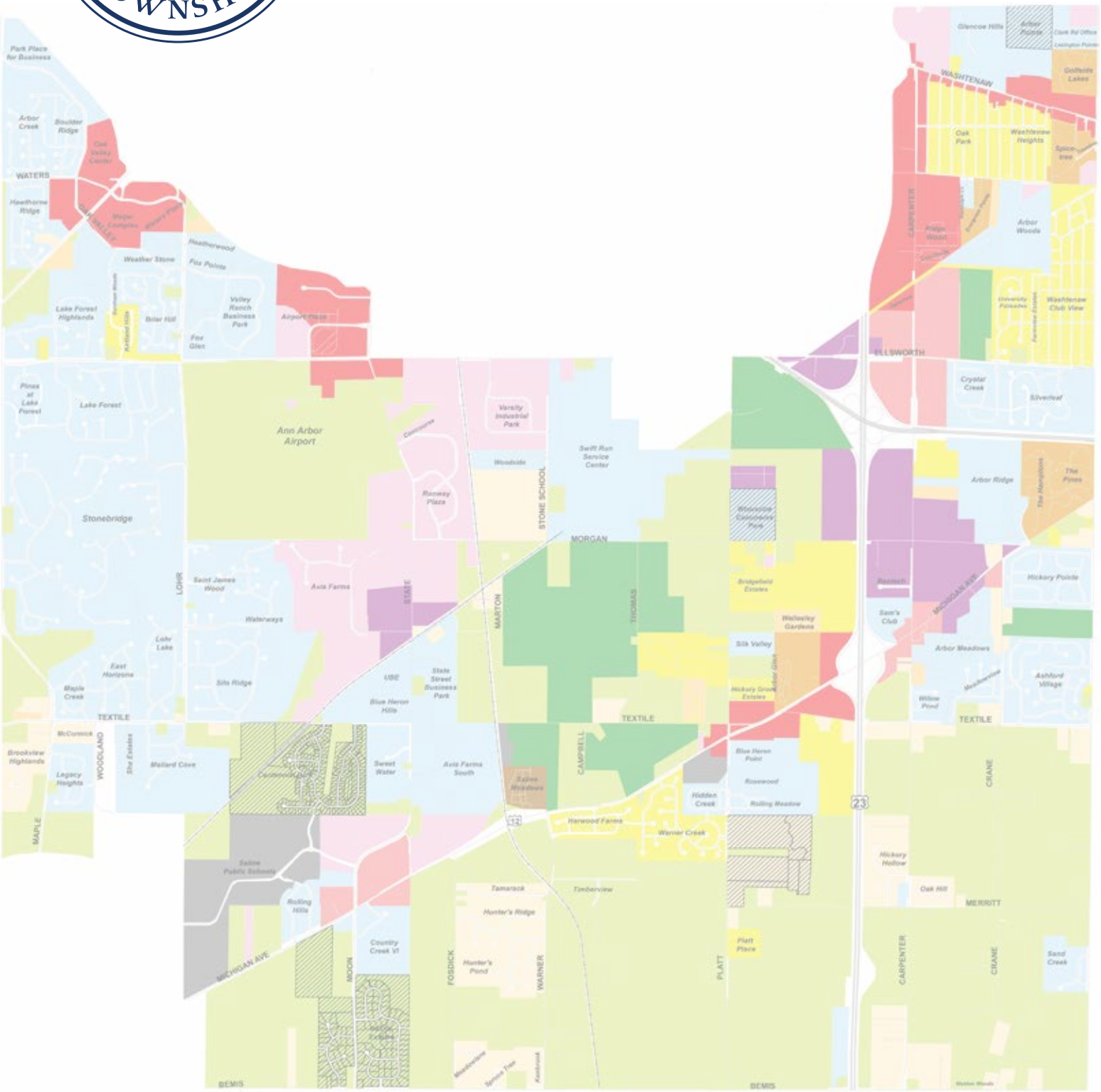
Zoning Ordinance

Adopted: May 2015

Revised: November 9, 2017



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ARTICLE 1

TITLE, PURPOSES AND LEGAL CLAUSES

SECTION 1.01 TITLE

This Ordinance shall be known, and may be cited, as "The Zoning Ordinance of Pittsfield Charter Township."

SECTION 1.02 REPEAL OF ORDINANCE

The Zoning Ordinance of Pittsfield Township adopted on April 24, 2013, and all amendments thereto are hereby repealed coincident with the effective date of this Ordinance.

SECTION 1.03 AUTHORITY, FINDINGS, AND PURPOSES

A. ***Michigan Zoning Enabling Act***. The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) establishes the authority to adopt comprehensive zoning regulations, and empowers the Township to enact a Zoning Ordinance and provide for its administration, enforcement, and amendment.

B. ***Necessity***. The Township deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience, and general welfare of its residents.

C. ***Master Plan Compliance***. The Township has prepared and adopted a Master Plan designed to guide growth in a logical and orderly fashion; to lessen congestion on the public streets; to protect and preserve its natural resources; and to ensure a well-balanced community considering its present and potential physical, economic, cultural, and environmental assets.

D. ***Purposes***. The Township has identified districts on a Zoning Map and prepared regulations in this Zoning Ordinance pertaining to such districts, which are a reflection of the Pittsfield Township Master Plan for the specific purposes of:

1. Promoting and protecting the public health, safety, and general welfare;

2. Protecting the character and stability of the agricultural, recreational, residential, commercial and industrial areas within the un-incorporated portions of Pittsfield Township and promoting the orderly and beneficial use of such areas;

3. Providing adequate light, air, privacy, and convenience of access to property;

4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air

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and to protect the public health, safety, and welfare;

5. Lessening and avoiding congestion on the public highways and streets;

6. Providing for the needs of agriculture, recreation, residence, culture, commerce, and industry in future growth;

7. Promoting healthful surroundings for family life in residential and rural areas;

8. Fixing reasonable standards to which buildings and structures shall conform;

9. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts;

10. Preventing such additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;

11. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety, and general welfare;

12. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;

13. Conserving the taxable value of land, buildings, and structures throughout the unincorporated portions of the Township;

14. Providing for the completion, restoration, reconstruction, extension, or substitution of non-conforming uses;

15. Designating and defining the powers and duties of the official or officials, and Boards and Commissions in charge of the administration and enforcement of this Ordinance;

16. Providing for the payment of fees associated with the administration of this Ordinance; and

17. Providing penalties for the violation of this Ordinance.

SECTION 1.04 VALIDITY AND SEVERABILITY CLAUSE

A. ***Validity***. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

B. ***Severability***. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 1.05 SCOPE AND CONSTRUCTION OF REGULATIONS

A. ***Scope***. This Ordinance shall be liberally construed in such manner as to best effectuate its purposes. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to the minimum necessary for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

B. ***Construction***. No building or structure, or part thereof, shall be erected, constructed, reconstructed, or altered and maintained and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

SECTION 1.06 CONFLICT WITH OTHER LAWS

A. ***More Restrictive***. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

B. ***Abrogate or Annul***. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

C. ***Compliance***. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premises declared unsafe or unhealthy.

SECTION 1.07 EFFECTIVE DATE

This Ordinance was adopted by the Township Board of Pittsfield Charter Township, Washtenaw County, Michigan, at a meeting held on May 13th, 2015, and published, as required by Act 110 of the Public Acts of 2006, as amended. This Ordinance shall be effective May 29, 2015.

Date: May 29th, 2015 s/Mandy Grewal, Ph.D., Township Supervisor

Date: May 29th, 2015 s/Alan Israel, Township Clerk

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ARTICLE 2

DEFINITIONS

SECTION 2.01 PURPOSE AND RULES OF INTERPRETATION

For the purposes of this Ordinance, certain terms or words used in this Ordinance shall be interpreted as follows:

A. The particular shall control the general.

B. In the case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

C. The word "person" includes a firm, association, proprietorship, organization, partnership, trust, corporation, limited liability company, or other entity as well as an individual.

D. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

E. The word "shall" is mandatory; the word "may" is permissive.

F. The words "used for" or "occupied for" include the words "intended for," "designed for," or "arranged to be used for" or "arranged to be occupied for."

G. A "building" or "structure" includes any part thereof.

H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either…or," such conjunctions shall be interpreted as follows:

   1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

   2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

   3. "Either…or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

I. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS

ABUT: To touch, to lie immediately next to, to share a common wall or lot line, or to be separated by only a street, alley, or right-of-way.

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ACCESSORY DWELLING UNIT: An accessory habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

ACCESSORY USE, BUILDING, OR STRUCTURE: A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure.

ACCESSORY SUPPLEMENTAL BUILDING OR STRUCTURE: An accessory building used by the occupants of the principal building for recreation, such as a gazebo, swimming pool cabana, building housing a spa, or hobby greenhouse. An accessory supplemental building shall not be used for storage, except that a cabana used in conjunction with a swimming pool may house filter equipment and pool accessories.

ACTIVE SOLAR ENERGY STRUCTURE: A structure which utilizes mechanically operating solar collectors to collect, transfer, or store solar energy.

ADJOINING: Touching or contiguous, as distinguished from lying near or adjacent.

ADULT DAY CARE CENTER: A center other than a private residence, in which more than six (6) adults are supervised and receive group care for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period.

ADULT DAY CARE HOME: A private residence, in which six (6) adults or less are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period.

ADULT FOSTER CARE FACILITY: A governmental or non-governmental establishment that provides foster care to adults. It include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision or an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, 218 of 1979, MCL 400.701, as amended. The types of licensed adult foster care facilities include the following:

1. ***FOSTER CARE SMALL GROUP HOME***: A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

2. ***FOSTER CARE LARGE GROUP HOME***: A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

3. ***FOSTER CARE FAMILY HOME***: A private residence with the approved capacity to receive six

(6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

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

AGRICULTURAL COMMERCIAL AND TOURISM: A business venture on a working farm, ranch or agricultural enterprise that offers educational and recreational experiences for visitors while generating supplemental income for the owner. Examples include but are not limited to u-pick operations, corn mazes, farm stands, or cider mills.

ALLEY: Any right-of-way, with a width of not less than sixteen (16) feet nor more than twenty-four (24) feet, which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.

AMBIENT NOISE: Regularly occurring background noise not produced by the object or device in question.

ANIMATION: A rapid display of a sequence of images or blinking lights in order to create an illusion of movement.

ANTENNA: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone, and similar forms of communications.

ARCADE: Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine, or apparatus operated by a patron which plays, exhibits, emits, produces, or displays entertainment or amusement in the form of a game, motion picture, music, performances, or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption, kiddy rides, juke boxes, bowling alleys, or pool tables.

ARTISAN FOOD AND BEVERAGE PRODUCTION: A facility typically operated by a single business entity for the production of small-scale, hand-crafted, specialty food and beverage products for on- and/or off-site sales and consumption. The facility may include wholesale and/or retail sales.

AWNING: A roof-like mechanism, which projects from the wall of a building for the purpose of affording weather protection to doorways and windows. Often, awnings provide identity for a business and provide shade for display areas.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

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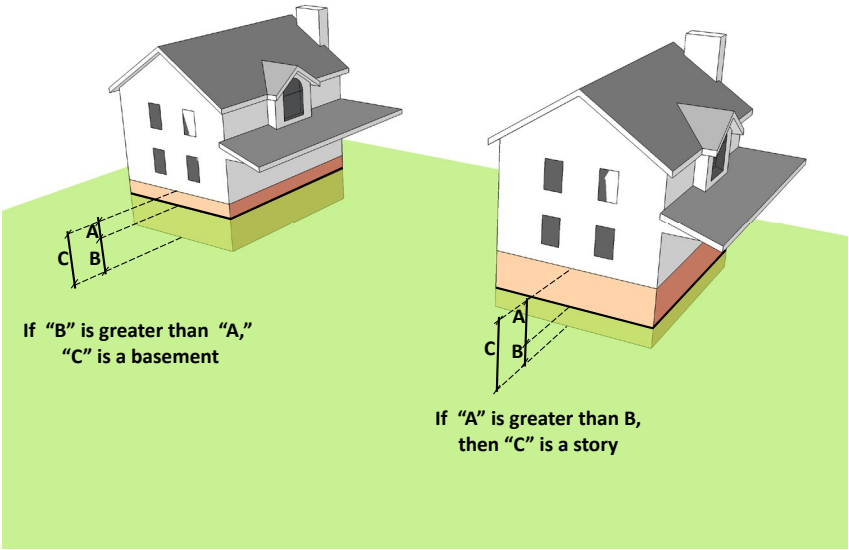


BED AND BREAKFAST FACILITY: A private, owner-occupied business in a single-family residence where overnight accommodations and morning meal are provided to transients for compensation.

BERM: A mound of soil, either natural or man-made, used to screen and visually separate, in part or entirely, one area, site, or property from the view of another area.

BEST MANAGEMENT PRACTICES: Structural and non-structural practices and techniques that mitigate the adverse impacts caused by land development on water quality and quantity.

BILLBOARD: See Outdoor Advertising Sign.

BLOCK: A "block" is comprised of a parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways, bulkhead lines or shorelines, or the corporate boundary lines of any village, city, or township.

BOARDING HOUSE: A private house that provides accommodations and meals for paying guests.

BUFFER: Landscaping (other than mere grass on flat terrain), or the use of landscaping along with berms, walls or decorative fences, that at least partially and periodically obstruct the view from the street, in a continuous manner, of: vehicular use areas; parking lots and their parked cars; detention and retention ponds; different land uses; cellular tower facilities; and other similar uses.

BUILDING: An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

BUILDING, ACCESSORY: See Accessory Use, Building, or Structure.

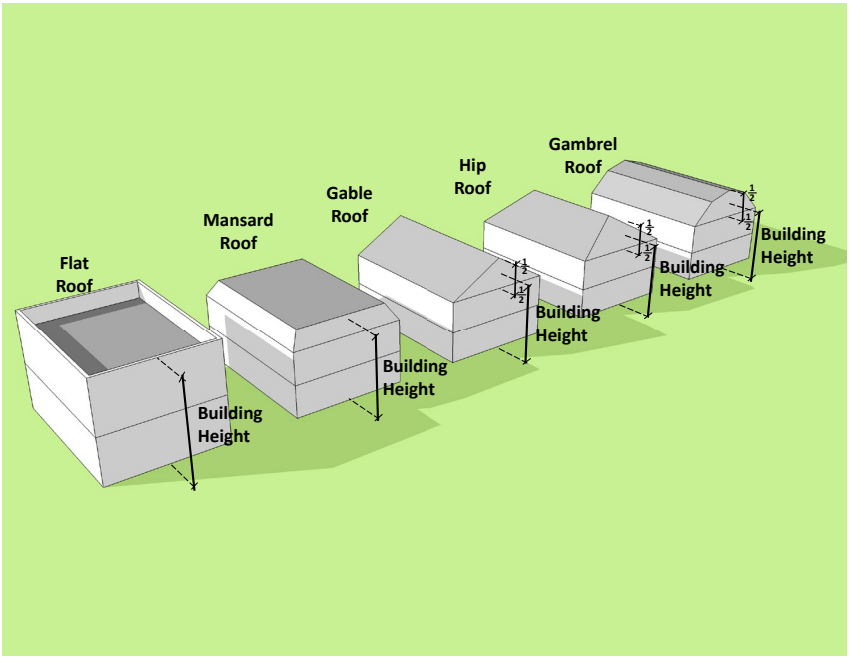
BUILDING, PRINCIPAL: A building or structure in which the primary use of the lot on which the building is located is conducted.

BUILDING, TEMPORARY: Any building not designed to be permanently located at the place where it is, or where it is intended to be, temporarily placed or affixed.

BUILDING AREA: See Floor Area.

BUILDING FOOTPRINT AREA: The area enclosed by the perimeter of a structure as viewed from above, including any overhang or attached structure.

BUILDING HEIGHT: The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs.



BUILDING LINE: The minimum distance which any building must be located from a street right-of-way or high water line.

BUILDING MATERIAL SALES: Establishments or places of business primarily engaged in retail or wholesale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

BULK: "Bulk" is the term used to indicate the size and setback of a building or structure and the location of same with respect to another building or structure, or to a lot line, and includes the following:

1. The size and height of a building or structure.

2. The location of the exterior wall of a building in relation to a lot line, street, or other building or any structure, i.e. roof, awning or chimney that overhangs more than one (1)

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foot from the wall of a building.

3. The floor area of a building in relation to the area of the lot on which it is located.

4. The open spaces allocated to, and surrounding a building.

5. The amount of lot area per dwelling unit.

BUSINESS CENTER: Two (2) or more single-occupancy or multi-tenant buildings devoted to retail, office, research, industrial, warehousing, or business park uses, whether or not on separate lots, which share a common drive system and/or off-street parking facilities, and/or identified by a name for the center. A business center may be located in an industrial park.

BUSINESS SERVICE AND REPAIR: An establishment providing other businesses with various services including maintenance, repair and service, testing, and rental.

CALIPER: The method by which nursery tree stock is measured. Caliper is the diameter of the trunk of a tree measured in inches at a point six (6) inches above ground line if caliper measurement is four (4) inches or less; if caliper measurement is larger, then the measurement is taken twelve (12) inches above the ground.

CANDELA: A unit of luminance or brightness for electronic message signs. A common candle emits light with a luminous intensity of roughly one (1) candela.

CEMETERY: Grounds and facilities including any one (1) or a combination of more than one (1) of the following: a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

CHILD CARE FACILITY: The following definitions shall apply in the application of this Ordinance:

1. ***CHILD DAY CARE CENTER***: A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

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

3. ***CHILD GROUP DAY CARE HOME***: A private home 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. The term "group day care home" includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

4. ***PRIVATE HOME***: A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

CIGAR BAR: An establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere.

CLUB: An organization and its premises catering to members and their guests for social intellectual, recreational, cultural, or athletic purposes not operated for profit.

COMMUNITY SUPPORTED AGRICULTURE (CSA): An area of land managed by an individual or group of individuals to grow and harvest food and/or farm products for shareholder consumption or for sale or donation.

CONDITIONAL USE: A use which is subject to approval by the Planning Commission with conditions. A conditional use may be granted only when there is a specific provision in this Ordinance. A conditional use is not a nonconforming use. Conditional Use includes the term "Special Use."

CONDOMINIUM: A place or project consisting of not less than two (2) condominium units established in conformance with the condominium act, Public Act 59 of 1978 (MCL 559.101 et seq.), as amended, and this Ordinance. The following additional definitions shall apply in the application of the regulations of this Ordinance:

1. ***CONDOMINIUM DOCUMENTS***: The master deed recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner in the condominium.

2. ***CONDOMINIUM UNIT***: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

3. ***GENERAL COMMON ELEMENTS***: The common elements other than the limited common elements.

4. ***LIMITED COMMON ELEMENTS***: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

5. ***MASTER DEED***: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by section 8 of the condominium act, Public Act No. 59 of 1978 (MCL 559.108).

CONSERVATION EASEMENT: Conservation easement means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is

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appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

CONTRACTOR ESTABLISHMENT: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors.

CONVALESCENT CENTER: A state-licensed medical-care institution providing twenty-four (24) hour medical services for patients recovering from acute or postoperative conditions.

COURT (OPEN SPACE): 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 by buildings or vehicles.

CRITICAL ROOT ZONE (CRZ): The circular area surrounding a tree which contains tree roots within eighteen (18) inches of the ground surface. The radius of the critical root zone is, in feet, the same numerical value as the tree's diameter at breast height (DBH) in inches and is measured outward from the center of the tree. For example, the critical root zone of a twelve (12) inch DBH tree has a radius of twelve (12) feet.

dB(A): Means A-weighted decibels. This is the standard used to measure environmental noise.

D.B.H. (DIAMETER AT BREAST HEIGHT): A measurement of the diameter of a tree trunk taken on the outside bark at breast height. Breast height is defined as four and one-half (4.5) feet from the uphill side of the tree.

DEDICATED OPEN SPACE: Open land that is permanently set aside by the owner for retention in a generally undeveloped state which preserves natural features, scenic or wooded conditions, agricultural uses, open space, or similar conditions.

DISTRICT: Zoning District as established by the Pittsfield Township Zoning Ordinance

DRIPLINE: The area directly located under the outer circumference of the tree branches.

DOG KENNEL: See Kennel.

DRIVE-IN: A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building or structure.

DRIVE-THROUGH: A business establishment or portion thereof where the design, method of operation, or any portion of whose business use eliminates the requirement that the customer leave the motor vehicle in which the customer is riding in order to obtain the delivery of the goods or services being offered.

DRY CLEANING AND LAUNDRY ESTABLISHMENT: A commercial establishment providing dry

cleaning and laundry services on-site for businesses and residents.

DRY CLEANING PLANT: A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.

DURABLE MEDICAL SUPPLIES: Sales of medical equipment used in the home to aid in a better quality of living.

DWELLING AREA: The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms.

DWELLING, LIVE/WORK: A multi-story dwelling unit where the first floor is designed as a storefront for retail, service, office, or artisan studio with a dwelling unit on the upper floors.

DWELLING, MOBILE HOME: See Mobile Home.

DWELLING, MULTIPLE-FAMILY: A building or structure designed for, or occupied by, three (3) or more families, with separate housekeeping and cooking facilities for each.

DWELLING, ONE-FAMILY OR SINGLE-FAMILY: A detached building or structure designed for, or occupied by, one (1) family only.

DWELLING, ONE-FAMILY ATTACHED: A building containing not less than three (3) nor more than six (6) one-family dwelling units erected side by side as a single building, each being separated from the adjoining unit or units by an uninterrupted wall extending from the basement floor to the roof. No more than one (1) dwelling unit may be served by a single stairway or by a single exterior door.

DWELLING, TWO-FAMILY: A detached building or structure designed for, or occupied by, two (2) families only, with separate housekeeping and cooking facilities for each.

DWELLING UNIT: One (1) or more rooms with principal kitchen facilities designed as a unit for residence by only one (1) family for living and sleeping purposes.

ENGINEERING STANDARDS: The Engineering Standards of Pittsfield Charter Township, as they may be amended from time to time, adopted by resolution of the Township Board, upon recommendation of the Planning Commission, to serve as the minimum standard for evaluating development plans and developing property.

ENTRANCE RAMP: A roadway connecting a feeder road with a limited access highway and used for access onto such limited access highway.

ESSENTIAL SERVICES: The erection, construction, alteration, operation, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface, or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire

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alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or other government agencies, or for the public health, safety, or general welfare, but not including buildings other than those buildings which are primarily enclosures or shelters for the installed central services equipment.

EXCAVATION OF GRAVEL, SAND, TOPSOIL, OR EARTH: Premises from which any rock, gravel, sand topsoil, or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed from the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

EXTRACTION: The process of removing stone, rock, aggregate, sand, gravel, earth, clay or similar materials from an open excavation but not including extraction by underground methods.

EXTRACTIVE OPERATIONS: Any pit, excavation, or mining operation for the purpose of searching for, or removing for commercial use, any earth, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an oil well or excavation preparatory to the construction of a building or structure.

FAMILY: Means either of the following:

1. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie organization or group whose association is temporary or seasonal in character or nature. For the purposes of enforcement, it is presumed that a functional equivalent of a domestic family is limited to six (6) or fewer persons.

FARM: 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.

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

1. Marketing produce at roadside stands or farmers markets.

2. The generation of noise, odors, dust, fumes, and other associated conditions.

3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code.

4. Field preparation and ground and aerial seeding and spraying.

5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.

6. Use of alternative pest management techniques.

7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.

8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.

9. The conversion from a farm operation activity to other farm operation activities.

10. The employment and use of labor.

FARM PRODUCT: 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 (ex. chicken) 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.

FARM STAND OR ROADSIDE STAND: See Farm Operation.

FARMERS MARKET: A public market at which farmers, ranchers, artisans, or agricultural businesses sell local and regional foods, farm products, or similar added-value products they have grown, raised, produced, or created. Farmers markets may be seasonal or occur year-round.

FINANCIAL INSTITUTION: A bank, savings and loan, credit union, mortgage office, or similar institution, including branch offices and automated teller machines.

FINISHED GROUND FLOOR: The finished surface of the floor level above the basement or cellar of a structure or building, or the upper surface of the floor of the ground story of a structure or building.

FINISHED GROUND FLOOR HEIGHT: The vertical distance from the grade elevation at the top of the curb to the top of the finished ground floor.

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FIREARM RETAIL SALES: an establishment, or part thereof, devoted to the sale, lease, or purchase of firearms or ammunition.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by and unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which result in flooding.

FLOOD, BASE: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

FLOOD HAZARD AREA: Land which, on the basis of available floodplain information, is subject to a one percent (1%) or greater change of flooding in any given year.

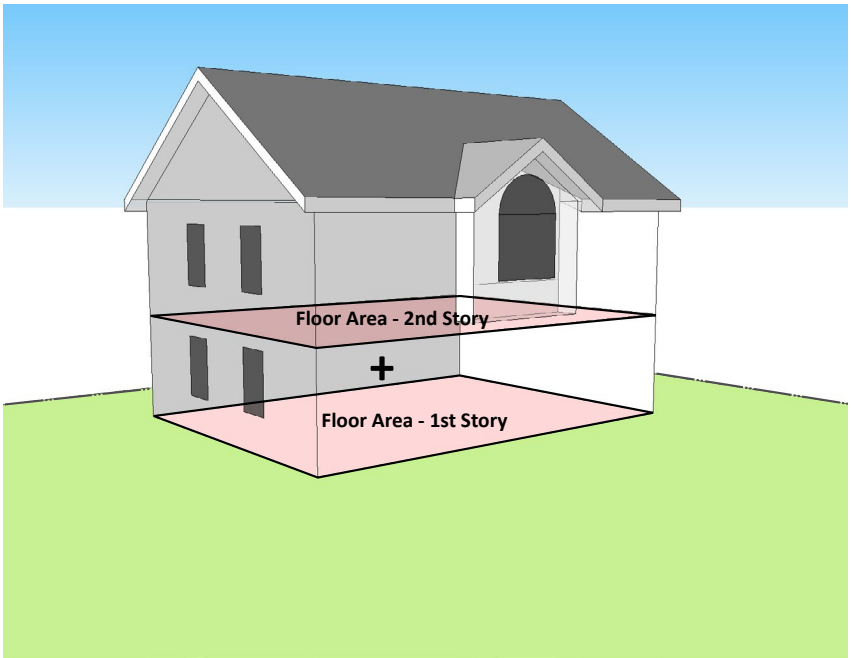
FLOOD INSURANCE RATE MAP (FIRM): The official map of Pittsfield Township prepared by the Federal Emergency Management Agency, delineating both the areas of special flood hazard and the risk premium zones applicable to Pittsfield Township.

FLOOD INSURANCE STUDY: The official report provided by FEMA. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Boundary-Floodway Map.

FLOODPLAIN: Any land area susceptible to be inundated by water from any source (see definition of base flood).

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

FLOOR AREA: The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.



FLOOR AREA RATIO: The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. (Example, a floor area ratio of eighty percent (80%) is specified and the lot area is ten thousand (10,000) square feet, the maximum permitted floor area on the lot is eight thousand (8,000) square feet. The number of stories being optional, the building area may be four thousand (4,000) square feet for each of two (2) stories, two thousand (2,000) square feet for each of four (4) stories, or one thousand (1,000) square feet for each of eight (8) stories.)

FOOD PROCESSING: A commercial establishment operated under license or permit of an appropriate regulatory authority where food is manufactured or packaged for human consumption at another establishment or place.

FREEWAY: A divided highway of not less than two (2) lanes in each direction to which owners or occupants of abutting property or the public have no right of ingress or egress to, from or across the highway, except at points determined by, or as otherwise provided, by the authorities responsible therefore.

GARAGE, COMMERCIAL: Any building available to the public operated for gain and which is used for storage, rental, greasing, washing, servicing, repairing, or adjusting of automobiles or other motor vehicles.

GARAGE, PRIVATE: An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES: Those practices as defined by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (MCL 286.471 et seq.).

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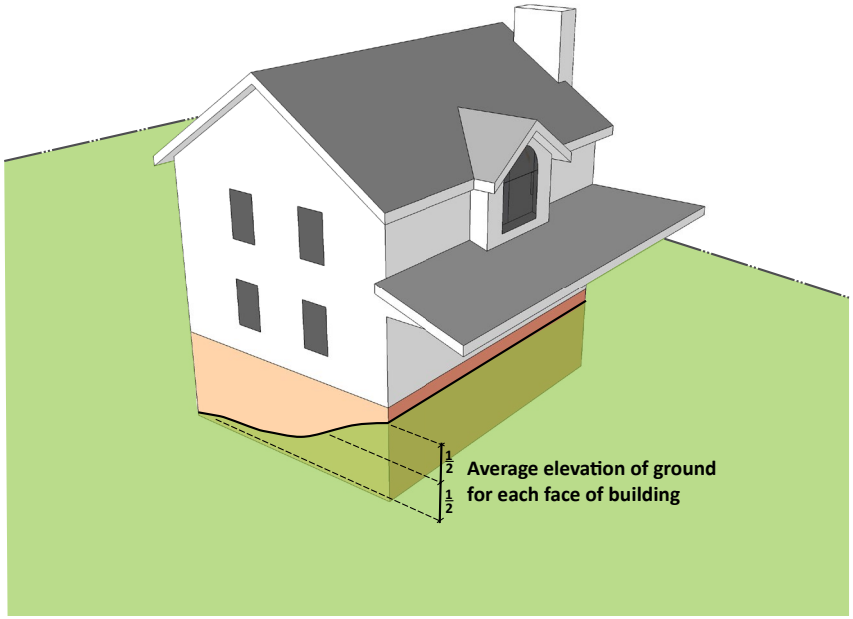
GOLF COURSE: A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, driving range, pro shop, shelter, and related accessory uses.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be the average of the elevation of the ground for each face of the building.



GREENHOUSE, COMMERCIAL: A building that is used for wholesale commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

GROUND STORY ACTIVATION: The incorporation of specific design characteristics intended to allow the ground story interior of a building to interact with the public realm immediately outdoors.

HEALTH CLUB / ATHLETIC CLUBS: A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary or usual recreational activities, operated for profit or not-for-profit and which can be open only to members and guests of the organization or open to the public for a fee.

HOME OCCUPATION/HOME OFFICE: Any home occupation or profession conducted entirely within a dwelling by a member of the family residing in the dwelling and when such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes.

HOSPITAL, GENERAL: A state licensed medical establishment whose facilities provide in-patient accommodation; a wide range of medical and surgical care; and other in-patient health services for sick, ailing or injured persons, rather than a limited scope of services provided for through special purpose hospitals; and including such related facilities as laboratories, outpatient departments, training facilities, central services, and staff offices and residences which are integral with and accessory to the principal use of the establishment.

HYDRAULIC FRACTURING (FRACKING): Fluid-driven fracturing of rock for the purpose of stimulating natural gas or oil production.

IMPERVIOUS MATERIAL: Any material that substantially reduces or prevents the infiltration of water.

IMPERVIOUS SURFACE: A surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of Portland cement, bituminous asphalt, paving brick, composed stone or gravel, or any other surface that allows no water penetration.

IMPERVIOUS SURFACE RATIO: The percentage of lot area covered by all building, pavement, driveways, parking lots, and all other structures (area of all structures, pavement, and parking lots divided by the gross lot area).

INDOOR COMMERCIAL RECREATION FACILITY: An enterprise conducted entirely within a building, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to: racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, firing ranges, basketball courts, indoor soccer fields and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

INDUSTRIAL PARK: A group of two (2) or more lots or parcels devoted to industrial, research, warehousing, or business park uses, developed according to an overall plan for the park, sharing a common public or private street system, and usually identified by a name for the park.

INTERSTATE HIGHWAY: A highway officially designated as a part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the Federal government.

JUNK YARD: A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

KENNEL: Any lot or premises on which three (3) or more dogs, cats, and/or similar household pets six (6) months of age or older are kept either permanently or temporarily for the purpose of remuneration or sale.

LIGHT TRESPASS: Unwanted light which causes annoyance, discomfort, distraction, or a reduction in visibility.

LIVESTOCK: Horses, cattle, poultry, sheep, swine, or similar animal that are kept, raised, or used typically for farming purposes.

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LOADING SPACE, OFF-STREET: A space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks and with access to a street or alley. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LODGE, FRATERNAL AND CIVIC ASSEMBLY: A group of people formally organized for a common interest, usually cultural or entertainment, with regular meetings and formal written membership requirements.

LODGING FACILITY: A facility such as a motel or hotel, which provides living and sleeping accommodations for transient occupancy for a fee. The following additional definitions shall apply:

1. ***HOTEL***: A building or structure or part thereof, occupied as a temporary abiding place of individuals, in which the facility is accessed from a common entrance to a lobby and individual rooms are accessed internally. The word "hotel" shall not include "motel."

2. ***MOTEL***: An establishment providing sleeping accommodations for a fee with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

LOT: A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for lot area, and to provide such yards and other open spaces as herein required. In no case of division or combination shall any lot or parcel created, including residuals, be less than that required by this Ordinance. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

1. A single lot of record.

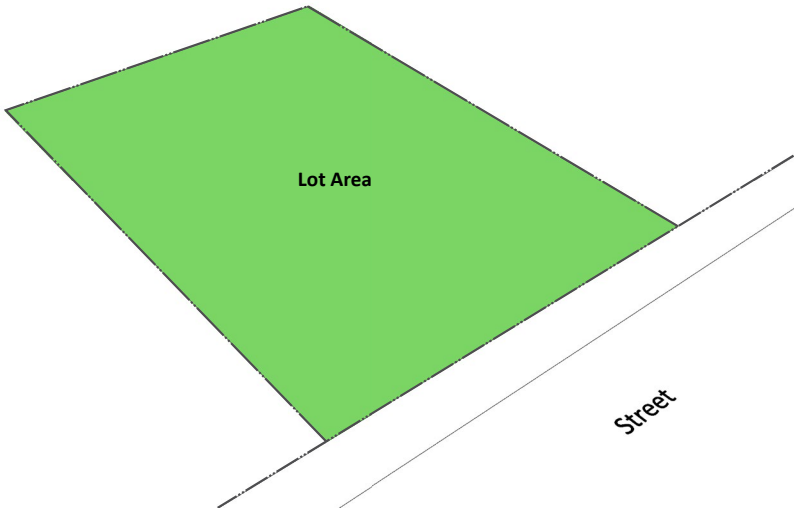
2. A portion of a lot of record.

3. Any combination of complete and/or portions of lots of record.

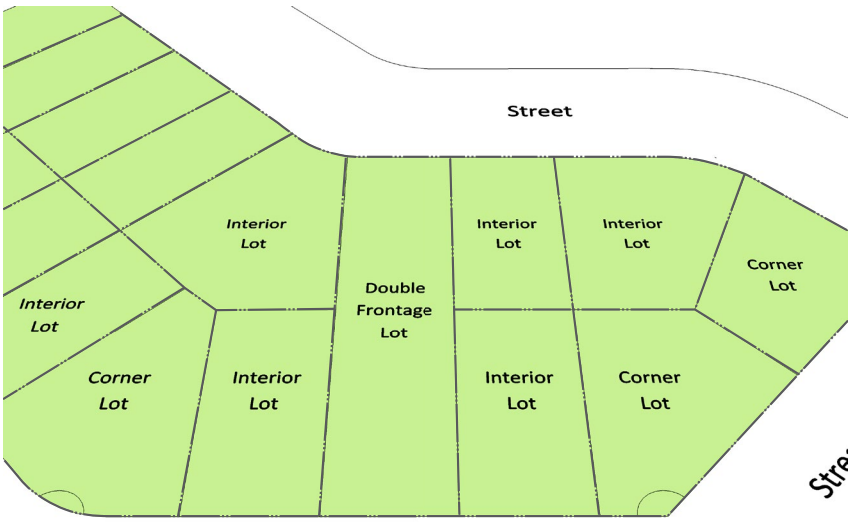
4. A parcel of land described by metes and bounds.

LOT AREA (GROSS): The area contained within the lot lines.

LOT AREA (NET): The area contained within the lot lines, less the total area of that portion encumbered by road or street easements, rights-of-way, required access easements, and all portions covered by wetlands, bodies of water (including streams, ponds, and lakes), or pre-existing County Drain easements multiplied by 0.90.



LOT, CORNER: A lot located at the intersection of two (2) or more streets.



Street

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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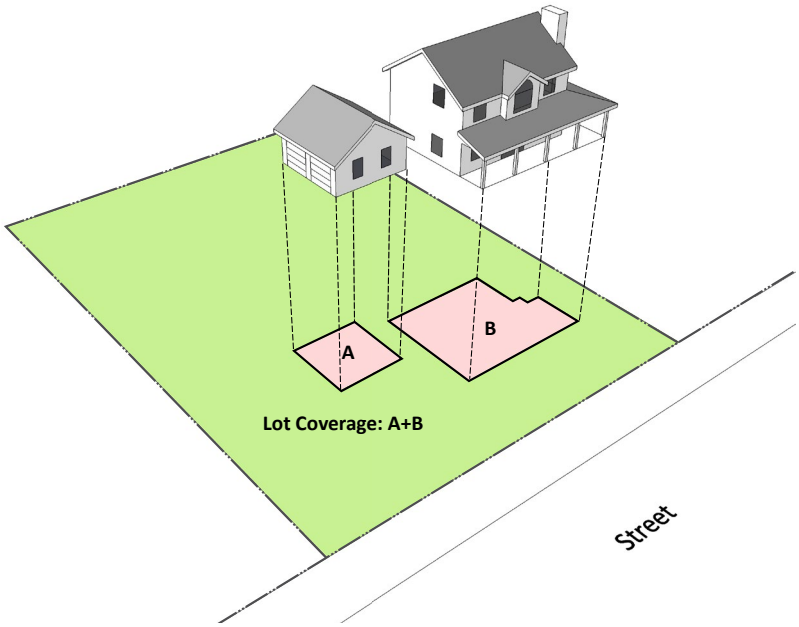
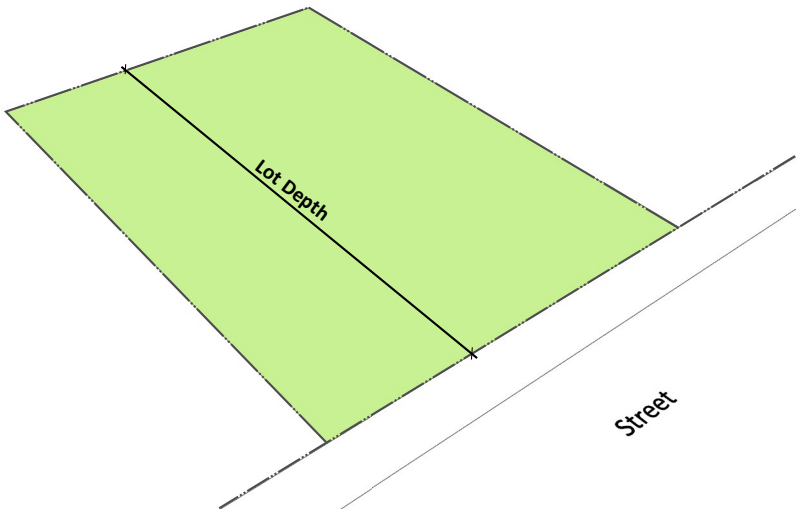


LOT COVERAGE (GROSS): The percentage of the lot area covered by all principal building footprint areas (building footprint divided by the lot area).

LOT DEPTH: The mean horizontal distance from the front street line to the rear lot line.



LOT, DOUBLE FRONTAGE OR THROUGH: A lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets.

LOT, INTERIOR: A lot other than a corner lot with only one (1) lot line fronting on a street.

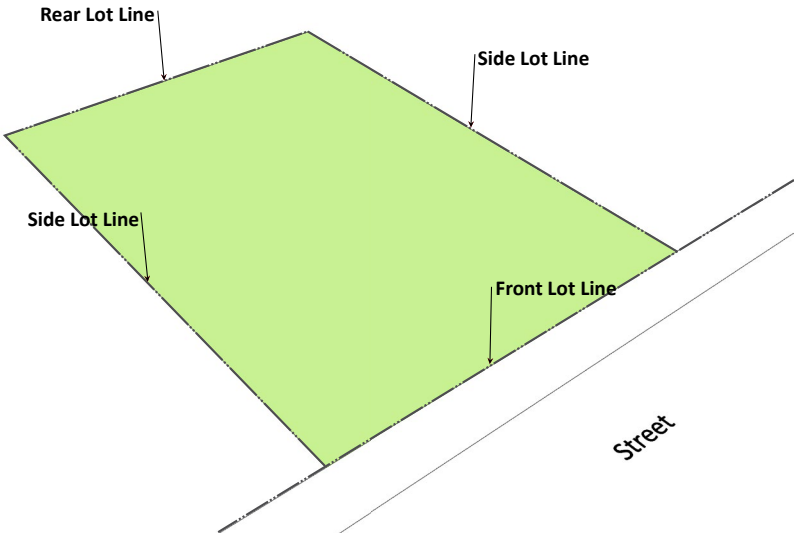
LOT LINE: A line dividing one (1) lot from another, or from any other piece or parcel of property of

whatever nature, or from a street, or from any other use of any kind whatsoever.

1. ***FRONT LOT LINE***: In the case of an interior lot abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the principal frontage in the request for a building permit. In the case of a corner lot, the front lot line shall be that line separating said lot from both street frontages.

2. ***REAR LOT LINE***: Ordinarily that lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In the case of a double frontage lot, the rear lot line shall be that lot line opposite the front lot line, as designated as the principal frontage in the request for a building permit.

3. ***SIDE LOT LINE***: Any lot lines not a front lot line or a rear lot line. A lot line separating a lot from a street is a front 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 lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Washtenaw County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

LOT WIDTH: The straight-line distance between side lot lines, measured at the two (2) points where the minimum building line, or setback, intersects the side lot lines.

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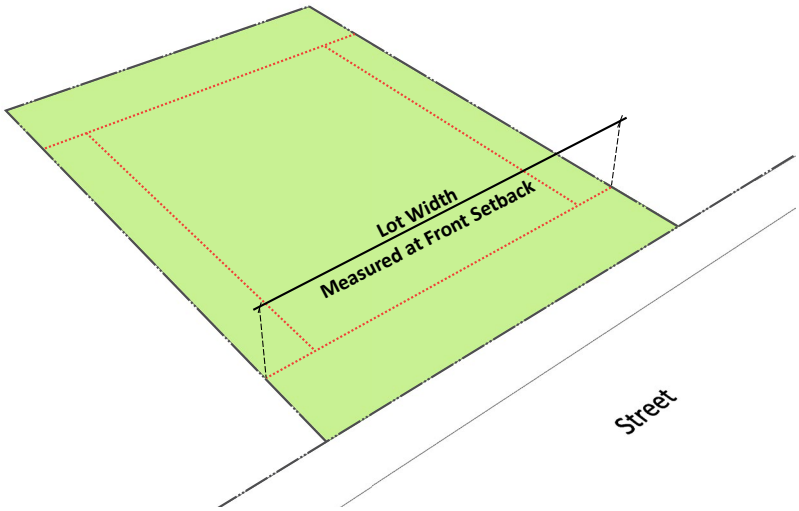

LUMEN: Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter. One (1) foot-candle equals 10.8 lumen per square meter.

LUMINAIRE: A complete lighting unit, including the lamp, the fixture, and other parts.

LUMINANCE: At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area. The luminance is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

MANUFACTURING: The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

MANUFACTURING, COMPOUNDING, OR PROCESSING: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

MANUFACTURED HOME: A housing structure that is transportable in one (1) or more sections.

MARGINAL ACCESS ROAD: A service roadway parallel to a feeder road; and which provides access to abutting properties and protection from through traffic.

MASSAGE THERAPIST: Any person who is engaged in the business or profession of massage therapy, and who receives compensation for his or her services.

MASSAGE THERAPY: The act of massage offered or performed by a massage therapist in conjunction

with a beauty salon, spa, health club, athletic club, medical office, or physical therapy clinic which is operating legally under this Ordinance.

MASSAGE THERAPY ESTABLISHMENT: Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, massage parlors, or similar establishments by whatever name designated.

MATERIALS RECOVERING FACILITY: A specialized plant that receives, separates, and prepares recyclable materials for marketing to end-user manufacturers.

MEDICAL CLINIC: Facilities for medical, dental, or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing, and injured persons who are not kept overnight on the premises.

MEZZANINE: An intermediate floor in any story occupying not to exceed one-third (⅓) of the floor area of such story.

MIXED-USE DEVELOPMENT: A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district, in a compact form that promotes multiple forms of transportation and supports public gathering spaces.

MOBILE HOME: A structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home shall not include a recreational vehicle.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

MOBILE HOME SITE: The entire area which is designated for use by a specific mobile home.

MORTUARY / FUNERAL HOME: An establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held.

NATIVE PLANT SPECIES: A native plant species is one that has naturally evolved over thousands of years under certain soil, hydrologic, and other site conditions. Where "native plant species" is used in the text, this means a straight species, not a cultivar of a species.

NEW CONSTRUCTION: Structures for which start of construction commenced on or after the effective date of this Ordinance.

NONCONFORMING BUILDING OR STRUCTURE: Any building or structure lawfully established which does not comply with all the regulations of this Zoning Ordinance or of any amendment thereto governing bulk of the district in which such building or structure is located.

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NONCONFORMING USE: Any use thereof or the use of land that does not conform with the regulations of this comprehensive amendment or any amendments thereto governing use of the district in which it is located but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.

NURSERY (PLANT MATERIAL): 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. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits or vegetables.

OFFICE PARK: A group of two (2) or more buildings, on individual lots, or one (1) undivided parcel, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

OFF-STREET PARKING AREA: A land surface or 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 BUSINESSES: Sales and/or display of retail merchandise or services outside of a permanent structure.

OUTDOOR COMMERCIAL RECREATION: An enterprise conducted primarily outdoors, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to soccer, baseball, football, or other athletic fields, outdoor miniature golf courses and driving ranges, tennis, basketball or other athletic courts, and other similar facilities or activities.

OUTDOOR STORAGE: The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period exceeding seventy-two (72) consecutive hours.

PARCEL: A piece or tract of land in single ownership.

PARKS and ***PLAYGROUND***: An area reserved for, and designed principally to offer recreation, passive or active, to the public. This area may include, but shall not be limited to, open fields, accessory buildings, walkways, benches, multi-use courts, swimming and wading pools, amphitheaters, etc.

PARKING GARAGE: A building or portion thereof designed or used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

PARKING SPACE: One (1) unit of a parking area provided for the parking of one (1) automobile.

PASSENGER VEHICLE: Motor vehicles with at least four wheels, used for the transport of passengers, and comprising no more than nine seats including the driver's seat.

PERFORMANCE STANDARD: A criterion established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

PERFORMANCE STUDIO: A building or a portion of a building where the principal use of the space is the provision of instruction in the various arts, including but not limited to dance, theater, music, and singing. This shall not preclude student performances.

PERFORMANCE THEATER: A building or portion of a building where the principal use of the space is dramatic, dance, or musical performances or similar activities, in front of an audience, including performances on film, television, music video, or multimedia. Performance theaters shall include theaters, assembly halls, concert halls or similar places of assembly.

PERSONAL SERVICE: A business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location.

PLACES OF ASSEMBLY: Unless otherwise identified and defined by this Ordinance, "places of assembly" means any building, structure, and/or grounds where groups meet or assemble. Places of assembly shall include, but are not limited to auditoriums, lecture halls, stadiums, sports arenas, convention spaces, and other similar facilities.

PLACES OF WORSHIP: A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith.

POOL OR BILLIARD HALL: An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

PRIMARY HIGHWAY: A highway, other than an interstate highway or freeway, officially designated as a part of the federal aid primary system as defined in Section 103 of Title 23 of the United States Code, as amended by the Department of Transportation approved by the appropriate authority of the Federal government. (Act #106 of Public Acts of 1972.)

PUBLIC SERVICE BUILDING AND FACILITIES: Building or facility used for a public service or purpose.

PUBLIC UTILITY OR UTILITY: Any person, firm, company, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations, to the public; electricity, gas, steam, communications, telegraph, transportation, water, or sanitary or storm sewage facilities.

RECREATIONAL VEHICLE: A vehicle or boat originally designed for living quarters, recreation, or human habitation and not used as a commercial vehicle, including but not limited to, the following:

1. ***BOAT***: Any vessel used for water travel. A boat mounted on a trailer shall be considered one (1) vehicle.

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2. ***CAMPER TRAILER***: A vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation, or vacation use.

3. ***MOTORHOME***: A motor vehicle designed and constructed to provide living quarters for travel, camping, recreational, or vacation uses.

4. ***OFF-ROAD VEHICLE***: A vehicle intended primarily for recreational use off roads on which state vehicle licenses are required, including dune buggies, go-carts, or snowmobiles.

5. ***RACING CAR*** or ***CYCLE***: A vehicle such as a race car, stock car, or racing cycle that is intended to be used in racing competition.

6. ***VEHICLE TRAILER***: A vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle, or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one (1) vehicle.

RECREATIONAL FACILITIES, COMMERCIAL: A recreation facility operated as a business and open to the public for a fee.

RESIDENTIAL ZONE OR DISTRICT: Any zoning district in which dwelling units are permitted as a principal use.

RESTAURANT: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast food, standard restaurant, bar/lounge, or combination thereof, as defined below:

1. ***RESTAURANT, DRIVE-IN***: A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but primarily outside of an enclosed building.

2. ***RESTAURANT, FAST FOOD***: A restaurant in which the method of operation involves minimum waiting for delivery of ready-to-consume food to the customer for consumption on the premises either inside or outside of the structure, or for consumption off the premises, but not intended to be consumed in a motor vehicle at the site.

3. ***RESTAURANT, STANDARD***: A restaurant in which the method of operation involves either:

   a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or

   b. The preparation of food to be delivered to customers at a cafeteria line and subsequently consumed by the customers at tables within a completely enclosed building.

4. ***BAR/LOUNGE***: A type of restaurant which is operated primarily for the dispensing of alcoholic beverages with the ancillary sale of prepared food or snacks. If a bar or lounge is

part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

RETAIL BUSINESS or ***RETAIL SALES***: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL SALES, LARGE-SCALE: A retail establishment, commonly referred to as a "big box" store, which exceeds fifty thousand (50,000) square feet in gross floor area.

RIDING ACADEMY: Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street or related facilities, public path or trail, railroad, electric line, oil or gas pipeline, water main, sanitary or storm sewer, communication line, or for other special uses.

ROADSIDE STAND OR FARM STAND: See Farm Operation.

ROOMING HOUSE: A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire without meals.

SCHOOL: A building operated and maintained for educational purposes and such other community uses as deemed necessary and desirable. The term " school" shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a school, including but not restricted to, athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space.

SCREEN: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure consisting of shrubs or other growing materials.

SELF-STORAGE FACILITY: A building or group of buildings containing fully enclosed, compartmentalized stalls or lockers which are rented or leased as individual units for the storage of personal property customarily related to residential, office, and/or local commercial activities.

SENIOR HOUSING: A building or group of buildings containing dwellings intended to be occupied by older persons as defined by the Fair Housing Act. Senior Housing may include independent and/or assisted living arrangements but shall not include convalescent homes or homes for the aged regulated by the state. The following additional definitions shall apply in the application of this Ordinance:

1. ***ASSISTED LIVING FOR THE ELDERLY***: Housing that provides twenty-four (24) hour supervision and is designed and operated for elderly people who require some level of support for daily living. Residents may receive support services for daily living based on individual needs. Such support shall include daily personal care, meals, transportation,

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security and housekeeping. Individual dwellings may contain kitchen facilities.

2. ***INDEPENDENT LIVING FOR THE ELDERLY***: Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households, and do not require assistance to meet daily needs. Such housing may provide certain services such as meals, linkage to health care, transportation, security, housekeeping, and recreational and social activities. Project sites shall be designed to accommodate an active and mobile resident population. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.

SETBACK: The minimum horizontal distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure.

SEXUALLY ORIENTED BUSINESSES: See Section 11.23.

SHOPPING CENTER: A group of commercial establishments, primarily retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs and other common facilities and services.

SIGN: Any structure or part thereof, or devise attached thereto or painted or represented thereon, or any material or thing, illuminate or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, insignia, device, code mark or other representation used as or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization place, commodity, service, business, profession, or industry , or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises.

1. ***ABANDONED SIGN***: A sign which no long advertises or identifies a business, lessor, owner, or activity conduced upon, or product available on, the premises where such sign is displayed.

2. ***BILLBOARD***: See Outdoor Advertising Signs.

3. ***CANOPY OR MARQUEE SIGN***: Any sign attached to, or constructed within or on, a canopy or marquee.

4. ***ELECTRONIC MESSAGE SIGN (LED)***: A sign with a fixed or changing message composed of a series of lights or light-emitting diodes (LED) that may be changed through electronic means.

5. ***FREE STANDING SIGN***: A sign supported by a structure, such as a pole or pylon, independent of any other structure. The definition shall not include a ground sign.

6. ***GROUND SIGN***: A sign mounted directly on the ground or by a structure on a foundation.

7. ***HEIGHT OF SIGN***: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

8. ***IDENTIFICATION SIGN***: A sign which carries only the name of the firm, the major enterprise, or principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise.

9. ***OFF-SITE SIGN (OFF-PREMISES SIGN)***: A sign other than an on-site sign.

10. ***ON-SITE SIGN (ON-PREMISES SIGN)***: A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.

11. ***OUTDOOR ADVERTISING SIGN***: A sign, including billboards, on which the written or pictorial information is intend to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

12. ***PORTABLE SIGN***: Any sign not permanently attached to the ground or a building.

13. ***TEMPORARY SIGN***: A sign that is intended to be displayed for a limited period of time.

14. ***WALL SIGN***: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.

15. ***WINDOW SIGN***: A sign installed on, or in, a window for the purpose of viewing from outside the premises. This term does not include merchandise located in a window.

SMOKING LOUNGE: A business establishment that is dedicated, in whole or in part, to the smoking of tobacco products, electronic cigarettes, and/or other substances, including but not limited to establishments also known as cigar bars, hookah lounges, tobacco clubs, tobacco bars, etc.

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

1. ***BUILDING-MOUNTED SOLAR ENERGY COLLECTOR***: A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.

2. ***GROUND-MOUNTED SOLAR ENERGY COLLECTOR***: A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

3. ***COMMERCIAL SOLAR ENERGY SYSTEM:*** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

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

STORY, ONE-HALF: A story under the gable, hip, or gambrel roof, the wall plates of which on a least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (⅔) of the area of the floor below.

STREET: That portion of a public or private right-of-way that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or throughway or however otherwise designated, but not including driveways to buildings. An alley shall not be considered a street.

STREET FRONTAGE: All of the property fronting on one side of a street, measured along such street between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of thirty (30) feet, an end of a dead-end street, or a municipal boundary.

STREETSCAPE: The visual elements of a street, including the road, adjoining buildings, street furniture, trees and open spaces, etc, that combine to form the street's character.

STREET LINE: The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

STRUCTURE: Anything constructed, erected, or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

SUBSTANTIAL CONSTRUCTION: Work of a substantial character done by way of preparing the site for actual use, which includes obtaining all necessary approvals and building permits, and actual physical placement of building materials in their permanent position. Clearing trees, ground, and other preparatory work does not constitute substantial construction.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceed fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structures. The term does not, however include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure located in a Pittsfield Township Historic District.

TECHNOLOGY CENTER/OFFICE RESEARCH: Employment center consisting of technology research, analysis, product development, light assembly or components and related office.

TRADE CONTRACTOR: A building or portion thereof where building and construction trade services are provided to the public. "Trade Contractor" shall include, but will not be limited to, contractor offices, including landscaper's showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment and materials, and other uses similar in nature and impact.

TRASH ENCLOSURE OR RECYCLING ENCLOSURE: An area, screened in accordance with requirements of this Ordinance, designed for the storage of garbage dumpsters and other trash receptacles.

USGS: United States Geological Survey.

VARIANCE: A variance is a relaxation of the terms of this Ordinance 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 action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

VEHICLE FILLING/MULTI-USE STATION: A building or premises used primarily for the dispensing, sale, or offering for sale of fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities; as well as selling convenience foods and other such items through a convenience store.

VEHICLE REPAIR FACILITY: A facility which offers and provides for repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs, including collision shops, transmission repair shops, shops used for the internal repair or engine components and drive train repair, and radiator repair shops.

VEHICLE REPAIR, MINOR: A facility which offers oil change; engine tune-ups; electrical systems, suspension systems, brakes, exhaust systems, cooling systems and heating and air conditioning systems repair; rust proofing; tire replacement; wheel balancing and alignment and diagnostic services.

VEHICLE REPAIR, MAJOR: A facility which offers engine overhauling or rebuilding, valve and piston repair, transmission repair, axle and universal joint repair, body repair, painting, refinishing, and exterior detailing.

VEHICLE WASH: A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means, or detailing of interior.

VETERINARY HOSPITAL/VETERINARY CLINIC: A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries.

WAREHOUSE: A building or structure used principally for the storage of goods and merchandise.

WHOLESALE ESTABLISHMENT: A commercial activity, building, or land primarily engaged in or used for the display, storage, and sale of goods to other firms for resale, or an off-price and/or a retail/warehouse establishment offering a range of general merchandise to the public.

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WIND ENERGY CONVERSION SYSTEM (WECS): Any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy.

1. ***ON-SITE WIND ENERGY CONVERSION SYSTEM***: A WECS which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit.

2. ***COMMERCIAL WIND ENERGY CONVERSION SYSTEM***: Any WECS that is designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise or for commercial profit.

WIRELESS COMMUNICATIONS FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone exchanges, micro-wave relay facilities, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities for which state or federal law or regulations preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

1. ***WIRELESS COMMUNICATIONS ANTENNA (WCA)***: Any antenna used for the transmission or reception of wireless communication signals excluding those used for dispatch communications by public emergency stations, ham radio antennas, and satellite antennas, those who receive video programming services via multi-point distribution services which are forty (40) inches or less in diameter and those which receive television broadcast signals. Antenna may be affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

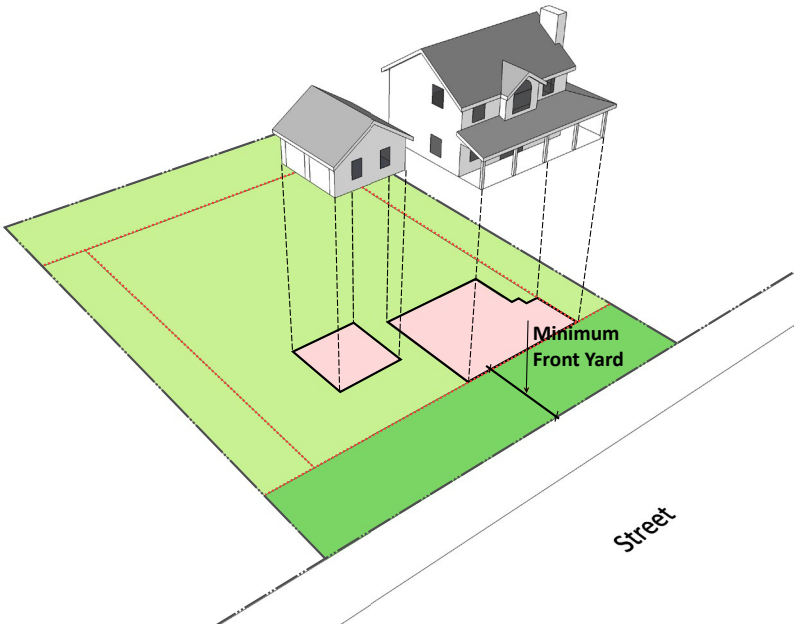
2. ***WIRELESS COMMUNICATION SUPPORT STRUCTURES***: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

3. ***COLOCATION***: The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communications antennas within the community.

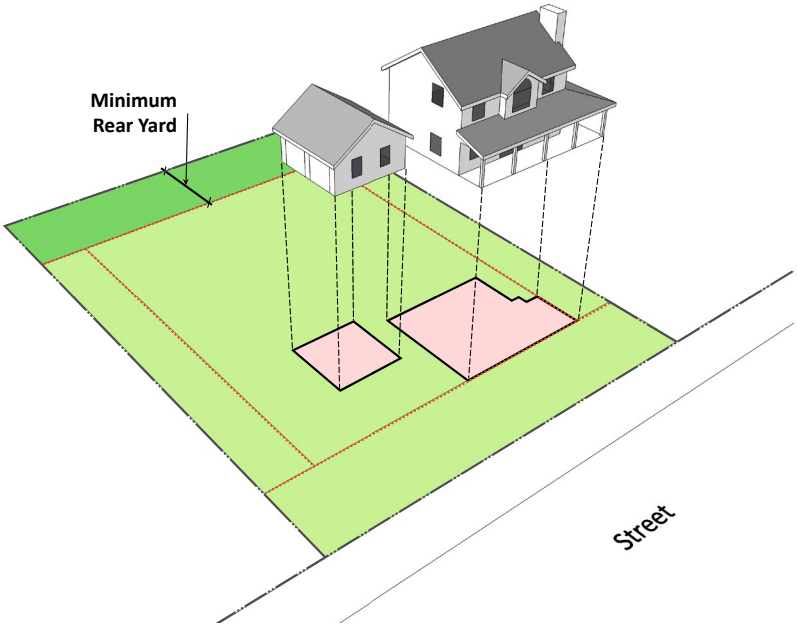
WOODFIRED BOILER: A boiler, stove, or furnace that is fueled by natural wood and other approved fuels and that is not located inside a building or structure intended for habitation or occupancy by humans and domestic animals, and that is installed and operated to provide heat or hot water for a building or structure occupied by humans and domestic animals. Wood Boilers are also referred to as "outdoor wood furnaces" and "outdoor wood-fired hydronic heaters."

YARD: An open area on a lot as required in this Ordinance, which is unobstructed from its lowest level to the sky, except as otherwise provided herein.

YARD, FRONT: An open, unoccupied space extending the full width of the lot and situated between the street line and the front line of the building.



YARD, REAR: An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.



YARD, SIDE: An open, unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear year is required, the rear boundary of the side yard shall be the rear line of the lot.

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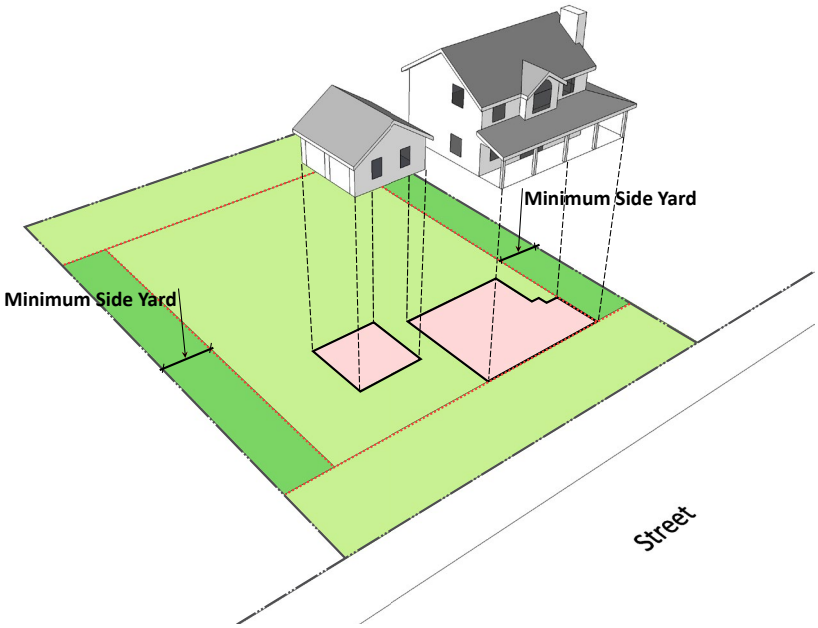

ZONING ADMINISTRATOR: The official of the Township of Pittsfield charged with the administration of this Ordinance.

ZONING DISTRICT: An area or areas of Pittsfield Charter Township within which regulations and requirements governing use, lot area, lot size, and other provisions are uniform.

ZONING ENABLING ACT: The Michigan Zoning Enabling Act, as amended, MCL 125.3101 et.seq. as adopted by Public Act 110 of 2006.

SECTION 2.03 UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

SECTION 3.01 PURPOSE

It is the purpose of this article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 3.02 ADMINISTRATION

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or their designee, to enforce the provisions of this Ordinance.

SECTION 3.03 DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to enforce the provisions of this Ordinance, grant certificates of zoning compliance, and to make inspections of buildings or premises necessary in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits for any excavation or construction until (s)he has inspected such plans in detail and found them to conform with this Ordinance. The Zoning Administrator shall not vary or change any terms of this Ordinance.

If the Zoning Administrator or designated enforcement officer finds that any of the provisions of this Ordinance are being violated, (s)he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. (S)he shall order discontinuance of illegal uses of land, buildings, or structure; removal of illegal buildings or structures changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 3.04 CERTIFICATE OF ZONING COMPLIANCE

A. ***Purpose***. The certificate of zoning compliance signifies that, in the opinion of the Zoning Administrator, the intended use, building or structure complies with all provisions of this Ordinance. No building permit shall be issued unless certificates of zoning compliance has been issued. It shall be unlawful to change a type of use of land, to change the type of use or occupancy of any building or structure, or to extend any use on any lot on which there is a non-conforming use or structure, until a certificate of zoning compliance has been issued. No occupancy permit shall be issued for any lot, building, or structure that does not have a certificate of zoning compliance.

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B. ***Requirements***. The Zoning Administrator shall require that all applications for certificates of zoning compliance be accompanied by a description of the proposed use, plans, specifications including a dimensional plot plan or site plan, or any other information requested by the Zoning Administrator. The Zoning Administrator may waive information requirements that do not affect compliance with the Ordinance. The Zoning Administrator shall retain the original documents in accordance with the Township's document retention policy.

Where a building permit is required, application for a certificate of zoning compliance shall accompany or precede the application for a building permit. In all other cases, the application for a certificate of zoning compliance shall be made prior to the date when a new or enlarged use of a building or lot or part thereof is intended to begin.

Applications for certificates of zoning compliance shall be made to the Zoning Administrator.

C. ***Issuance of Certificate***.

1. No lot, building, or structure, or any part thereof shall be occupied by or for any use for which a certificate of zoning compliance is required by this Ordinance unless and until a certificate of occupancy has been issued for such use. No change in use other than that of a permitted use shall be made until a certificate of zoning compliance has been issued by the Zoning Administrator. Every certificate of zoning compliance shall state that the use or occupancy complies with this Ordinance.

2. No occupancy certificate for a building or structure or any addition thereto, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications as specified in the approved site plan and/or building permit and the premises meets the minimum occupancy requirements as specified in the Engineering Standards.

3. The holder of a certificate of zoning compliance for the construction, erection, or moving of any building, structure, or part thereof, or for the establishment of a use, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such certificate for final inspection. The certificate of occupancy shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Zoning Administrator is notified in writing that the building or premises is ready for inspection.

D. ***Voiding of Certificate***.

1. Any certificate of zoning compliance granted under this Ordinance shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and completed within five hundred and forty-five (545) days of the date of issuance.

2. Any certificate of occupancy granted under this Ordinance shall become null and void if such use(s), building(s), and/or structure(s) for which said certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance.

SECTION 3.05 NOTICES

Except as otherwise provided below, notices of hearings regarding zoning amendments, conditional uses, and matters before the Zoning Board of Appeals shall be provided as required by the Zoning Enabling Act, as follows:

A. ***Newspaper Notice***. A notice shall be published in a newspaper of general circulation in the Township at least fifteen (15) days before the hearing.

B. ***Notice Requirements***. At least fifteen (15) days before the hearing, notices shall be mailed or hand-delivered to the following:

1. The applicant and the owner(s) of the property, if the applicant is not the owner.

2. All persons to whom real property is assessed within three hundred (300) feet of the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the Township.

3. The occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the Township, except as set forth in Section 3.05.B.4.

4. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

5. The notice under Section 3.05 is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service, or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

C. ***Exemption***. Actions exempt from notification:

1. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.

2. Requirement for individual notice, as set forth in Section 3.05.B does not apply to any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning.

D. ***Content of Notice***. The notices shall:

1. Describe the nature of the request.

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2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses and/or parcel ID numbers within the property. If there are no street addresses, other means of identification (including illustrations) may be used.

3. State when and where the request will be considered.

4. Indicate when and where written comments will be received concerning the request.

SECTION 3.06 FEES, CHARGES, AND EXPENSES

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Township Board. No permit, certificate, conditional use approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 3.07 VIOLATIONS AND PENALTIES

A violation of this Ordinance shall be a Municipal Civil Infraction and shall be subject to the penalties established under the Municipal Civil Infraction Ordinance of Pittsfield Township. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance nor prevent the Township from seeking injunctive relief or any other remedy available under the law.

SECTION 3.08 COMPLIANCE WITH PERMITS AND CERTIFICATES

Building permits or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 3.07, herein.

SECTION 3.09 PERFORMANCE GUARANTEE

A. ***Purpose and Intent***. In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks,

drainage, fences, walls, screens, and landscaping.

A performance guarantee shall be in conformance with the requirements of Section 3.09.D.5. The Township may employ the Township Engineer and/or other Township staff/consultants to review cost estimates and conduct periodic inspections of the progress of improvements.

B. ***Procedure***.

1. When a performance guarantee is required, said performance guarantee shall be deposited with the Township prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee, the Township shall issue the appropriate building permit, and the Township shall thereafter deposit the performance guarantee, in the form of a cash deposit, certified check or surety bond.

2. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter into an agreement with the Township incorporating the performance guarantee provisions.

3. The agreement shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building or other permit.

4. In the event the performance guarantee deposited is a cash deposit or a certified check, the Township shall rebate to the applicant, upon request from the applicant, fifty percent (50%) of the deposited funds when the applicant has completed seventy-five percent (75%) of the required improvements as confirmed by the Township. The remaining fifty percent (50%) of the deposited funds shall be returned when the applicant has completed one hundred percent (100%) of the required improvements and there is compliance with the Ordinance as confirmed by the Township.

5. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.

6. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which such guarantee was posted, the applicant shall be required to pay the Township the amount the cost of completing the improvements exceeds the amount of the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.

C. ***Guarantee with Other Agencies***. If the applicant has been required to post a performance guarantee or bond with another governmental agency to ensure completion of an improvement

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associated with the site, the applicant shall not be required to deposit with the Township a performance guarantee for that same improvement.

D. ***Site Plan Completion Guarantee***.

1. Prior to the issuance of any building permit for any building, and prior to signing of the final plat by the Township Clerk in a platted subdivision, or prior to the issuance of any building permit for any building in a site condominium project, or prior to issuance of a certificate of occupancy for any other development which requires site plan review under this Ordinance, the applicant shall provide to the Township the following:

   a. A completion guarantee deposit to the Township. Said deposit shall guarantee completion of all site improvements shown on the approved final site plan or final preliminary plat. For the purpose of this section, completion shall mean inspection by the appropriate Township officials and/or other government agencies for compliance with the final site plan approved by the Planning Commission or preliminary plat finally approved by the Township Board, not less than six (6) months after all site plan or plat improvements have been installed.

   b. All site condominiums and subdivision plats shall comply with all of the rules and regulations for posting financial securities of the Township Subdivision Ordinance.

2. Site improvements means, but is not limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.

3. In the event the applicant fails to correct any deficiencies within thirty (30) days of written notice from the Township, the Township shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine (9) months following the issuance of the last certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The Township may, at its sole discretion, agree in writing to a specific extension of the nine (9) month period. The Township may use the completion guarantee to hire sub-contractors to complete work, fund inspections and for the administration of the required work including legal fees.

4. The guarantee, or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable Township standards and specifications. Portions of the guarantee may be released, in not more than three (3) installments, provided:

   a. The project or approved phase of a project has been completed for six (6) months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.

5. ***Types of Completion Guarantees***. The applicant may provide a guarantee in the form of a cash deposit or certified check, or in the form of a surety bond or letter of credit in a

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form acceptable to the Township. Surety bonds and letters of credit shall be valid for a period of one (1) year past the anticipated request for the last certificate of occupancy for the entire project and shall contain language acceptable to the Township that states that unless the bond or letter of credit is released by the Township, that thirty (30) days prior to its expiration the bond or letter of credit shall automatically renew for one (1) year periods unless the issuer of the security sends by certified mail to the Township a notice of its intention to not renew the financial security not less than sixty (60) days prior to the expiration of the security.

SECTION 3.10 DEVELOPMENT AGREEMENTS

A. ***Development Agreement Requirement***. Prior to approval of a site plan, conditional use, planned unit development, or conditional rezoning, an applicant shall execute a development agreement, in a form approved by the Township, specifying all the terms and understandings relative to the proposed development. All costs incurred by the Township, including attorney fees, in drafting and approving the development agreement shall be paid by the applicant.

B. ***Minimum Terms***. The content of the agreement shall outline the specifics of the proposed development, but shall at a minimum provide the following terms:

1. A survey of the acreage involved in the proposed development;

2. A description of the ownership of the subject property;

3. A land use description, including a specific description of the proposed uses, density, lot dimensions, setbacks, and other dimensional standards;

4. Proposed method of dedication or mechanism to protect areas designated as common areas, open spaces, or conservation areas;

5. Description of required improvements to common areas, recreational facilities, and non-motorized pathways;

6. General description of any improvements to roads or utilities;

7. Mechanisms to ensure the continued maintenance of common areas, including but not limited to roadways, sidewalks, lighting, landscaping, utilities, and other site improvements;

8. Provisions assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The Township may require conveyances or other documents to be placed in escrow to accomplish this;

9. Provisions for the future financing of any improvement shown on the plan as site improvements, open space areas, and common areas, which are to be included within the development, and that maintenance of such improvements is assured by means satisfactory to the Township;

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10. Provisions to ensure adequate protection of natural features;

11. Financial assurances in accordance with Section 3.09, Performance Guarantee, to guarantee the completion of all site improvements;

12. Requirements that the applicant maintain insurance coverage during development in amounts established by the Township, naming the Township as an additional insured, and further, required insurance provisions after the development is completed;

13. The site plan, conditional use, planned unit development, or conditional rezoning shall be incorporated by reference and attached as an exhibit;

14. Description of the timing to complete the development of the project. If the project is to be developed in phases, a timeline to complete the construction of each phase;

15. An acknowledgement by the applicant that the terms and conditions of the approval are fair, reasonable, and equitable, and that the terms and conditions do not violate any constitutional rights, and that the applicant freely agrees to be bound by each and every condition and provision of the development agreement.

ARTICLE 4

DISTRICT REGULATIONS

SECTION 4.01 ESTABLISHMENT OF DISTRICTS

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

RC	Recreation Conservation District
AG	Agricultural District
R-1A	Single-family Rural Non-Farm Residential District
R-1B	Single-family Suburban Residential District
R-2	Low Density Multiple-Family Residential District
R-3	Moderate Density Multiple-Family Residential District
MHP	Mobile Home Park Residential District
C-1	Neighborhood Commercial District
C-2	Regional Commercial District
I	General Industrial
BD	Business District
PF	Public Facilities District
PUD	Planned Unit Development
FB	Form Based

SECTION 4.02 PROVISION FOR OFFICIAL ZONING MAP

A. ***Official Zoning Map of Pittsfield Charter Township***. For the purpose of this Ordinance the zoning districts as provided in Article 4 and Article 5 of the Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Pittsfield Charter Township," a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

B. ***Signature and Seal***. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Pittsfield Charter Township," together with the effective date of this Ordinance.

C. ***Changes Due to Zoning Enabling Act***. If, in accordance with the procedures of this Ordinance and The Zoning Enabling Act, a change is made in a zoning district boundary, such change shall be made by the Zoning Administrator promptly after the Ordinance authorizing such change

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is adopted and published, with an entry on the Official Zoning Map as follows: "On (date) by official action of the Township Board, the following change(s) were made in the Official Zoning Map: (brief description of change)" which entry shall be signed by the Township Supervisor and attested by the Township Clerk. No change of any other nature shall be made unless authorized by the Zoning Board of Appeals and then only by the Zoning Administrator. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided in Section 3.07. Any changes that incorporate boundaries within the Township shall be recorded on the Official Zoning Map by the Township Clerk.

D. ***Location***. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

E. ***Damaged, Destroyed, Lost, or Difficult to Interpret***. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of amending the zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Pittsfield Charter Township adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date)."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 4.03 RULES FOR INTERPRETATION

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map the following rules for interpretation shall apply:

A. ***Centerline***. A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such centerline.

B. ***Recorded Lot Line***. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.

C. ***Corporate Boundary***. A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following such line.

D. ***Railroad***. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.

E. ***Shoreline***. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.

F. ***Body of Water***. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.

G. ***Parallel or Extension***. A boundary indicated as a parallel to or an extension of a feature indicated in paragraphs A through F above shall be so construed.

H. ***Distance***. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

I. ***Variance***. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstances not covered by paragraphs A through H above, the Board of Appeals shall interpret the zoning district boundary.

J. ***Division Through a Lot***. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this Ordinance, the Board of Appeals may permit as a conditional use, the extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 4.04 APPLICATION OF REGULATIONS

No structure shall be constructed, erected, placed, or maintained and no use shall be commenced or continued within Pittsfield Charter Township except as specifically, or by necessary implication, authorized by this Ordinance, in the zoning district in which said structure or use is to be located. Conditional uses shall be allowed only if listed as a conditional use specifically, or by necessary implication, in the zoning district in which the use is to be located, and only after a conditional use permit has been approved by the Planning Commission. Where a lot is devoted to a principal use, either permitted by right or as a conditional use, accessory uses and structures are authorized except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use, building, or structure in this Ordinance.

SECTION 4.05 SCOPE OF PROVISIONS

A. ***Effective Date***. Except as may otherwise be provided in Article 16 of this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which

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are applicable in the zoning district in which such use, building, or structure shall be located. However, where a building permit for a building or structure, use of building or structure, or use of lot or parcel, has been issued in accordance with the law prior to effective date of this Ordinance and provided that construction is begun with three hundred sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and further, may upon completion be occupied by the use for which originally designated, subject thereafter to the provisions of Article 16 of this Ordinance.

B. ***Sharing***. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

C. ***Minimum Requirements***. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 4.06 RC - RECREATION CONSERVATION DISTRICT

A. ***Intent***. The importance to the public of undeveloped natural amenities and planned recreational areas to the Township is invaluable. As such, the RC District is intended to create, preserve, and enhance parkland, open spaces, and undeveloped natural amenities to meet the active and passive recreational needs of township residents, encourage and protect the conservation of undeveloped areas, promote recreational uses that are compatible with surrounding land uses, and prevent the encroachment of incompatible land uses on undeveloped areas. In order that these areas be maintained and this use encouraged, this Ordinance has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots, in order to protect and enhance the natural resources, natural amenities, natural habitats, watershed and reservoir areas, agricultural capabilities, public recreation areas, and the public health, safety and welfare.

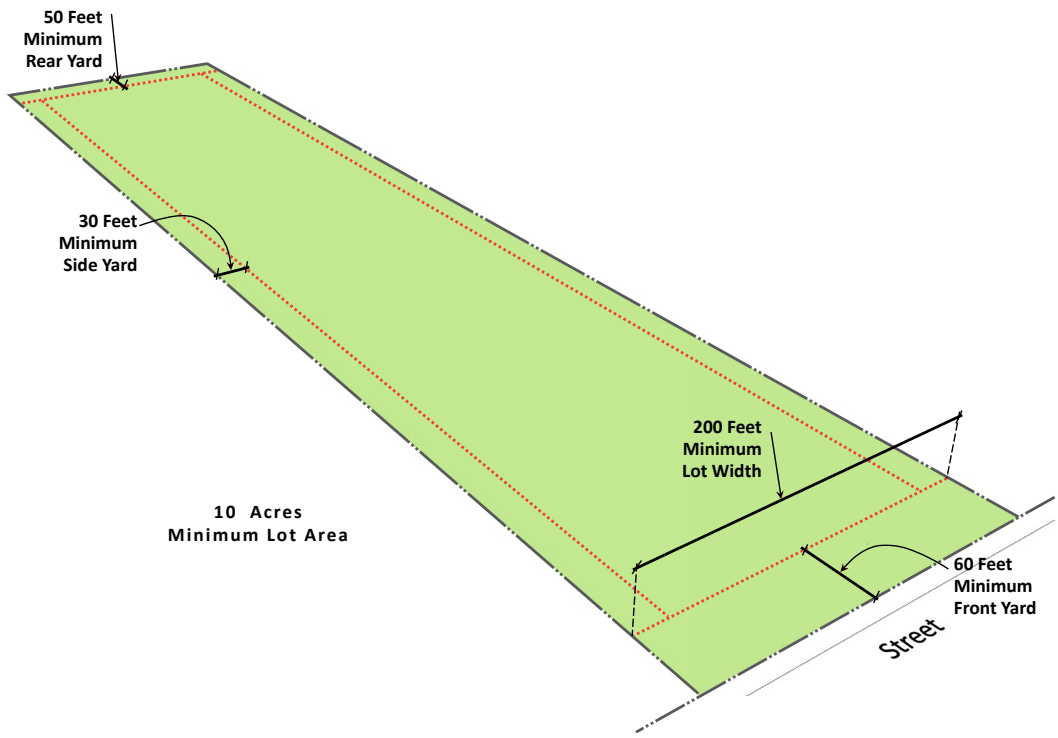
B. ***Use Regulations***. Section 4.20 sets forth permitted, accessory, and conditional land uses within the RC District.

C. ***Dimensional Requirements***. The following dimensional requirements apply to the RC District:

Table 4.06 RC Recreation Conservation District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height	
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories
					Least	Total			
10	200	n/a	10%	60	30	60	50	40	3

Figure 4.06 RC Recreation Conservation District Dimensional Requirements



D. ***Supplemental District Standards***.

1. In addition to those bulk regulations listed in Section 4.06.C, all development shall conform to supplemental bulk regulations as listed in Section 4.19.

2. Where livestock is raised or kept, no structure, or storage of hay, feed, or manure, shall be located less than fifty (50) feet from a property line.

SECTION 4.07 AG - AGRICULTURAL DISTRICT

A. ***Intent***. The Agricultural District is intended to protect existing and promote new agricultural areas of the Township by encouraging agricultural activity and allowing for additional uses that will be consistent with the agricultural character, as well as providing for large lot residential uses that will support residential or niche farming operations. Residential dwellings should be accessory to the principal use of farming on the property or should be located on large lots that contain substantial areas of natural features. Residential subdivisions and other forms of development are considered incompatible with agricultural land uses. The district, in preserving and promoting areas for agricultural uses, is also designed to prevent the proliferation of residential subdivisions and urban sprawl.

B. ***Use Regulations***. Section 4.20 sets forth permitted, accessory, and conditional land uses within the Agricultural District.

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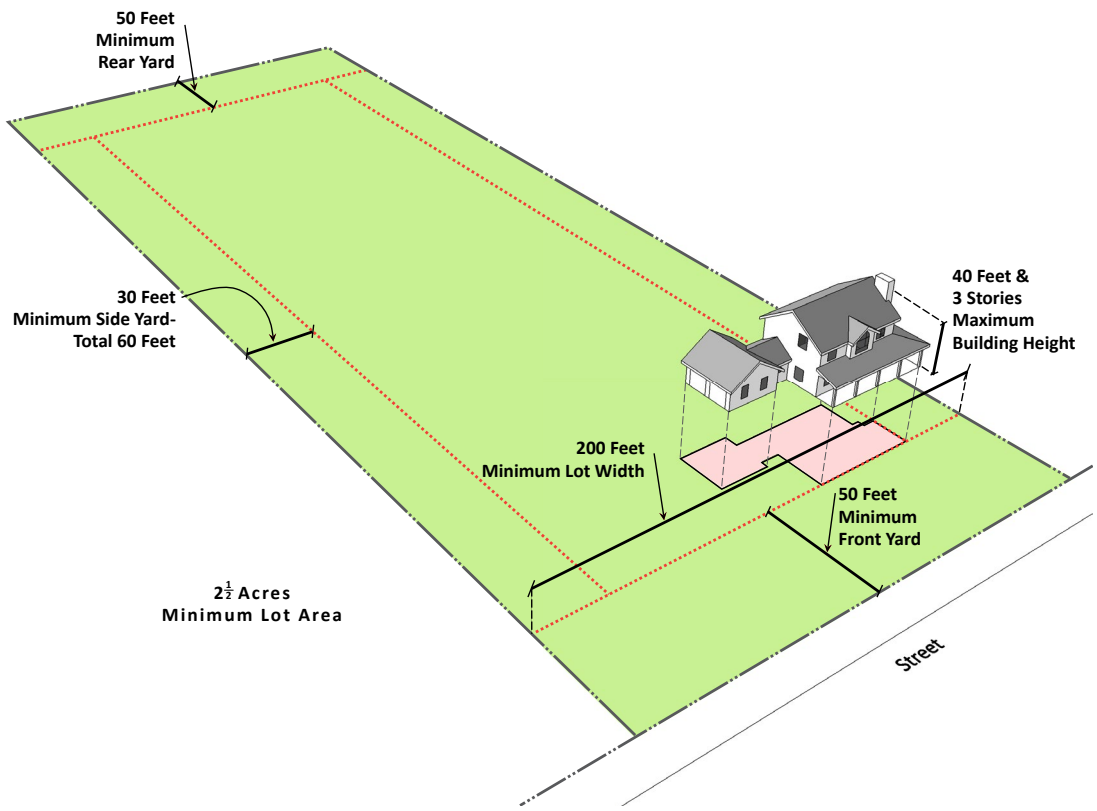
C. ***Dimensional Requirements***. The following dimensional requirements apply to the Agricultural District:

Table 4.07 AG Agricultural District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
2.5	200	10%	15%	50	30	60	50	40[1]	3[1]	n/a

Figure 4.07 AG Agricultural District Dimensional Requirements



[1] Maximum 40 Feet (3 Stories) for Dwelling and Non-Farm Buildings and Structures and Maximum 75 Feet for Farm Buildings and Structures.

D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.07.C, all development shall conform to supplemental bulk regulations listed in Section 4.19.

2. Where livestock is raised or kept, no structure, or storage of hay, feed, or manure, shall be located less than fifty (50) feet from a property line.

3. The minimum lot area for the raising and keeping of livestock is two and one-half (2.5) acres.

SECTION 4.08 R-1A SINGLE-FAMILY RURAL NON-FARM RESIDENTIAL DISTRICT

A. ***Intent***. R-1A Single-Family Rural Non-Farm Residential District is intended to accommodate low-density residential development, and designed to preserve a predominantly rural character. In addition to the dwellings permitted in this zoning district, certain recreational, institutional, and public uses which have been strictly regulated to make them compatible with the principal use of this district are permitted. These lots can typically accommodate well and septic.

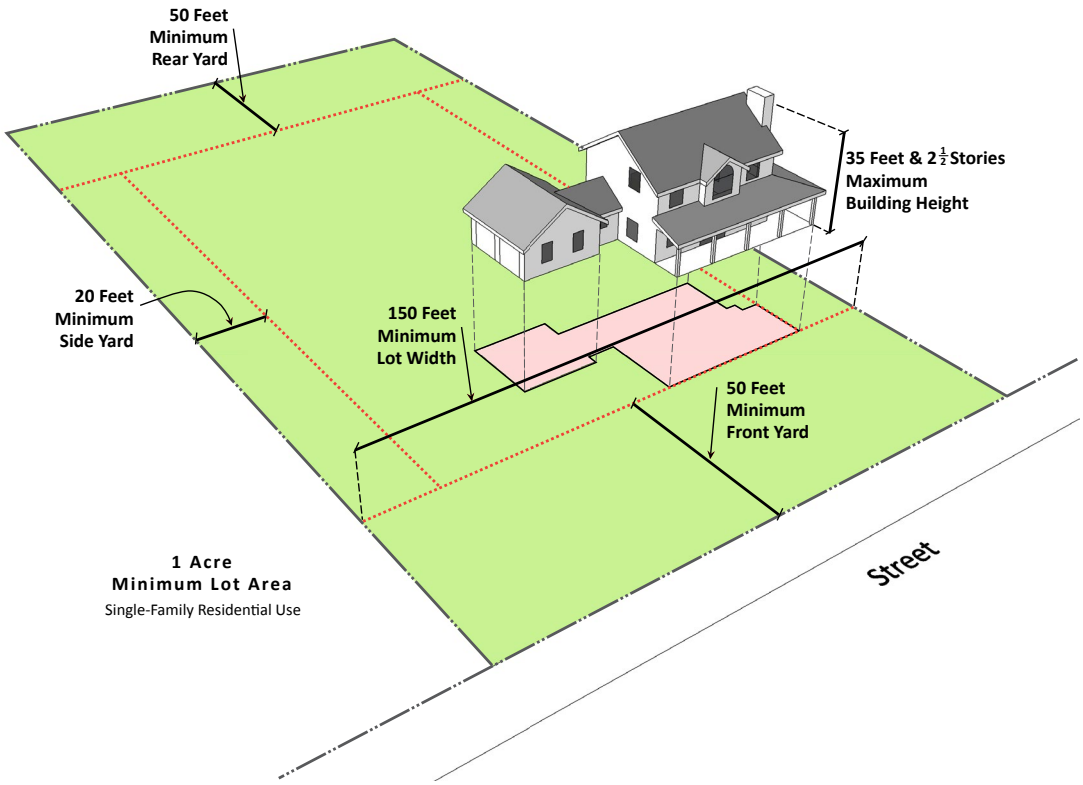
B. ***Use Regulations***. Section 4.20 sets forth permitted, accessory, and conditional land uses within the R-1A Single-Family Rural Non-Farm Residential District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the R-1A Single-Family Rural Non-Farm Residential District:

Table 4.08 R-1A Single-Family Rural Non-Farm Residential District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
1 or 3[1]	150	20	25	50	20	40	50	35	2.5	n/a

Figure 4.08 R-1A Single-Family Rural Non-Farm Residential District Dimensional Requirements



[1] Minimum lot area of 1 acre for single-family use and 3 acres for other principal uses.

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D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.08.C, all development shall conform to supplemental bulk regulations listed in Section 4.19.

SECTION 4.09 R-1B SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

A. ***Intent***. R-1B Single-Family Suburban Residential District is intended for moderate density areas that consist primarily of detached single family units. The regulations of this district are designed to create predominantly suburban character in those areas which are served by public water supply and sanitary sewerage systems. In addition to the dwellings permitted in this zoning district, certain civic and public land uses such as municipal buildings, schools, places of worship, parks, and pools which have been strictly regulated to make them compatible with the principal use of this district are permitted.

B. ***Use Regulations***. Section 4.20 sets forth permitted, accessory, and conditional land uses within the R-1B Single-Family Suburban Residential District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the R-1B Single-Family Suburban Residential District:

Table 4.09 R-1B Single-Family Suburban Residential District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Square Feet	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
10,000 or 1 Acre[1]	70	30%	40%	35	5	15	35	35	2.5	n/a

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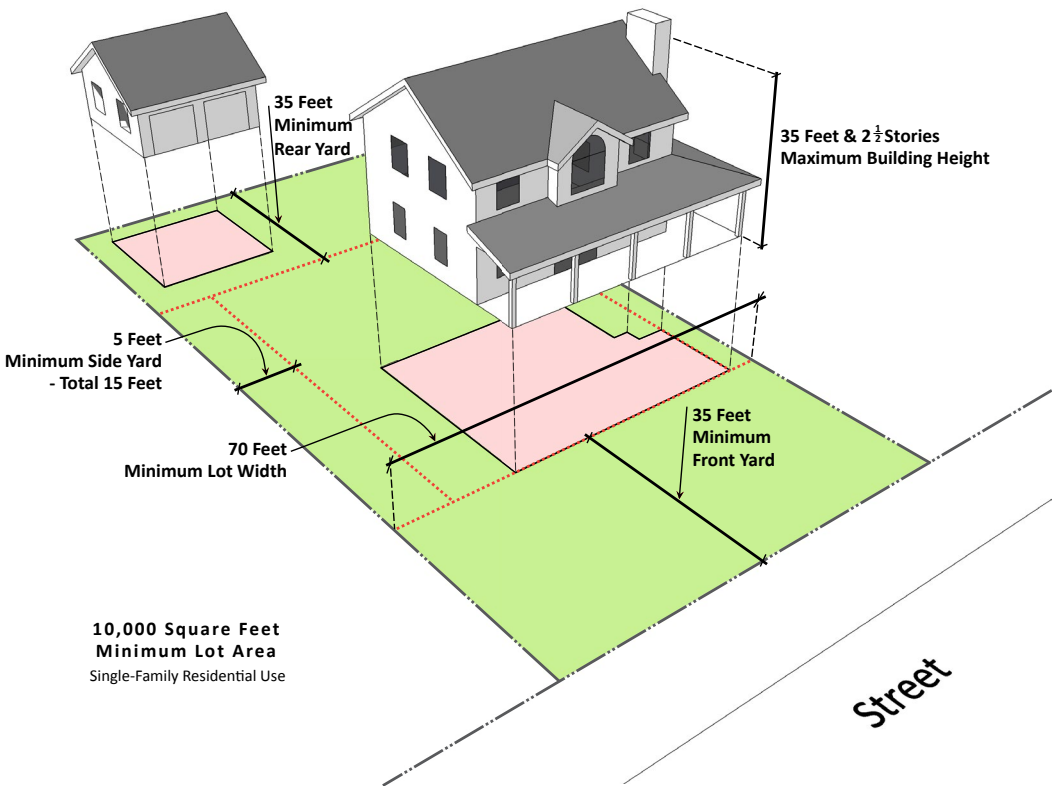
Figure 4.09 R-1B Single-Family Suburban Residential District Dimensional Requirements



[1] Minimum lot area of 10,000 square feet for single-family use and 1 acre for other principal uses.

D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.09.C, all development shall apply to supplemental bulk regulations as listed in Section 4.19.

SECTION 4.10 R-2 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

A. ***Intent***. This district is intended for low density multiple-family units including attached and apartment-style dwelling units typically arranged in a townhouse style development. This district is intended for locations that have substantial infrastructure including public utilities and multiple transportation options, and should be in close proximity to mixed-use areas or local commercial areas that provide retail, personal service, entertainment, and employment opportunities. In addition to the dwellings permitted in this zoning district, certain recreational, institutional, and public uses which have been strictly regulated to make them compatible with the principal uses of this district are permitted.

B. ***Use Regulations***. Section 4.20 sets forth permitted, accessory, and conditional land uses within the R-2 Low Density Multiple-Family Residential District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the R-2

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Low Density Multiple-Family Residential District:

Table 4.10 R-2 Low Density Multiple-Family Residential District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Acre	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
1 or 3[1]	125	50%	60%	10	10	20	15	35	3	n/a

Figure 4.10 R-2 Low Density Multiple-Family Residential District Dimensional Requirements

[1] Minimum total lot area of 1 acre for residential use with a minimum lot area of 7,300 square feet per dwelling unit, and minimum lot area of 3 acres for non-residential uses.

D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.10.C, all development shall to supplemental bulk regulations listed in Section 4.19.

SECTION 4.11 R-3 MODERATE DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

A. ***Intent***. This district is intended for the highest density permitted in the Township, including attached and apartment-style dwelling units. This district is intended for locations adjacent to mixed-use developments and along or in proximity to major corridors which provide public transportation options and have capacity for larger volumes of traffic. In addition to the dwellings permitted in this zoning district, there are permitted certain recreational, institutional, and

public uses which have been strictly regulated to make them compatible with the principal uses of this district.

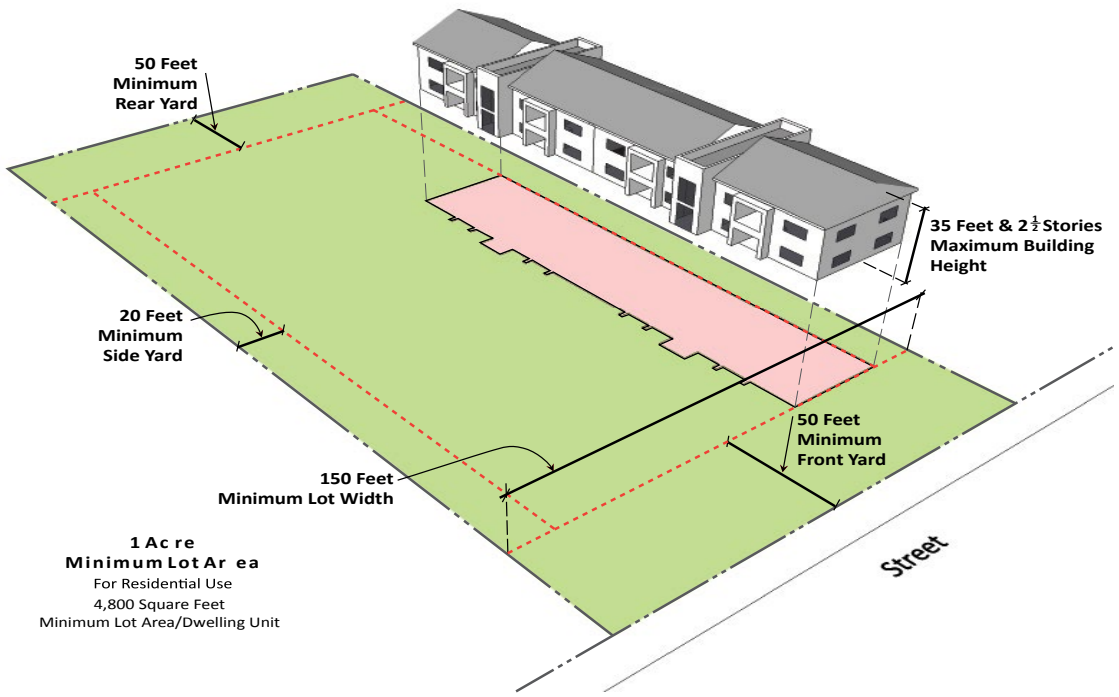
B. ***Use Regulations***. Section 4.20 sets forth permitted, accessory, and conditional land uses within the R-3 Moderate Density Multiple-Family Residential District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the R-3 Moderate Density Multiple-Family Residential District:

Table 4.11 R-3 Moderate Density Multiple-Family Residential District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
1 or 3[1]	150	20%	25%	50	20	40	50	35	2.5	n/a

Figure 4.11 R-3 Single-Family Rural Non-Farm Residential District Dimensional Requirements



[1] Minimum lot area of 1 acre for single-family use and 3 acres for other principal uses.

D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.11.C, all development shall conform to supplemental bulk regulations listed in Section 4.19.

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SECTION 4.12 MHP - MOBILE HOME PARK RESIDENTIAL DISTRICT

A. ***Intent***. The purpose of this district is to provide for the development of mobile home parks, and to promote mobile home parks with the character of residential neighborhoods. It is the intent of this Ordinance that mobile home parks be located in areas which are served adequately by essential public facilities and services such as access streets, police and fire protection, and public water, sanitary sewer, and storm drainage facilities.

B. ***Use Regulations***. Section 4.20 sets forth permitted, accessory, and conditional land uses within the MHP-Mobile Home Park Residential District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the MHP-Mobile Home Park Residential District:

Minimum Lot Area	Total Lot Area for Mobile Home Park	15 acres
Maximum Height	Feet	35
	Stories	2.5

D. ***Supplemental District Standards***.

1. Refer to Section 11.13.

SECTION 4.13 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

A. ***Intent***. The C-1 Neighborhood Commercial District is intended for small-scale retail and service nodes that provide goods and services primarily for surrounding neighborhoods and business districts. These districts are intended to be located at intersections of collector and arterial roads in close proximity to the neighborhoods and business districts that they serve.

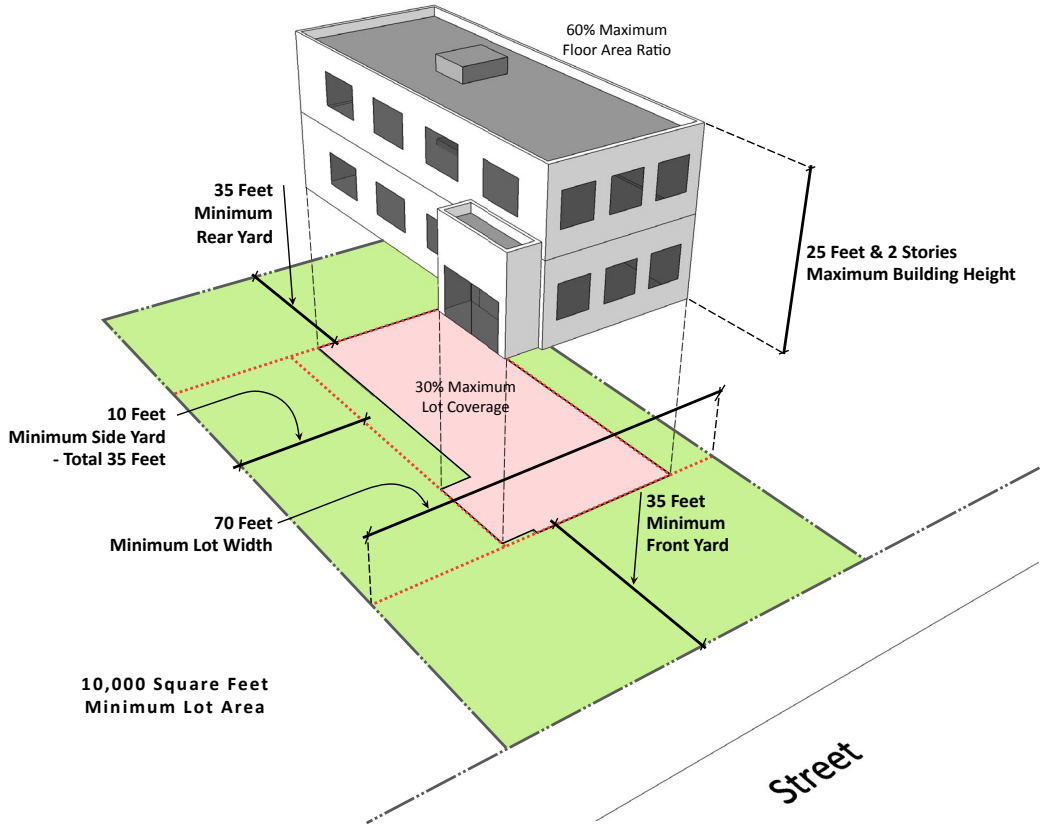
B. ***Use Regulations***. Section 4.21 sets forth permitted, accessory, and conditional land uses within the C-1 Neighborhood Commercial District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the C-1 Neighborhood Commercial District:

Table 4.13 C-1 Neighborhood Commercial District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Square Feet	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet: Least	Side Yards in Feet: Total	Rear Yard in Feet	in Feet	in Stories	Ratio
10,000	70	30%	n/a	35	10	35	35	25	2	60%

Figure 4.13 C-1 Neighborhood Commercial District Dimensional Requirements



D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.13.C, all development shall conform to supplemental bulk regulations listed in Section 4.19.

2. The minimum width of a lot of a local shopping center or other combined development of retail and/or service facilities in this district shall be two hundred (200) feet.

3. Minimum interior side yards may not be required when two (2) or more buildings are part of a local shopping center or other combined development of local retail and/or service facilities. Side yard requirements shall apply to the perimeter of such developments.

SECTION 4.14 C-2 REGIONAL COMMERCIAL DISTRICT

A. ***Intent***. The C-2 Regional Commercial District is intended to accommodate large-scale single use retail and service establishments that provide goods and services for residents of our community as well as other surrounding communities. The district is intended for areas and intersections of major vehicular corridors.

B. ***Use Regulations***. Section 4.21 sets forth permitted, accessory, and conditional land uses within the C-2 Regional Commercial District.

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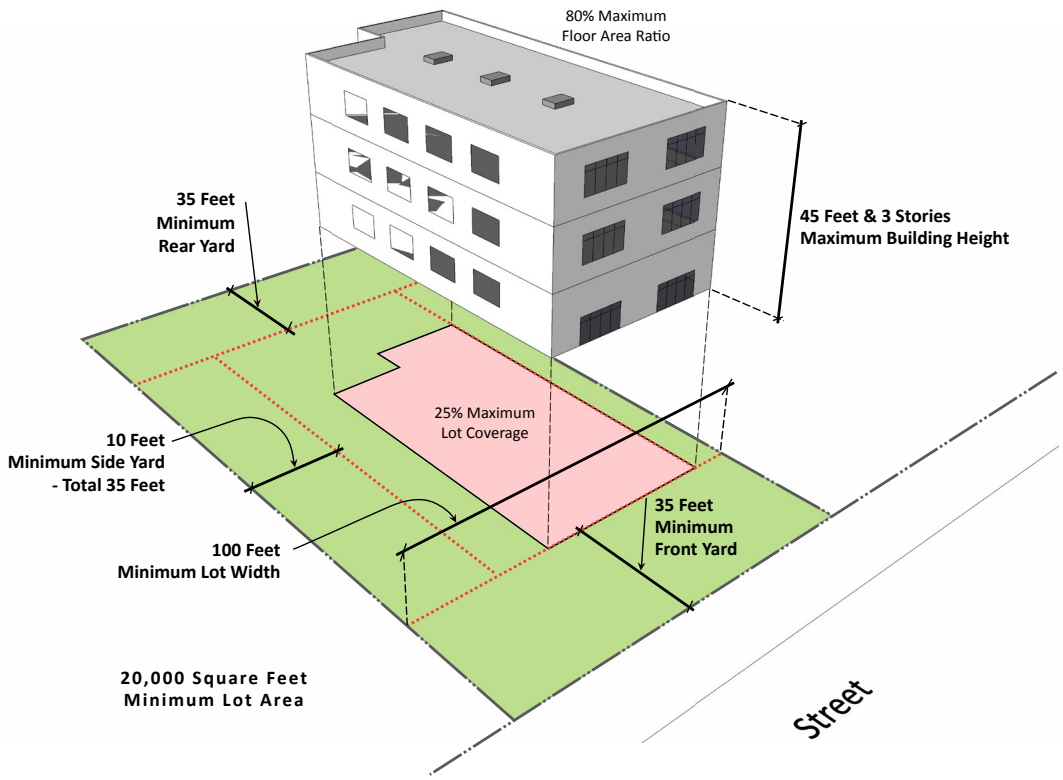
C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the C-2 Regional Commercial District:

Table 4.14 C-2 Regional Commercial District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Square Feet	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
20,000	100	25%	n/a	35	10	35	35	45	3	80%

Figure 4.14 C-2 Regional Commercial District Dimensional Requirements



D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.14.C, all development shall conform to supplemental bulk regulations listed in Section 4.19.

2. The minimum width of a lot of a local shopping center or other combined development of retail and/or service facilities in this district shall be two hundred (200) feet.

SECTION 4.15 I GENERAL INDUSTRIAL DISTRICT

A. ***Intent***. The I General Industrial District is intended for light manufacturing, other limited industrial, wholesale, and warehousing uses. The district is intended for areas that have relative

isolation from established neighborhoods in appropriate township locations to limit secondary impacts on adjacent uses including the generation of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

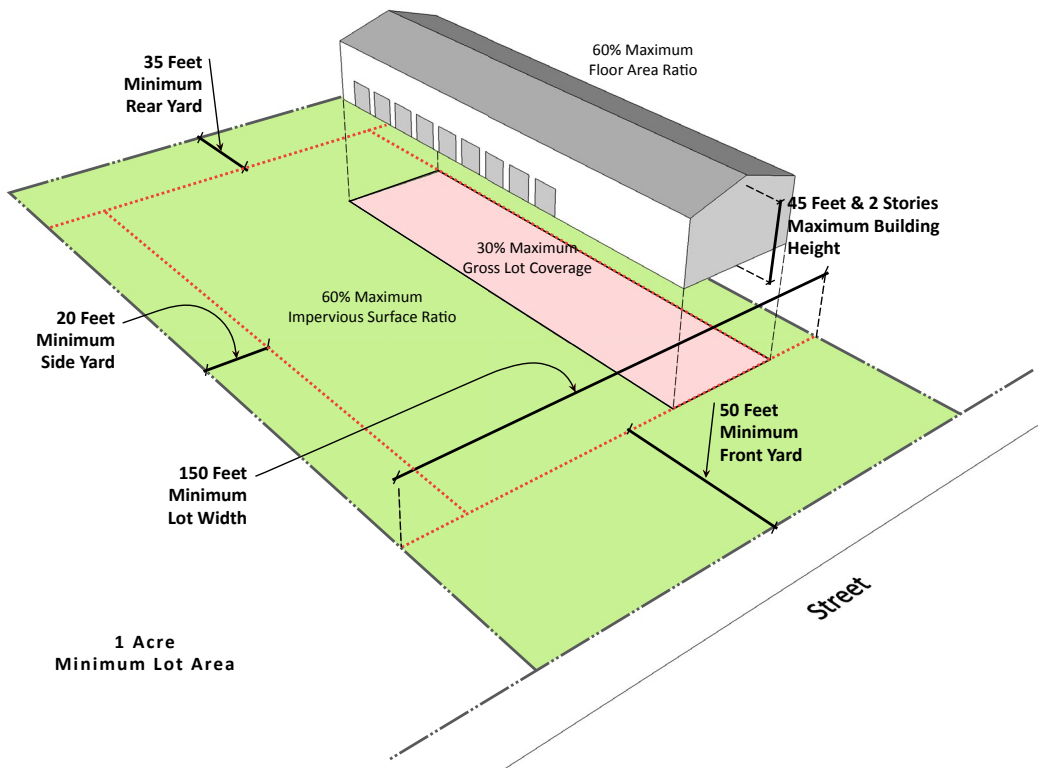
B. ***Use Regulations***. Section 4.21 sets forth permitted, accessory, and conditional land uses within the I General Industrial District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the I General Industrial District:

Table 4.15 I General Industrial District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Acre	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
1	150	30%	60%	50	20	40	35	45	2	60%

Figure 4.15 I Industrial and Warehouse District Dimensional Requirements



D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.15.C, all development shall conform to supplemental bulk regulations listed in Section 4.19.

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SECTION 4.16 BD BUSINESS DISTRICT

A. ***Intent***. The BD Business District is intended to provide a zoning district that encourages creative, well planned, employment-intensive mixed research, office, and commercial development in a campus-like setting. The District encourages consistent and uniform site layouts, architecture designed to attract business and light industry that is clean and unobtrusive to surrounding properties, development opportunities for high skill jobs close to residential areas, thus reducing travel time and relieving any strain on the transportation infrastructure, expansion of employment opportunities by emphasizing employment-intensive uses; and providing a setting that is aesthetically pleasing. The District is intended to allow for limited retail uses with the primary purpose of serving the office space, research and development uses contained within each campus.

B. ***Use Regulations***. Section 4.21 sets forth permitted, accessory, and conditional land uses within the BD Business District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the BD Business Park District:

Table 4.16 BD Business District Dimensional Requirements

Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Acres	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
1	150	40%	60%	25	20	40	35	45	3	60%

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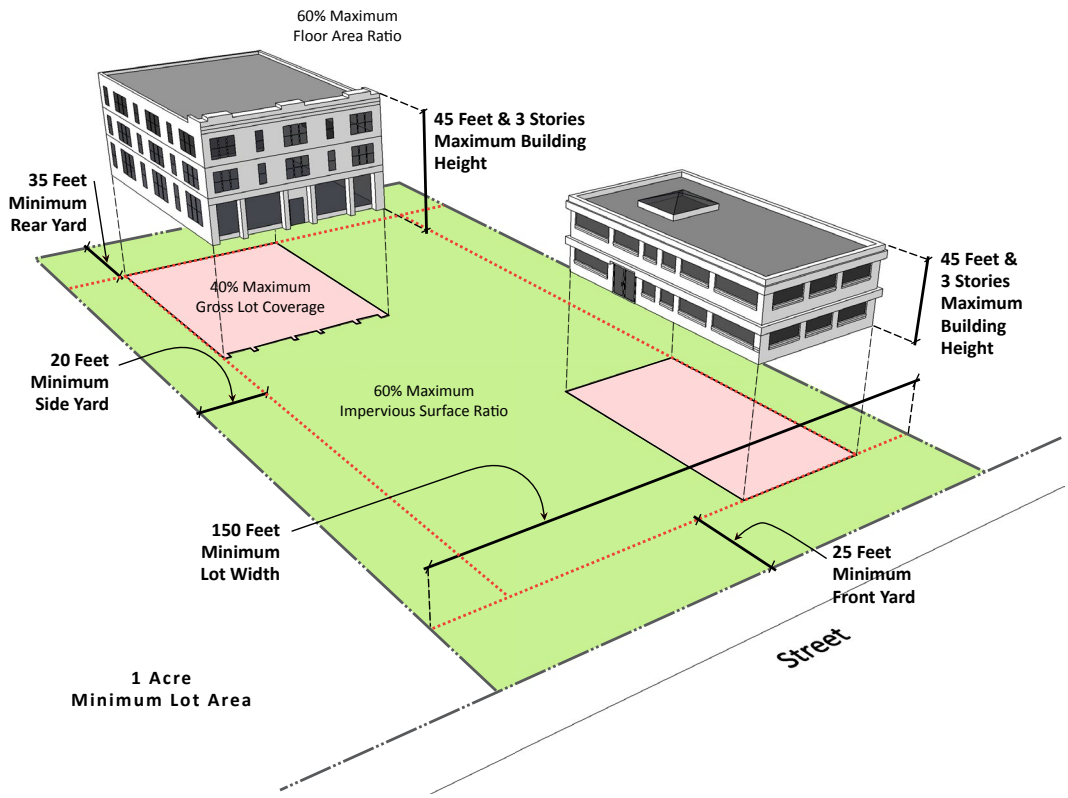
Figure 4.16 BD Business District Dimensional Requirements



D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.16.C, all development shall conform to supplemental bulk regulations listed in Section 4.19.

SECTION 4.17 PF PUBLIC FACILITIES DISTRICT

A. ***Intent***. The Public Facilities District and regulations are intended to provide an appropriate zoning classification for government, civic and recreational facilities where a separate zoning district is deemed appropriate. This district is intended to protect public and quasi-public facilities and institutions from the encroachment of certain other uses, and to ensure compatibility with adjoining residential land uses. Several of the public facilities addressed in this section are also Permitted or Conditional Uses in one or more of the other zoning districts.

B. ***Use Regulations***. Section 4.21 sets forth permitted, accessory, and conditional land uses within the PF Public Facilities District.

C. ***Dimensional Requirements***. The following dimensional requirements shall apply to the PF Public Facilities District:

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Table 4.17 PF Public Facilities District Dimensional Requirements										
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks				Maximum Building Height		Maximum Floor Area
Area in Acre	Width in Feet	Gross	Impervious Surface Ratio	Front Yard in Feet	Side Yards in Feet		Rear Yard in Feet	in Feet	in Stories	Ratio
					Least	Total				
n/a	150	n/a	n/a	50	[1]	[1]	35	[2]	[2]	n/a

[1] Refer to Section 4.17.D.3 for setback requirements.

[2] Refer to Section 4.17.D.4 for building height requirements.

D. ***Supplemental District Standards***.

1. In addition to those bulk regulations as listed in Section 4.17.C, all development shall conform to supplemental bulk regulations listed in Section 4.19.

2. Unless otherwise regulated by state or federal statutes, the area or parcel of land for a permitted public facility shall not be less than required to provide adequate space for the principal and accessory buildings, off street parking and accessory uses, yards, and open spaces, to accommodate the facility and maintain the character of the neighborhood.

3. ***Side and Rear Setback***.

   a. ***Adjacent to Residential Zoning District***. The minimum side and rear yards shall be the minimum setbacks required by the adjacent zoning district along each property line.

   b. ***Adjacent to Non-Residential Zoning District***. The following shall apply based on use:

Governmental	Buildings	75 feet
Recreational	Buildings	75 feet
	Trails and Athletic Fields	50 feet
Public Utility	Buildings	100 feet
Educational	Buildings	75 feet
Civic	Non-Assembly Buildings	50 feet
	Assembly Buildings	75 feet

4. Public and semi-public buildings may be erected to height not exceeding the width of the side or rear yard where adjoining a residential district, or to a height not to exceed one and one-half (1½) times the width of a side or rear yard where adjoining a multi-family or non-residential district.

SECTION 4.18 FB FORM-BASED MIXED USE AND PUD PLANNED UNIT DEVELOPMENT DISTRICTS

For intent, location, standards, and submittal requirements for FB Form-Based Mixed Use Districts refer to Article 5.

For intent, location, standards, and submittal requirements for PUD Planned Unit Development District refer to Article 6.

SECTION 4.19 SUPPLEMENTAL DIMENSIONAL REGULATIONS APPLICABLE TO ALL DISTRICTS

A. ***Continued Conformity with Bulk Regulations***. The maintenance of setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, lot area and lot area per dwelling unit required for one (1) use, lot, building or structure shall be a continuing obligation of the owner of such building, structure or lot on which such use, building or structure exists. No setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, lot area per dwelling unit allocated to or required about or in connection with one (1) lot, use, building or structure may be allocated to any other lot, use, building, or structure.

B. ***Division of a Lot***. No one (1) lot, once designated and improved with a building or structure, shall be reduced in area, or divided into two (2) or more lots, and no portion of one (1) lot, once designated and improved with a building or structure, shall be sold unless each lot resulting from each such reduction, division, or sale, and designated and improved with a building or structure, will conform with all of the bulk and yard regulations of the zoning district in which it is located.

C. ***Setbacks and Yard Requirements***. The setback and yard requirements established by this Ordinance shall apply to every lot, building, or structure, except for the following structures, which may be located anywhere on any lot unless as specified below:

1. Unroofed masonry or concrete terraces and patios at the same level as the adjacent grade and may not be located closer than 3-feet from a side or rear property line.

2. Unroofed porches and decks may not occupy a required front setback, nor be located closer than 3-feet from a side or rear property line.

3. Awnings and flag poles, except as regulated in Section 15.02.F.

4. Light poles, hydrants, laundry drying equipment, arbors, trellises, portable recreational equipment, outdoor cooking equipment, sidewalks, private driveways in agricultural and single-family residential districts to include the parking of currently licensed and operational passenger vehicles, provided, however, that no more than one such vehicle may be offered for sale.

5. Trees, plants, shrubs, and hedges.

6. Anything to be constructed, erected, planted or allowed to grow shall conform to the provisions of Section 12.01, Visibility at Intersections.

D. ***Height***. The height requirements established by this Ordinance shall apply to every building

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and structure with the following exceptions provided their location shall conform to the requirements of Pittsfield Township, the Federal Communications Commission, the Federal Aviation Administration, and other public authorities having jurisdiction:

1. Public utility towers, structures, transmission and distribution lines and related structures; radio and television broadcasting and receiving antennae; water towers; and wireless communication facilities where the aforementioned structures are permitted in the district therein located or are a conditional use in said district subject to the provisions of Article 10.

2. Spires, belfries, and silos provided that the overall height does not exceed one hundred fifty percent (150%) of the maximum permitted building height in the district therein located.

3. Chimneys, ventilators, skylights, and other necessary mechanical appurtenances provided that no mechanical enclosure or penthouse shall exceed twelve (12) feet in height above the roof deck.

4. Parapets not exceeding three (3) feet in height above the roof deck.

5. Architectural details incorporated into the façade(s) of a commercial or industrial structure provided that the overall height of any wall area extending above the maximum permitted height for the district therein located shall not exceed one hundred twenty-five percent (125%) of the permitted building height and shall not involve more than fifteen percent (15%) of the width of the front façade.

E. ***Lot Area / Width***. Buildings and structures designed to house essential services shall not be required to meet the requirements of this Ordinance regarding lot area or width provided, however, that such a building or structure shall meet all other regulations for the district in which it is located.

F. ***Setbacks and Distances Between Buildings for Multi-Building Developments***.

1. In addition to the required setback lines provided elsewhere in this Ordinance, in multiple-family dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required:

Minimum Distance Between Buildings				
Minimum Setback From:				
	Internal Drive	Building Side to Building Side	Building Side to Building Front or Building Rear	Building Front to Building Front or Building Rear Building Rear to Building Rear
Buildings 35 feet in height or under	10 feet	20 feet	30 feet	40 feet
Buildings 36 feet in height and higher	10 feet	30 feet	36 feet	50 feet

SECTION 4.20 RESIDENTIAL, RECREATION CONSERVATION AND AGRICULTURAL DISTRICT USE TABLE

A. ***Specified Uses***. In all Residential, Recreation Conservation, and Agricultural Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.

B. ***Schedule of Uses***. The Schedule of Use Regulations identifies uses as follows:

1. "P" identifies uses permitted as of right.

2. "C" identifies uses requiring Conditional Use Approval as outlined in Article 10.

3. "A" identifies accessory uses.

4. No marking identifies uses not permitted.

Residential, Recreation Conservation, and Agricultural District Use Table

Use Category	Districts							Specific Use Standard (Article, Section)
	Residential					Agricultural / Recreation		
	R-1A	R-1B	R-2	R-3	MHP	AG	RC	
Agricultural								
Agricultural Processing and Food Storage	P					P		11.02
Agricultural Commercial and Tourism	C					C		11.04
Equestrian Facilities						P	P	
Community Supported Agriculture	P					P	P	11.03
General and Specialized Farming						P	P	
Tree Nurseries						P	P	
Residential								
Accessory Dwelling Units	C	C				C		11.10
Bed and Breakfast	C	C	C			C		11.09
Dwellings, Multiple-Family			P	P				
Dwellings, One-Family	P	P				P	P	
Dwellings, One-Family Attached			P	P				
Dwellings, Two-Family			P	P				
Home Occupations/Home Office	P	P	P	P	P	P	P	11.15
Housing of Seasonal Agricultural Workers						C		11.14
Manufactured Housing Park					P			11.13
Senior Assisted Living			P	P				11.06
Senior Independent Living			P	P				11.06

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Residential, Recreation Conservation, and Agricultural District Use Table

Use Category	Districts							Specific Use Standard (Article, Section)
	Residential					Agricultural / Recreation		
	R-1A	R-1B	R-2	R-3	MHP	AG	RC	
Recreation								
Conservation Area / Game Refuge / Forest Preserve						P	P	
Country Clubs, including Accessory Uses and Buildings including Club House, Swimming Pool, and Sale of Food	C	C	C	C				11.22
Golf Courses	C	C	C	C		C	C	11.22
Golf Driving Range						C		11.22
Noncommercial Parks and Recreational Facilities	C		C	C		C	P	11.44
Commercial Recreational Facility						P	P	11.44
Playground	P	P	P	P	P	P	P	
Public and Private Campground							C	
Institutional / Cultural								
Adult Day Care Center				C				11.05
Adult Day Care Home	C	C		C		C		11.05
Adult Foster Care, Congregate Facility				C				11.05
Adult Foster Care, Family Home				C				11.05
Adult Foster Care, Large Group Home				C				11.05
Adult Foster Care, Small Group Home				C				11.05
Cemeteries	C	C	C	C		C	C	11.20
Convalescent Centers / Congregate Care				C				11.08
Day Care Centers and Preschools	C	C	C	C	C	C		
Family Day Care Homes	P	P				P	P	
Group Day Care Homes	C	C				C	C	
Places of Worship	C	C	C	C	C	C		11.21
Primary/Secondary Schools	C	C	C	C	C			11.18
Publicly Owned/Operated Office and Service Facilities	C	C	C	C	C	C	C	
Utility and Public Service Buildings and Facilities (without storage yards)	C	C	C	C	C	C	C	
Utility and Public Service Buildings and Facilities (with outdoor storage yards)	C	C	C	C	C	C	C	
Commercial WECS						C	C	14.11

Residential, Recreation Conservation, and Agricultural District Use Table								
Use Category	Districts							Specific Use Standard (Article, Section)
	Residential					Agricultural / Recreation		
	R-1A	R-1B	R-2	R-3	MHP	AG	RC	
On-Site WECS (Attached to roof)	A	A	A	A		A	A	14.11
On-Site WECS (Freestanding)	C	C	C	C	C	C	C	14.11
Commercial Solar Energy System/ Field						C	C	14.12
Solar Energy System (Building Mounted)	A	A	A	A	A	A	A	14.12
Solar Energy System (Ground-Mounted)	C	C	C	C	C	C	C	14.12
Geothermal Energy Systems	A	A	A	A	A	A	A	14.13
Outdoor Wood Fire Boiler	A	A				A		11.45
Retail, Entertainment, and Service								
Commercial Kennels / Pet Day Care						C		11.16
Farm Markets/Farm Stands						P		11.03
Office								
Veterinary Clinics or Animal Hospitals						C		11.16
Industrial								
Extraction						C	C	11.37
Radio and Television Broadcasting and Receiving Antenna						C		
Wireless Communication Facility						C		11.38

SECTION 4.21 NON-RESIDENTIAL USE TABLE

A. ***Specified Uses***. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.

B. ***Schedule of Uses***. The Schedule of Use Regulations identifies uses as follows:

1. "P" identifies uses permitted as of right.

2. "C" identifies uses requiring Conditional Use Approval as outlined in Article 10.

3. "A" identifies accessory uses.

4. No marking identifies uses not permitted.

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Non-Residential Districts Use Table						
Use Category	Commercial		Industrial and Office Districts		Public Facility	Specific Use Standard (Article, Section)
	C-1	C-2	I	BD	PF	
Residential						
Dwellings, Multiple-Family (on upper floors only in a mixed-use building)	C	C				
Live/Work Units	C	C				11.12
Recreation						
Noncommercial Parks and Recreational Facilities						11.44
Commercial Recreational Facility	C	C		C		11.44
Playground	P	P			P	
Public Arenas, Stadiums, and Skating Rinks	C	C		C	C	11.44
Institutional/Cultural						
Adult Day Care Center	C	C				11.05
Adult Day Care Home	C	C				11.05
Adult Foster Care, Congregate Facility	C	C				11.05
Adult Foster Care, Family Home	C	C				11.05
Adult Foster Care, Large Group Home	C	C				11.05
Adult Foster Care, Small Group Home	C	C				11.05
Cemeteries					C	11.20
Day Care Centers and Preschools	C	C		C		
Fine and Performing Arts Facilities	P	P			P	
Hospitals			C	C	C	11.19, 11.28
Places of Worship	C	C		C		11.21
Post-Secondary Schools (technical colleges, business schools)		C	C	C		11.17
Primary/Secondary Schools	C				P	11.18
Publicly Owned/Operated Office and Service Facilities					P	
Transportation Terminals					C	
Utility and Public Service Buildings and Facilities					C	
Commercial WECS					C	14.11
On-Site WECS (Attached to roof)	A	A	A	A	A	14.11
On-Site WECS (Freestanding)	C	C	C	C	C	14.11
Commerical Solar Energy System/Field					C	14.12

Non-Residential Districts Use Table						
Use Category	Commercial		Industrial and Office Districts		Public Facility	Specific Use Standard (Article, Section)
	C-1	C-2	I	BD	PF	
Solar Energy Systems (Building Mounted)	A	A	A	A	A	14.12
Solar Energy Systems (Ground-Mounted)	C	C	C	C	C	14.12
Geothermal Energy Systems	A	A	A	A	A	14.13
Retail, Entertainment, and Service						
Alcohol Sales	C	P				
Artisan Food and Beverage Production (consumption of alcohol on premise requires a conditional use) less than 10,000 gross sq. ft.	P	P	P	P		11.46
Artisan Food and Beverage Production (consumption of alcohol on premise requires a conditional use) 10,000 gross sq. ft. or greater	C	C	P	P		11.46
Bar/Lounge	C	P				
Building Material Sale		P				11.26, 11.29
Business Service and Repair		P				
Commercial Kennels / Pet Day Care	C	C				11.16
Conference, Meeting, and Banquet Facilities		C		C		
Dance, Martial Arts, Music, and Art Studios	P	P		P		
Drive-Up / Drive-Through Facilities	C	P	C	C		11.25
Dry Cleaners and Laundry	C	C	C			
Durable Medical Supplies	P	P		P		
Farmers Market	C	C		C	C	11.03
Financial Institutions	P	P		C		
Firearm Sales		C				11.27
Funeral Home		C		C		
Garden Centers / Nurseries		P				11.29
Health Fitness Centers / Athletic Clubs	C	P		C		
Lodging		C				11.11
Massage Therapy	C	C				11.24
Mortuary/Crematorium			C			
Open Air Businesses, as a Principal Use		C	C			11.39

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Non-Residential Districts Use Table						
Use Category	Commercial		Industrial and Office Districts		Public Facility	Specific Use Standard (Article, Section)
	C-1	C-2	I	BD	PF	
Open Air Businesses, Subordinate to Principal Use	A	A	A	A		11.39
Personal Services	P	P				11.24
Pharmacies	P	P				
Private Clubs, Fraternal Organizations, and Lodge Halls	C	C		C		
Restaurants, Drive-In		C				11.41
Restaurants, Fast Food	P	P		C		11.25 11.41
Restaurants, Standard	P	P		C		11.41
Retail, General	P	P				
Retail, Large-Scale		P				11.26
Retail, Wholesale		C	C	C		11.28
Sexually Oriented Businesses			P			11.23
Shopping Centers		P				11.26
Smoking Lounge	Not Permitted	C	C	C		11.47
Theatres and Places of Assembly	C	C				
Office						
Business Services	P	P				
Medical Clinics	P	P		P		
Medical Laboratories			P	P		
Offices, General	P	P	P	P		
Professional and Medical Offices	P	P		P		11.24
Veterinary Clinics and Hospitals		C				11.16
Industrial						
Self-Storage Facilities		C	P	C		11.31
Light Manufacturing			P	P		
Technology Centers/Office Research		P	P	P		
Basic Research, Design, and Pilot or Experimental Product Development			P	P		
Central Dry Cleaning / Laundry Plants			C			
Contractors/Landscapers Yard		C	C			11.40
Concrete/Asphalt Plants			C			
Data Processing and Computing Centers		P	P	P		
Food Processing			C			11.02
Lumber Yards			C			11.29

Non-Residential Districts Use Table						
Use Category	Commercial		Industrial and Office Districts		Public Facility	Specific Use Standard (Article, Section)
	C-1	C-2	I	BD	PF	
Manufacturing and Assembly			P	P		
Material Distribution Facilities			P			
Materials Recovering Facility			C			11.30
Extractive Operations			C			11.37
Outdoor Storage			C			11.40
Printing and Publishing		C	P	P		
Radio and Television Broadcasting and Receiving Antenna			C	C		
Storage of Flammable Liquids or Gases, Above or Below Ground			C			
Tool and Die / Plating Shops			C			
Trade Contractors, Home Service and Repair		C	P	C		11.42
Truck Terminal Facilities			C			
Warehouse Establishments			P	P		
Wireless Communication Facilities	C	C	C	C	C	11.38
Automotive/Transportation						
Vehicle Fueling/Multi-Use Stations		C				11.34
Vehicle Rental		C	C	C		
Vehicle Repair Stations (minor)			C			11.32
Vehicle Repair Stations (major)		C	C			11.32
Vehicle Impound Lot						11.35
Vehicle Washes		C	C			11.36
Farm Equipment Sales and Repair		C	C			11.33, 11.32
New Vehicle, Recreational Vehicle Sales		P				11.33
Used Vehicle, Recreational Vehicle Sales, when not in conjunction with new vehicle facility		C				11.33

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ARTICLE 5

FORM-BASED MIXED USE DISTRICTS

SECTION 5.01 GENERAL INTENT, PURPOSE, AND USE

A. ***Intent***. The Master Plan identified focus development areas within the Township that place greater emphasis on regulating urban form and character of development as well as use and intensity of use. Within these focus areas the Township encourages development with a mix of uses, including public open space, in order to provide transit oriented development in a sustainable way. The Form-Based Mixed Use Districts are intended to implement the vision, goals, and objectives of the Master Plan and any other applicable Plans.

B. ***Purpose***. The general purposes of these regulations are:

1. Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and non-motorized spaces.

2. Promote infill development and redevelopment.

3. Promote a compact growth pattern to efficiently use the remaining developable land, and to enable the cost-effective extension of utilities, services, streets, and transit service.

4. Promote mixed-use development in both a horizontal and vertical form.

5. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.

6. Improve mobility options and reduce the need for on-site parking by encouraging alternative means of transportation.

C. ***Factors for Regulation***. These regulations are based on two (2) significant factors: site context and building form.

1. Site context is derived from existing and desired characteristics, which include street types and site types. Streets can be divided into various types, based on purpose and unique attributes. Sites are divided into types based on characteristics including shape, size, and orientation. Areas are distinguished from one another by their site context, which includes size and configuration of the site, street patterns, location, existing land uses, and intensity of use. Therefore, considering site context provides a customized approach to the inherent conditions of the areas where these regulations are applied.

2. Building form addresses the manner in which buildings and structures relate to their lots, surrounding buildings, and street frontage. The shape of the building, the land area to volume ratio, and the orientation of the building have significant impacts upon the general feel and character of an area. Building form standards control height, placement, building

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configuration, parking location, and ground story activation applicable to the site context.

3. Regulations are tailored to meet a more specific intent of each district. These districts and intents are set forth elsewhere in this Article.

D. ***Regulating Plans***. The form-based districts use Regulating Plans, which rely on street types and site types to determine building forms and allowable uses for a given property. The steps to determine the regulations that apply to a specific property within a form-based district are as follows:

1. Find the site in question on the appropriate regulating plan map (See Maps 5.04.1, 5.05.1, 5.06.1, 5.07.1, and 5.08.1, respectively).

2. Identify the street type or types adjacent to the site in question. Streets will be classified Urban, Suburban, or Neighborhood.

3. Identify the site type for the site in question. Sites will be classified Site Type A, B, C , or D.

4. Consult the Use Groups and Building Forms Permitted tables for the district in which the site is located (Tables 5.04.1, 5.05.1, 5.06.1, 5.07.1, and 5.08.1, respectively). The tables will identify if a use group or building form is permitted, permitted with conditions, or not permitted for the site type and street type combination of the site in question.

5. Follow the regulations for the chosen building form when designing the development application. Building form regulations are established in Section 5.03.

6. Follow the design standards as listed in Section 5.03.F.

7. Obtain site plan approval or conditional use approval for the chosen building form and use, as appropriate.

SECTION 5.02 APPLICABILITY AND ORGANIZATION

A. ***Applicability***.

1. Any new use or expansion of existing use that requires site plan review shall comply with the requirements of this Article and other applicable requirements of this Ordinance.

2. The requirements of this Article shall not apply to:

   a. Continuation of a permitted use within an existing structure.

   b. Changes of use within existing structures that do not require increased parking.

   c. Normal repair and maintenance of existing structures that do not increase building size or parking demand.

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d. Continuation of a legal non-conforming use, building, and/or structure, in accordance with Article 16.

e. The expansion of a legal non-conforming use, building, and/or structure, in a manner that does not increase its level of nonconformity, in accordance with Article 16.

B. ***Regulating Plans***. Each form-based district of the Township to which these standards apply shall be governed by a Regulating Plan that is specific to each focus development area. The Regulating Plan, based on the context of street type and site type, determines building form and allowable use for each property within a form-based district.

C. ***Street Types***. Street types, as set forth in Section 5.03.B, recognize that street patterns within Pittsfield Township are established. Streets range from urban which carry a large volume of traffic to neighborhood streets which carry lower volumes of neighborhood traffic.

D. ***Site Types***. Site Types, as set forth in Section 5.03.C, are determined by lot size, lot configuration, location, and relationship to neighboring adjacent sites.

E. ***Building Form Standards***. Building form standards, set forth in Section 5.03.D, establish the parameters for building form, height, and placement, and are specifically applied to each district based upon the regulating plan.

F. ***Authorized Use Groups***. Authorized land uses are organized by use groups. Authorized use groups, as set forth in Section 5.03.E, are specifically applied to each District based upon the regulating plan.

G. ***Design Standards***. General design standards, set forth in Section 5.03.F, are established for each district and are supplementary to other requirements of the Ordinance. Generally, the design standards regulate parking, public spaces, landscaping, and other site design requirements.

H. ***Modification of District Boundaries***. Any modification to the boundaries of any form-based district shall require rezoning, in accordance with the provisions of Article 18, Amendments.

I. ***Modification of Regulating Plan***. Specific building form, use group, and design standards applied within each Regulating Plan are based upon the designation of street type and site type. Any modification of street type or site type may be determined by the Planning Commission and shall require public hearing and notice in accordance with Section 3.05 of this Ordinance. The Planning Commission shall consider the following in making a determination to modify a site type or street type designation:

1. The applicant's property cannot be used for the purpose permitted in the form-based district.

2. Area has been added to or deleted from the subject property in question, requiring the modification.

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3. The proposed modification and resulting development will not alter the essential character of the area.

4. The proposed modification meets the intent of the district.

5. Existing streets have been improved and/or new streets constructed that may result in the modification of a specific site type or street type.

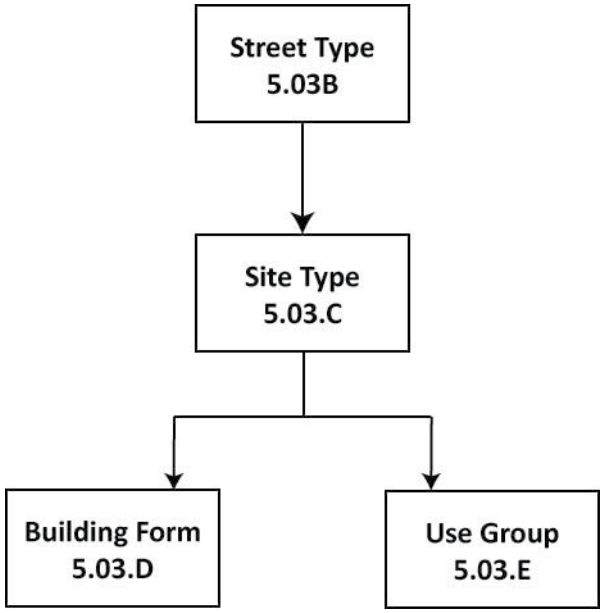
6. Modification of the Regulating Plan is in conformance to the Master Plan.

SECTION 5.03 STANDARDS APPLICABLE TO ALL DISTRICTS

A. ***Mixed Use Form-Based Code Hierarchy***.

1. Each parcel has a street type, site type, building form, and is assigned a use group.

2. Determining site specific standards for each parcel within a mixed use district is based on the following hierarchy:



B. ***Street Types***.

1. ***Urban Street Type***. The Urban street type refers to urban corridors in the Township, which are characterized by high traffic volumes and have the widest spacing between building fronts of all roads within the mixed-use districts. Urban streets accommodate the majority of the regional traffic through Pittsfield Township, connect the Township with its adjacent communities, and serve as the primary framework for circulating throughout the Township. Many Urban street types have been identified in the Master Plan. Urban streets will integrate features designed to accommodate through traffic and local traffic, will focus on

gateways, and will enhance corridors experience.

The intersections of these Urban streets present opportunities to cultivate highly visible, highly used areas that connect the various elements of the Township, and bridge the gap between the residential portions of Pittsfield with the major corridors, commercial areas, employment centers, and adjacent communities.

These roads will evolve over time to form "complete streets" which continue to accommodate regional traffic, but also cater to the emerging nodes at their intersections. Strong landscaping regimens, pedestrian and traffic-scale lighting, effective signage, wide non-motorized pathways, and a complementary relationship with transit opportunities will make each Urban street type a distinguished area within the region. Urban street types are intended to reflect the Urban cross-section as shown in the Master Plan.

2. ***Suburban Street Type***. The Suburban street type is meant for the primary suburban arterial roads. Suburban streets are characterized by a narrower building-to-building distance, safe and effective non-motorized pathways designed to encourage users to reach primary corridors by bike or on foot, effective signage and lighting, and few individual residential curb cuts.

   The crosswalks spanning Suburban streets will make use of a series of features intended to protect non-motorized travelers through effective design. Suburban streets will also be characterized by strong landscaping designed to mitigate the negative impacts of high traffic volumes from adjacent residential areas which provide a unique and memorable visual character for the roadway. Suburban street types are intended to reflect the Suburban cross-section as shown in the Master Plan.

   The intersections between Urban and Suburban streets will be signature places with enhanced community and corridor landmarks. The spaces will be defined by a stable and consistent building-to-building ratio complemented by landmark structures, superior landscaping and community signage with medians, and memorable architecture.

3. ***Neighborhood Street Type***. The Neighborhood street type are those roads tying together smaller areas within Pittsfield. Neighborhood streets have more varied and localized character than Urban or Suburban street types, depending on their context within predominantly office, retail, or residential areas. They act as the backbone of smaller neighborhoods within the area and tie those areas to Urban or Suburban streets.

   Neighborhood street types will be welcoming of non-motorized users and will have defined pedestrian rest areas and other amenities wherever possible. Their scale will be similar to that of a main road within a conventional subdivision or business park, and their width will be determined primarily by their purpose. Neighborhood street types are intended to reflect the Neighborhood cross-section as shown in the Master Plan.

   Neighborhood street types have a much higher frequency of curb cuts than Urban or Suburban street types, and will often provide direct access to retail centers or office complexes. Sufficient width should be retained on either side of the roadway whenever

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possible to allow for a rigorous landscaping plan to ensure that the immediate uses served are adequately protected from the moderate traffic volumes anticipated on Neighborhood street types.

C. ***Site Types***. Site types may vary for form-based areas based on site context, which includes size and configuration, street patterns, location, existing land uses, and intensity of use. However, the general characteristics of each type are described below:

1. ***Site Type A*** (small sites/outlot additional lot sites). Made up mostly of lots in the two (2) acre and smaller range, the Site Type A category is reserved for the smallest, single-use sites developed for individually standing businesses. Site Type A size and character may vary based on the unique characteristic of each District. Small coffee shops or fast food restaurants, as well as small multi-tenant office buildings or single-tenant office buildings will often be found in this category.

   Site Type A sites must be designed to integrate with their surroundings to contribute to a more cohesive District, a more consistent building line, and more efficient access between sites. Well-designed access for non-motorized users and cross access for vehicles will help sites in this Category reduce vehicle trips entering and exiting from corridors and arterials. Groups of Site Type A properties may be excellent candidates for coordinated combination of properties to create more cohesive mini-destinations.

2. ***Site Type B*** (classic retail sites/mixed use). The sites in Site Type B are mostly between two (2) and five (5) acres in area, and are located at the edges of larger, Site Type C and Site Type D sites. Site Type B size and character may vary based on the unique characteristic of each District. This category may include single-use developments situated near one another.

   The Site Type B category should be designed with integration in mind. Integration with one another, with Site Type A and C sites, and in support of much larger destination retail and office complex sites in Site Type D. This will allow for better interaction between users, which could lead to a more readily shared customer and tenant base and could help reduce vehicle traffic on thoroughfares. In addition to size, Site Type B is differentiated from Site Type C by their frontage, primarily along Suburban street types.

3. ***Site Type C*** (medium sites). The sites in Site Type C are mostly between five (5) and ten (10) acres in area, and are located at the edges of larger, Site Type D sites. Site Type C size and character may vary based on the unique characteristic of each District. They are located on sites large enough to warrant additional consideration to landscaping and surface parking in that they can often accommodate large surface lots, which can compromise the cohesiveness of the area if not designed with connectivity in mind.

   This category also includes larger, mixed-use developments situated near one another. Single office buildings and other medium-sized single building developments may fall into this category.

   The Site Type C category should be designed with integration in mind. Integration with one another, with Site Type A and B sites, and in support of much larger destination retail

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and office complex sites in Site Type D. This will allow for better interaction between users, which could lead to a more readily shared customer and tenant base and could help reduce access points and traffic.

4. ***Site Type D*** (large-scale regional sites). Site Type D properties are predominantly between ten (10) and twenty (20) acres in area, but they are more strongly related to one another through their nature and large campus-style properties with multiple large buildings designed to function as one (1) unit. Site Type D size and character may vary based on the unique characteristic of each District.

   Walkability within and between sites and provision of supporting buildings and uses are important to the success of the very large, Site Type D developments. They should be designed with a mix of uses in mind to allow for users to obtain basic services on or immediately near the site. Especially within large office centers, where hundreds of workers may populate the site during the day, neighborhood retail, restaurants, postal facilities and other daily needs should be integrated within existing buildings or permitted to exist in smaller out-lot developments or nearby developments in Site Type A, or B, or C categories.

   Parking for Type D sites should be accommodated in structured parking whenever possible to maximize the use of the site for the primary use and to allow the site to be developed more densely than it could with surface parking.

   Site design should strongly focus on putting the densest components of the project within close range of the primary right-of-way to combat the excessive parking areas that frequently make such sites difficult or undesirable to cross on foot. Use of well-designed outlots adjacent to the right-of-way will keep pedestrians engaged and will make these larger sites fit better with surrounding smaller sites in the Site Type A, and B, or C categories.

D. ***Building Form Standards***.

1. The mixed-use districts permit a series of building forms, dependent on the site context. The five (5) building forms, set forth in Tables 5.03.D.1.a through e, are established in this Section as follows:

2. Building forms are designated within each district location based on the regulating plan. Building forms are classified in the following manner:

   a. ***Permitted Building Forms***. These building forms are permitted as of right in the locations specified, and are depicted with the symbol P.

   b. ***Conditional Building Forms***. These building forms are permitted after review and approval by the Planning Commission, in accordance with the procedures set forth in Article 10 and the standards in this Ordinance. Building Forms requiring conditional use approval are depicted with the symbol C.

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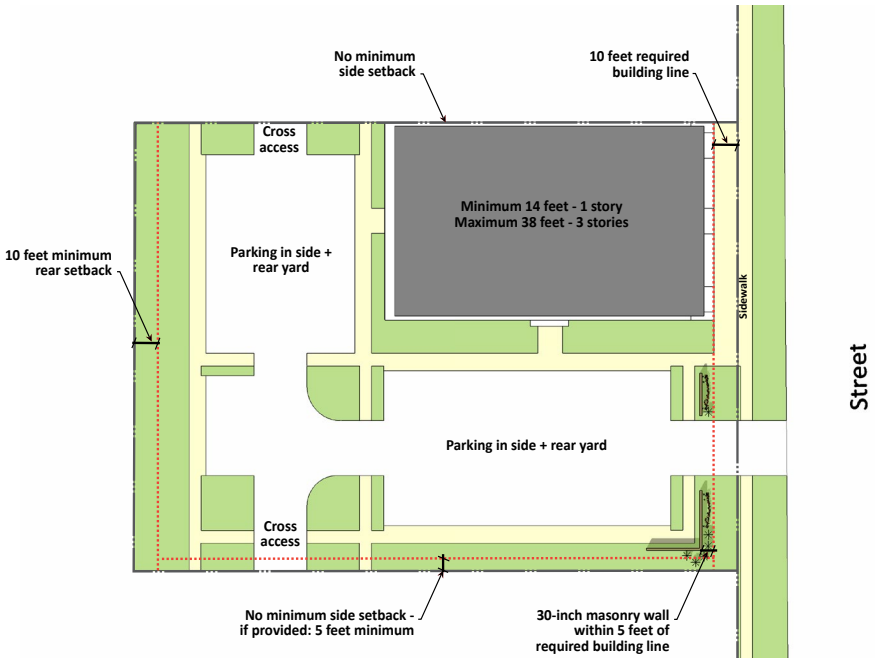
Table 5.03.D.1.a
Building Form A

Building Form A: Small, generally single-purpose buildings for retail, office, restaurant, or service uses. Typically situated in an out lot of a larger classification building form, or on a smaller, more remote site location within the district.

Building Height	Minimum 1 story, 14-foot height Maximum 3 stories, 38-foot height
Building Placement	**Front Yard:** 10-foot required building line [1] 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural consideration
	Side Yard: No minimum side setback If provided, minimum 5 feet
	Rear Yard: Minimum 10-foot rear setback
Lot	**Impervious Surface**: Maximum 80%
	Access and circulation: Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way, and cross access shall be provided in instances where a development is within an out lot of a higher classified building form
	Parking location: Parking shall be located in a side or rear yard; when located in a side yard and abutting the required building line adjacent to the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required building line, or within 5 feet of the required building line, provided that a landscape treatment is added between the wall and the required building line

[1] The Planning Commission may adjust the required building line to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafés or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required building line.



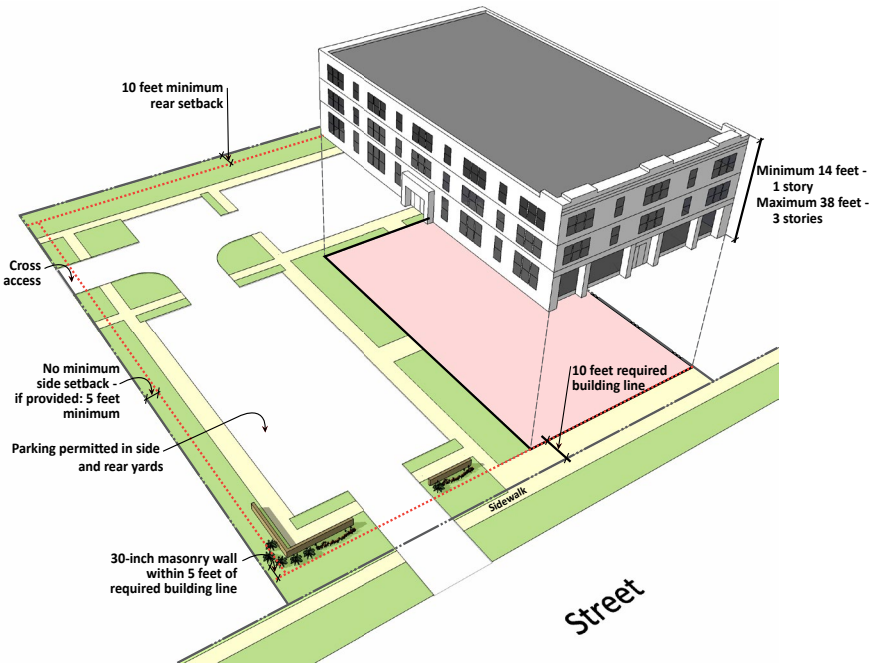
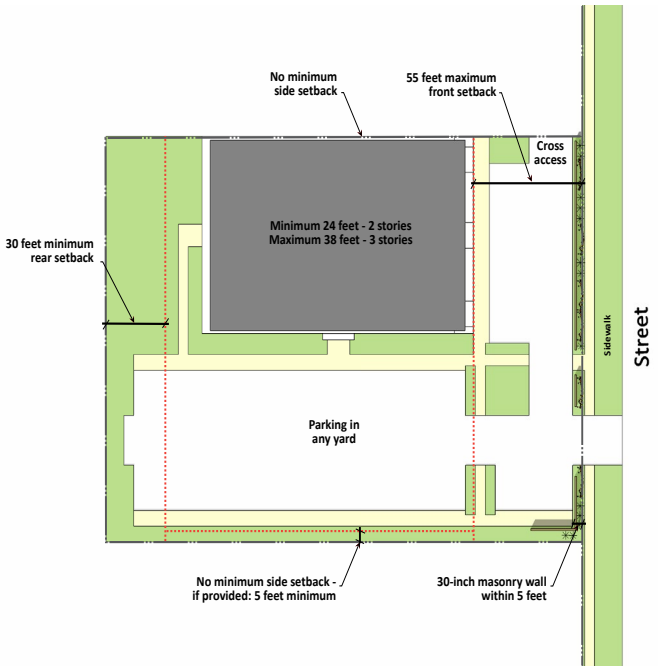


Table 5.03.D.1.b
Building Form B

Building Form B: Smaller, multiple-tenant buildings for retail, restaurant, office, service, or residential uses. This category also includes multiple-tenant development, although it requires a second story to encourage a mix of use.

Building Height	Minimum 2 stories, 24-foot height Maximum 3 stories, 38-foot height Ground floor 14-foot minimum height
Building Placement	**Front Yard:** Maximum 55-foot front setback
	Side Yard: No minimum side setback If provided, minimum 5 feet
	Rear Yard: Minimum 30-foot rear setback
Lot	**Impervious Surface**: Maximum 80%
	Access and circulation: Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way, and cross access shall be provided
	Parking location: Parking may be located in any yard; when located in a front or side yard adjacent to the primary building and abutting the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required building line, or within 5 feet of the required building line, provided that a landscape treatment is added between the wall and the required building line



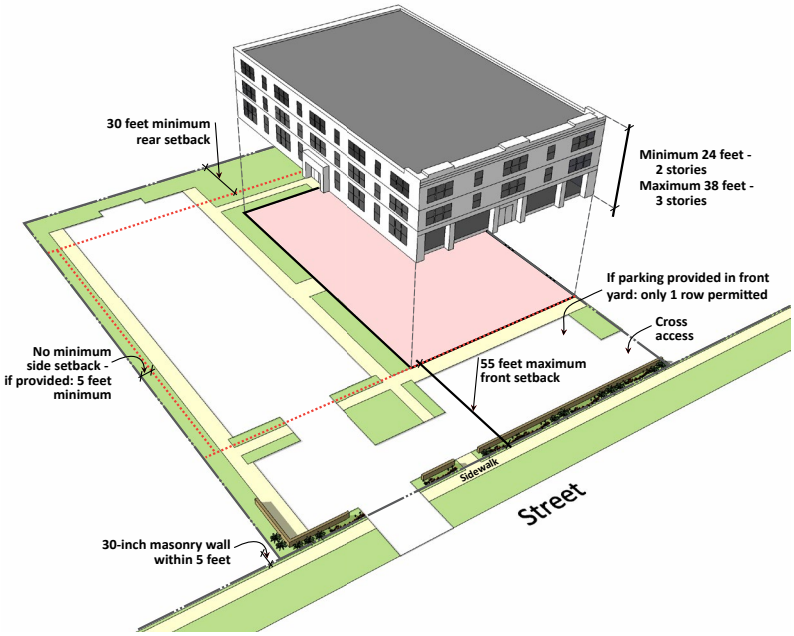


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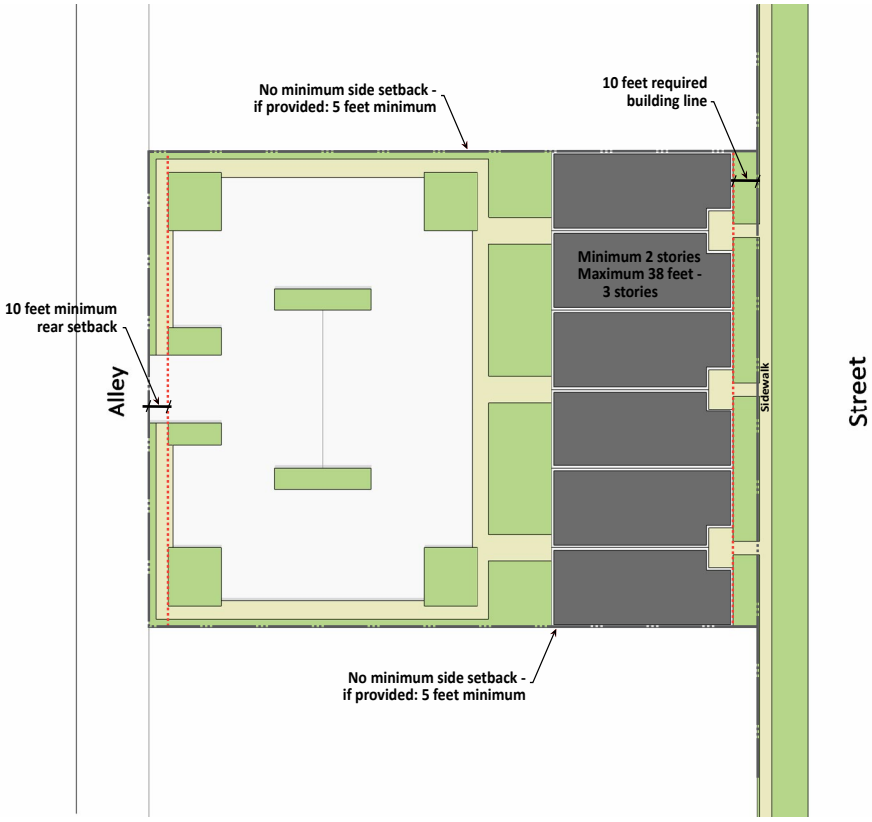
Table 5.03.D.1.c
Building Form C

Building Form C: This category is primarily designed for attached residential or live-work residential units. Townhouses and urban-style residential developments that are compatible with the Master Plan identified higher-density and more urban character of this area.

Building Height	Minimum 2 stories, no minimum height Maximum 3 stories, 38-foot height Ground floor: No minimum height
Building Placement	**Front Yard:** 10-foot Required building line [1] 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural consideration
	Side Yard: No minimum side setback If provided, minimum 5 feet
	Rear Yard: Minimum 10-foot rear setback
Lot	**Impervious Surface**: Maximum 60%
	Access and circulation: Parking may be accessed from an alley; detached garages or multi-garage structures are permitted only in a rear yard, or behind primary buildings in an alley; pedestrian pathways shall be provided from the right-of way
	Parking location: Parking shall be located in a rear yard or in an alley between buildings; parking may also be provided in integrated garages or detached garages when accessed from an alley or rear yard; on-street parking within private roads in developments is highly encouraged

[1] The Planning Commission may adjust the required building line to a maximum of 30 feet beyond the property line for projects incorporating a permanent front yard, enclosed space that shall incorporate a permanent wall or landscaping area along the required building line.



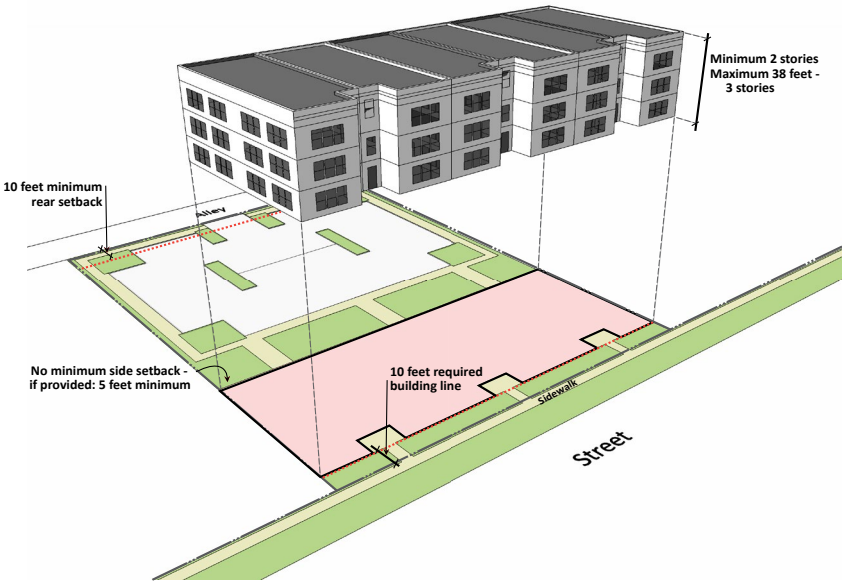
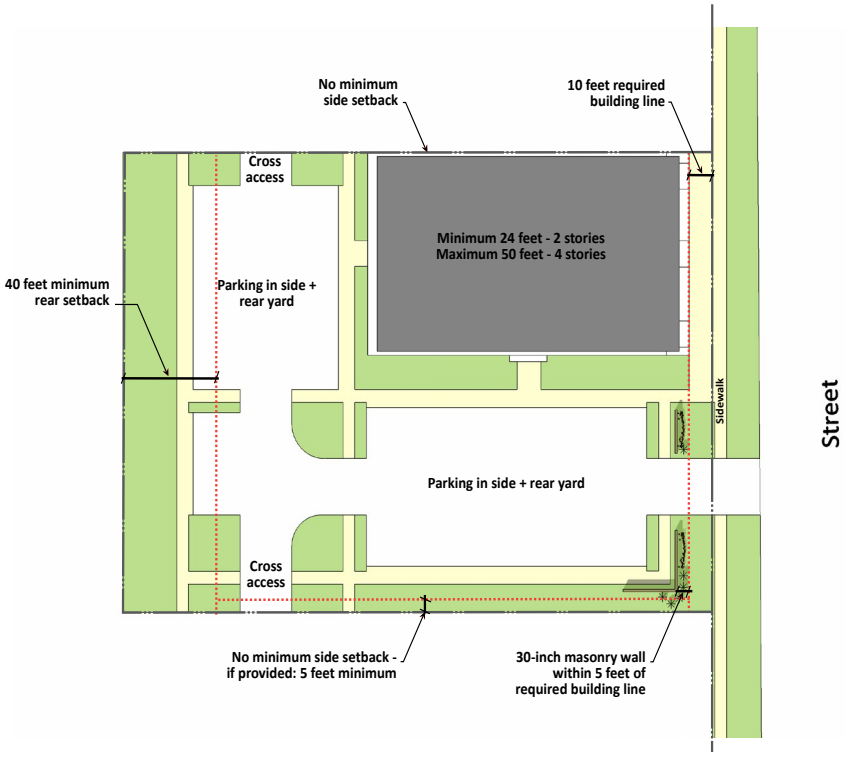


Table 5.03.D.1.d
Building Form D

Building Form D: This category includes multi-story mixed-use developments with a residential component on upper floors and retail, office, service, or restaurant uses on the first or lower floors. The category takes into consideration residential and commercial parking, access, and connectivity, and requires buildings that are between 2 and 4 stories, to complement the higher-intensity areas within the district.

Building Height	Minimum 2 stories, 24-foot minimum height Maximum 4 stories, 50-foot height Ground floor: No minimum height
Building Placement	**Front Yard:** 10-foot Required building line [1] 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural consideration
	Side Yard: No minimum side setback If provided, minimum 5 feet
	Rear Yard: Minimum 40-foot rear setback
Lot	**Impervious Surface**: Maximum 90%
	Access and circulation: If a garage or below-grade parking is integrated into the building, it must be accessible from a side yard, rear yard, an alley, or from a side street in the case of a corner lot; access to surfacce parking for commercial traffic may be accessible from any direction; pedestrian pathways shall be provided from the right-of-way
	Parking location: Surface parking shall be located in a rear yard or side yard; parking for residential tenants may be provided in integrated garages or below-grade parking

[1] The Planning Commission may adjust the required building line to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafes or public spaces shall be developed as part of the primary building and shall incorporate a permanent wall or landscaping area along the required building line.



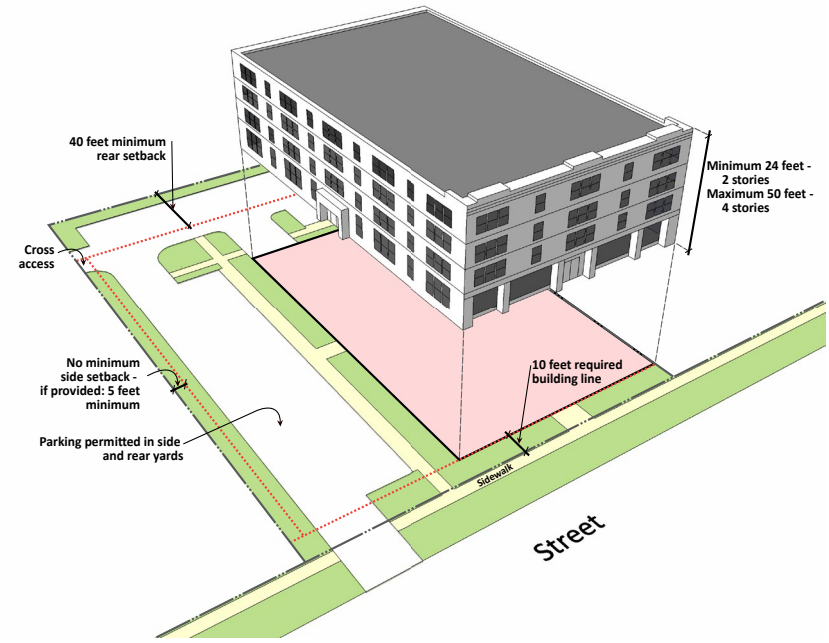


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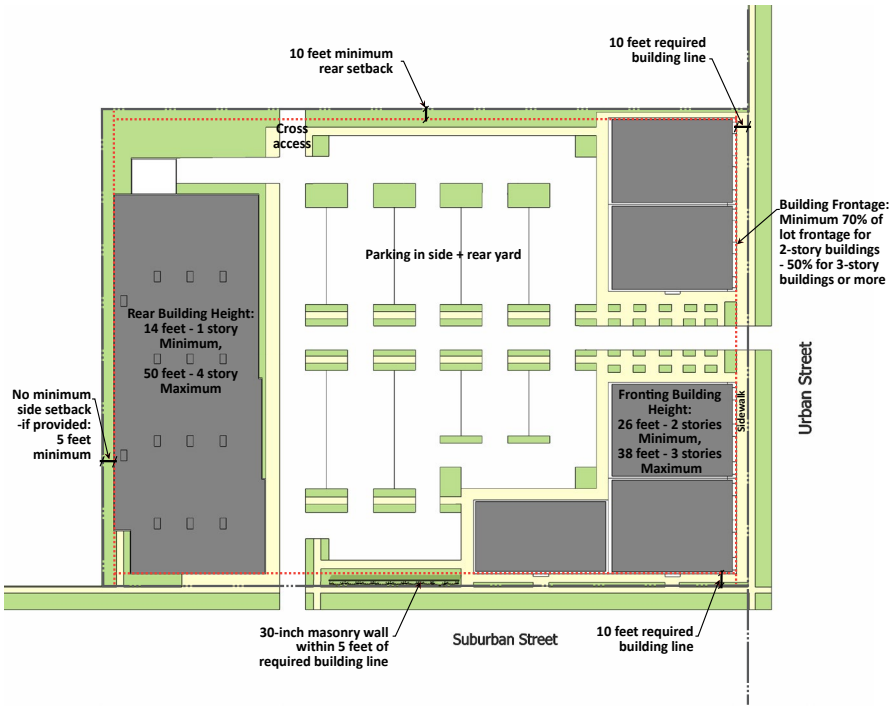
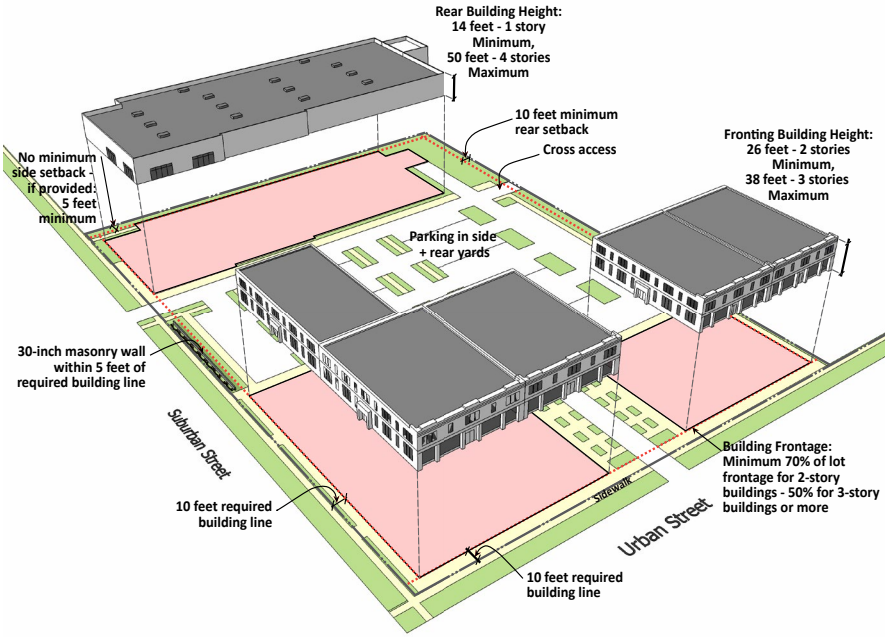
Table 5.03.D.1.e
Building Form E

Building Form E: This category provides an opportunity for large-format retail or entertainment uses within the district. They directly abut the right-of-way, provide parking in the rear or side yards, and contribute to the street atmosphere by providing a consistent street front with other, more pedestrian -oriented projects. They may be set back from the right-of-way, but only when they provide out-lots within the same project for category A, B, C, or D building forms on the same or on separate lots.

Building Height	**Rear Building**: Minimum 14 feet, 1 story; Maximum 50 feet, 4 story **Front Buildings**: Minimum 26 feet, 2 stories (14 feet minimum ground floor); Maximum 38 feet, 3 story
Building Placement	**Front Yard:** 10-foot required building line[1]
	Side Yard: No minimum side set-back; if provided, minimum 5 feet
	Rear Yard: Minimum 10 feet rear setback
Lot	**Building Frontage:** Minimum 70% of lot frontage for 2-story buildings and 50% for 3-story buildings or more
	Impervious Surface: Maximum 90%
	Access and circulation: Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way, and cross access shall be provided in instances where a development is within an out lot of a higher classified building form
	Parking location: Parking shall be located in a side or rear yard; when located in a side yard and abutting the required building line adjacent the primary building, parking shall be screened with a minimum 30-inch masonry wall on the required building line, or within 5 feet of the required building line, provided that a landscape treatment is added between the wall and the required building line

[1] The Planning Commission may eliminate the required building line for projects incorporating a permanent series of additional lots or smaller buildings in the A, B, C, or D building form categories, provided that those additional lots and/or buildings make up the entire frontage of the overall develoment along the required building line, with the exception of access drives. The required building line frontage minimum for the additional lots and/or other buildings forms along the required building line shall apply for each individual additional lot and/or building.





c. ***Exceptions***. For all building forms in all locations, awnings, signs, other projections (architectural projections, bay windows, etc.) may project into the right-of-way beyond the required building line by up to five (5) feet.

3. The regulating plan dictates the site type and street type for each individual property in the district. Building forms are identified within each district as permitted, or permitted subject to conditional use approval based upon the combination of the site type and the street type of each property.

4. If a site is adjacent to two (2) different street types, the more intense street type shall control the purpose of determining allowable building forms.

E. ***Non-Residential Development Height, Setback, and Greenbelt Provisions when Adjacent to any Residentially Zoned or Used Property.***

1. ***Height:***

a. Any building, or portion of a building, on a parcel immediately adjacent to a residentially zoned or used parcel and not separated by any street or alley, shall not exceed 38 feet in height.

b. Any building, or portion of a building, on a parcel that is not adjacent to but less than 300 feet from a residentially zoned or used parcel shall not exceed 45 feet in height.

c. Any building, or portion of a building, on a parcel greater than 300 feet from a residentially zoned or used parcel shall not exceed the maximum allowed height of the applicable building form.

d. Distance shall be measured from the nearest property line to the nearest property line on a straight-line basis and may include rights-of-way.

e. The Planning Commission may deviate from these height restrictions in the course of its site plan review process; however, the Planning Commission shall not permit a greater height than the maximum allowed for the applicable building form. In the review of the deviation, the Planning Commission shall consider the standards as set forth in Section 5.03.E.3

2. ***Setback and Greenbelt:***

a. Site Type A and B. The following setback and greenbelt shall be provided for any parcel zoned Site Type A or B that is adjacent to a residentially zoned or used parcel.

i. When a parcel is abutting, adjacent, or separated by an alley to a residentially zoned or used parcel without an intervening street, the building setback from the property line of the residentially zoned or used parcel shall be no less than the height of the proposed building or twenty (20) feet, whichever is greater.

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ii. When a parcel is abutting, adjacent, or separated by an alley to a residentially zoned or used parcel without an intervening street, a minimum 20-foot landscaped greenbelt shall be maintained from the property line of the residentially zoned or used parcel. The greenbelt shall be landscaped and screened in accordance with 13.02.C.

iii. The Planning Commission may deviate from these setback and greenbelt provisions in the course of its site plan review process; however, the Planning Commission shall not permit a setback or greenbelt that is less than required in the building form or Section 13.02.E. In the review of the deviation, the Planning Commission shall consider the standards set forth in Section 5.03.E.3.

b. Site Type C and D. The following setback and greenbelt shall be provided for any parcel zoned Site Type C or D that is adjacent to a residentially zoned or used parcel.

i. When a property is abutting, adjacent, or separated by an alley without an intervening street, the setback from the property line of the residentially zoned or used parcel shall be no less than twice the height of the proposed building or forty (40) feet, whichever is greater.

ii. When a property is abutting, adjacent, or separated by an alley without an intervening street, a minimum 40-foot landscaped greenbelt shall be maintained from the property line of the residentially zoned or used parcel. The greenbelt shall be landscaped, screened in accordance with 13.02.C, and include a minimum 5-foot high berm.

iii. The Planning Commission may deviate from these setbacks and greenbelt provisions in the course of its site plan review process; however, the Planning Commission shall not permit a setback or greenbelt that is less than required in the building form or Section 13.02.E. In the review of the deviation, the Planning Commission shall consider the following standards set forth in Section 5.03.E.3

3. ***Deviation Standards.*** The Planning Commission may grant height, setback, and greenbelt deviations if the following are found:

a. The deviation will not adversely impact public health, safety, and welfare.

b. The deviation maintains compatibility with adjacent uses.

c. The deviation is compatible with the Master Plan and in accordance with the goals and objectives of the Master Plan and any associated subarea and corridor plans.

d. The deviation will not adversely impact essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools.

e. The deviation will be in compliance with all other zoning ordinance standards.

f. The deviation will not adversely impact any on-site or off-site natural features.

F. ***Authorized Use Groups***.

1. Authorized uses are categorized by use groups as set forth in Table 5.03.E.1. Use groups generally contain similar types of uses in terms of function, character, and intensity.

2. Use groups are designated in locations within each district based on the regulating plan. Use groups are classified in the following manner:

   a. ***Permitted Use Groups***. These use groups are permitted as of right in the locations specified, and are depicted with the symbol P.

   b. ***Permitted Use Groups in Upper Stories***. These use groups are permitted as of right in upper stories only in the location specified and are depicted with the symbol UP.

   c. ***Conditional Use Groups***. These use groups are permitted after review and approval by the Planning Commission, in accordance with the procedures set forth in Article 10 and the standards in this Ordinance. Use groups requiring conditional use approval are depicted with the symbol C.

      i. The following uses will require a conditional use regardless of the site type or building form:

         a. Drive-through use.

         b. Single-use building over 15,000 gross floor area abutting residentially used or zoned property.

   d. ***Uses Permitted in All Locations Within the District***. Public parks and essential public services are permitted by right in all locations.

   e. ***Similar Uses***. If a use is not listed but is similar to other uses within a use group, the Zoning Administrator may determine whether the use is similar to other uses within a use group.

      The Zoning Administrator may also determine whether the use is permitted as of right, permitted in upper stories only, or permitted as a conditional use. The Zoning Administrator may obtain a recommendation from the Planning Commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a conditional use.

   f. If a site is adjacent to two (2) different street types, the more intense street type shall control for the purpose of determining allowable use groups.

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Table 5.03.E.1
Use Groups by Category

PRINCIPAL USE
Use Group 1, Residential Uses:
Dwelling, one-family detached and attached
Dwelling, two-family
Use Group 2, Residential / Lodging Uses:
Dwelling, one-family attached
Dwelling, multiple-family
Live/Work units
Senior assisted/independent living
Group day care homes
Child care centers
Use Group 3, Office / Institutional:
Civic building
Office, general
Office, medical
Medical clinic
Primary/secondary schools (private or charter)
Post-secondary schools
Places of worship
Data processing and computing centers
Technology centers/office research
Publicly owned/operated office and service facilities
Funeral homes
Veterinary clinics or hospitals
Use Group 4, Automobile / Transportation Uses:
Vehicle sales, new
Vehicle service station
Vehicle repair station
Vehicle body repair
Vehicle wash
Automobile/van with ten (10) or more cars stored on-site, truck, and trailer rental
Use Group 5, Retail, Entertainment, and Service Uses:
Artisan Food and Beverage Production (consumption of alcohol on premise requires a conditional use), less than 10,000 gross sq. ft.
Financial institutions
General retail sales

Art, cultural, or recreation studio
Restaurant
Personal services
Business services
Passenger vehicle automobile rental with less than ten (10) cars stored on-site
Use Group 6, Misc. Commercial Uses:
Artisan Food and Beverage Production (consumption of alcohol on premise requires a conditional use) 10,000 gross sq. ft. or greater
Lodging
Retail sales, large-scale
Shopping centers
Health fitness center / athletic clubs
Theatres, and places of assembly
Hospital
Building & lumber supply
Garden centers, nurseries
Outdoor commercial recreation
Indoor commercial recreation
Self-Storage
Commercial kennels / pet day care
Use Group 7, Industrial Uses:
Food Processing
Outdoor storage, accessory use
Manufacturing and assembly
Printing and publishing
Tool & die, gauge & machine shops
Warehousing / Wholesale

G. ***Design Standards***. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

1. ***Site Design***.

a. ***Intent***. To ensure that site layout considers the internal organization of a development project and the external relationship with the public right-of-way, adjacent properties, naturalized features, in order to relate to the street context.

b. ***Standards***.

i. Existing and planned pedestrian and bicycle circulation systems and easements shall be integrated into site design. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

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a. Fully paved and maintained surface not less than five (5) feet in width.

b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.

c. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.

c. ***Guidelines***.

i. Site design shall consider the placement of adjacent buildings and landforms.

ii. Site and building design shall accommodate pedestrian circulation on-site from parking areas to plazas, open space, pedestrian pathways, and to adjoining buildings.

iii. Coordinate site design with adjoining sites to take advantage of shared access and parking, similar perimeter landscape themes, or similar features.

iv. As part of site design, Pittsfield Charter Township strongly encourages the use of sustainable practices including:

a. Naturalized stormwater management features such as rain gardens, green roofs, bioswales, and bio-retention basins, which are integrated in a cohesive and logical manner to take advantage of site topography, orientation and visibility;

b. Use of pervious paving in lieu of impervious paving:

c. Reductions in paved areas to the minimum necessary to accomplish site circulation and parking;

d. Use of native landscaping;

e. Inclusion of natural and open space with access as public space;

f. Inclusion of renewable energy features;

g. Building siting to take advantage of solar orientation and wind protection; and

h. Use of recycled products for infrastructure, site, and building material.

2. ***Building Placement and Orientation***.

a. ***Intent***. To require building placement that provides a strong visual and functional relationship with its site, adjacent sites, and nearby thoroughfares and to ensure consistency within sites and with adjacent sites to provide distinct building groups which exhibit similar orientation, scale, and proportion.

b. ***Standards***.

i. Primary building entrances shall front on the public street.

ii. Sidewalks shall be provided along the full length of the building along any façade featuring a public entrance.

iii. Building entries shall be located so that they are easily identifiable with convenient public access. Each project shall provide a well-defined entry sequence for pedestrian and vehicular uses from the street to the building.

iv. Additional Entrances. All public entrances, regardless of location, must provide direct pedestrian access of the same quality and design as that required for the main entrance.

c. ***Guidelines***.

i. Building placement and orientation shall be coordinated with adjoining sites to take advantage of similar perimeter landscape themes, common access, or similar features.

ii. Plazas, courtyards, and public art are strongly encouraged.

iii. Where feasible, accessory facilities such as mechanical equipment, trash collection, loading areas, storage areas, and vehicle service areas shall be located away from portions of the site which are highly visible from public roadways or private properties with dissimilar improvements.

3. ***Parking Placement, Orientation, and Screening***.

a. ***Intent***. To provide a circulation system that efficiently moves vehicles in a well-defined manner, while reducing the visual impact of parking areas and mitigating conflict between pedestrians, bicycles, and automobiles.

b. ***Standards***.

i. ***Required Parking***. Off-street parking shall be provided for a principal use erected, altered, or expanded after the effective date of this Ordinance in accordance with the standards set forth in Article 12.

The mixed-use districts are intended to encourage non-motorized and transit-friendly design and compact mixed-use developments. Applicants are encouraged to consider the provisions for shared parking set forth in Article 12 and flexibility in application set forth in Article 12.

ii. ***Location***.

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a. When parking is located in a side yard (behind the front building line) but fronts on the required building line, no more than twenty-five percent (25%) of the total linear feet along the required building line or sixty (60) feet, whichever is less, shall be occupied by parking.

b. For a corner lot, no more than twenty-five percent (25%) of the cumulative linear feet along the required building lines or sixty (60) feet, whichever is less, shall be occupied by parking. The building shall be located in the corner of the lot adjacent to the intersection.

c. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than thirty-five percent (35%) of the total linear feet along a required building line or sixty (60) feet, whichever is less.

d. Where off-street parking is visible from a street, it should be screened in accordance with the standards set forth in Article 13.

iii. ***Parking Structures***. Parking structures shall be located behind buildings in locations that minimize visibility from public streets. Parking structures may be located along public street frontages, subject to the following standards:

a. Building height and placement requirements for principal building shall be met.

b. A lining of retail, office, or residential use with a useable depth of no less than twenty (20) feet shall be provided along the entire length of the frontage on the public street.

c. At least fifty percent (50%) of the upper floors facing a public street shall consist of exposed openings. The openings shall be designed with one or more treatments of 1) Planter boxes with living plants; 2) A rail or fence to give the appearance of a balcony; or 3) Framing and mullions to give the appearance of large windows.

iv. Landscaped areas, including landscaped parking islands and medians, shall be separated from vehicular and pedestrian encroachment by curbs and raised planting areas.

v. Measured from the inside of the outermost curb line, a parking lot shall employ at least ten percent (10%) of landscaped area in the form of parking islands, planting strips between parking rows. A parking peninsula extending from the outside curb line will count towards the ten percent (10%).

vi. No landscaped area within a parking lot shall be less than one hundred (100) square feet.

vii. Every ten (10) parking lot spaces must be broken up with a landscape island or

peninsula.

viii. Height of parking lot poles shall be consistent with the building height and generally not exceeding thirty (30) feet above the ground.

c. ***Guidelines***.

i. Large parking lots are discouraged in favor of smaller, connected parking lots that utilizes landscaping screening, transitions, and buffers.

ii. Visitor and employee parking shall be separated when possible. Visitor parking lots shall be placed closer to the building. Employee parking lots shall be oriented to the rear or side of the building and screened from the public right-of-way.

iii. The placement and design of parking areas and structures shall foster safe non-motorized access and circulation and clearly identifiable public access and visitor parking.

iv. Pedestrian access to parking lots, regardless of location, shall be equal to the quality of materials and design of the primary entrance.

v. Parking lot poles shall be located so as not to present an obstacle to pedestrians or hazard to vehicles.

4. ***Building Massing and Scale***.

a. ***Intent***. To maintain consistent massing and scale and ensure the use of properly proportioned building elements.

b. ***Standards***.

i. Building massing, height, bulk, scale, and proportion shall maintain consistency with the existing character of the adjacent buildings.

ii. Building design should employ coordinated massing to produce overall unity, scale, and interest.

iii. Rooflines and pitches shall be proportionate to nearby structures so as to provide transition or mitigation of significant changes to scale.

5. ***Architectural Design and Building Materials***.

a. ***Intent***. To create a character for the mixed use districts that encourages the greatest amount of visual interest, architectural consistency, and high quality material use. The standards are not intended to limit imagination, innovation, or variety.

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b. ***Architectural Design Standards***.

i. ***Façade Variation***. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.

ii. ***Transparency***.

a. The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than fifty percent (50%) clear windows and doors, and the minimum transparency for facades facing a side yard, or parking area shall be no less than thirty percent (30%) of the façade. Ground story transparency is measured between two and eight feet above the ground story elevation. The transparency requirement shall be measured and applied to each separate unit, address or space.

Visibility through the required transparency must portray the principal use of the operation and shall not portray secondary or "back of house" operation areas including, but not limited to, laundry, cleaning supply, stock, or storage areas.

b. The minimum transparency requirement shall apply to all sides of a building that abut an open space, including a side yard, or public right-of-way. Transparency requirements shall not apply to sides which abut an alley.

c. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

iii. ***Transparency Alternatives***. The following alternatives may be used singularly or in combination for any side or rear facing façade which requires transparency. If used in combination, they may count toward no more than fifty percent (50%) of the transparency requirement set forth in Section 5.03.F.5.b.ii. Transparency alternatives may be used but cannot be counted towards the transparency requirements as set forth in Section 5.03.G.5.b.ii for façades that face on a right-of-way.

a. ***Wall Design***. Wall designs must provide a minimum of three (3) of the following elements, occurring at intervals no greater than twenty-five (25) feet horizontally and ten (10) feet vertically:

i. Expression of structural system and infill panels through change in plane not less than three (3) inches.

ii. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters.

iii. System of horizontal and vertical reveals not less than one (1) inch in width/depth.

iv. Variations in material module, pattern, and/or color.

v. System of integrated architectural ornamentation.

vi. Green screen or planter walls.

vii. Translucent, fritted, patterned, or colored glazing.

b. ***Outdoor Dining/Seating.*** Inclusion of outdoor dining/seating located between the building and the primary street lot line.

c. ***Permanent Art.*** Non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall.

iv. Architectural style shall not be restricted. Rather, evaluation of the appearance of a projec*9t shall be based upon compatibility and the quality of its design and relationship to surroundings.

v. Buildings within the same development should be designed to provide a unified and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, and colors.

vi. Minimize monotony of expansive exterior walls by incorporating the following elements: staggering of vertical walls; recessing openings; providing upper-level roof overhangs; using deep score lines at construction joints; contrasting compatible building materials; use of variety and rhythm of window and door openings; use of horizontal and vertical architectural elements, use of horizontal bands of compatible colors; and providing changes in roof shape or roof-line.

vii. Facades shall provide visual interest from both vehicular and pedestrian viewpoints.

viii. Entrances to individual buildings shall be readily identifiable to visitors through the use of recesses or pop-outs, roof elements, columns, or other architectural elements.

ix. ***Material Standards***.

a. ***Materials***. Durable building materials, simple configurations, and solid craftsmanship are required. At least fifty percent (50%) of walls visible from

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public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Vinyl or aluminum siding shall only be used for accents. Exterior Insulation Finishing Systems (E.I.F.S.) or similar material is not permitted as a primary building material.

b. Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.

c. Material selection shall be consistent with architectural style in terms of color, shades, and texture, however monotony shall be avoided.

d. Materials shall be consistent with adjoining buildings.

e. Buildings shall have the same materials, or those that are architecturally compatible, for construction of all building walls and other exterior building components wholly or partly visible from public ways and public parking lots.

f. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

x. ***Transitional Features***.

a. Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher intensity uses and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.

b. ***Intensity***. A continuum of use intensity, where moderate intensity uses are sited between high-intensity uses and low-intensity uses, shall be developed for multi-building developments. An example would be an office use between commercial and residential uses.

c. ***Height and Mass***. Building height and mass in the form of building step-backs, recess lines or other techniques shall be graduated so that structures with higher intensity uses are comparable in scale with adjacent structures of lower-intensity uses.

d. ***Architectural Features***. Similarly sized and patterned architectural features such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.

6. ***Landscaping***.

   a. ***Intent***. To incorporate appropriate native landscaping to enhance visual appearance, provide transitions between properties, and screen unsightly areas

   b. ***Standards***.

      i. Landscaping shall be used to:

         a. Soften building exteriors;

         b. Define building entrances and parking lots;

         c. Break up expansive paved surface areas in parking lots;

         d. Provide a transition (buffering) between neighboring properties; and

         e. Provide screening for outdoor storage, loading and equipment areas, and refuse storage.

      ii. Landscaping shall be provided around the perimeter of a building to minimize the "hard edge" that is created where the building meets the pavement.

      iii. Along the building edge, trees are required at a ratio no less than one (1) per five hundred (500) square feet of landscaped area.

      iv. Plant, shrub, and tree species shall be appropriate to the southeast Michigan climate and should require minimal water and care.

      v. Landscaping shall be protected from vehicular encroachment by the use of curbs.

   c. ***Guidelines***.

      i. The use of naturalized stormwater management techniques (bioswales, roofgardens, rain gardens) is highly encouraged to reduce stormwater runoff.

      ii. Landscaping shall conform and incorporate existing landscape and topographic features.

      iii. Landscaping within courtyards and patios may include hardscape and softscape materials.

      iv. Landscaping shall maintain adequate sight lines for visual safety, visibility and efficient security.

      v. Pedestrian areas and walks shall be distinguishable from parking and circulation areas with distinct paving materials, shade trees, and groundcover planting.

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7. ***Utilities and Mechanical Screening***.

   a. ***Intent***. To ensure that utilities are designed to be a part of the overall building so to reduce the visual impact.

   b. ***Standards***.

      i. New utilities shall be located underground.

      ii. Ground mechanical equipment and utilities shall be screened from the public right-of-way with the use of walls, fencing, or roof-top mechanical equipment and utilities shall be screened from view of adjacent property or the public right-of-way.

      iii. Walls, fencing, and architectural details for screening shall compliment the materials used in the associated building's architectural style.

8. ***Loading and Storage Areas***.

   a. ***Intent***. To ensure that loading, storage, and other building utility features are designed to be a part of the overall building as so to reduce the visual impact.

   b. ***Standards***.

      i. Loading and service areas shall be located on the sides or rears of the buildings.

      ii. Loading and service areas shall be screened from the public right-of-way with the use of fencing, landscaping, or walls.

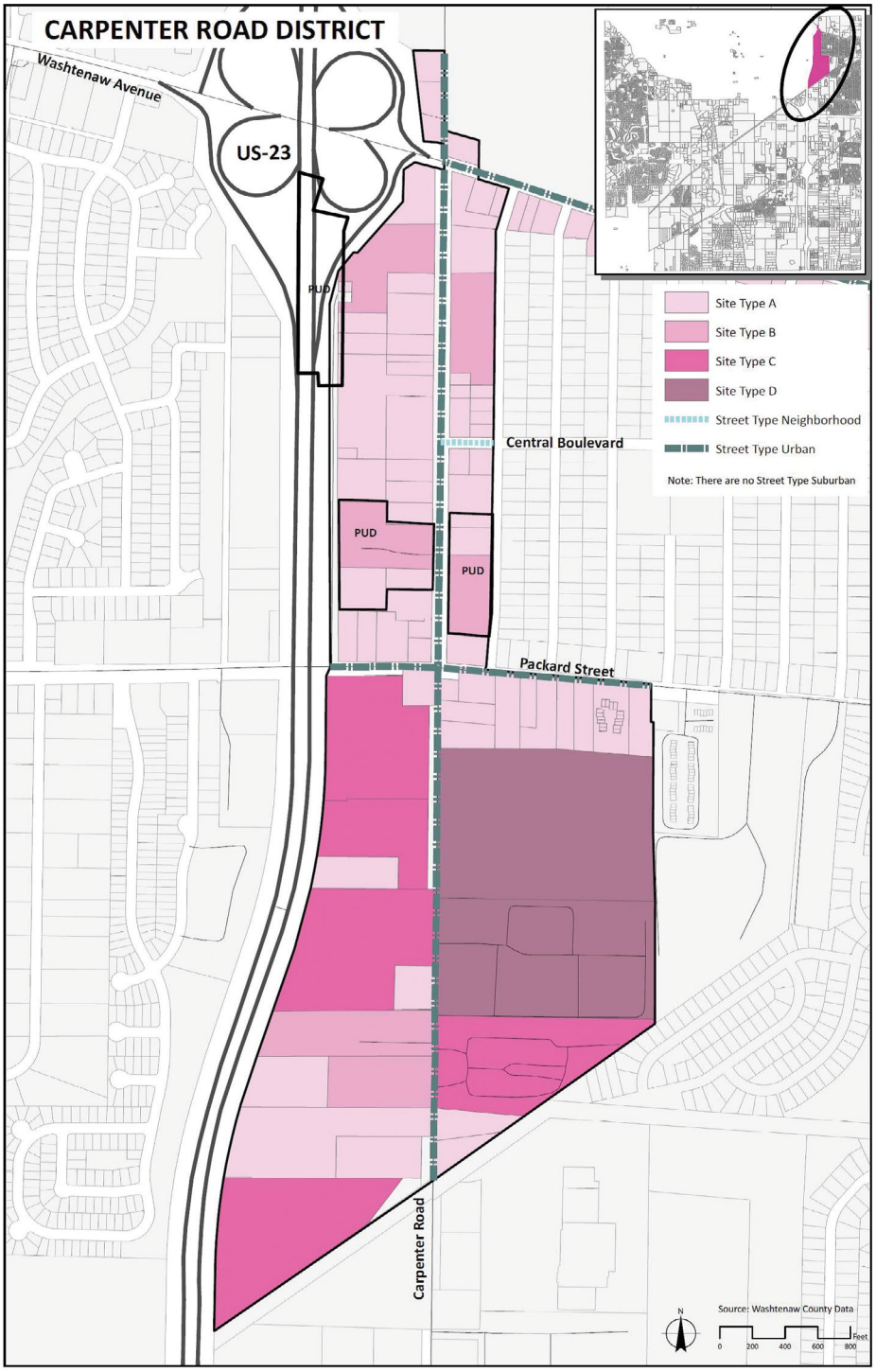
      iii. Freestanding storage facilities (including warehousing) shall comply with all design standards.

      iv. Trash storage and pick-up facilities shall be located in the rear or side of a building or site and screened from view of adjacent property or the public right-of-way.

      v. Outdoor trash storage shall be screened with fencing or walls, which are consistent with the associated primary building color and materials.

SECTION 5.04 CARPENTER ROAD MIXED USE DISTRICT

Map 5.04.1
Carpenter Road Form Based Mixed Use District Regulating Plan



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A. ***Intent***. The CARPENTER ROAD MIXED USE DISTRICT is intended to implement the vision established in the Master Plan's focus development area chapter. The Carpenter Road Area Mixed Use District allows for the consolidation and creative redevelopment of parcels to develop a mixed use building pattern set close to the street along Carpenter Road, and Packard Street, and smaller mixed use developments set close to neighborhood streets.

Though built-out with established development patterns of single-use buildings and big box type uses set back from the street, redevelopment within the Carpenter Road Mixed Use District shall support redevelopment and infill to reduce existing surface parking lots and setbacks. Development must respect and support the adjacent residential neighborhood and coordinate site design with adjoining sites to take advantage of shared access and parking.

Development of mixed-use buildings and sites, including retrofitting and redevelopment of existing sites and buildings, can include residential, retail, office, and service uses. Uses designed to support the residents and local workers are also encouraged, such as mixed-use developments with small scale retail or restaurant uses incorporated with housing units. The overall intent of the District is to develop a mixed use building pattern set close to the street in order to develop a street form that reflects quality urban design and promotes multiple forms of transportation.

Consolidation of smaller parcels into larger ones in the District is encouraged and incentivized in order to provide for consistent and high quality development patterns. Incentives include additional building forms and more permitted uses on large master planned sites. Additional neighborhood streets may need to be created in order to fulfill the vision of the Master Plan and any other applicable Plan.

B. ***Regulating Plan***.

1. The Regulating Plan, as set forth in Map 5.04.1, identifies allowable uses and permissible development within the District based on location.

2. ***Relationship to Master Plan***. All development shall be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.

3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and Use Group as described in Section 5.03.

C. ***Authorized Building Forms***. Authorized building form regulations, as set forth in Section 5.03.D and Tables 5.03.D.1.a through e, are applied to the site types and street types in the Carpenter Road District in Table 5.04.1.

D. ***Authorized Use Groups***. Authorized use groups, as set forth in Section 5.03.D and Table 5.03.E.1 are applied to the site types and street types in Carpenter Road District Regulating Plan.

E. ***Design Standards***. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

Table 5.04.1
Carpenter Road Mixed Use District Regulating Plan Table

Street Type	Site Type	Building Form		Use Group	
Street Type: Urban	Site Type: D	Permitted Building Form	A[1], B, D	Permitted Use Group	2, 3, 4, 5
		Conditional Approval Building Form	C, E	Conditional Use Group	6, 7
	Site Type: C	Permitted Building Form	A[1], B, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	C, E	Conditional Use Group	4, 6, 7
	Site Type: B	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	4
	Site Type: A	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	4
Street Type: Suburban	Site Type: B	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	4
	Site Type: A	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	
Street Type: Neighborhood	Site Type: A	Permitted Building Form	A	Permitted Use Group	1, 2
		Conditional Approval Building Form	B, C	Conditional Use Group	3, 5

[1] Permitted only when located in an outlot of a Building Form E project regardless of whether the outlot is a separate parcel or remains part of the primary parcel.

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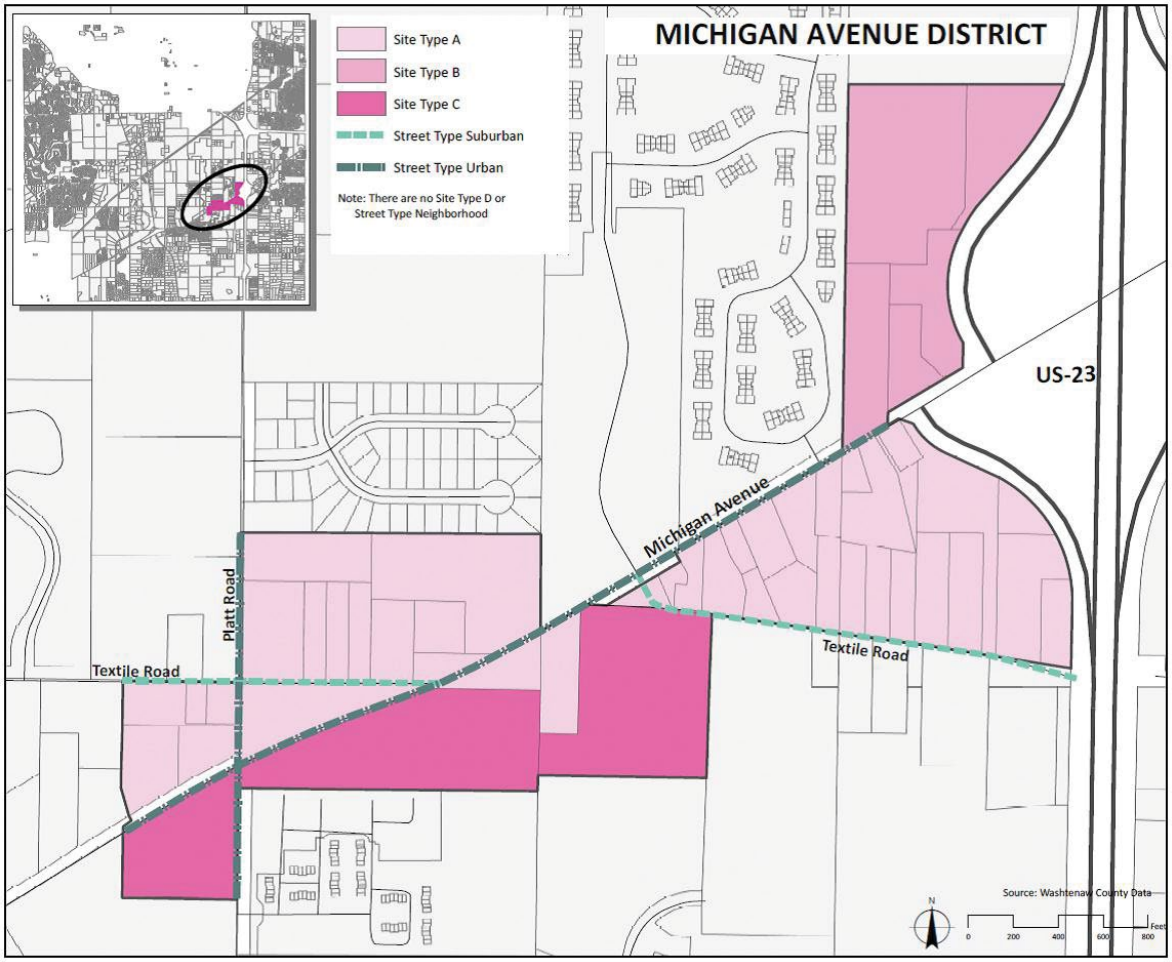
SECTION 5.05 MICHIGAN AVENUE MIXED USE DISTRICT

Map 5.05.1
Michigan Avenue Mixed Use District Regulating Plan



A. ***Intent***. The MICHIGAN AVENUE MIXED USE DISTRICT is intended to implement the vision established in the Master Plan's focus development area chapter. The Michigan Avenue Mixed Use District allows for the consolidation and creative redevelopment of parcels to develop a mixed use building pattern set close to the street along Michigan Avenue and smaller mixed use and attached and multiple family housing set close to neighborhood streets. Development along Michigan Avenue shall coordinate site design with adjoining sites to take advantage of shared access and parking.

Development of mixed-use buildings and sites, including retrofitting and redevelopment of exiting sites and buildings, can include residential, retail, office, and service uses. Uses designed to support the residents and local workers are encouraged, such as mixed-use developments with small scale retail, arts, and cultural uses incorporated with housing units. Michigan Avenue includes a number of smaller parcels that should be consolidated in order to create more cohesive development and to take advantage of shared access and parking. Development along Michigan Avenue should include mixed uses that take advantage of highway access while respecting adjacent residential land developments.

Consolidation of smaller parcels into larger ones in the District is encouraged and incentivized in order to provide for consistent and high quality development patterns. Incentives include additional building forms and more permitted uses on large master planned sites. Additional neighborhood streets may need to be created in order to fulfill the vision of the Master Plan and any other applicable Plan.

B. ***Regulating Plan***.

1. The Regulating Plan, as set forth in Map 5.05.1, identifies allowable uses and permissible development within the District based on location.

2. ***Relationship to Master Plan***. All development shall be compatible to the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.

3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and Use Group as described in Section 5.03.

C. ***Authorized Building Forms***. Authorized building form regulations, as set forth in Section 5.03.D and Tables 5.03.D.1.a through e, are applied to the site types and street types in the Michigan Avenue District in Table 5.05.1.

D. ***Authorized Use Groups***. Authorized use groups, as set forth in Table 5.03.E.1 are applied to the site types and street types in Michigan Avenue District in Table 5.05.1.

E. ***Design Standards***. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

Table 5.05.1
Michigan Avenue Mixed Use District Regulating Plan Table

Street Type	Site Type	Building Form		Use Group	
Street Type: Urban	Site Type: C	Permitted Building Form	A, B, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Type	C	Conditional Use Group	4, 7
	Site Type: B	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Type	B, C	Conditional Use Group	4
	Site Type: A	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Type	B, C	Conditional Use Group	4
Street Type: Neighborhood	Site Type: A	Permitted Building Form	A	Permitted Use Group	1, 2
		Conditional Approval Building Type	B, C	Conditional Use Group	3

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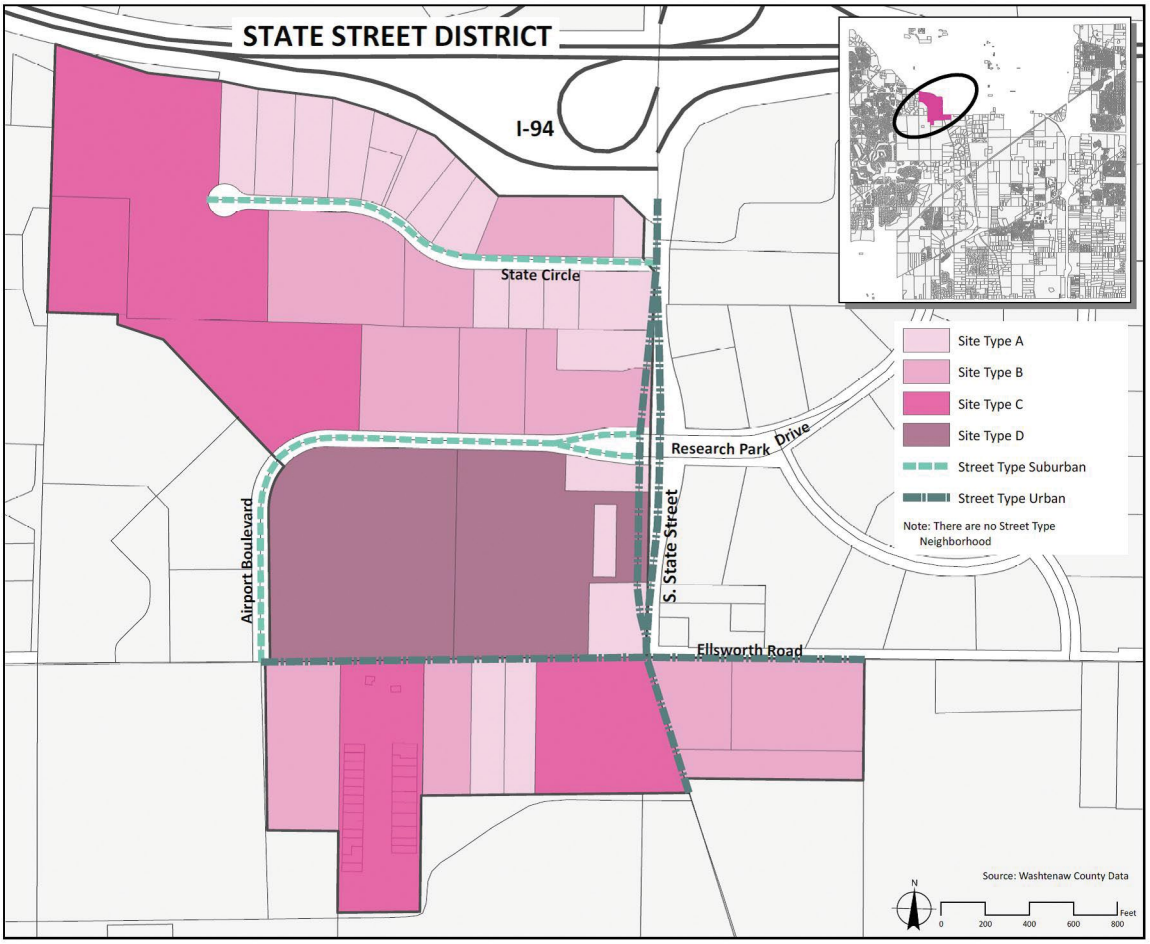
SECTION 5.06 STATE STREET MIXED USE DISTRICT

Map 5.06.1
State Street Mixed Use District Regulating Plan



A. ***Intent***. The STATE STREET USE DISTRICT is intended to implement the vision established by the Master Plan's focus development area chapter. The State Street Mixed Use District allows for the consolidation and creative redevelopment of parcels to develop a mixed use building pattern set close to the street along State Street and Ellsworth Road. Development within the State Street Mixed Use District shall coordinate site design with adjoining sites to take advantage of shared access and parking.

Though built-out with established development patterns of single-use buildings and big box type uses set back from the street, redevelopment within the State Street Mixed Use District shall support redevelopment and infill to reduce existing surface parking lots and setbacks. The State Street Mixed Use District includes many larger parcels that create opportunities to develop mixed-use buildings and sites, including retrofitting and redevelopment of exiting sites and buildings and that could include residential, retail, office, and service uses.

Additional neighborhood streets may need to be created in order to fulfill the vision of the Master Plan and any other applicable Plan.

B. ***Regulating Plan***.

1. The Regulating Plan, as set forth in Map 5.06.1, identifies allowable uses and permissible development within the District based on location.

2. ***Relationship to Master Plan***. All development shall be compatible to the vision and in accordance with the goals and objectives set forth in the Pittsfield Master Plan and any applicable plan.

3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and Use Group as described in Section 5.03.

C. ***Authorized Building Forms***. Authorized building form regulations, as set forth in Section 5.03.D and Tables 5.03.D.1.a through e, are applied to the site types and street types in the State Street Mixed Use District in Table 5.06.1.

D. ***Authorized Use Groups***. Authorized use groups, as set forth in Table 5.03.E.1 are applied to the site types and street types in the State Street Mixed Use District in Table 5.06.1.

E. ***Design Standards***. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

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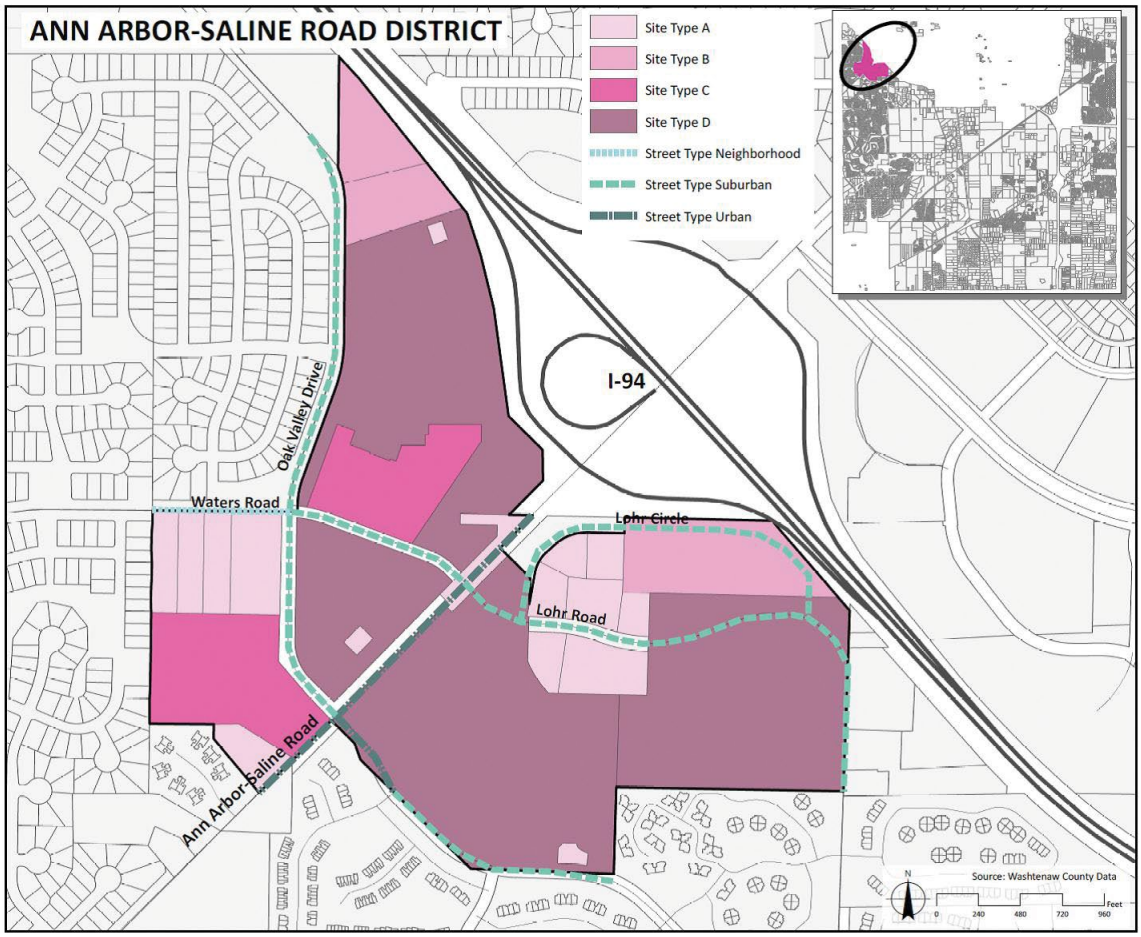
Table 5.06.1
State Street Mixed Use District Regulating Plan Table

Street Type	Site Type	Building Form		Use Group	
Street Type: Urban	Site Type: D	Permitted Building Form	A[1], B, D, E	Permitted Use Group	2, 3, 4, 5
		Conditional Approval Building Form	C	Conditional Use Group	6, 7
	Site Type: C	Permitted Building Form	A[1], B, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	C	Conditional Use Group	4, 6, 7
	Site Type: B	Permitted Building Form	A, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	
	Site Type: A	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	
Street Type: Suburban	Site Type: D	Permitted Building Form	A[1], B, D, E	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	C	Conditional Use Group	4
	Site Type: C	Permitted Building Form	A[1], B, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	C	Conditional Use Group	
	Site Type: B	Permitted Building Form	A, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	
	Site Type: A	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	
Street Type: Neighborhood	Site Type: B	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	
	Site Type: A	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	

[1] Permitted only when located in an outlot of a Building Form E project regardless of whether the outlot is a separate parcel or remains part of the primary parcel.

SECTION 5.07 ANN ARBOR-SALINE ROAD AREA DISTRICT

Map 5.07.1
Ann Arbor-Saline Road Mixed Use District Regulating Plan



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A. ***Intent***. The ANN ARBOR-SALINE ROAD MIXED USE DISTRICT is intended to implement the vision established by the Master Plan's focus development area chapter. The Ann Arbor-Saline Road Mixed Use District allows for the consolidation and creative redevelopment of parcels to develop a mixed use building pattern set close to the street along Ann Arbor-Saline Road, Waters Road, and Lohr Road, and smaller mixed use developments set close to other streets in the District.

Though built-out with established development patterns of single-use buildings and big box type uses set back from the street, the Ann Arbor-Saline Road Area District includes many large parcels, which create an opportunity to develop mixed-use buildings and sites. Development may include retrofitting and redevelopment of exiting sites and buildings to include a balanced residential, retail, office, and service uses. Development must respect and support the adjacent residential neighborhood and coordinate site design with adjoining sites to take advantage of shared access and parking.

Compatibility of buildings, uses and other improvements is determined by their arrangement, scale, character, adjacent land uses, and landscape to establish a livable, harmonious, and diverse environment. The overall intent of the District is to develop a mixed use building pattern set close to the street in order to develop a street form that reflects quality urban design and promotes multiple forms of transportation.

Additional neighborhood streets may need to be created in order to fulfill the vision of the Master Plan.

B. ***Regulating Plan***.

1. The Regulating Plan, as set forth in Map 5.07.1, identifies allowable uses and permissible development within the District based on location.

2. ***Relationship to Master Plan***. All development shall be compatible to the vision and in accordance with the goals and objectives set forth in the 2010 Pittsfield Master Plan.

3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and Use Group as described in Section 5.03.

C. ***Authorized Building Forms***. Authorized building form regulations, as set forth in Section 5.03.D and Tables 5.03.D.1.a through e, are applied to the site types and street types in the Ann Arbor-Saline Road Mixed Use District in Table 5.07.1.

D. ***Authorized Use Groups***. Authorized use groups, as set forth in Table 5.03.E.1 are applied to the site types and street types in the Ann Arbor-Saline Road Mixed Use District in Table 5.07.1.

E. ***Design Standards***. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

Table 5.07.1
Ann Arbor-Saline Road Mixed Use District Regulating Plan Table

Street Type	Site Type	Building Form		Use Group	
Street Type: Urban	Site Type: D	Permitted Building Form	A[1], B, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	C, E	Conditional Use Group	4, 6, 7
	Site Type: C	Permitted Building Form	A[1], B, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	C, E	Conditional Use Group	4, 6, 7
	Site Type: B	Permitted Building Form	A, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	4
	Site Type: A	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	4
Street Type: Suburban	Site Type: D	Permitted Building Form	A[1], B, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	C	Conditional Use Group	4, 6, 7
	Site Type: C	Permitted Building Form	A [1], B, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	C	Conditional Use Group	4
	Site Type: B	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	4, 6, 7
	Site Type: A	Permitted Building Form	A	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B, C	Conditional Use Group	4
Street Type: Neighborhood	Site Type: B	Permitted Building Form	A	Permitted Use Group	1, 2
		Conditional Approval Building Form	B, C	Conditional Use Group	3
	Site Type: A	Permitted Building Form	A	Permitted Use Group	1, 2
		Conditional Approval Building Form	B, C	Conditional Use Group	3

[1] Permitted only when located in an outlot of a Building Form E project regardless of whether the outlot is a separate parcel or remains part of the primary parcel.

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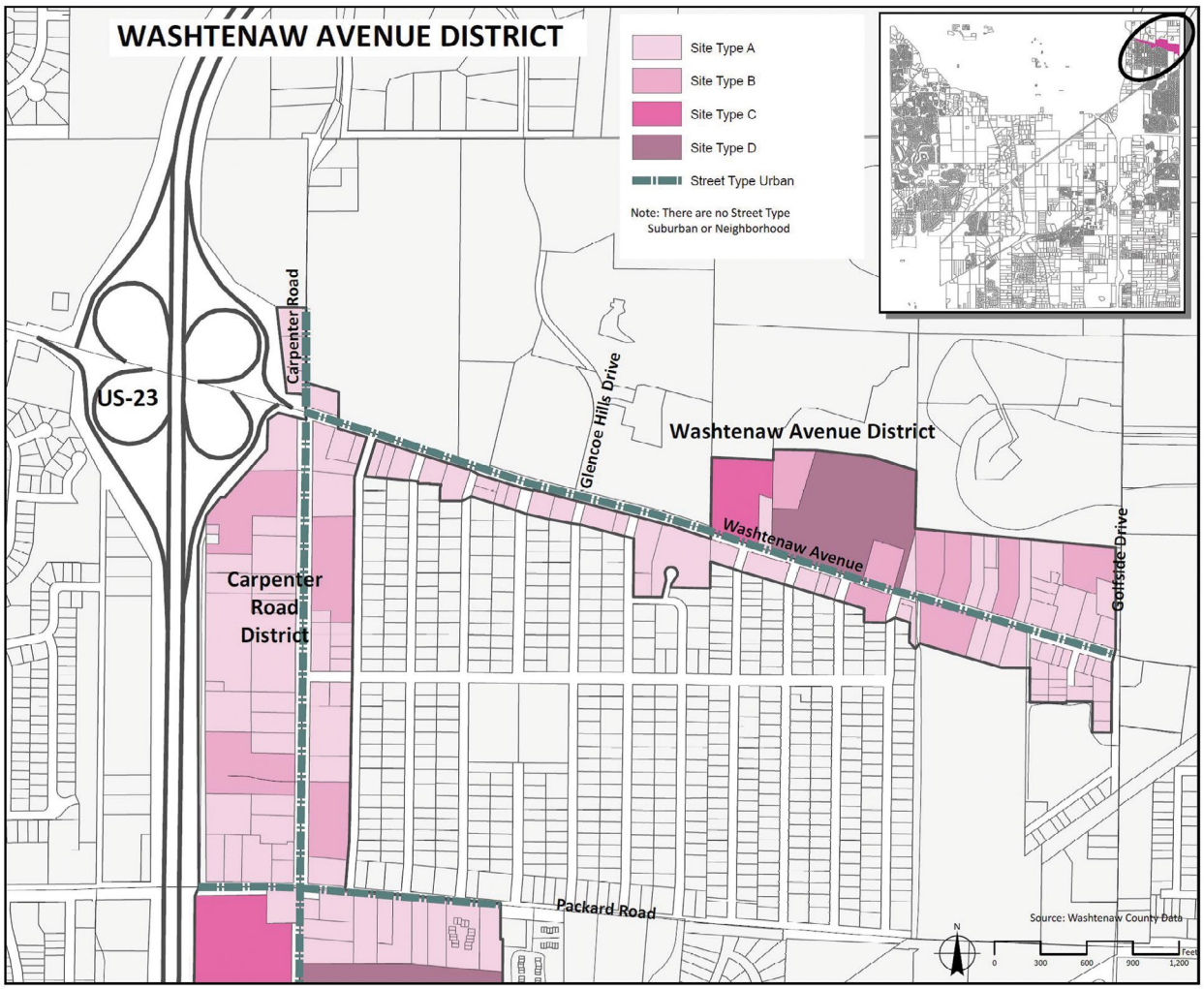
SECTION 5.08 WASHTENAW AVENUE MIXED USE DISTRICT

Map 5.08.1
Washtenaw Avenue Mixed Use District Regulating Plan



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A. ***Intent***. The **WASHTENAW AVENUE MIXED USE DISTRICT** is intended to implement the vision established by the Master Plan and the ReImagine Washtenaw Corridor Improvement Study. Though built-out with established development patterns of isolated parcels and strip-mall type development, redevelopment within the Washtenaw Avenue Mixed Use District encourages the development of mixed-use sites and mixed-use neighborhoods that meet the needs for commercial, residential, and office space and increasing transit and non-motorized transportation options while maintaining existing neighborhood fabric and providing appropriate edge transitions. The overall intent of the District is to develop a mixed use building pattern set close to the street in order to develop a street form that reflects quality urban design and promotes multiple forms of transportation.

Consolidation of smaller into larger parcels in the District is encouraged and incentivized in order to provide for a quality and consistent development patterns. Incentives as set forth in Section 5.08.K include flexibility in build-to-line, drive through uses, and parking reduction in exchange for a commensurate benefit. Additional neighborhood streets may need to be created in order to fulfill the vision of the 2010 Pittsfield Master Plan and the ReImagine Washtenaw Corridor Improvement Study.

B. ***Regulating Plan***.

1. The Regulating Plan, as set forth in Map 5.08.1, identifies allowable uses and permissible development within the District based on location.

2. ***Relationship to Master Plan***. All development shall be compatible with the vision and in accordance with the goals and objectives set forth in the 2010 Pittsfield Master Plan, the ReImagine Washtenaw Plan, and the ReImagine Washtenaw Design Guidelines.

3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and Use Group as described in Section 5.03.

4. ***Street Types***. The Washtenaw Mixed Use District Regulating Plan includes one (1) Street Type, described as follows:

   a. Urban Street Type, as described in Section 5.03.B, in the Washtenaw Mixed Use District is characterized by high traffic volumes, effective signage and lighting, few individual residential curb cuts, new pedestrian amenities, and a vibrant revitalized streetscape. as set forth in Map 5.08.1, identifies allowable uses and permissible development within the District based on location.

C. ***Site Types.***

1. The Washtenaw Avenue Mixed Use District Regulating Plan includes four (4) different Site Types, described as follows:

   a. Site Type A (small residential /mixed use sites)

      Site Type A lots are shallow and narrow, typically 130' deep and 50-160' wide that

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abut single-family residential. A majority of the small lots are currently single-family residential, with some commercial uses near major intersections. These lots are reserved primarily for residential use and for smaller single-tenant non-residential use which is compatible with a residential setting. Site Type A is generally located in areas which serve as a transition between the street and neighboring residential areas. The building form selected for these sites must consider both the front elevation that fronts on the street but also the rear/side elevation that is adjacent to residential in order to maintain compatibility with adjacent uses.

b. Site Type B (small commercial/office/mixed use sites)

Site Type B lots consist of small lots intended for mixed use or well-designed single use development. Site Type B lots may provide more intense development than Site Type A because they do not abut residential. Site Type B sites must be designed to better integrate with their surroundings to contribute to a more cohesive District, a more consistent building line, and more efficient access between sites. Good access for pedestrians and cross access for vehicles will help sites in this Category reduce trips entering and existing from corridors and arterials. Groups of Site Type B properties may make excellent candidates for assembly to create more cohesive development projects.

c. Site Type C (medium commercial/office/mixed use sites)

Site Type C lots are deeper, typically 250- 500’ deep and 100-200’ wide, and are located at the edges of larger Site Type D sites. The Site Type C category should be designed with integration in mind, integration with one another, with Site Type A and B sites, and in support of much larger destination retail and office complex site of Site Type D.

d. Site Type D (Large commercial/mixed use sites)

Site Type D lots are the largest sites and have a wider frontage along Washtenaw Avenue and are well suited for phased redevelopment projects. These sites are zoned for commercial, office and mixed use development. Site Type D properties are greater than two (2) acres in area, but designed to function as one unit. Site Type D size and character may vary based on the unique characteristic of each District.

Walkability within and between sites and provision of supporting buildings and uses are important to the success of the very large, Site Type D developments. They should be designed with a mix of uses in mind to allow for users to obtain basic services on or immediately near the site. Especially within large office centers, where hundreds of workers may populate the site during the day, restaurants, postal facilities and other daily needs should be integrated within existing buildings or permitted to exist in smaller out-lot developments or nearby developments in Site Type A, or B, or C categories.

Site design should strongly focus on putting the densest components of the project within close range of the primary right-of-way to combat the vast open areas that frequently make such sites difficult or undesirable to cross on foot.

D. ***Authorized Building Forms***. Authorized building form regulations, as set forth in Section 5.03.D and Tables 5.03.D.1.a through e, are applied to the site types and street types in the Washtenaw Mixed Use District in Table 5.08.2.

E. ***Build-to-lines.*** Build-to-lines shall be measured from the centerline of the Washtenaw Avenue future right-of-way as specified in the ReImagine Washtenaw Corridor Improvement Study.

1. Build-to-lines:

   a. 64-feet from the 108-foot cross-section centerline

   b. 70-feet from the 120-foot cross-section centerline

2. Super Stop Build-to-lines Exception
   a. An additional 10-feet shall be added to the build-to-line in the Super Stop locations as designated in the ReImagine Washtenaw Corridor Improvements Study.

F. ***Authorized Use Groups***. Authorized use groups, as set forth in Table 5.03.E.1 are applied to the site types and street types in the Washtenaw Mixed Use District in Table 5.08.2.

G. ***Design Standards***. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

1. Development shall comply with the design requirements set forth in 5.03.F.

2. Development shall be consistent with the adopted Washtenaw Avenue Design Guidelines.

3. Drive-through. A drive-through use is subject to the following standards:

   a. A drive-through and associated structure shall be reviewed as a conditional use in association with a recognized benefit as set forth in Section 5.08.K.

   b. Ingress and egress to drive-through facility shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. A drive-through facility shall be designed in a manner which promotes pedestrian and vehicular safety.

   c. A drive-through must be located behind the facade on the opposite side of Washtenaw Avenue (the back of the building) or detached from the the principal building and shall be located in a manner that will be the least visible from a public thoroughfare.

   d. If detached, the point-to-point tube transport system (pneumatic tubes) must be located underground to serve the drive-through kiosk or canopy.

   e. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.

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f. Each drive-through facility shall provide stacking space meeting the following standards:

i. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.

ii. Ten (10) stacking spaces per drive-through lane for food or coffee use. Four (4) stacking spaces per drive-through lane for bank and pharmacy use.

iii. If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.

iv. All stacking lanes must be clearly delineated through the use of striping, landscaping, curbs, or signage.

H. ***Street and Streetscape Standards***

1. Crystal Drive to Foster Avenue. Future development on this section of Washtenaw Avenue should establish a streetscape to complement future small mixed use commercial/urban residential development by improving the quality of the pedestrian experience and enhancing the pedestrian and vehicular accessibility of the existing businesses that front Washtenaw Avenue.

a. Required Improvements within the Pedestrian Realm

i. The minimum sidewalk shall be at least 6 feet in width. Sidewalk may occur on private property if an easement is granted.

ii. The area between the public sidewalk and the building (i.e the build-to-line area) shall be improved with streetscape, landscaping, public art, pedestrian amenities, or transit facilities as set forth in the Washtenaw Avenue Design Guidelines.

iii. Street trees shall be planted at intervals of no more than 40 feet. Tree species shall be selected that require minimal maintenance and be salt tolerant.

2. Foster Avenue to Golfside. Future development on this section of Washtenaw Avenue should establish a streetscape to complement larger mixed use commercial/urban residential development by improving the quality of the pedestrian experience and enhance the pedestrian and vehicular accessibility of the existing businesses that front Washtenaw Avenue.

a. Required Improvements within the Pedestrian Realm

i. The minimum sidewalk shall be at least 10 feet in width. Sidewalk may occur on private property if an easement is granted.

ii. The area between the public sidewalk and the building (i.e the build-to-line area) shall be improved with streetscape, landscaping, public art, pedestrian amenities, or transit facilities as set forth in the Washtenaw Avenue Design Guidelines.

iii. Street trees shall be planted at intervals of no more than 40 feet. Tree species shall require minimal maintenance and be salt tolerant.

3. Any street and streetscape improvements shall be consistent with the ReImagine Washtenaw Corridor Improvement Study.

I. ***Commercial, Industrial, and Institutional Development Setbacks Adjacent to Residentially Zoned or Used Parcels.***

1. Additional height, setback, and greenbelt provisions are set forth in Section 5.03.E.

J. ***Flexibility in Application of Zoning Standards***

1. ***Purpose.*** To promote redevelopment and stimulate reinvestment along the corridor, this section provides flexibility in application of zoning standards to advance the development initiatives set forth in the Township Master Plan, Corridor Improvement Study, and the ReImagine Washtenaw Design Guidelines. These development initiatives include:

a. Multiple transportation choices

b. Complete streets

c. Pedestrian amenities and improvements in the Pedestrian Realm

d. Public spaces and public arts

e. Mix of uses, including mixed use development

f. Multitude of housing options

2. ***Allowable Flexibility and Recognized Benefits.*** The Planning Commission may grant flexibility in application of zoning standards where one or more of the recognized benefits, listed below, are provided:

a. ***Flexibility:***

i. Drive-through. A drive-through is only permitted to be reviewed as a Conditional Use with the provision of a recognized benefit.

ii. Build-to-line Flexibility. Relaxation of the build-to-line requirement.

iii. Building Height. Allowance for an increase in height up to two additional stories greater than permitted.

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iv. Site Reclassification. A modification of site type to permit flexibility in building design and allowed uses.

v. Increased Signage. Increase in allowable signage including number, type, and area.

vi. Parking Reduction. Parking may be reduced above those parking reductions outline in Section 12.05.

b. ***Recognized Benefit***

i. Lot Consolidation. The consolidation of lots to create a larger development site.

ii. Mixed use. Development that includes a balanced mix of varied uses.

iii. Construction of Transit Amenities. Construction of Bus Stop or Super Stop Amenity per the Corridor Improvement Study and as approved by the Ann Arbor Area Transit Authority (AAATA).

iv. Plaza/Pedestrian Space. Inclusion of additional plaza/pedestrian space above what is required.

v. Sustainable Design and Development. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the US Green Building Council (LEED), ANSI National Green Building Standards, or SEMCOG Low Impact Design Manual.

vi. Pedestrian Facilities. Provision of public plazas, additional walkways, wider sidewalks or pedestrian-oriented features beyond those required.

vii. Donation of Additional Right-of-Way. Pursuant to the Washtenaw Corridor Improvement Study.

viii. Closure of curb-cut of Washtenaw. Removal of a driveway or use of shared driveway for access from public streets.

ix. Public Art. Inclusion of permanent Public Art within planned public spaces.

c. ***Washtenaw Avenue Flexibility in Application of Zoning Standards Table.***

Table 5.08.1
Washtenaw Avenue Flexibility in Application of Zoning Standards Table

Flexibility in Application of Zoning Standards						
Recognized Benefit	***a. Drive-thru***	***b. Build-to-line Flexibility***	***c. Increased Building Height up to two additional stories***	***d. Site Reclassification as set forth in 5.03.***	***e. Increased Signage***	***f. Parking Reduction***
(a) Lot Consolidation				X		
(b) Mixed Use Development	X	X	X		X	X
(c) Inclusion of Transit Amenity		X	X		X	X
(d) Plaza/Pedestrian Space					X	X
(e) Sustainable Design and Development	X	X	X		X	
(f) Pedestrian Facilities			X		X	X
(g) Donation of Right of-Way	X	X			X	
(h) Closure of Washtenaw Avenue Curb Cut			X		X	X
(i) Public Art					X	X

3. ***Zoning Adjustment Flexibility Allowance:*** As determined by the Planning Commission, the amount of flexibility in application of zoning standards shall be (a) commensurate with recognized benefit by the applicant, and (b) proportional to the anticipated impact of the proposed development on public service, adjacent properties and land uses, and on the community at large.

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Table 5.08.2
Washtenaw Mixed Use District Regulating Plan Table

Street Type	Site Type	Building Form		Use Group	
Street Type: Urban	Site Type: D	Permitted Building Form	A[1], B, C, D, E	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form		Conditional Use Group	4, 6, 7
	Site Type: C	Permitted Building Form	A[1], B, C, D	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	E	Conditional Use Group	4, 6, 7
	Site Type: B	Permitted Building Form	A, B, C	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	D	Conditional Use Group	4
	Site Type: A	Permitted Building Form	A, C	Permitted Use Group	2, 3, 5
		Conditional Approval Building Form	B	Conditional Use Group	1

[1] Permitted only when located in an outlot of a Building Form E project regardless of whether the outlot is a separate parcel or within a designed outlot that remains part of the primary parcel.

ARTICLE 6.0

PLANNED UNIT DEVELOPMENT

SECTION 6.01 PURPOSE

A. ***Integrated Development Concept***. A Planned Unit Development project is viewed as an integrated development concept. To that end, the provisions of this Article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow flexibility and mixture of uses, and to improve the design, character, and quality of new development. The use of a Planned Unit Development to permit variations from other requirements of this ordinance shall only be approved when such approval results in improvements to the public health, safety, and welfare in the area affected, and in accordance with the intent of this Article.

B. ***Purpose***. A Planned Unit Development and the associated Planning and Development Regulations, as set forth herein, are designed to achieve the following purposes:

1. Provide flexibility in regulation of land development, resulting in a higher quality of land development that contributes to the social, economic, and environmental sustainability of the Township.

2. Provide for a compatible mixing of land uses.

3. Encourage innovation in land use planning, design, and development that responds to changing public needs.

4. Create stable neighborhoods by providing a variety and balance of housing types which improve the quality of residential environments.

5. Provide commercial, education, and recreational facilities and employment opportunities conveniently located in relation to housing.

6. Encourage provision of useful open space and long-term protection and conservation of natural features and resources.

7. Promote the efficient use and conservation of energy.

8. Encourage the use, redevelopment, and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive reuse of existing structures and sites.

9. Ensure that the increased flexibility of regulations over land development is subject to proper standards and review procedures.

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SECTION 6.02 APPLICATION REQUIREMENTS

A. ***Procedures***.

1. An application for a Planned Unit Development may be made by the owner(s) of record or by a person(s) acting on behalf of the owner(s) of record of the subject parcel. The application shall include all required information, including a preliminary site plan, which meets the requirements of Article 9 or, in the case of a subdivision, a tentative preliminary plat.

2. The application shall be filed with the Zoning Administrator who shall transmit copies to the Planning Commission prior to its next regularly scheduled meeting.

3. The Planning Commission shall hold a public hearing on the application. Notice of the public hearing shall be given as set forth in Section 3.05 of this Ordinance.

4. At the public hearing the applicant shall present evidence regarding the following characteristics of the proposed development:

   a. The general character and substance.

   b. Objectives and purposes to be served.

   c. Compliance with all applicable Township ordinances, regulations, and standards.

   d. Scale and scope of development proposed.

   e. Development schedules.

   f. Compliance with the Master Plan.

   The Planning Commission may also require that the applicant provide information at the public hearing concerning community impact, in terms of streets and traffic, schools, recreation facilities and costs/revenues for the Township; and environmental impact.

   Evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models or other materials, and in the form of testimony by experts, as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for public display and for review by the Planning Commission and other Township officials.

5. Upon completion of the public hearing and conclusion of deliberations based on findings regarding standards as set forth in Section 6.02.B, the Township Planning Commission shall make a recommendation to approve, approve with conditions, or deny the application. Such recommendation shall be forward to the Township Board.

6. The Township Board shall review the application and the recommendation of the Township Planning Commissions thereon, and shall approve, approve with conditions, or deny the

application. The Township Board shall attach appropriate conditions to its approval of a Planned Unit Development application, including conditions concerning expiration dates, as provided in Section 6.09, herein.

B. ***Standards for Application Review***. The Planning Commission shall determine, and shall provide evidence of its determinations in its report to the Township Board, that the application meets the following standards. Failure to meet any standard may be a ground for recommendation of denial.

1. The proposed development shall conform to the adopted Master Plan, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Master Plan.

2. The proposed development shall conform to the intent and all regulations and standards of a Planned Unit Development district.

3. The proposed development shall be adequately served by public facilities and services such as but not limited to streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.

4. Common open space, other common properties and facilities, individual properties, and all other elements of a Planned Unit Development are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and surrounding lands.

5. Public and common areas will be or have been irrevocably committed. Provisions shall be made for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured.

6. The proposed development shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion.

7. The mix of housing unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility and similar measures.

8. Where applicable, that noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses.

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9. The proposed development shall create a minimum disturbance to natural features and land forms.

10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plan shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.

11. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the site, where applicable.

C. ***Effect of Approval of Application***. Approval of the application by the Township Board shall have the following effects:

1. The zoning map shall be amended to designate the property as Planned Unit Development.

2. Approval shall confer a right to the landowner(s) that the zoning regulations as designated by the Township, shall not be changed within the time periods provided in Sections 6.09 and 6.10, herein.

3. Approval of the Planned Unit Development application and preliminary site plan shall indicate acceptance of uses, building locations, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the preliminary site plan.

4. Approval of the Planned Unit Development application and preliminary site plan shall authorize the applicant to file an application for review of a final plan for each phase of the proposed development. No construction shall begin within any phase until a final site plan is approved as required herein, and in accordance with Article 9, herein.

5. Approval of the Planned Unit Development application and tentative preliminary plat by the Township Board shall authorize the applicant to file an application for review of a final preliminary plat in accordance with the Land Division Act and the Township's Subdivision Control Ordinance for all or part of the area within the Planned Unit Development which is to be platted.

6. No deviations from the preliminary plan approved by the Township Board, or from any condition of approval, shall be permitted except through amendment or revision, as provided in this article.

SECTION 6.03 FINAL SITE PLAN REQUIREMENTS

A final site plan shall be submitted for approval for each phase of a Planned Unit Development as delineated on the approved preliminary site plan. Each final site plan shall be submitted and reviewed in accordance with, and shall meet all provisions of Article 9, herein. Final site plans shall conform to the approved preliminary site plan and all conditions attached thereto.

SECTION 6.04 SUBDIVISION PLATS

A. ***Single-Family Detached Residential Development***. A preliminary or final site plan shall not be required for any part of a Planned Unit Development which is to be platted for single-family detached residential development.

B. ***Conformance***. Preliminary and final plats shall conform to the tentative preliminary plat and all conditions attached thereto.

C. ***Pittsfield Subdivision Ordinance***. Subdivision plats shall meet all requirements of the Pittsfield Township Subdivision Ordinance.

SECTION 6.05 PERMITTED USES

A. ***Allowable Uses***. Uses permitted in a Planned Unit Development shall be compatible with the Master Plan, or any applicable corridor or subarea plans adopted by the Township.

B. ***Uses in Compliance with Approved Site Plan/Plat***. All use of land and buildings in a Planned Unit Development shall comply with the listing and location of uses shown on the approved Planned Unit Development application and preliminary site plan and/or approved plat, whichever is applicable. Uses and structures accessory to the listed uses shall be permitted. No other uses shall be permitted.

SECTION 6.06 PLANNING AND DEVELOPMENT REGULATIONS

A. ***General Provisions***.

1. ***Continuing Applicability of Regulations***. The location of all uses and structures, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of an approved site plan or plat approved subsequently thereto, and all conditions of approval, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance. Such regulations shall be the continuing obligation of any subsequent interests in the land in a Planned Unit Development or parts thereof and shall not be changed except as approved through amendment or revision procedures as set forth in Section 6.08, herein.

2. ***Construction***. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permits shall be issued therefor, on a lot zoned, or under zoning application for, a Planned Unit Development district classification, until the requirements of this article have been met.

B. ***Density Regulations***.

1. Density in a Planned Unit Development shall be regulated as follows:

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a. The maximum permitted residential density for a Planned Unit Development shall not exceed the average residential density for the area included in the Planned Unit Development as shown on the Township's adopted Master Plan. The Planning Commission may grant an increase in average lot density up to twenty-five (25%) percent. Such increase in density shall be commensurate with public benefit provided. Such public benefit may include, but is not limited to, preservation, restoration and enhancement of natural resources; increased open space; public dedication of land; or sustainable building and site design.

b. The maximum lot coverage (LC) shall not exceed twenty-five percent (25%).

c. The maximum impervious surface shall not exceed that which is allowed in the zoning district that is most similar to that use area.

2. Density calculations shall meet the following requirements:

a. Land areas to be used in calculating overall densities, lot coverage (LC) and floor area ratios (FAR) shall be delineated on the preliminary site plan, where applicable, and final site plan so that the acreage and density computations can be confirmed.

b. Land area used for calculating overall residential density shall include the total residential land area designated on the area or preliminary site (sketch) plan, where applicable, and final site plan, less any area within existing public street right-of-way.

c. The surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least fifty percent (50%) of the frontage of such areas are part of lands devoted to parks and open space used for end accessible to residents of the Planned Unit Development.

d. LC and FAR calculations for residential structures shall be based upon the acreage designated for overall residential density. LC and FAR calculations for nonresidential uses shall be based upon land areas designated for such use and shall include acreage for private drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but not including acreage in existing public street right-of-way.

e. Land used to provide acreage sufficient to meet density regulations in a project within a Planned Unit Development shall not be used to compute density in another project within the Planned Unit Development unless the overall and new densities, LC's and FAR's of the subject property, and all previous projects in the district are maintained at or less than the limits established in the approved area plan.

f. The LC and FAR shall include assumed ground floor area and total floor area for proposed single-family detached dwelling units. Such assumed floor areas shall be listed in the required calculations.

C. ***Minimum Lot Area***. There shall be no minimum lot area for a planned unit development, provided, however, that the Township Planning Commission shall find that the lot area for any proposed planned unit development is reasonable for a development of that nature. Such finding shall take into account the lot size required for similar developments in other districts.

D. ***Required Yards***.

1. The required yards shall not exceed that which is allowed in the zoning district that is most similar to that use area.

2. Yard requirement may be reduced or waived when approved by the Township Board upon recommendation of the Planning Commission. The reduction or waiver shall be based upon findings that topographic conditions, existing trees, and other vegetation, proposed land grading and plant materials, or other site conditions perform the same functions as the required yards. Such reductions or waivers shall be shown on the approved area plan.

E. ***Distances Between Buildings***.

1. A single-family dwelling shall be located at least ten (10) feet from any other single-family dwelling unless structurally attached thereto.

2. Distances between buildings shall be sufficient to meet fire protection requirements.

F. ***Height Regulations***.

1. The allowed height shall not exceed that which is allowed in the zoning district that is most similar to that use area.

2. The preceding height requirement may be reduced or waived when approved by the Township Board upon recommendation of the Planning Commission. Approval shall be based upon findings regarding natural light, air circulation, views, fire protection, and airport flight patterns, where applicable. The height of each building shall be indicated on the area plan and all site plans approved subsequently thereto.

G. ***Circulation and Access***.

1. Each lot or principal building shall have vehicular access from a public street or private street approved by the Township Board.

2. Every lot or principal building shall have pedestrian access from a public or private sidewalk where deemed necessary by the Planning Commission. All parts of a Planned Unit Development shall be interconnected by a sidewalk system which will provide necessary, safe, and convenient movement of pedestrians. A bicycle path system shall also be provided in a Planned Unit Development in accordance with the Pathway Plan in the Master Plan or any other subarea plan or non-motorized plan approved by the Township.

3. Public and private streets shall be designed and constructed according to established

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standards for public streets, except that such standards may be modified if adequate service will be provided. Right-of-way standards may be modified, especially where the area plan provides for adequate off-street parking facilities and for the separation of pedestrian and vehicular traffic. Modification of proposed public streets shall be approved by the Washtenaw County Road Commission Engineer.

4. An individual dwelling unit in a single-family or two-family structure, or an individual townhouse building or mobile home, or similar residential structure, shall not have direct driveway access to a collector or arterial street. In such case, access shall be provided by a public or private street.

H. ***Utilities***.

1. Each principal building shall be connected to public water and sanitary sewer lines, or to on-site facilities approved by the Township Board, after approval by the Washtenaw County Health Department.

2. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted where shown on an approved area plan, site plan, or plat.

3. Electrical, telephone, and cable television lines shall be placed underground, provided, however, that distribution lines may be placed overhead if approved by the Township Board. Surface mounted equipment for underground wires shall be shown on final site plans, and shall be screened from view.

I. ***Open Space Regulations***.

1. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.

2. Open space areas shall be conveniently located in relation to dwelling units.

3. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance.

4. The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as but not limited to, ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.

J. ***Parking and Loading Requirements***. The parking and loading requirements set forth in Article 12, herein, shall apply, except that the number of spaces required may be reduced. Width of parking spaces may be reduced to not less than nine (9) feet. The reductions shall be approved by the Township Board, upon recommendation of the Planning Commission, as a part of the area plan, and shall be based upon specific findings. The parking area saved by reducing the

number or width of spaces shall be put into landscape/open space areas within the Planned Unit Development.

K. ***Phasing***. Development may be phased as delineated on the approved area plan, subject to the following requirements.

1. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

2. The Township Board, upon recommendation of the Planning Commission, may require that the development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development; so that overloading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the applicant to provide market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a Planned Unit Development application for recommendation to the Township Board with respect to this requirement.

3. The Planning Commission may require, as part of a final site plan review of a phase of a Planned Unit Development, that land shown as open space on the approved area plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved Planned Unit Development will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

4. Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved site plan.

SECTION 6.07 COMMON AREAS AND FACILITIES

A. ***Location, Extent, and Purpose***. The location, extent, and purpose of all common areas and facilities shall be identified on the preliminary site plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency shall be identified accordingly on the final site plan(s).

B. ***Dedication***. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement is provided in lieu of dedication.

C. ***Legal Review***. Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the Township attorney for review before the Township Planning Commission approves a final site plan or the Township Board approves a final plat.

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SECTION 6.08 AMENDMENT AND REVISION

A. ***Amendment***. A developer may request a change in an approved preliminary site plan, or an approved final site plan. A change in an approved preliminary or final site plan which results in a major change, as defined in this section, shall require an amendment to the approved site plan. All amendments shall follow the procedures herein required for original submittal and review of an application for Planned Unit Development zoning. A change which results in a minor change as defined in this section shall require revision to the approved plan and approval by the Planning Commission.

B. ***Major Changes***. The following changes shall be considered major, for which amendment is required:

1. Change in concept including but not limited to design layout and building orientation of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit as identified on the approved area plan.
4. Increase in the number of dwelling units (density).
5. Increase in non-residential floor area of over five percent (5%).
6. Increase in lot coverage or FAR of the entire Planned Unit Development of more than one percent (1%).
7. Rearrangement of lots, blocks, and building tracts.
8. Change in the character or function of any street.
9. Reduction in land area set aside for common open space or the relocation of such area(s).
10. Increase in building height.

C. ***Minor Changes***. A developer may request approval of minor changes, as defined in this section, in an approved preliminary site plan, where applicable, or an approved final site plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of such minor changes. Minor changes shall include the following:

1. A change in residential floor area.
2. An increase in non-residential floor area of five percent (5%) or less.
3. Minor variations in layout which do not constitute major changes.
4. An increase in lot or FAR of the entire Planned Unit Development of one percent (1%) or less.

5. A change in phasing of development that does not change the concept or character of the Planned Unit Development.

D. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause for any requested change.

E. The Planning Commission shall have the authority to approve a proposed revision requested by the owner of an individual lot in an approved Planned Unit Development district as a minor change. Such revision shall not be approved unless and until the following findings have been made:

1. The revision is a minor change under the provisions of Section 6.08.C above.

2. The revision will not alter the basic design of the approved Planned Unit Development district, any substantive conditions imposed on the district at the time of approval, or any provision for the district required in this article.

The Planning Commission shall inform the Township Board in writing of its decision on each request under this subsection.

SECTION 6.09 EXPIRATION OF PLAN APPROVALS

A. ***Condition of Approval***. The Township Board shall include as a condition of approval of each application for a Planned Unit Development, expiration dates as set forth in Section 6.9, or such later expiration dates as the Township Board may approve.

B. ***Preliminary Site Plan Expiration***. A preliminary site plan shall expire eighteen (18) months after approval unless a final site plan for the first phase of the project, or for the entire property in the Planned Unit Development if development is not to occur in phases, is submitted to the Planning Commission for approval. Thereafter the final site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.

C. ***Final Site Plan Expiration***. Development shall be diligently pursued to completion, and shall be completed within two (2) years of the date of approval of a final site plan. An approved final site plan shall expire as provided in Article 9 of this ordinance. A final site plan for the entire Planned Unit Development, or all final site plans for phases thereof, shall have received approval by the Planning Commission within three (3) years of the date of the Board approval of the Planned Unit Development, in the case of a Planned Unit Development of twenty (20) acres or less in area. All final plats in a Planned Unit Development shall have been approved and recorded within the preceding time periods.

D. ***Revocation***. Expiration of a preliminary site plan as set forth in Section 6.09.B, and failure to obtain approval of final site plans and final plats as provided in Section 6.09.C preceding, shall authorize the Township Board after a hearing, to revoke the right to develop under the

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approved area plan, and unless good cause can be shown for said expiration. In such case, the Township Board may require that a new area plan be filed and reviewed in accordance with the requirement for original application. Expiration shall also authorize the Township Board to initiate a zoning map amendment to place the subject property into one or more zoning districts.

E. ***Permits***. If an approved area plan or an approved final site plan has expired as set forth in this section, no permits for development or use of the property shall be issued until the applicable requirements of this section have been met.

F. ***Township Board Change in Zoning Classification***. The Township Board may, at any time following three (3) years after the date of approval of a Planned Unit Development of twenty (20) acres or less, or five (5) years after the date of approval of a Planned Unit Development of more than twenty (20) acres, or such later time as might be specified in the conditions of approval, change the zoning classification of any or all parts of a Planned Unit Development district to one or more zoning districts as deemed appropriate by the Township Board. The Township Board may make such changes whether or not development is completed.

SECTION 6.10 EXTENSION OF TIME LIMITS

Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the applicant and the Planning Commission or Township Board, whichever is applicable, in the case of area plans, and between the applicant and the Planning Commission, in the case of preliminary and final site plans.

SECTION 6.11 AS-BUILT DRAWINGS

As-built drawings shall be provided in accordance with Article 9.

SECTION 6.12 PERFORMANCE GUARANTEE

A performance guarantee may be required in accordance with Section 3.09.

ARTICLE 7.0

DEVELOPMENT OPTIONS

SECTION 7.01 SITE CONDOMINIUMS

A. ***Intent***. The intent of this Section is to regulate site condominium projects to ensure compliance with this Ordinance and other applicable standards of the Township, to provide procedures and standards for review and approval or disapproval of such developments, and to ensure that each project will be consistent and compatible with other developments in the community.

B. ***Approval Required***. Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Pittsfield Township Planning Commission, in accordance with the provisions set forth in Article 9.

C. ***General Requirements***.

1. Each condominium lot shall be located within a zoning district that permits the proposed use.

2. For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the area of the condominium lot.

3. Each condominium lot shall be connected to Pittsfield Township's water and sanitary sewer facilities, where available, or shall have a well, septic tank, and drain field approved by the County Health Department, where Pittsfield Township water and sanitary sewer services are not available. The well, septic tank, and drain field serving a condominium lot shall be located within that lot, as described in the master deed, except in a PUD district, in which case this requirement may be waived by the Township Board as a part of its approval of the PUD rezoning petition.

4. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

5. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a

part of the condominium bylaws and recorded as part of the master deed.

D. ***Preliminary Site Plan Requirements***.

1. A preliminary site plan shall be filed for approval at the time the notice of proposed action is filed with Pittsfield Township.

2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.

3. The preliminary site plan shall include all information required in Article 9 herein except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of condominium lots rather than individual buildings, and other structures, and required yards, shall be shown on the preliminary site plan.

E. ***Final Site Plan Requirements***.

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.

2. A final site plan for any phase of development shall not be filed for review by the Pittsfield Township Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.

3. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Article 9 herein, except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of condominium lots rather than individual buildings, and other structures, and required yards, shall be shown on the final site plan.

4. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Natural Resources. The Pittsfield Township Planning Commission shall not approve a final site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

F. ***Revision of Condominium Subdivision Plan***. If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Pittsfield Township Planning Commission before any building permit may be issued, where such permit is required.

G. ***Private Streets***. Private streets in a site condominium shall comply with the Engineering Development Standards or other applicable Township policies.

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H. ***Amendment of Master Deed or Bylaws***. Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Pittsfield Township Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

I. ***Relation to Subdivision Ordinance***. The provisions of Articles 4 and 5 of the Subdivision Ordinance of Pittsfield Charter Township shall apply to site condominiums, and these provisions incorporated herein by reference. In applying the design and development standards of Article 4 and the improvement requirements of Article 5 of the Subdivision Ordinance, the standards and requirements that are intended to apply to lots in a subdivision shall apply instead to condominium lots. All other provisions of the articles shall apply including the requirements for posting financial securities, completing improvements, inspection fees and condominium completion. The following terms as used in Articles 4 and 5 shall mean the following when applied to site condominiums: "subdivision" shall mean site condominium, "preliminary plat as finally approved by the Township Board" shall mean the "final site plan as approved by the Planning Commission including any conditions imposed by their approval," "before final plat" shall mean "before any building permit is issued" and "lot(s)" shall mean "unit(s)". Nothing in this Section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance or the Subdivision Control Act.

J. ***Development Agreement***. The Pittsfield Township Planning Commission shall require, as a condition of approval, that the applicant enter into a development agreement with the Charter Township of Pittsfield, incorporating the terms and conditions of final site plan approval, and record the same in the Office of Register of Deeds for Washtenaw County, in accordance with the provisions set forth in Section 3.10, Development Agreement.

K. ***Monuments***. Monuments shall be set at all boundary corners and deflection points and at all road right of way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Pittsfield Township Clerk, cash, a certified check, or an irrevocable bank letter of credit running to Pittsfield Charter Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

L. ***Roads Rights-of-Way***. Road rights of way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the

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condominium subdivision plan and the final site plan. The right of way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to Pittsfield Township for all public water and sanitary sewer lines and appurtenances.

M. ***Improvements***. All improvements in a site condominium shall comply with the design specifications as adopted by the Pittsfield Township Board and any amendments thereto.

SECTION 7.02 OPEN SPACE PRESERVATION DEVELOPMENT OPTION (OSPDO)

A. ***Purpose***. This section is intended to carry out the provisions of the Michigan Zoning Enabling Act to include an open space preservation development option in the Pittsfield Township Zoning Ordinance. This Section proposes to accomplish this purpose by allowing the owner of certain parcels of land the option to develop that land in a manner that groups dwelling units on portions of the land that are most suitable for residential development while requiring the remaining portions of land most suitable for open space use to be perpetually preserved as undeveloped open space. The regulations in this Section are also intended to accomplish the following non-exclusive list of purposes.

1. Preserve natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.

2. Achieve a higher quality of residential development than could otherwise be achieved under conventional zoning.

3. Permit development that is consistent with the Township's adopted Master Plan and any other applicable adopted plans.

4. Preserve natural vegetation to the extent feasible.

5. Preserve open space.

6. Reduce capital costs of development.

7. Limit soil erosion by reducing the amount of clearing and grading needed for development.

B. ***Review Authority***. The Pittsfield Township Planning Commission shall have authority to approve or deny applications for an OSPDO that is to be developed as a site condominium or a metes and bounds land division. The Township Board shall have authority to approve or deny an application for an OSPDO that is to be developed as a platted subdivision, after recommendation by the Planning Commission. The Township Board shall have final authority to approve or reject the conservation easement and master deed or restrictive covenants for a development under this Section.

C. ***Eligible Property***.

1. A parcel of land, which parcel shall be the parent lot for the purposes of this Section, is eligible for an OSPDO if all the following requirements are met.

   a. The parent lot is zoned AG, R-1A, or R-1B.

   b. The parent lot has an area of at least five (5) acres of contiguous land, not divided by a road.

   c. The parent lot is under single ownership control such that a single person or entity has proprietary responsibility for completing and maintaining the development. An applicant applying for an OSPDO under this Section shall provide documentation of such ownership or control in the form of agreements, contracts, deeds, or other such evidence as is acceptable to the approving authority to ensure that the applicant has sufficient authority to bind the land and ensure that the development will be maintained in accordance with the final site plan, preliminary plat as finally approved, and the approved maintenance plan under this Section.

   d. Neither the parent lot nor any individual parcel or condominium unit within a proposed OSPDO is dependent upon the extension of public water or sanitary sewer services.

2. Open space preservation developments achieving at least fifty percent (50%) dedicated open space and meeting the provisions of Section 7.02.K shall be treated as a permitted land use. Open space preservation developments with less than fifty percent (50%) dedicated open space but otherwise meeting the provisions of Section 7.02.K shall be treated as a conditional land use.

D. ***Permitted Uses***. The following uses are permitted within an OSPDO:

1. ***AG District***. In an AG Zoning District, the land may be used for single family detached dwelling units and accessory buildings or structures on an approved lot or condominium unit. All other uses listed in Section 4.20 shall be permitted in the dedicated open space, except that intensive livestock or poultry raising operations, such as poultry houses, hog hotels, etc., shall not be permitted.

2. ***R-1A or R-1B District***. In a R-1A or R-1B Zoning District all uses permitted in Section 4.20 are permitted in an OSPDO.

E. ***Density Regulations***. The number of lots or site condominium units permitted on a parcel of land under an OSPDO shall not exceed the area of the parent lot, in acres, multiplied by:

1. Thirty-five one-hundredths (0.35) for land zoned AG.

2. Eighty one-hundredths (0.80) for land zoned AG that is designated for rural residential, low density use in the Township's adopted Comprehensive Plan.

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3. Eighty one-hundredths (0.80) for land zoned R-1A or R-1B.

4. Maximum lot coverage shall be twenty percent (20%). Maximum impervious surface coverage shall be twenty-five percent (25%). Maximum floor area ratio shall be twenty percent (20%). The area of the parent lot shall be as defined in the definition of lot area in Article 2, herein. Fractions shall be rounded down to the nearest whole number.

F. ***Minimum Lot Area***. The minimum area of each lot or site condominium unit in an OSPDO shall not be less than the minimum area required by Washtenaw County for well and septic tank/ drainfield permits.

G. ***Minimum Required Yards***. Each lot or site condominium unit in an OSPDO shall provide the following minimum required yards:

Table 7.02.G-1
Open Space Required Yards

AG District	Front	Thirty-five (35) feet
	Side	Twenty (20) feet
	Rear	Thirty-five (35) feet
R-1A or R-1B District	Front	Thirty (30) feet
	Side	Ten (10) feet
	Rear	Thirty (30) feet

H. ***Minimum Lot Width***. Each lot or site condominium unit in an OSPDO shall have the following minimum widths, provided that the length to width ratio of any lot or unit shall not exceed 4:1:

1. AG District: seventy-five (75) feet.

2. R-1A or R-1B District: one hundred (100) feet.

I. ***Dedicated Open Space Requirements***.

1. At least fifty percent (50%) of the parent lot area shall be in dedicated open space, except where an applicant is seeking approval for an OSPDO as a conditional land use. The definition of lot area shall be as defined in Article 2 of this Ordinance.

2. The open space area within a proposed OSPDO shall be located so that it preserves significant natural resources and connects open spaces throughout the development and with adjacent open space.

3. The open space shall be connected with existing or potential open space and/or adjacent public land where feasible.

4. Accessory structures for permitted uses may be erected in the open space in accordance with the approved site plan or plat.

5. Except where the applicant proposes agricultural use in the open space area that is independent from the proposed residential uses in the development, all owners of lots or site condominium units in an OSPDO shall be permitted access to the dedicated open space. Use of dedicated open space may be restricted to property owners in the development.

6. The applicant shall submit an open space management plan for maintaining the dedicated open space with the application for the OSPDO.

7. An owners association shall own and be responsible for maintaining the dedicated open space. Each property owner shall be a member of the association.

8. Where a development under this Section is proposed in phases, the Township may require that all land to be dedicated as open space shall be included in the first phase of the development.

J. ***Guarantee of Dedicated Open Space***.

1. The applicant for an OSPDO shall set aside the dedicated open space through an irrevocable conveyance that guarantees the dedicated open space will remain perpetually open and will be maintained in the manner approved by the Township Board. This conveyance shall be in the form of a permanent conservation easement.

2. The purpose of the conservation easement shall be to ensure that dedicated open space will be:

   a. Protected from all forms of development and limited to the uses and structures as approved;

   b. Shown on an approved site plan or plat; and

   c. Never changed to another use.

3. The conservation easement shall contain, at a minimum, the following provisions that:

   a. Describe the permitted use(s) within the dedicated open space.

   b. Prohibit the storing and/or dumping of refuse and any hazardous materials or refuse on the dedicated open space.

   c. Prohibit any activity that might cause risk of soil erosion on the dedicated open space except for accepted agricultural practices.

   d. Prohibit the use of motorized vehicles and or motorized watercraft on the dedicated open space.

   e. Prohibit all cutting, filling, or removal of vegetation from wetland or wooded areas

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in dedicated open space, except for invasive species and as otherwise needed for acceptable resource management practices.

f. Prohibit the use of pesticides, herbicides, or fertilizers within or adjacent to wetlands in a dedicated open space.

g. Require that the owners association maintain the dedicated open space in accordance with the approved management plan.

h. Provide for maintenance of the dedicated open space to be undertaken by the Township Board, and the costs thereof assessed against the association responsible for maintaining the dedicated open space, if:

i. There is a failure to adequately maintain the open space in accordance with the approved maintenance plan; or

ii. The Township Board determines that the dedicated open space is a public nuisance.

i. Require that the conservation easement runs with and is binding upon the land and shall be recorded with the deeds to all parcels created and proposed as part of a development under this Section.

j. Provide that, if the owners association, or any land trust or conservancy holding the conservation easement, ceases to exist, the easement shall revert to Pittsfield Township.

4. At the option of the applicant, the conservation easement may be dedicated to and held by the Township or a recognized land trust or conservancy approved by the Township Board. The easement shall be in a form acceptable to the Township and shall be duly recorded in the Washtenaw County Register of Deeds office. This provision does not prohibit a transfer of ownership or control, provided such transfer or control has prior approval of the Township Board and the property in the OSPDO continues in compliance with the Township's original approval.

K. ***Review Procedures***. An application for an OSPDO shall be reviewed as follows:

1. ***Subdivisions***. If an OSPDO is for a subdivision, review of the preliminary and final plats shall proceed as provided in the Pittsfield Township Subdivision Ordinance and the Township's adopted Land Development Standards.

2. ***Site Condominiums***. If an OSPDO is for a site condominium, review shall proceed as provided in Section 7.01 and Article 9.0 of the Zoning Ordinance and the Township's adopted Land Development Standards.

3. ***Metes and Bounds Divisions***. If an OSPDO is for land division by metes and bounds descriptions, the review shall proceed as provided for preliminary and final site plans in

Article 9.0 of the Zoning Ordinance and the Township's adopted Engineering Standards.

L. ***Review Standards***. A proposed OSPDO shall meet all the following standards for approval. The Planning Commission shall make the necessary findings for compliance with this Section upon its review of the final site plans for site condominiums and metes and bounds land divisions under this Section. It shall be the responsibility of the Township Board to make such findings for subdivisions developed under this Section after review and recommendation by the Planning Commission. All findings shall be in writing and shall be recorded in the minutes of the meeting at which the decision is made.

1. The proposed OSPDO must be consistent with the Master Plan and any other applicable adopted plan.

2. The proposed OSPDO must not adversely affect existing or future uses or the value of adjacent properties.

3. A site plan shall meet all requirements and standards for preliminary and final site plans as provided in Article 9.0 of the Zoning Ordinance and all requirements and standards of the Township's Land Development Standards. A subdivision plat shall meet all requirements and standards for preliminary and final plats in the Township's Subdivision Control Ordinance and the Township's Land Development Standards.

4. The proposed OSPDO must meet all requirements and standards in this Section and all other applicable provisions of the Zoning Ordinance.

5. The proposed OSPDO must comply with all applicable Federal, State, and local rules and regulations.

6. ***Design Standards***.

   a. The OSPDO shall be designed to promote preservation of natural features. Lots or site condominium units, roads, storm water management facilities, and other improvements shall be designed and situated to minimize alteration of or intrusion into the natural environment.

   b. Lots or site condominium units shall be located on soils that are most suitable for drainfields.

   c. Dwelling units shall be located away from environmentally sensitive areas. They shall not be located in areas most suitable for open space. Dwelling units shall be located as far as possible from agricultural areas.

   d. Placement of wells, septic tanks, and drainfields shall comply with all requirements of Washtenaw County.

   e. Each lot or site condominium unit shall have access to and frontage on an approved street.

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f. Pedestrian access shall be provided within a development between lots or site condominium units and non-agricultural open space, between open space areas, and to appropriate on and off-site uses.

g. The Planning Commission or Township Board, whichever applies, may require that structures of historic, cultural, or architectural significance on the site of an OSPDO be retained, if suitable for rehabilitation. Adaptive reuse for a permitted use may be permitted.

M. ***Conditions of Approval***. The Planning Commission or Township Board, whichever applies, may impose reasonable conditions for approval of an OSPDO that will assure that the development and all elements of the proposed OSPDO will be consistent with the intent and purpose of requirements in this Section, the Zoning Ordinance, Subdivision Control Ordinance and the Township's Land Development Standards.

N. ***Recording of Action***.

1. Upon approval of a final site plan by the Planning Commission, or final approval of a preliminary plat by the Township Board, the applicant shall record an affidavit with the Washtenaw County Register of Deeds that contains the full legal description of the property in the OSPDO, specifies the date of Township approval, states the conditions the Planning Commission or Township Board imposed, and declares that all improvements will be carried out pursuant to the approved OSPDO plan or plat, unless an amendment is endorsed by the Planning Commission or Township Board, whichever applies. The deed restrictions and conservation easement shall be duly filed with the Washtenaw County Register of Deeds. The applicant shall promptly submit copies of the recorded documents to the Township Clerk.

2. Upon approval of a final site plan by the Planning Commission, or final approval of preliminary plat by the Township Board, the Township Zoning Administrator shall promptly record the approval of the OSPDO on the Township's official zoning map, which entry shall be signed by the Township Supervisor and attested to by the Township Clerk.

O. ***Time Limits***.

1. An approved OSPDO shall expire and be of no effect if construction does not commence within twelve (12) months after approval unless the approving body grants an extension. If the applicant does not comply with the conditions specified in the approval, the approving authority or Township Zoning Administrator shall issue a stop work order and no further work shall be done until such time as the conditions are met to the satisfaction of the approving authority.

2. Each phase of a development shall be commenced within twelve (12) months of the schedule set forth in the approval. If construction of any phase is not timely commenced as provided herein, the approval of the OSPDO shall become null and void and no further work may be conducted on the site until such time as adequate assurances to the satisfaction of

the approving authority are made that the development will be completed as approved by a date certain as determined by the approving authority.

3. The applicant may apply in writing to the approving body for an extension of time in which to commence and/or complete construction. The application for extension must include an explanation of reasons justifying the requested extension. The body granting the original approval may grant a requested extension not exceeding twelve (12) months for good cause. Not more than one extension may be approved.

P. ***Continuing Compliance***.

1. An applicant who fails to comply with the approved final site plan or the preliminary plat as finally approved, whichever applies, shall be deemed in violation of the Zoning Ordinance, and subject to enforcement and penalties as provided in Section 3.07 of the Zoning Ordinance.

2. A development agreement and performance guarantee shall be required as a condition of final site plan and preliminary plat approval. The guarantee and agreement shall be in a form approved by the Township Board and shall ensure completion of a proposed OSPDO as approved.

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ARTICLE 8.0

GENERAL PROVISIONS

SECTION 8.01 PURPOSE

It is the purpose of this Article to provide regulations that are generally applicable to all uses regardless of zoning district.

SECTION 8.02 NUMBER OF BUILDINGS ON A LOT

Not more than one (1) principal detached single-family dwelling unit shall be located on a lot, nor shall a principal detached single-family dwelling unit be located on the same lot with any other principal building or structure, except as otherwise permitted herein.

SECTION 8.03 ACCESSORY BUILDINGS

A. ***General Requirements***.

1. No accessory building shall be used prior to the principal building or use, except as a construction facility for the principal building.

2. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this Ordinance.

3. Accessory buildings, structures, and uses shall be supplemental or subordinate to the principal building on a parcel of land, and shall be on the same parcel of land as the principal building, structure, or use they serve.

4. Construction, erection, installation, or placement of accessory buildings or structures shall be in accordance with the requirements of the applicable Building Code. Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height.

5. Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.

B. ***Accessory Buildings in Agriculture and Residential Zoning Districts***.

1. ***Attached Accessory Buildings***.

   a. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to a main building in addition to the requirements of this Section.

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b. The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the dwelling.

2. ***Detached Structures.***

a. Lots under 2.5 acres

i. Detached accessory buildings shall be located behind the front building line of the principal building on the same property.

ii. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line.

iii. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five percent (25%) of a required rear yard.

iv. The combined ground floor area of all detached accessory buildings shall not exceed ten percent (10%) of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings exceed thirty-five hundred square feet (3,500 sq/ft).

v. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height.

vi. Accessory structures located on conforming lots within an Agriculture or Residential Zoning District used for agriculture purposes shall comply with Section 8.03.D.

b. Lots 2.5 acres or greater

i. Detached accessory buildings shall be located behind the front building line of the principal building on the same property, or 60 (sixty) feet from the front lot line, whichever is less.

ii. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line.

iii. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five percent (25%) of a required rear yard.

iv. The combined ground floor area of all detached accessory buildings shall not exceed ten percent (10%) of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings exceed ten thousand square feet (10,000 sq/ft).

v. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height.

vi. Accessory structures located on conforming lots within an Agriculture or Residential Zoning District used for agriculture purposes shall comply with Section 8.03.D.

3. ***Accessory Supplemental Buildings***.

   a. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.

   b. An accessory supplemental building shall not be located in any front yard.

   c. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.

   d. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height, except as noted below in subsections 8.03.C and D.

4. ***Private Swimming Pools***. Except as otherwise permitted in this Zoning Ordinance, all private swimming pools (above or below ground) shall be subject to the following:

   a. Swimming pools shall be permitted only in the rear or side yard, behind the front of the principal building.

   b. No outdoor swimming pool shall be located within five (5) feet of any building.

   c. There shall be a distance of not less than six (6) feet between the adjoining property line and the outside of the pool wall.

C. ***Accessory Buildings in Non-Residential Zoning Districts***. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which they are located.

D. ***Agricultural Buildings***.

1. The provisions of Section 8.03.A.2 through 5 shall be applicable to all as principal or accessory buildings.

2. There shall be no limit on number and size of detached buildings used for agricultural purposes provided that all buildings comply with height and setback requirements of the zoning district.

3. Where an agricultural building is structurally attached to a residence or any other non-agricultural building, the provisions of Section 8.03.B.1 shall be applicable to all such buildings.

E. ***Amateur Radio and Satellite Dish Antennas***.

1. Amateur radio antennas are permitted up to a height of seventy-five (75) feet if used in

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accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may be permitted to a height equal to the maximum permitted maximum height of structures in the District. Other pole, mast, whip, or panel type antennas that are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof.

a. In residential districts, no more than two (2) antenna structures, which shall include no more than one (1) ground-mounted antenna detached from the main building, shall be permitted for each lot or parcel, with the following exception:

b. In non-residential districts, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area, with one (1) antenna structure permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.

c. The numerical limits of this Subsection 8.03 (E) shall not apply in the following situations:

i. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse, or enclosure surface).

ii. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

2. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty-four (24) inches in diameter.

3. Satellite dish and amateur radio antennas shall be located in a side or rear yard and shall be placed so that rotation can occur without encroachment into the required setback.

SECTION 8.04 TEMPORARY DWELLING STRUCTURES

A. ***Temporary Dwelling***. A manufactured home may be used as a temporary dwelling by a family while repairing or replacing its single-family residence rendered uninhabitable by a disaster such as fire, flood, or windstorm. Such temporary dwelling shall be permitted only in RC or AG zoning districts. Only a manufactured home may be used as a temporary dwelling; a camper, travel trailer, motor home, recreational vehicle, cabin, tent, basement, garage, or similar unit shall not be used as a temporary dwelling in any zoning district.

B. ***Non-Residential Temporary Structure***. Non-Residential Temporary Structure may be permitted as follows:

1. A non-residential temporary structure designed as a general sales office or financial institution may be used exclusively for such purposes during construction of a permanent

structure designed for any such purpose. Such temporary structure shall be permitted only in C-1, C-2, , I, BD, and PF districts, and only if such permanent structure and use is permitted in said zoning district. Said structure shall be removed no later than seven (7) days after the issuance of any occupancy certificate for the permanent structure.

2. A non-residential temporary structure, designed as a sales office, may be used in a residential development, including a PUD, exclusively for the purpose of selling new dwelling units within said residential development. The temporary structure may be used only during the construction of a model home/sales office and shall be removed no later than seven (7) days after the issuance of any occupancy certificate for said model homes. In no case may a temporary sales office be used for more than a one (1) year period. The temporary office shall be the sole occupancy of, and located entirely within the buildable area of, a single lot, shall provide the off street parking required by Article 12, and shall meet all requirements of the building code. Unless exempted by the building code, the temporary structure shall be connected to public water and sanitary sewer lines, where available, in which case a connection permit shall be obtained from the Township Utilities Department. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and a septic or holding tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department. Said temporary structure may not be occupied until an occupancy certificate has been issued. A temporary sales office permitted under this paragraph shall not be subject to the provisions of paragraphs C through E, following.

3. A non-residential temporary structure, not to exceed twelve (12) feet by forty (40) feet in size, designed as a construction office, may be used in a residential development, including a PUD. If the development has more than one model home, the temporary structure may be used only during the construction of the model homes and shall be removed not later than seven (7) days after the issuance of any occupancy certificate for said model homes. In all cases the temporary construction office shall be removed when occupancy certificates have been issued for eighty percent (80%) of the proposed structures in the phase in which it is located. The temporary office shall be located entirely within the buildable area of a single lot, shall provide the off street parking required by Article 12, and shall meet all requirements of the building code. A temporary construction office permitted under this paragraph shall not be subject to the provisions of paragraphs C through E, following.

C. ***Regulations***.

1. A temporary structure shall comply with all use, yard, and parking requirements of the zoning district in which located. A certificate of zoning compliance shall be obtained from the Zoning Administrator.

2. A temporary structure shall be connected to public water and sanitary sewer lines, where available, in which case a connection permit shall be obtained from the Township Utilities Department. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and septic tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department.

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3. A temporary structure shall be permitted only on the same lot as the permanent structure, except that a temporary sales/rental office in a residential development may be located within the boundary lines of said residential development.

4. The term of the permit shall not exceed one (1) year, provided that, in the discretion of the Planning Commission, the term may be extended for one (1) period not exceeding six (6) months. Extension shall only be made on written application filed twenty (20) days or more prior to such expiration, setting forth facts showing due diligence in construction of the permanent structure. An extension shall not be approved unless construction of the permanent building has commenced within one hundred eighty days (180) days of the date of approval of the conditional use permit, and is diligently pursued.

5. The use of a temporary structure shall be a permitted use in the district in which said structure is to be located, provided that the use of a non-residential temporary structure shall not be other than a general sales office, a sales/rental office, or a financial institution.

6. A soil erosion control permit shall be obtained from the Township Engineer.

7. If the temporary structure is on a public road, a driveway permit shall be obtained from the Washtenaw County Road Commission or the Michigan Department of State Highways and Transportation, whichever is applicable.

8. Driveway and parking areas shall be paved or constructed of compacted gravel or crushed limestone.

9. A performance guarantee in the form of cash or an irrevocable bank letter of credit shall be deposited with the Township Treasurer in the amount estimated by the Township Planning Commission to be sufficient to assure that, upon expiration of the term of the permit, the temporary structure and all temporary site improvements will be removed, and the site restored to a stable, safe and nuisance free condition. The guarantee shall provide that, in breach thereof, the Township shall be entitled to enter upon the site and complete such removal and restoration, and defray the cost thereof out of said deposit.

10. The applicant shall cause the temporary structure to be removed within fourteen (14) days of the date of issuance of a certificate of occupancy for the permanent structure, or of the date of expiration of the temporary structure permit, whichever is the earlier.

11. A temporary structure permit and the certificate of occupancy issued thereon shall not be transferable to any other person, company, use, structure or lot.

D. ***Application***. An application for such a permit shall be filed with the Zoning Administrator. The application shall include the following information:

1. Name and address of the applicant and property owner.

2. Accurate legal description of the lot on which the temporary structure is to be located.

3. A preliminary site plan, including the location of all proposed permanent improvements on the site and the relationship of temporary improvements to said permanent improvements.

4. Information showing the necessity of use of the temporary structure in meeting the construction schedule of the permanent structure(s) on the lot.

5. Copies of any other permits and certificates required.

6. An estimate, with supporting information, of the reasonable cost of removal of the temporary structure and temporary site improvements, and of site cleanup, upon expiration of the permit.

E. ***Approval***.

1. ***Planning Commission Action***. Upon determining that an application conforms to all regulations of this Ordinance, and the requirements for a conditional use permit, the Planning Commission shall approve the conditional use permit. The Planning Commission may attach conditions to its approval which it deems necessary to protect the public health, safety and welfare and to insure compliance with this ordinance. The approved use shall be specifically stated on the conditional use permit.

2. ***Certificate of Occupancy***. A temporary structure shall not be occupied until a certificate of occupancy has been issued by the township Zoning Administrator. The Zoning Administrator shall not issue a certificate of occupancy until the Planning Commission has approved a conditional use permit, and a performance guarantee has been deposited as required herein.

SECTION 8.05 ESSENTIAL SERVICES AND UTILITIES

A. ***General Standards***. It is the intent of this Zoning Ordinance to place essential services and property owned, leased, or operated by public agencies, including local, state, federal, or any other public or governmental body or agency, and public utilities, under the provision of this ordinance, as follows:

1. Where such uses are specifically listed they shall be governed as indicated.

2. Where such uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.

3. Property owned, leased, or operated by the State of Michigan or the United States, shall be exempted from the provisions of this ordinance only to the extent that said property may not be lawfully regulated by Pittsfield Township.

4. Notwithstanding other provisions of this Section, construction trailers and vehicles (whether mounted or not on wheels and used for the purpose of a building) reasonably necessary for the furnishing of adequate service by Pittsfield Township and its departments

and commissions for public health, or safety or general welfare shall be permitted in any use district, it being the intention hereof to exempt such use, maintenance, parking and occupancy or the same from the application of this Ordinance.

B. ***Specific Standards***.

1. All procedures, design, and construction of utilities shall be in conformance with the requirements of the supplying utility company.

2. Plans of all proposed utilities, whether or not in public easements, shall be submitted by the utility company to Pittsfield Township for review. Pittsfield Township will issue a construction permit to the utility company when its plans are approved.

3. All existing and proposed utility information, including lines, poles, and surface equipment shall be shown on the final site plan.

4. Every effort shall be made to install all proposed utilities underground for their full length. Specific approval by the Township Board or its authorized representative shall be required for the placement of above-ground utilities, and shall be based on a showing of substantial hardship or practical difficulty with underground installation. Existing overhead utilities on-site shall be relocated underground.

5. Surface equipment shall be located so as not to interfere with traffic flow, parking, building access, fire hydrants, or Fire Department connections.

6. Surface transformers, pedestals, and similar equipment shall be screened from view, and the screening shall be shown on the landscape plan.

7. Electrical, telephone, gas, and cable may not share a common trench sewer, and shall maintain a minimum of ten (10) feet of separation from sewer and water mains.

SECTION 8.06 MANUFACTURED HOUSING

A. ***Purpose***. This section of the Zoning Ordinance is designed to establish regulations under which manufactured housing may be used as single-family dwellings on lots outside mobile home parks. It is hereby recognized that other forms of manufactured housing, commonly referred to as prefabricated, modular or sectional housing among other names, are and have been permitted in Pittsfield Township, on individual lots, in any zoning district in which single-family dwellings are permitted, provided such units comply with the Township's codes and zoning requirements. The regulations contained in this section are specifically designed to:

1. Ensure compliance of manufactured housing on individual lots with all zoning regulations applicable to other single-family dwellings permitted in Pittsfield Township.

2. Ensure compliance with all Township codes, in addition to the Zoning Ordinance, for the protection of the public health, safety and welfare.

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3. Ensure manufacturing housing is aesthetically compatible with other single-family dwellings in the community.

B. ***Standards and Requirements***. Manufactured housing may be used as a single-family dwelling on a lot outside a mobile home park, if the following standards and requirements are met. These standards and requirements shall not apply to a mobile home located in a licensed mobile home park.

1. The lot shall be located in a zoning district which permits single-family dwellings.

2. The lot and the manufactured housing shall comply with all regulations of the zoning district in which located.

3. The manufactured housing shall meet all requirements of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards (24CFR3280), as amended.

4. The manufactured housing shall be placed on a permanent foundation wall. The wall shall meet all requirements of the Township building code and shall completely enclose the area under the manufactured housing. The area so enclosed shall not be less than the ground floor area of the manufactured housing. The manufactured housing shall be secured to the premises by an anchoring system which meets all State of Michigan requirements.

5. Any wheels, tongue and hitch, or other towing appurtenances shall be removed before anchoring the manufactured housing to the premises.

6. The manufactured housing shall be connected to public water and sanitary sewer lines, where applicable, according to Pittsfield Township standards and specifications, or to a well and septic system approved by the County health department.

7. The manufactured housing shall be aesthetically compatible in design and appearance with conventional on-site constructed housing, and other types of approved manufactured housing. Compatibility shall be determined by the following standards:

   a. The roof shall be finished with shingles or similar materials and shall have a minimum pitch of 3 on 12.

   b. Exterior walls shall be finished with natural or simulated natural materials, common to single-family dwellings such as, but not limited to, beveled stains, vertical siding, board and batten siding, or brick.

   c. Front and rear or front and side exterior doors.

   d. A roof drainage system which will collect, and concentrate the discharge of, roof drainage, and will avoid drainage along the sides of the dwelling.

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8. A building permit shall be required for construction of the foundation wall, for placement of the manufactured housing on the lot, and for any addition to the structure. A building permit shall not be issued until a health permit has been issued by the County health department, where applicable, and until a certificate of zoning compliance has been issued in accordance with Article 3, herein and is in effect. The manufactured housing shall not be occupied until a certificate of occupancy has been issued. Any addition to a mobile home shall meet all requirements of the Pittsfield Township building code.

9. The manufactured housing, prior to any additions, shall have a minimum floor area of one thousand (1,000) square feet, a minimum exterior width of twenty-four (24) feet for at least one (1) side elevation, and a minimum floor-to-ceiling height of seven and one-half (7½) feet.

10. Not more than one (1) manufactured home shall be used as a single-family dwelling on a lot, nor shall manufactured housing be placed on any lot which another single-family dwelling is located. Manufactured housing cannot be used as an accessory building in any residential district.

11. Manufactured housing shall not be removed from a foundation until a permit therefore has been issued by the building official, in accordance with the Pittsfield Township Building Code.

SECTION 8.07 ENTRANCE STRUCTURES

A. ***Location***. Entrance structures may be provided for residential areas, shopping centers, industrial parks, and similar developments. The structure(s) may consist of walls, columns, gates, and may be located within required yards. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement; shall conform to the requirements of Section 12.01, herein; and shall not create a safety hazard.

B. ***Building Permit***. An entrance structure shall not be constructed until a building permit has been issued. The Planning Commission shall have approved the location, design, and maintenance provisions for an entrance structure before the building permit may be issued.

C. ***Maintenance***. All entrance structures shall be regularly maintained in good and safe condition. A mechanism shall be established for assuring the required maintenance.

D. ***Application Requirements***. The application for approval shall provide the following information:

1. Precise location of the structure.

2. Plan and elevation drawings of the structure, including dimensions.

3. Location of electrical wiring and fixtures, if applicable.

4. Provisions to maintain the structure.

E. ***Identification Sign***. An identification sign permitted in the district in which the entrance structure is to be located may be mounted on an entrance structure, or made a structural part thereof. Such signs shall conform to all sign regulations as set forth in Article 15, except setback requirements. No sign containing advertising material shall be mounted on, or made a structural part of, an entrance structure.

F. ***Security Columns and Gates for Single-Family Residential Properties***

1. Location. Security column and gates must be:

   a. Setback at least ten (10) feet from the road right-of-way or five (5) feet from any public sidewalk, whichever is greater.

2. Dimensions.

   a. Column may not exceed four (4) feet by four (4) feet in width.

   b. Columns, including decorative features, cannot exceed a height of eight (8) feet above grade.

   c. Gates cannot exceed a height of six (6) feet above grade.

   d. Fencing or a wing wall on either side of gate may reach a height of six (6) feet above grade with a maximum length of eight (8) feet from each side of a column.

   e. Any portion of the entrance structure that extends more than eight (8) feet from any side of the column must comply with the provisions as set forth in Section 13.06.

3. Other.

   a. Gates must swing inward to site.

   b. Gates may not have spikes.

   c. Fence and/or gate shall be of uniform design and well maintained.

SECTION 8.08 PRIVATE SEWER SYSTEMS

A. ***Approved as Conditional Use***. As used in this section, a private sewer system is privately owned equipment for the disposal of sanitary sewage from more than one dwelling or place of business. No person or firm shall build, operate, or use a private sewer system unless it is approved as a conditional use in the manner provided by Article 10.

B. ***Standards***. The following additional requirements apply to the conditional use approval of a

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private sewer system.

1. Approval shall not be effective until all requirements of the Pittsfield Charter Township Code are met and all permits are obtained as required by the Pittsfield Charter Township Code and by the county, state, and federal laws and regulations.

2. All above ground components shall be compatible with the property served and property contiguous to the property served.

3. All above ground components, including lagoons, shall be located at least three hundred (300) feet from property not served by the system, from any dwelling units and from all public roads. The components shall be adequately secured by fencing and screened by landscaping material.

4. No private sewer system shall be located within the utility service area established pursuant to Section 36-40(i) of the Pittsfield Charter Township Code.

5. The area of drain fields or drain reserves shall not be considered open space and shall not be used for park land, recreation areas or any other purpose.

6. Conditional use approval of a private sewer can be part of the approval of a PUD classification.

SECTION 8.09 COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL DEVELOPMENT HEIGHT, SETBACK AND GREENBELT PROVISIONS WHEN ADJACENT TO ANY RESIDENTIAL, ZONED OR USED PROPERTY

A. ***Height.***

1. Any building, or portion of a building, on a parcel immediately adjacent to a residentially zoned or used parcel and not separated by any street or alley, shall not exceed thirty (30) feet in height.

2. The Planning Commission may deviate from these height restrictions in the course of its site plan review process; however, the Planning Commission shall not permit a greater height than the maximum allowed for the applicable building form. In the review of the deviation, the Planning Commission shall consider the standards as set forth in Section 8.09.C.

B. ***Setback and Greenbelt:***

1. When a parcel is abutting, adjacent or separated by an alley to a residentially zoned or used parcel without an intervening street, the building setback from the property line of the residentially zoned or used parcel shall be no less than the height of the proposed building or twenty (20) feet, whichever is greater.

2. When a parcel is abutting, adjacent or separated by an alley to a residentially zoned or used parcel without an intervening street, a minimum 20-foot landscaped greenbelt shall be maintained from the property line of the residentially zoned or used parcel. The greenbelt

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shall be landscaped and screened in accordance with 13.02.C.

3. The Planning Commission may deviate from the setback and greenbelt provisions in the course of its site plan review process; however, the Planning Commission shall not permit a setback or greenbelt that is less than required in Section 13.02.E. In the review of the deviation, the Planning Commission shall consider the standards as set forth in Section 8.09.C.

C. ***Deviation Standards.*** The height, setback and greenbelt deviations may be granted by the Planning Commission if all of the following are found:

1. The deviation will not adversely impact public health, safety and welfare.

2. The deviation will maintain compatibility with adjacent uses.

3. The deviation will be compatible with the Master Plan and in accordance with the goals and objectives of the Master Plan and any associated sub-area and corridor plans.

4. The deviation will not adversely impact essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities and schools.

5. The deviation will be in compliance with all other zoning ordinance standards.

6. The deviation will not adversely impact any on-site or off-site natural features.

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ARTICLE 9

SITE PLAN REVIEW

SECTION 9.01 PURPOSE

The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, and state and federal laws. The intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, achieve efficient use of the land, encourage innovative design solutions, protect natural resources, ensure safety for both internal and external vehicular and pedestrian users, achieve innovative storm water management solutions, and prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives.

SECTION 9.02 BUILDING, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW

A. ***Site Plan Review Requirement***. The following buildings, structures, and uses require site plan review:

1. All proposed or permitted uses and related buildings, except single-family dwellings;
2. All proposed conditional uses and related buildings;
3. Any alteration, addition, or expansion of an existing permitted or conditional use and/or related building;
4. Any building or use for which site plan review is required by this Ordinance;
5. Any parking lot or addition thereto; and
6. Any alteration, addition, or expansion within a designated historic district.

B. ***Final Site Plan and Engineering***.

1. No certificates of zoning compliance, building permits or Certificates of Occupancy shall be issued until all required site plans and engineering plans have been approved and all applicable construction permits are in effect.
2. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, and construction permits are issued, except as otherwise provided in this Ordinance.

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SECTION 9.03 PRELIMINARY SITE PLAN REVIEW

A. ***Application and Fee for a Preliminary Site Plan***. An application for a preliminary site plan review shall be filed with the Township Zoning Administrator and include the number of copies specified on the application of a preliminary site plan. An application for preliminary site plan review shall be accompanied by the required fees, as well as other data, exhibits, and information hereinafter required.

B. ***Required Data for a Preliminary Site Plan***. An application for approval of a preliminary site plan shall provide the information required for a preliminary site plan as set forth in Section 9.07.

C. ***Township Planning Commission Review of Preliminary Site Plan***. The Township Zoning Administrator shall determine if the preliminary site plan includes the required information set forth in this Article and the Engineering Standards. The Township Zoning Administrator shall transmit complete submittals of the application and preliminary site plan drawing(s) to the Township Planning Commission prior to its next available regularly scheduled meeting. The Township Planning Commission shall undertake a study of the same and shall, within sixty (60) days, from the date of the first commission meeting at which the application is received from the Township Zoning Administrator, give its tentative approval or disapproval of the preliminary site plan, advising the applicant, in writing, of recommended changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

D. ***Variance Requests***. When the applicant intends to seek a variance from the Zoning Board of Appeals for the subject request, the applicant shall first receive tentative approval of the preliminary site plan from the Planning Commission. Tentative approval of the preliminary site plan by the Planning Commission shall be conditioned upon the granting of any necessary variances by the Zoning Board of Appeals.

SECTION 9.04 FINAL SITE PLAN

A. ***Application and Fee for a Final Site Plan***. Following approval of the preliminary site plan, an application for final site plan review shall be filed with the Township Zoning Administrator, including the number of copies specified on the application of the proposed final site plan as well as other data, exhibits, and information hereinafter required. An application for final site plan review shall be accompanied by the required fees.

B. ***Required Data for a Final Site Plan***. An application for approval of a final site plan shall provide the information required for a final site plan as set forth in Section 9.07 and include approval from: the Washtenaw County Road Commission; the Michigan Department of Transportation or City of Ann Arbor, whichever is applicable; Washtenaw County Water Resource Commissioner; and the Michigan Department of Environmental Quality Land and Water Quality Division, unless these approvals are specifically waived by the Planning Commission upon recommendation by the Zoning Administrator due to unique circumstances such as an existing developed site or a

development of less than one (1) acre.

C. ***Township Planning Commission Review of a Final Site Plan***. The Township Zoning Administrator shall determine if the final site plan includes the required information set forth in the Land Development Standards and other information requested by the Township Planning Commission during preliminary site plan review. The Township Zoning Administrator shall transmit complete submittals to the Township Planning Commission prior to its next available regularly scheduled meeting. The Township Planning Commission shall undertake a study of the site plan and shall, within sixty (60) days of the date of the commission meeting at which the application is received from the Township Zoning Administrator, approve or deny the final site plan. Written notice shall be sent to the applicant stating the time and place of review of the site plan by the Township Planning Commission.

D. ***Township Approval of a Final Site Plan***. Upon approval of a final site plan by the Township Planning Commission, the applicant shall file seven (7) sealed copies thereof with the Township reflecting all changes and conditions, if any, attached to the Township Planning Commission's approval. Upon review thereof for compliance with any conditions of approval, the Township Zoning Administrator, or his/her designee, shall stamp and sign the plans certifying that the site plan conforms to all of the provisions of this article and the Township Zoning Ordinance as determined and approved by the Township Planning Commission. If the site plan is denied by the Township Planning Commission, an explanation and notification of such denial shall be given to the applicant(s) within thirty (30) days.

SECTION 9.05 ADMINISTRATIVE PLAN REVIEW

A. ***Authority***. The Township Zoning Administrator shall have the authority to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met as set forth in Section 9.05.B. The Township Zoning Administrator may seek the review and comments of applicable Township staff and/or consultants and reserve the right to refer the matter to the Planning Commission if desired.

B. ***Projects to be Reviewed Administratively***. Administrative review of a site plan may be conducted for the following projects or under the following circumstances:

1. Minor changes required by outside governmental agencies during construction as determined by the Zoning Administrator.

2. Increase in parking or loading area of up to twenty-five percent (25%) or six thousand (6,000) square feet of pavement area without any building changes.

3. Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.

4. An increase in floor area of up to twenty-five percent (25%) of the existing floor area, provided the site will not require any significant change to existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.

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5. A change in use to a similar or less intense use, provided the site will not require any significant changes to the existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.

6. Accessory buildings associated with a non-residential use, provided the site will not require any significant changes to the existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.

7. Aesthetic and architectural changes to a non-residential structure.

8. Site improvements such as installation of walls, fences, lighting, or landscaping consistent with the Ordinance standards.

9. Temporary uses, sales, and seasonal events.

10. Construction of a Wind Energy Conversion System where such construction is considered an accessory use in the district.

11. Construction of Solar Collection Systems where such construction is considered an accessory.

SECTION 9.06 SITE PLANS WITHIN A HISTORIC DISTRICT

A. ***Site Plan Review Requirement***. Any construction, addition, moving, excavation, or demolition within a historic district requires a site plan review in accordance with this Article.

B. ***Historic District Commission***.

1. The Historic District Commission shall review all site plans within a Historic District to ensure any proposed work preserves the historic district and reflect elements of its history, architecture, archaeology, engineering, or culture.

2. The Historic District Commission shall forward a recommendation to the Planning Commission.

SECTION 9.07 DATA REQUIRED FOR PRELIMINARY AND FINAL SITE PLANS

All plans shall be prepared by a professional engineer registered in the State of Michigan whose seal shall be affixed to the first sheet. All landscape plans for sites of one (1) acre or greater shall be prepared by a Landscape Architect licensed in the State of Michigan whose seal has been affixed to the first sheet. Preliminary and final site plans shall include the information set forth in Table 9.07.A-1.

Table 9.07.A-1 Preliminary Site Plan and Final Site Plan Submittal Requirements

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
A. Application Form		
Name and address of the applicant and property owner	X	X
Address and common description of property and complete legal description	X	X
Dimensions of land and total acreage	X	X
Zoning on the site and all adjacent properties	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
Name and address of firm or individual who prepared the site plan	X	X
Proof of property ownership	X	X
B. Site and Zoning Data		
Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site	X	X
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements to the site and within 100 feet of the site	X	X
All existing and proposed easements, including type	X	X
Zoning district of site and all adjacent property	X	X
Land use of site and all adjacent property	X	X
Proposed use of site	X	X
Gross and net lot area in acres and square feet, net lot area excluding all existing road rights-of-way as well as that in proposed rights-of-way, required access easements and portions covered by wetlands, bodies of water (including streams, ponds, lakes), and 90% of the area of all existing drainage easements	X	X
Ground floor and total floor area to be constructed	X	X
Lot coverage (ground floor area divided by net lot area)	X	X
Impervious surface (total impervious area and percentage of impervious area to total net lot area)	X	X
Floor area ratio (total floor area divided by net lot area)	X	X
Number and type of dwelling units and density, for residential projects	X	X
Building height, in feet and number of floors	X	X
Required yards	X	X
C. Natural Features		
General location of existing plant materials, with identification of materials to be removed and materials to be preserved	X	X
Location, sizes, types, and condition of existing trees 6 inches DBH, heritage trees	X	X
Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a USGS benchmark	X	X

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Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations	X	X
Wetlands delineated both in the field and on the plan in accordance with the Township's Wetland Ordinance. The existing area must be shown for each wetland. All impacted areas and mitigation areas shall be shown with calculations provided.	X	X
Soils information, location, and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Washtenaw County Soil Survey or equivalent information.	X	X
Groundwater information on the site, with supporting evidence including but not limited to site-specific soils information	X	X
Natural Feature Impact Statement (as described in Section 14.04) Natural Feature Protection Plan (as described in Section 14.04)	X	
D. Access and Circulation		
Dimensions, curve radii, and centerlines of existing and proposed access points, roads, and road rights-of-way or access easements		X
Driveways and intersections within 250 feet of the site		X
Location of proposed roads, driveways, parking lots, sidewalks, and non-motorized pathway	X	X
Cross-section details of proposed roads, driveways, parking lots, sidewalks, and non-motorized paths illustrating materials and thickness		X
Dimensions of acceleration, deceleration, and passing lanes		X
Calculations for required number of parking and loading spaces, location and layout	X	X
Dimensions of parking spaces, islands, circulation aisles, and loading zones		X
Fire Protection Plan	X	X
Traffic regulatory signs and pavement markings		X
E. Landscape Plans		
General landscape plan, including location and type of all proposed shrubs, trees, and other live plant material	X	X
Existing live plant material to remain, and if material will be applied to landscaping requirements	X	X
Existing and proposed topography, by contours, correlated with the grading plan	X	X
Location of all proposed improvements, as shown on the site plan	X	X
Planting list for proposed landscape materials, with caliper size or height of material, root ball type, method of installation (planting/ staking details), botanical and common names, spacing, and quantity		X
Irrigation system plan for watering and draining landscape areas		
Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls, and tree wells		X
Proposed means of protecting existing plant material during construction		X
Proposed dates of plant installation		X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Landscape maintenance schedule		X
F. Building, Structure, and Miscellaneous Site Information		
Location, height, and outside dimensions of all proposed buildings and structures	X	X
Building floor plans and total floor area		X
Details on accessory structures and any screening		X
Location, size, height, and lighting of all proposed site and wall signs		X
Building façade elevations for all sides, drawn at an appropriate scale		X
Description of exterior building materials and colors (samples may be required)		X
Location of exterior lighting (site and building lighting)		X
Lighting details, including size, height, initial lumen rating, type of lamp, method of shielding, type of lens, and depiction of lighting pattern for all site and building lighting		X
Lighting photometric grid overlaid on proposed site plan showing light intensity (in footcandles) on site and 10 feet beyond parcel lines**		X
Location of trash receptacle(s) and transformer pad(s) and method of screening		X
Location of any outdoor sales or display area	X	X
G. Information Concerning Utilities, Drainage, and Related Issues		
Location of existing and proposed sanitary sewers and septic systems	X	X
Size of existing and proposed sanitary sewers and septic systems		X
Location of existing and proposed water mains, well sites, water service, and fire hydrants	X	X
Size of existing and proposed water mains, well sites, water service, and fire hydrants		X
Site grading, drainage patterns, and other stormwater management measures	X	X
Stormwater drainage and retention/detention calculations	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume, and outfalls		X
Location of storm sewers and drains	X	X
Size of storm sewers and drains		X
Location of above and below ground gas, electric, and telephone lines, existing and proposed	X	X
Location of transformers and utility boxes		X
Assessments of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable		X
H. Additional Information Required for Multiple-Family Residential Development		
The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)	X	X
Density calculations by type of residential unit (dwelling units per acre)	X	X
Garage and/or carport locations and details, if proposed		X

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Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Mailbox clusters		X
Location, dimensions, floor plans, and elevations of common building(s) (e.g. recreation, laundry, etc.), if applicable		X
Swimming pool fencing detail, including height and type of fence, if applicable		X
Location and size of recreation and open space areas		X
Indication of type of recreation facilities proposed for recreation area		X
I. Additional Study (as required by the Zoning Administrator)		
Traffic study	As required by Zoning Administrator	
Environmental assessment	As required by Zoning Administrator	
Noise	As required by Zoning Administrator	
Additional study as required by Zoning Administrator	As required by Zoning Administrator	

Note: If any of the items listed above are not applicable, a list of each item considered not applicable and the reason(s) why each listed item is not considered applicable should be provided on the site plan.
*The lighting photometric grid requirement may be waived by the Zoning Administrator for sites with parking lots of twenty (20) spaces or less or for sites that are not adjacent to residentially zoned property.

SECTION 9.08 STANDARDS FOR SITE PLAN REVIEW

A. ***Compliance with all Regulations***. In reviewing the site plan, the Township Planning Commission shall find that the Township Zoning Administrator has determined that the proposed plan complies with all applicable regulations of the Zoning Ordinance of Pittsfield Township.

B. ***Standards***. Further, in consideration of each site plan the Township Planning Commission shall endeavor to assure the following:

1. The proposed use will not be injurious to the general health, safety, welfare, and character of the Township and surrounding neighborhood.

2. The proposed development is consistent with the Township Master Plan.

3. There is a proper relationship between public thoroughfares and proposed service drives, driveways, and parking areas.

4. The proposed development provides for proper development of roads, easements, and public utilities.

5. Building placement and orientation provides a strong visual and functional relationship with its site, adjacent sites, and nearby thoroughfares. Such placement and orientation is consistent within sites and to adjacent sites to provide distinct building groups which exhibit similar orientation, scale, and proportion.

6. Site access and circulation shall be designed to ensure the safe and convenient movement of vehicles, bicycles, pedestrians, and transit, where applicable. Where possible, separation of pedestrian and vehicular traffic shall be provided to avoid conflicts and unsafe conditions.

7. Internal circulation shall be arranged to provide a practical means of emergency personnel and vehicle access to all sides of a building.

8. Site planning and design of specific improvements will accomplish the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees, and wooded areas, including understory trees.

9. The proposed development will utilize the natural topography to the maximum extent possible, minimizing the amount of cutting, filling, and grading required, and preventing soil erosion or sedimentation.

10. The design of storm sewers, stormwater facilities, roads, parking lots, driveways, water mains, sanitary sewers, and other site improvements meets the design and construction standards of the Township and other appropriate agencies.

11. A stormwater management system and facility will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on- or off-site. The Washtenaw County Water Resource Commissioner Standards shall be used for the review and approval of all stormwater management systems.

12. Wastewater treatment systems, including on-site septic systems, shall be located to minimize any potential degradation of surface water or ground water quality, and be designed in accordance with applicable Township, County, and/or State standards.

13. Sites which include storage of hazardous waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of pollution materials to the surface or the air, or to the ground, groundwater, or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.

14. Landscaping, including grass, trees, shrubs, and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.

15. The site plan complies with all Township Ordinances and any other applicable laws.

SECTION 9.09 ENGINEERING PLAN APPROVAL

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Upon certification of the approved final site plan by the Township Director of Utilities and Municipal Services or Township Zoning Administrator, the applicant may apply for engineering plan approval which may include, but is not limited to, soil erosion control permits, utility permits, and all other required county and state permits.

SECTION 9.10 SITE PLAN COMPLETION GUARANTEE

Prior to the issuance of any building permit for any building, and prior to signing of the final plat by the Township Clerk in a platted subdivision, or prior to the issuance of any building permit for any building in a site condominium project, or prior to issuance of a certificate of occupancy for any other development which requires site plan review under this ordinance, the applicant for same shall provide to the Township the completion guarantee, as set forth in Section 3.09.

SECTION 9.11 CERTIFICATION OF COMPLIANCE

A. ***Zoning Compliance Permit***. A zoning compliance permit, as set forth in Section 3.04, shall be required prior to issuance of a certificate of occupancy or building permit.

B. ***Requirements***. When the appropriate permits are issued, the applicant may begin site work. In any development where individual lots do not front on an existing improved public or private street no building construction permit(s) shall be issued until the Township Zoning Administrator certifies the following minimum standards are met. Each phase of an approved project shall meet these requirements:

1. All interior public and private streets, including curb and gutter where applicable, shall be complete through the base course of pavement. Modifications to the requirement may be permitted by the Township Board based upon a recommendation by the Township Engineer when paving may not be possible due to weather.

2. All site mass grading and balancing shall be complete and certified by the developer's engineer and approved by the Township Engineer to be in compliance with the approved site plan.

3. All facilities for the detention and/or retention of storm water shall be substantially complete in a state which is ready to be energized and placed on line.

4. The installation of all franchised utilities shall be substantially complete, ready to be energized and placed on line.

5. All underground water mains, sanitary and storm sewers shall have passed their certified acceptance tests. The water and wastewater system shall be certified as operational by the Township Utilities and Municipal Services Department.

6. Each individual lot or building site shall have a sign clearly showing the lot number and address of the lot or building site. Temporary street name signs with contrasting letters at

least six (6) inches high shall be erected at every intersection. All required traffic control signs shall be installed.

7. In single-family residential developments the applicant may apply for permission to erect a temporary sales trailer and/or construct up to three (3) model homes prior to completion of the above requirements. No occupancy of said models shall be permitted until the above conditions are met. Permits for models may be issued subject to the following conditions:

   a. The lots must be contiguous to each other and one (1) lot must abut an existing public or private street. The first model shall be located on the lot abutting the street, and subsequent models shall abut a lot for which a permit has previously been issued under this section.

   b. If the remaining two (2) lots do not abut an existing public or private street, they must be served by an access road of sufficient width and structure to accommodate fire apparatus. Such access road shall be within fifty (50) feet of each structure.

   c. The Fire Department shall approve the access and determine that a sufficient water supply exists to permit firefighting and rescue operations.

   d. Sales trailers shall meet all the requirements of Section 8.04.

SECTION 9.12 AMENDMENT, REVISION OF SITE PLAN

A final site plan for which the Township Building Inspector has not issued a building permit, or the work authorized under an issued building permit has not been completed may be amended by the Township Planning Commission. Such amendment shall be made upon application and in accordance with the procedure provided under Section 9.03 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Township Planning Commission.

SECTION 9.13 EXTENSION, REVOCATION, AND ABANDONMENT OF SITE PLAN APPROVAL

A. ***Extension***. Final site plan approval is valid for a period of two (2) years from the date of final action by the Township Planning Commission within which time all necessary Building or Construction Permits shall be secured and substantial construction completed. No single extension shall be granted for a period of more than one (1) year, and multiple extensions are allowed. All requests for extensions shall be made in writing and include a statement of why the extension is necessary, and confirmation of the ability to complete construction in conformity with the final site plan as approved.

B. ***Revocation***. The Township Planning Commission may, upon hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is in error.

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Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Township Planning Commission, shall cease. The Township Planning Commission may direct the Township Zoning Administrator to issue a stop work order to enforce its determination. Upon revocation, the Township Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the Township Planning Commission.

C. ***Abandonment***.

1. ***Abandonment of Preliminary Site Plan***. An approved Preliminary Site Plan for which a Final Site Plan has not been submitted as required under Section 9.04 within one (1) year from the date of Preliminary Site Plan approval shall be considered abandoned.

2. ***Abandonment of Final Site Plan***. An approved Final Site Plan, upon which construction does not commence and an extension of approval has not been requested within a two (2) year period from the date of a Final Site Plan approval, shall be considered abandoned.

SECTION 9.14 DEVELOPMENT AGREEMENTS

The Township Planning Commission may as a condition of final site plan approval, require the proprietor and/or developer to enter into a Development Agreement with the Township. Such agreement shall set forth and define the responsibilities of the proprietor and the Township, as set forth in Section 3.10.

ARTICLE 10

CONDITIONAL USE REVIEW

SECTION 10.01 PURPOSE

The formulation and enactment of this Ordinance is based upon the division of the un-incorporated portions of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 10.02 AUTHORITY TO GRANT PERMITS

The Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

SECTION 10.03 PROCEDURE

A. ***Application***. A petitioner seeking Conditional Use approval shall file an application with the Township Zoning Administrator, together with the appropriate fee and required information, not less than thirty (30) days prior to the date of the regular meeting of the Planning Commission, at which the conditional use application will be considered. The following information shall also be submitted:

1. A site plan with the required information, as set forth in Article 9.

2. A statement with regard to compliance with the criteria required for approval in Section 10.04 Standards for Conditional Use approval and any specific standards required by the Ordinance for the requested use.

3. Failure to provide the required information and materials as a part of the application for Conditional Use approval shall render the application deficient, and said application shall be held in abeyance until the petitioner submits all required items. The Township Zoning Administrator may waive the submission of a site plan where such information is not material to Planning Commission action, specifically where no physical changes to the site are proposed.

B. ***Public Hearing***. The Planning Commission shall hold a public hearing, or hearings, upon any

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application for a conditional use permit, notice of which shall be in the manner required by Section 3.05.

C. ***Planning Commission Action***.

1. At the public hearing, the Planning Commission shall review the application for Conditional Use approval and shall either approve the application, approve the application with conditions, deny the application, or postpone action.

2. The Planning Commission's decision shall be made a part of the public record and incorporated into a resolution that includes a statement of findings and conclusions relative to the conditional land use which specifies the basis for the decision.

3. Any conditions required by the Planning Commission for approval shall also be made a part of the public record and incorporated into the resolution.

4. The decision of the Planning Commission shall be final. The Zoning Board of Appeals shall have no authority to review Planning Commission decisions regarding conditional land use.

SECTION 10.04 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

A. ***Standards***. The Planning Commission shall review the particular circumstances and facts of each proposed use, and shall consider the following general standards and any specific standards established for a particular use.

1. ***Compatibility with Adjacent Uses***. The Conditional Use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. A Conditional Use shall be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses.

2. ***Compatibility with the Master Plan***. The proposed Conditional Use shall be compatible and in accordance with the goals and objectives of the Master Plan and any associated subarea and corridor plans.

3. ***Traffic Impact***. The proposed Conditional Use shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. The applicant shall comply with the Township's Complete Street Ordinance.

4. ***Impact on Public Services***. The proposed Conditional Use shall be adequately served by essential public facilities and services, such as: streets; pedestrian or bicycle facilities; police

and fire protection; drainage systems; refuse disposal; water and sewage facilities; and schools. Such services shall be provided and accommodated without an unreasonable public burden.

5. ***Compliance with Zoning Ordinance Standards***. The proposed Conditional Use shall be designed, constructed, operated, and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.

6. ***Impact on the Overall Environment***. The proposed Conditional Use shall not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses.

7. ***Conditional Use Approval Specific Requirements***. The general standards and requirements of this Section are basic to all uses authorized by Conditional Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.

B. ***Additional Findings***. The Planning Commission shall also consider the following factors when reviewing a Conditional Use request:

1. The nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the use.

2. Public safety, specifically police and fire.

3. Vehicular circulation and parking areas.

4. Outdoor activity, storage, and work areas.

5. Hours of operation.

6. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

SECTION 10.05 CONDITIONS OF APPROVAL

A. ***Authority***. The Planning Commission, in its review of a request for Conditional Use approval, may at its discretion impose additional conditions when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.

B. ***Scope***. Conditions that are imposed by the Planning Commission shall:

1. Be related to and ensure that the review considerations of Section 10.04 and the applicable specific regulations are met.

2. Conditional Use approval is applicable to a property, not property owners, so long as use

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remains in effect under terms set forth in Section 10.06.

3. Remain unchanged unless an amendment to the Conditional Use approval is approved.

C. A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the Planning Commission to terminate and cancel such conditional use permit.

SECTION 10.06 EFFECTIVENESS

A. ***Remain in Force***. Upon receipt of final site plan approval, Conditional Use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the Planning Commission resolution of approval.

B. ***Expiration***. Any Conditional Use approval granted by the Planning Commission shall expire unless a preliminary site plan effectuating the Conditional Use is submitted within two (2) years of the date of approval.

C. ***Abandonment***. When a use approved under the Conditional Use approval procedure ceases to function or is abandoned for a period of twelve (12) months, the Conditional Use approval shall lapse and shall no longer be in effect.

D. ***Resubmittal***. No application for a conditional use permit which has been denied wholly or in part by the Planning Commission shall be re-submitted for a period of three hundred and sixty five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

SECTION 10.07 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE

The following provisions apply when there is an amendment or a proposed expansion to approved Conditional Uses or when there is a proposed change from one Conditional Use to another.

A. ***Amendments***. Any applicant who has been granted Conditional Use approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan. The Township Zoning Administrator shall determine whether a proposed amendment requires new Conditional Use approval. New Conditional Use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

B. ***Expansions***. An expansion of any use requiring a Conditional Use approval that results in an increase of ten percent (10%) or more of the building, parking, paved areas, or site area shall require resubmittal in the manner described in this Article. A separate Conditional Use approval shall be required for each use requiring Conditional Use approval on a lot, or for any expansions of a Conditional Use approval.

C. ***Change in Use***. The applicant shall be responsible for informing the Township Zoning Administrator of any significant change in an approved use, operations, or activities prior to any such change. The Township Zoning Administrator shall determine if a new Conditional Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

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ARTICLE 11

SPECIFIC USE STANDARDS

SECTION 11.01 PURPOSE

It is the purpose of this article to provide regulations for miscellaneous and other requirements that may or may not apply in all zoning districts.

SECTION 11.02 AGRICULTURAL PROCESSING AND FOOD STORAGE

A. ***Application of Regulations.***

1. ***Administrative Review.*** Buildings and structures used, in whole or in part, for agricultural processing or food storage that meet the following area thresholds shall be reviewed administratively. The thresholds qualifying these uses for administrative review include:

   a. Agricultural processing uses where the use occupies an area two thousand (2,000) square feet or less.

   b. Agricultural food storage uses where the use occupies an area five thousand (5,000) square feet or less.

   The building/structure area applies whether the subject building is existing, new, and/or an addition to an existing building.

2. ***Administrative Review Process.*** The administrative review process shall be conducted as follows:

   a. A property survey, drawn to scale with dimensions, and showing property lines and all structures and other improvements shall be submitted to the Township with an application for zoning compliance.

   b. The Zoning Administrator shall review the application and supporting materials, using the standards of this section and other applicable provisions of the Zoning Ordinance. The Zoning Administrator shall provide approval or denial within one hundred and thirty-five (135) days from the date the complete application was submitted. If the application is denied, the Zoning Administrator shall notify the applicant in writing of such action and reasons for such rejection.

3. ***Site Plan Review.*** Buildings and structures used, in whole or in part, for agricultural processing or food storage that exceed the area thresholds for administrative review shall be subject to the provisions of Article 9, Site Plan Review, and reviewed by the Planning Commission.

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B. ***Standards.***

1. ***Locally/Regionally Grown Materials.*** Raw agricultural products processed and/or stored at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than one hundred (100) miles from the facility.

2. ***Setbacks.*** Facilities used for agricultural processing and/or food storage shall be setback a minimum of one hundred (100) feet from any adjacent residential structure.

3. ***Parking.*** Parking areas and surfaces shall be adequate to accommodate anticipated traffic and vehicles on site. No parking or maneuvering lanes shall be permitted within any road right-of-way.

4. ***Hours of Operation.*** The facility shall not create a nuisance to nearby property owners, and shall operate any time between the hours of 7:00am to 7:00pm.

5. ***Other Permits.*** All other required permits shall be obtained.

SECTION 11.03 COMMUNITY SUPPORTED AGRICULTURE (CSA) AND FARM MARKETS

A. ***Application of Regulations.***

1. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying less than one thousand five hundred (1,500) square shall be reviewed administratively. The administrative review process shall be conducted as follows:

   a. A property survey, drawn to scale with dimensions, and showing property lines and all structures and other improvements shall be submitted to the Township with an application for zoning compliance.

   b. The Zoning Administrator shall review the application and supporting materials, using the standards of this section and other applicable provisions of the Zoning Ordinance. The Zoning Administrator shall provide approval or denial within one hundred and thirty-five (135) days from the date the complete application was submitted. If the application is denied, the Zoning Official shall notify the applicant in writing of such action and reasons for such rejection.

2. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying one thousand five hundred (1,500) square feet or more shall require review and approval from the Planning Commission.

B. ***Standards.***

1. ***Locally/Regionally Grown Farm Products.*** Agriculture products distributed or sold at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius

of no more than one hundred (100) miles from the facility. For value-added products sold at any facility, at least fifty percent (50%) of the products' "namesake" ingredient must be produced by a Michigan farm within one hundred (100) miles of the facility.

2. ***Minimum Lot Area.*** Minimum lot area shall be two and one-half (2.5) acres.

3. ***Setbacks.*** Facilities or areas used for CSA or farm markets shall be setback a minimum of one hundred (100) feet from any adjacent residential structure.

4. ***Parking.*** Adequate parking for the maximum number of expected patrons must be provided on site and outside of any road right-of-way. Parking lot and maneuvering lane surfaces shall be adequate for the number and types of vehicles accessing the facility.

5. ***Hours of Operation.*** The facility shall operate any time between the hours of 7:00am to 7:00pm.

6. ***Lighting.*** Lighting used in the operation of the CSA and/or farm market shall be downward facing and shielded to minimize light trespass onto adjacent properties. Lights, other than those needed only for security, shall not be turned on when the CSA, or farm market facility is not in use.

7. ***Nuisances.*** The CSA or farm market facility shall not create nuisances for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust or odors, and/or traffic that cannot be accommodated on site.

8. ***Other Permits.*** All other required permits shall be obtained.

9. ***Other Marketing Strategies.*** Other marketing strategies, activities, and services designed to attract and entertain customers while they are at the CSA or farm market require additional review by the Township, the Planning Commission, and/or the Township Board.

SECTION 11.04 AGRICULTURAL COMMERCIAL/TOURISM

A. ***Application of Regulations.*** The following Agricultural Commercial/Tourism Businesses may be permitted after conditional land use review:

1. Cider mills or wineries selling product, in a tasting room, containing at least fifty percent (50%) of crops or produce grown on-site.

2. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.

3. The processing storage and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least fifty percent (50%) of the stored or processed, or merchandised products are produced by the farm operator.

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4. U-pick operations.

5. Uses 1 through 4 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the business is maintained and the income from these activities represents less than fifty percent (50%) of the gross receipts from the business.

   a. Value-added agricultural products or activities such as education tours of processing facilities, etc.

   b. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).

   c. Petting farms, animal display, and pony rides.

   d. Wagon, sleigh, and hayrides.

   e. Nature trails.

   f. Open air or covered picnic area with restrooms.

   g. Educational classes, lectures, seminars.

   h. Historical agricultural exhibits.

   i. Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least fifty percent (50%) produce grown on site.

   j. Gift shops for the sale of agricultural products and agriculturally related products. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to twenty-five percent (25%) of gross sales.

6. Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property including but not limited to: a) small-scale entertainment (e.g. music concert, car show, art fair), b) organized meeting space (e.g. for use by weddings, birthday parties, and corporate events.), c) designated, permanent parking for more than twenty (20) vehicles.

B. ***Standards.***

1. Minimum lot area of ten (10) acres.

2. A two hundred (200) foot open buffer shall be provided on all sides of the property not abutting a roadway. Agricultural Commercial/Tourism Business activities shall not be allowed within this buffer area. Where possible crops shall remain within this buffer area to help maintain the agricultural character of the site.

3. Buffer plantings shall be provided along the property line where there is an abutting residence. Greenbelt plantings are intended to screen views of the proposed operation from the adjacent home or property. Buffer plantings shall meet the standards of Section 13.02.

4. Must provide off-street parking to accommodate use as outlined in Article 12.

    a. Parking facilities may be located on a grass or gravel area for seasonal uses such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.

    b. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.

    c. Parking shall not be located in required setback or buffer areas. Paved parking areas must meet all design, and landscape screening requirements as set forth in this Zoning Ordinance.

5. The following additional operational information must also be provided as applicable:

    a. Ownership of the property.

    b. Months (season) of operation.

    c. Hours of operation.

    d. Anticipated number of customers.

    e. Maintenance plan for disposal, etc.

    f. Any proposed signs.

    g. Any proposed lighting.

    h. Maximum number of employees at any one time.

    i. Restroom facilities.

    j. Verification that all required permits have been granted, i.e. Federal, State, and local permits.

6. All areas of the property to be used including all structures on site must be clearly identified.

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SECTION 11.05 ADULT FOSTER CARE FACILITIES

A. Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.

B. Adult foster care small group homes serving between seven (7) and twelve (12) persons.

1. A site plan, prepared in accordance with Article 9 shall be required to be submitted.

2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.

3. The property is maintained in a manner that is consistent with the character of the neighborhood.

4. One (1) off-street parking space per employee and/or caregiver shall be provided.

5. Appropriate licenses with the State of Michigan shall be maintained.

C. Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.

1. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

2. A site plan, prepared in accordance with Article 9 shall be required to be submitted.

3. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.

4. The property is maintained in a manner that is consistent with the character of the neighborhood.

5. One (1) off-street parking space per employee and/or caregiver and one (1) visitor shall be provided.

6. Appropriate licenses with the State of Michigan shall be maintained.

D. Adult foster care congregate facilities serving more than twenty (20) persons.

1. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

2. A site plan, prepared in accordance with Article 9 shall be required.

3. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.

4. The property is maintained in a manner that is consistent with the character of the neighborhood.

5. One (1) off-street parking space per employee and/or caregiver and one (1) visitor shall be provided.

6. Appropriate licenses with the State of Michigan shall be maintained.

7. The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.

8. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

SECTION 11.06 SENIOR ASSISTED AND INDEPENDENT LIVING

A. ***Maximum Density.*** The maximum allowable density varies by housing type, but shall not exceed the following:

1. Dwellings may be provided for as single-family detached, two-family or multiple-family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:

Table 11.06.A-1

Dwelling Unit Size	Site Area Required Per Unit
Efficiency / One (1) bedroom	2,000 square feet
Two (2) bedroom	2,500 square feet
Each additional bedroom	500 additional square feet per bedroom

2. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.

B. ***Height, Lot Coverage, and Setbacks.*** Height, lot coverage and setback requirements of the MF Districts as set forth in Article 4, Multiple Family Residential Requirements shall apply.

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C. ***Parking.*** Parking is not allowed in any required front yard. Parking is permitted in side and rear yards provided a minimum twenty (20) foot setback is observed.

D. ***Façade.*** The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

E. ***Drop-Off and Pickup Area.*** A separate drop-off and pickup area shall be required adjacent to the main building entrance, located in a manner that will not create congestion on the site or within a public roadway.

SECTION 11.07 FUNCTIONAL EQUIVALENT FAMILY; ADDITIONAL PERSONS

A. ***Standards.*** The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged upon a demonstration by the applicant of all of the following:

1. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises, and adequate storage for each person proposed to reside on the premises;

2. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonable projected population concentration in the area, place an unreasonable burden upon public services, facilities, and/or schools;

3. There shall be a minimum of one hundred and twenty-five (125) square feet of useable floor space per person on the premises; and

4. If the property in question is not serviced with public water and/or sewer facilities, an approval under this section shall be conditioned upon approval by the county health department of the number of persons on the premises in relation to sanitary sewage and water facilities.

B. ***Planning Commission Determination.*** If the Planning Commission grants an application under this provision, the determination shall include the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

SECTION 11.08 CONVALESCENT CENTER

A. ***Site Area.*** All such facilities shall be developed on sites having a minimum area of one (1) acre, or two thousand (2,000) square feet of site area for each one (1) bed in the facility, or

for each person cared for in the facility, whichever is greater. Within this area, a minimum of five hundred (500) square feet of contiguous open space shall be provided, apart from areas required for vehicular uses, for each bed or for each person cared for within the capacity of the building.

B. ***Ingress and Egress.*** The proposed site shall have at least one (1) property line abutting and restricting all vehicular ingress and egress to a street classified as urban or suburban in the Township Master Plan.

C. ***Yards.*** All yards shall be a minimum of fifty (50) feet in width shall be kept free of parking and shall be landscaped.

D. ***Loading and Service Areas.*** Delivery loading and service areas and parking areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 13.02.

E. ***Façade.*** The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.

F. ***Facilities.*** Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

SECTION 11.09 BED AND BREAKFAST

A. ***Resident Proprietor.*** The proprietor shall reside at the Bed and Breakfast establishment.

B. ***Length of Stay.*** Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one (1) year.

C. ***Primary Residential Use.*** The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same parcel as a Bed and Breakfast may be utilized for sleeping rooms, in accordance with this Section.

D. ***Minimum Room Square Footage.*** The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.

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SECTION 11.10 ACCESSORY DWELLING UNITS

A. ***Purpose and Intent.*** Accessory dwelling units are dwelling units which are accessory a principal dwelling unit located on the same lot or parcel. The intent of those regulations is to:

1. Provide older homeowners with a means to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

2. Add moderately-priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income household who might otherwise have difficulty finding housing;

3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;

4. Provide housing units for persons with disabilities; and

5. Protect stability, property values, and the residential character of a neighborhood.

B. ***Application of Regulations.*** Accessory dwelling units shall be a conditional use in the R1-A, R1-B, and AG districts.

C. ***Standards of Approval.***

1. The units shall be a separate housekeeping unit, and shall not exceed fifty percent (50%) of the floor area of the principal residence.

2. Only one (1) accessory dwelling shall be permitted on each lot or parcel.

3. The owners of the principal residence shall continue to occupy the principal residence.

4. The accessory dwelling unit shall not be occupied by more than two (2) persons meeting the definition of family.

5. All setback and lot coverage requirements of the district shall be met.

6. A minimum of one (1) additional off-street parking space shall be provided for the accessory dwelling.

SECTION 11.11 LODGING FACILITIES

Lodging that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 12.05.

SECTION 11.12 LIVE/WORK UNITS

A. ***Accessibility.*** Space devoted to nonresidential uses shall be accessible from the dwelling area.

B. ***Use of Nonresidential Space.*** Only residents of the dwelling shall use the nonresidential space for purposes of employment.

C. ***Floor Area.*** The floor area of the dwelling unit shall be at least five hundred (500) square feet in area.

SECTION 11.13 MOBILE HOME PARKS

A. ***Sale Provisions.*** The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of mobile home parks shall be prohibited. New or used mobile homes located on lots within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit the sale.

B. ***Setbacks.*** A mobile home shall be in compliance with the following minimum distances:

1. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.

2. Ten (10) feet from an on-site parking space of an adjacent site.

3. Ten (10) feet from either of the following: An attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.

4. Fifty (50) feet from any permanent building.

5. Ten (10) feet from the edge of an internal street.

6. Twenty (20) feet the right-of-way line of a dedicated public street within the mobile home park.

7. Seven and one half (7½) feet from a parking bay.

8. Seven (7) feet from a common pedestrian walkway.

C. ***Height.*** The maximum height of accessory structures in a mobile home park shall be fifteen (15) feet. The height of a storage building on a mobile home site shall not exceed the lesser of fifteen (15) feet or the height of the mobile home.

D. ***Parking Requirements.***

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1. A minimum of two (2) parking spaces shall be provided for each mobile home site. The minimum number of parking spaces for conditional uses permitted in a mobile home park may be reduced to two-thirds (⅔) the number required for such uses as set forth in Article 12, herein, as part of a conditional use permit approval.

2. Additional parking facilities shall be provided as follows:

   a. For storage of maintenance vehicles.

   b. At the park office location for office visitors.

   c. For general visitor parking, at the ratio of one (1) parking space for every three (3) mobile home sites in the park, in a convenient location for mobile home sites served thereby.

E. ***Streets.***

1. Vehicular access to a mobile home park shall be provided by at least one (1) hard surface public road.

2. Only streets within the mobile home park shall provide vehicular access to individual mobile home sites in the mobile home park.

3. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted, along one (1) side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street.

4. The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted along one (1) side, and thirty-three (33) feet where parallel parking is permitted along both sides.

5. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area.

F. ***Outdoor Storage.*** Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. The location of such storage area shall be shown on the site plan required herein. No part of such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties.

G. ***Site Constructed Buildings.*** All buildings constructed on site within a mobile home park must be constructed in compliance with the all applicable Pittsfield Township Codes. Any addition to a mobile home unit that is not certified as meeting the standards of the US Department of Housing and Urban Development for mobile homes shall comply with all applicable Pittsfield Township Codes. Certificates and permits shall be required as provided in Article 3. A final site plan shall be approved prior to construction of any principal structure, not including mobile

home units, in accordance with Article 9.

H. ***Placement of a Mobile Home Unit.***

1. It shall be unlawful to park a mobile home unit so that any part of such unit will obstruct a street or pedestrian walkway.

2. A building permit shall be issued by the Township Building Department before a mobile home may be placed on a site in a mobile home park.

I. ***Application of Regulations.*** Construction of a mobile home park shall require prior approval of a site plan by the Township Planning Commission. For purposes of this section only, a site plan shall provide the following information.

1. The site plan shall be prepared on standard twenty-four (24) inch by thirty-six (36) inch sheets and shall be of a scale not greater than one (1) inch equals twenty (20) feet or less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan.

2. Scale, north arrow, name, and date, plus date of any revisions.

3. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.

4. Name and address of designer. A site plan shall be prepared by an, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.

5. A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.

6. Existing topography, at minimum of two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; one hundred (100) year flood hazard area.

7. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.

8. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.

9. Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drain fields, if applicable.

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10. Names and rights-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.

11. Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.

12. Grading plan, at a minimum contour interval of two (2) feet.

13. Location and exterior dimensions of proposed buildings and structures other than mobile home dwellings; height and finished floor elevations of such buildings and structures; location of mobile home and parking spaces.

14. Location and alignment of all proposed streets and drives; rights of way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.

15. Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces and aisles; typical section of parking lot surface.

16. Location, width, and surface of proposed sidewalks and pedestrian paths.

17. Location, use, size, and proposed improvements of open space and recreation areas.

18. Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.

19. Location, type, size, area, and height of proposed signs.

20. General proposed utility layout for sanitary sewer, water and storm water systems.

21. An overall map at a smaller scale showing how this property ties in with all other surrounding properties should be developed to include:

    a. Existing and proposed water mains, sanitary and storm sewers in the area including sanitary sewer service areas;

    b. The road network in the area;

    c. The relationship of existing and proposed drainage courses and retention basins in the general area that impact or are impacted by his development as well as an area wide drainage map showing all the sub-areas that affect this site (all drainage must be directed to retention ponds); the map should also be on a twenty-four (24) inch by thirty-six (36) inch sheet.

22. Landscape plan showing location, type, and size of plant materials.

23. Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical

sections.

J. ***Building Permits Required.*** No mobile home may be placed on a mobile home site until a building permit therefore has been issued by the Pittsfield Township Building Department. A building permit shall not be issued until all required state approvals have been obtained.

K. ***Occupancy.*** A mobile home in a mobile home park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of Occupancy is issued.

L. ***Storm Shelter.*** Storm shelters shall be provided for all mobile home residential uses in conformance with the following requirements:

1. Shelters shall be located no more than six hundred (600) feet from any dwelling unit and/or occupied area served and on the same property.

2. Shelters shall provide five and one-half (5.5) square feet of floor area per occupant and accommodate one hundred (100%) occupancy of the facility. For residential use types, this shall be computed for each unit as follows:

Efficiency / One bedroom	5.5 square feet
Two bedroom	11.0 square feet
Three bedroom	16.5 square feet
Four bedroom and over	20.0 square feet

3. Shelters shall be designed to withstand a wind speed of two hundred (200) miles per hour and in accordance with the technical guidelines recommended by the U.S. Federal Emergency Management Agency.

SECTION 11.14 TEMPORARY HOUSING

A building may be used for the temporary housing of seasonal agricultural workers provided the farm where located is at least sixty (60) acres. One (1) mobile home may be used for the housing of one (1) agricultural worker and his family provided the farm where located is at least sixty (60) acres in size, is being used for agricultural purposes and that the worker obtains at least thirty percent (30%) of his means from that farm where living. The mobile home shall be located to the rear of the area of farm buildings.

SECTION 11.15 HOME OCCUPATION/HOME OFFICE

All home occupations/home offices, with the exception of agricultural operations, shall be in single-family residences subject to the following requirements:

A. ***Incidental and Secondary.*** A home occupation/home office must be clearly incidental and secondary to the primary use of a dwelling unit and conducted by a resident of the dwelling.

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B. ***Outside Appearance.*** A home occupation/home office shall not change the character or appearance of the structure or the premises, or other visible evidence of conduct of such home occupation/home office. There shall be no external or internal alterations not customary in residential areas or structures. A home occupation/home office shall be conducted within the dwelling unit or within a building accessory thereto. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation/home office, with the exception of a nameplate sign as set forth in Article 15.

C. ***Creation of Nuisance.*** A home occupation/home office use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, and/or fire hazards. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.

D. ***Percentage.*** The home occupation/home office shall utilize no more than twenty-five percent (25%) of the total floor area of any one (1) story of the residential structure therein located.

E. ***Employees.*** No more than one (1) employee shall be permitted other than members of the immediate family residing in the dwelling unit.

F. ***Number of Customers.*** No more than two (2) customers or clients shall be permitted to visit the site at any given time. Adequate off street parking shall be provided for customers or clients.

G. ***Vehicular Traffic Creation.*** There shall be no vehicular traffic permitted for the home occupation/home office, other than as is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.

H. ***Parking.*** Parking for the home occupation/home office shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in Article 12. Parking spaces shall not be located in the required front yard.

I. ***Commodities.*** No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

J. ***Storage.*** The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation/home office, shall be prohibited.

SECTION 11.16 KENNEL REGULATIONS / PET DAY CARE

A. ***Application of Regulations.***

1. Conditional use required.

a. Training classes shall be permitted only if specifically authorized in the Conditional Use Permit.

b. In districts other than AG, the kennel shall not be operated for breeding purposes, unless specifically authorized in the Conditional Use Permit.

2. The Conditional Use Permit shall establish a limit on the number of animals that may be boarded at one time.

3. The Conditional Use Permit may limit the specific species of animals that are permitted.

4. The Conditional Use Permit may establish a limit on other measures of the intensity of use.

B. ***Standards.***

1. Kennel shall be subject to the permit and operational requirements of State and County regulatory agencies.

2. Pet grooming (including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar treatment) shall be permitted for animals being boarded; for animals not being boarded, pet grooming shall be permitted if specifically authorized in the Conditional Use Permit.

3. The sale of pet and veterinary products shall be incidental to the kennel unless specifically authorized in the Conditional Use Permit.

4. Veterinary care shall be incidental to the kennel unless specifically authorized in the Conditional Use Permit.

5. Structures in which animals are kept, as well as animal runs and exercise areas, shall not be located in any required front or rear setback area and shall be located at least fifty (50) feet from any dwelling or building used by the public on adjacent land.

C. ***Operations.***

1. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied and controlled by an employee of the kennel. The Conditional Use Permit may limit the time during which the animals are permitted out of the building.

2. An operations and maintenance plan shall be submitted that specifically addresses how noise will be attenuated and waste handled.

3. In districts other than Agricultural Districts, facilities must be connected to public utilities where available.

4. Applicant shall include a waste management plan.

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SECTION 11.17 POST-SECONDARY SCHOOLS (COLLEGES AND UNIVERSITIES)

A. ***Ingress and Egress.*** All ingress and egress from said site shall be directly on to a major arterial.

B. ***Setbacks.*** No building shall be closer than eighty (80) feet to any property line that is residentially zoned or used. In all other cases, front, side, and rear setbacks shall be a minimum of forty (40) feet.

C. ***Off-Street Parking.*** Off-street parking areas shall be located at least fifty (50) feet from any residential property line.

D. ***Service and Maintenance Buildings.*** Those buildings to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in Section 13.02.

SECTION 11.18 PRIMARY/SECONDARY SCHOOLS

A. ***Yards.*** All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way.

B. ***Approvals.*** All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.

C. ***Off-Street Parking.*** Off-street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.

D. ***Service and Maintenance Buildings.*** Those buildings to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in Section 13.02.

SECTION 11.19 HOSPITAL

A. ***Ingress and Egress.*** The proposed site shall have at least one (1) property line abutting a major arterial of at least one hundred and twenty (120) feet of right-of-way width. All vehicular ingress and egress shall be directly from a major thoroughfare.

B. ***Setbacks.*** The minimum distance of any main or accessory building or structure from any boundary property line or street shall be two hundred (200) feet. A minimum depth of one hundred (100) feet of such required yards, adjacent to property lines, shall be kept free of off-street parking.

C. ***Accessory Buildings and Uses.*** Accessory buildings and uses may be permitted, provided the total floor area of such uses does not exceed that of the main hospital complex. Ambulance and

delivery areas shall be screened from view of adjacent residentially zoned or used property, in accordance with the standards set forth in Section 13.02.

D. ***Off-Street Parking.*** Off-street parking shall be provided for such uses in accordance with the requirements of Section 12.05.G. Accessory building and uses parking shall be in addition to that required for the main hospital complex.

E. ***Hazardous Materials.*** Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant to the Township during the development review process, and all such storage, use, and handling shall be conducted in accordance with the standards set forth in Article 14 and any applicable State or federal requirements.

SECTION 11.20 CEMETERY

A. ***Screening.*** Landscape screening meeting the standards set forth in Section 13.02 shall be provided where a cemetery abuts a residentially zoned or used parcel.

B. ***Assembly.*** The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.

C. ***Ingress and Egress.*** Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.

D. ***Setbacks.*** No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

SECTION 11.21 PLACES OF WORSHIP

A. ***Fully Enclosed Building.*** All religious activities shall take place in a fully enclosed building except as may be approved by the Township.

B. ***Incidental Facilities.*** Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools convents, and others shall meet all requirements of this Ordinance for such uses.

C. ***Frontage and Access.*** The site shall have frontage on and primary access to a major or minor arterial.

D. ***Maximum Height.*** Buildings of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum

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height allowed.

E. ***Setbacks.*** Front, side, and rear yard setbacks shall be a minimum of fifty (50) feet.

F. ***Parking Location.*** Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space.

G. ***Traffic Control.*** Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public street.

SECTION 11.22 GOLF COURSES

A. ***Accessory Uses and Buildings.*** Golf courses may also include accessory uses such as, but not limited to, clubhouses, restaurants, driving ranges, pro shops, and maintenance buildings. Any accessory uses and buildings associated with the golf course, and any buildings on the site shall conform to setback and dimensional requirements of the underlying zoning district.

B. ***Layout.*** The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.

C. ***Off-Street Parking.*** All off-street parking shall be in compliance with the standards set forth in Section 12.05 of this Ordinance to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.

D. ***Storage, Service, and Maintenance Areas.*** All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 13.02.

SECTION 11.23 SEXUALLY ORIENTED BUSINESSES

A. ***Purpose and Preliminary Statements.*** Sexually oriented businesses require special supervision from the public safety agencies of the Township in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the Township. There is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties. The Board of Trustees desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight.

Certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment. See, e.g., Heideman v. South

Salt Lake City, 348 F.3d 1182, 1195 (10th Cir. 2003) ("[T]he Ordinance applies to all 'sexually oriented businesses,' which include establishments such as 'adult motels' and 'adult novelty stores,' which are not engaged in expressive activity."); Sewell v. Georgia, 233 S.E.2d 187 (Ga. 1977) (upholding ban on commercial distribution of sexual devices), dismissed for want of a substantial federal question, 435 U.S. 982 (1978).

Sexually oriented businesses have often manipulated their inventory or business practices to avoid regulation while retaining their "adult" nature. See, e.g., Z.J. Gifts D-4, L.L.C. v. City of Littleton, No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding retail adult store's "argument that it is not an adult entertainment establishment" to be "frivolous at best"); People ex rel. Deters v. The Lion's Den, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that adult store manager's testimony was "less than candid" and "suggested an intention to obscure the actual amount of sexually explicit material sold"); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999) (documenting manipulation of inventory to avoid regulation); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that "the nonadult video selections appeared old and several of its display cases were covered with cobwebs").

The manner in which an establishment holds itself out to the public is a reasonable consideration in determining whether the establishment is a sexually oriented business. See, e.g., East Brooks Books, Inc. v. Shelby County, 588 F.3d 360, 365 (6th Cir. 2009) ("A prominent display advertising an establishment as an 'adult store,' moreover, is a more objective indicator that the store is of the kind the Act aims to regulate, than the mere share of its stock or trade comprised of adult materials."); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 261 (1991) (Scalia, J., concurring in part and dissenting in part) ("[I]t is most implausible that any enterprise which has as its constant intentional objective the sale of such [sexual] material does not advertise or promote it as such."); Patterson v. City of Grand Forks, Case No. 18-2012-CV-00742 (Nov. 1, 2012) (upholding sex paraphernalia store location restriction which exempted stores in regional shopping malls because malls on are on large parcels that buffer sensitive land uses, have their own security personnel, and limit signage and hours of operation). The Township intends to regulate such businesses as sexually oriented businesses through a narrowly tailored ordinance designed to serve the Township's content-neutral substantial interest in preventing the negative secondary effects of sexually oriented businesses, and its regulations shall be narrowly construed to this end.

The purpose and intent of this section is to regulate sexually oriented businesses, in order to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township.

The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize

the distribution of obscene material.

B. ***Findings and Rationale.*** Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Trustees, and on findings, interpretations, and narrowing constructions incorporated in the cases of City of Littleton v. Z.J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425 (2002); City of Erie v. Pap's A.M., 529 U.S. 277 (2000); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); California v. LaRue, 409 U.S. 109 (1972); N.Y. State Liquor Authority v. Bellanca, 452 U.S. 714 (1981); Sewell v. Georgia, 435 U.S. 982 (1978); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); City of Dallas v. Stanglin, 490 U.S. 19 (1989); and Entm't Prods., Inc. v. Shelby County, 721 F.3d 729 (6th Cir. 2013); Lund v. City of Fall River, 714 F.3d 65 (1st Cir. 2013); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); LLEH, Inc. v. Wichita County, 289 F.3d 358 (5th Cir. 2002); Ocello v. Koster, 354 S.W.3d 187 (Mo. 2011); 84 Video/Newsstand, Inc. v. Sartini, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); Plaza Group Properties, LLC v. Spencer County Plan Commission, 877 N.E.2d 877 (Ind. Ct. App. 2007); Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); East Brooks Books, Inc. v. Shelby County, 588 F.3d 360 (6th Cir. 2009); Entm't Prods., Inc. v. Shelby County, 588 F.3d 372 (6th Cir. 2009); Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir. 2008); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Peek-a-Boo Lounge v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Heideman v. South Salt Lake City, 348 F.3d 1182 (10th Cir. 2003); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 P.2d 380 (Wash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Bronco's Entm't, Ltd. v. Charter Twp. of Van Buren, 421 F.3d 440 (6th Cir. 2005); Charter Twp. of Van Buren v. Garter Belt, Inc., 258 Mich. App. 594 (2003); Jott, Inc. v. Clinton Twp., 224 Mich. App. 513 (1997); Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck, 449 Mich. 353 (1995); Gora v. City of Ferndale, 456 Mich. 704 (1998); Rental Property Owners Ass'n of Kent County v. City of Grand Rapids, 455 Mich. 246 (1996); 15192 Thirteen Mile Road, Inc. v. City of Warren, 626 F. Supp. 803 (E.D. Mich. 1985); City of Warren v. Executive Art Studio, Inc., No. 197353, 1998 WL 1993022 (Mich. App. Feb. 13, 1998); Tally v. City of Detroit, 54 Mich. App. 328 (1974); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Enlightened Reading, Inc. v. Jackson County, 2009 WL 792492 (W.D. Mo. March 24, 2009); MJJG Restaurant, LLC v. Horry County, 2014 WL 1314445 (D.S.C. Mar. 28, 2014); Cricket Store 17, LLC v. City of Columbia, --- F.Supp.2d ---, 2014 WL 526339 (D.S.C. Feb. 10, 2014); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People

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ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Warren Gifts, LLC v. City of Warren, No. 2:02-cv-70062, R. 26 (E.D. Mich. June 21, 2002) (denying motion for preliminary injunction); Patterson v. City of Grand Forks, Case No. 18-2012-CV-00742, Memorandum Decision and Order (Grand Forks Cnty. Dist. Ct. Nov. 1, 2012); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984, 2009; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), the Board of Trustees finds:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

3. Each of the foregoing negative secondary effects constitutes a harm which the Township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Township's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Township's interest in regulating sexually oriented businesses extends to preventing future secondary effects of

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either current or future sexually oriented businesses that may locate in the Township. The Township finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

The Township hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

C. ***Definitions.*** For the purpose of this Ordinance, the following additional definitions shall apply:

1. ***ADULT BOOKSTORE OR ADULT VIDEO STORE***: A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

   a. At least 35% of the establishment's displayed merchandise consists of said items, or

   b. At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or

   c. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or

   d. The establishment maintains at least 35% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items); or

   e. The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items); or

   f. The establishment regularly offers for sale or rental at least two thousand (2,000) of said items; or

   g. The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

2. ***ADULT CABARET***: A nightclub, club, bar, juice bar, restaurant, bottle club or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

3. ***ADULT MOTION PICTURE THEATER***: A commercial establishment where films, motion pictures, video cassettes, compact discs, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

   CHARACTERIZED BY: Describing the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

4. ***ESTABLISH OR ESTABLISHMENT***: In regard to sexually oriented business, means and includes any of the following:

   a. The opening or commencement of any sexually oriented business as a new business;

   b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

   c. The addition of sexually oriented business to any other existing sexually oriented business; or

   d. The relocation of a sexually oriented business.

5. ***FEATURE***: To give special prominence to.

6. ***FLOOR SPACE***: The floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

7. ***NUDITY***: The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

8. ***PERSON***: An individual, proprietorship, partnership, corporation, association, or other legal entity.

9. ***PREMISES***: The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

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10. ***REGIONAL SHOPPING MALL (ENCLOSED):*** A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large "anchor" stores, such as department stores. The common walkway or "mall" is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

11. ***REGULARLY:*** The consistent and repeated doing of an act on an ongoing basis.

12. ***SEMI-NUDE OR SEMI-NUDITY***: The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

13. ***SEMI-NUDE MODEL STUDIO***: A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

    a. By a college, junior college, or university supported entirely or partly by taxation;

    b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

    c. In a structure:

        i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

        ii. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

14. ***SEXUAL DEVICE:*** means any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

15. ***SEX PARAPHERNALIA STORE:*** A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any:

a. pharmacy, drug store, medical clinic, or any establishment or entity primarily dedicated to providing medical or healthcare products or services; or
b. any establishment located within an enclosed regional shopping mall.

16. ***SEXUALLY ORIENTED BUSINESS:*** An "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," a "semi-nude model studio," or a "sex paraphernalia store."

17. ***SPECIFIED ANATOMICAL AREAS***:

    a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, and female breasts below a point immediately above the top of the areola; and/or

    b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

18. ***SPECIFIED SEXUAL ACTIVITIES***:

    a. Intercourse, oral copulation, masturbation or sodomy; or

    b. Excretory functions as part of or in connection with any of the activities described in a.

D. ***Standards.***

1. It shall be unlawful to operate or cause to be operated a sexually oriented business within five hundred (500) feet of any of the following:

    a. A place of worship.

    b. A school or childcare facility.

    c. A public park (not including public trails).

    d. Any residential zoning district or any parcel used for residential purposes.

    It shall be unlawful to cause or permit the operation of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.

2. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above. If the sexually oriented business is located in a multi-tenant structure, the distance shall be measured from the closest part of the tenant space occupied by the sexually oriented business to the closest point on a property boundary or

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right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above.

3. A sexually oriented business lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within five hundred (500) feet of the sexually oriented business. However, if the sexually oriented business ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the Pittsfield Township Ordinances.

SECTION 11.24 MASSAGE THERAPY REGULATIONS

A. ***Standards.*** A massage therapist must be licensed by the Department of Licensing and Regulatory Affairs, Bureau of Health Professions.

B. ***Authorized Locations.*** Massage Therapy may only be performed in and in conjunction with a beauty salon, health club, athletic club, medical office or physical therapy clinic.

C. ***Massage Therapy in a Beauty Salon, Spa, Health Club, or Athletic Club.*** Massage therapy performed in and in conjunction with a beauty salon, spa, health club, or athletic club is subject to the approval of a conditional use permit and the following conditions:

1. Massage therapists must meet the qualifications established in this section.

2. Any establishment employing or contracting massage therapists shall annually submit proof to the Township that each therapists license is current and valid.

3. Floor area for massage therapy shall not exceed twenty percent (20%) of the total floor area.

4. All licenses shall be prominently displayed on the premises. Upon request of any officer of the Township licenses shall be provided for review and verification.

5. Any additional conditions required by the Planning Commission such as hours of operation, and massage therapy workspace visibility.

D. ***Massage Therapy in a Medical Office or Physical Therapy Clinic.*** Massage therapy performed in, and in conjunction with, a medical office or physical therapy clinic is exempt from the conditional use process, but the conditions of Section 11.24.C.2 and 4 above apply.

SECTION 11.25 DRIVE-THROUGH FACILITIES

A. ***On-Site Stacking.*** Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on this site. Access to and egress from the site will not interfere with peak hour traffic flow on the street serving the property. On-site vehicle stacking for drive-in windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public right-of-way.

B. ***Traffic Control.*** Projected peak hour traffic volumes which will be generated by the proposed drive-in service shall not cause undue congestion during the peak hour of the street serving the site.

C. ***Ingress and Egress.*** Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular operation and safety.

D. ***Drive-Through Locations.*** Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.

E. ***Stacking Space Requirements.*** Each drive-through facility shall provide stacking space meeting the following standards:

1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.

2. If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.

3. The number of stacking spaces per service lane shall be provided for the uses as listed in Table 11.25.E-1. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined at the discretion of the Zoning Administration, shall apply.

TABLE 11.25.E-1

Use	Stacking Spaces per Service Lane
Banks, Pharmacy, Photo Service, and Dry Cleaning	4
Restaurants with Drive-Through	10
Auto Washes (Self-Service)	
Entry	2
Exit	1
Auto Washes (Automatic)	
Entry	8
Exit	2

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SECTION 11.26 LARGE-SCALE RETAIL ESTABLISHMENT

A. ***Building Design and Materials.***

1. ***Façades and Exterior Walls.*** The maximum length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.

2. ***Roofs.*** Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:

   a. ***Flat Roof.*** Parapets concealing flat roofs and rooftop equipment or screening surrounding rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (⅓) of the height of the supporting wall at any point.

   b. ***Pitched Roof.***

      i. Overhanging eaves, extending no less than three (3) feet past the supporting walls;

      ii. An average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;

      iii. Three (3) or more roof slope planes.

B. ***Site Design.***

1. ***Parking Lot Location.*** No more than fifty percent (50%) of the off-street parking area devoted to the large-scale retail establishment shall be located within the front yard and between the front façade of the principal building and the abutting streets.

2. ***Primary Entrance.*** The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

3. ***Pedestrian Connection.*** A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

   a. Fully paved and maintained surface not less than five (5) feet in width.

   b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.

   c. Located in a separated sidewalk, within a raised median, or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.

4. ***Additional Entrances.*** In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, it must also have a direct pedestrian access to the parking area that is of a level of materials, quality, and design emphasis that is at least equal to that of the primary entrance.

5. ***Delivery/Loading Operations.*** Loading docks, trash collection, outdoor storage, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

SECTION 11.27 FIREARM RETAIL SALES

A. ***Purpose.*** The purpose and intent of this section is to regulate firearm retail sales, to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of firearm retail sales within the Township because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones.

B. ***Application of Regulations.***

1. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment or firearm retail sales as an accessory use operation in any location in the Township, except as provided for in this section.

2. ***Conditions of Approval.*** The Planning Commission may recommend that the Township Board impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of firearm retail sales, as shall, in its judgment, considering the standards set forth in Article 10 of this Ordinance, be necessary for the protection of the public health, safety, welfare, and interest, except that any conditions imposed on an firearm retail sales as defined in this Section shall be limited to those conditions necessary to assure compliance with the standards and requirements of Section 11.27.C. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of a firearm retail sales business shall be fulfilled.

C. ***Standards.***

1. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment within five hundred (500) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) of any of the following:

   a. A place of worship.

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b. A school or childcare facility.

c. A public park (not including public trails).

d. Any residential zoning district or any parcel used for residential purposes.

2. It shall be unlawful to cause or permit the operation of a firearm retail sales establishment within one thousand (1,000) feet of another firearm retail sales establishment. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.

3. It shall be unlawful to cause or permit the operation or maintenance of more than one (1) firearm retail sales establishment in the same building, structure, or portion thereof.

4. All off-street parking areas and entry door areas of firearm retail sales establishment shall be illuminated from dusk until the closing time of the business with a lighting system that provides an average maintained horizontal illumination of one (1) foot-candle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

5. Any firearm retail sales establishment shall be subject to the all applicable requirements of the Zoning Ordinance.

6. A firearm retail sales establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within five hundred (500) feet of the firearm retail sales establishment. However, if the firearm retail sales establishment ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with the Pittsfield Charter Township Ordinances.

7. No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.

8. A firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.

SECTION 11.28 INCIDENTAL SALES AND SERVICES

A. ***Within Wholesale Establishments.*** Within wholesale establishments, retail sales of items that are the same or are related by use or design to such wholesale items that are sold on premises shall be permitted, provided that the total amount of retail sales shall not exceed twenty-five percent (25%) of the annual wholesale sales on the premises. Retail sales shall be strictly incidental to wholesale sales.

B. ***Within Multi-family Developments, Elderly Housing, Hospitals, and Convalescent Centers.*** Within Multi-family Developments, Elderly Housing, Hospitals, and Convalescent Centers, incidental services for convenience of the buildings' residents, such as newsstands, delicatessens, restaurants, personal service shops, and similar uses shall be permitted, provided the following standards are met:

1. Not more than two percent (2%), including hallway space, of the total floor area devoted to dwelling units within the apartment building(s) shall be so used.

2. All such incidental services shall be situated within the interior of a so that no part thereof shall be directly accessible from any street or other public or private way.

3. No sign or window display shall be discernible or visible from a sidewalk, street, or other public or private way.

4. Such incidental service shall not be located on any floor above the first or ground floor.

C. ***Within Business, Research, and/or Industrial Park.*** Within Business, Research, and/or Industrial Park, incidental services allowed provided that:

1. Such facilities shall be of the kinds needed to serve customers and employees of the research (industrial) park, such as but not limited to restaurants, but not including drive-ins, auto service stations, auto washes, gift shops, offices, and motels.

2. Such facilities shall be concentrated in a center and the layout of the site shall be such that the center is clearly oriented to the research (industrial) park and not to the general public.

SECTION 11.29 BUILDING MATERIAL SALES, GARDEN CENTERS, AND SIMILAR USES

Building material sales, garden centers, and similar uses which are characterized by outdoor storage and sales, unless otherwise specified herein, shall be subject to the standards set forth in this Section.

A. ***Permanent Sales Office.*** A permanent sales and office building shall be located on site. The building or buildings may also include activities which are ancillary to the principal use, such as indoor storage of equipment and materials and equipment repair.

B. ***Outdoor Storage.*** Outdoor storage of equipment and materials shall be subject to the standards set forth in Section 11.40, Outdoor Storage of Goods, Materials, and Equipment.

SECTION 11.30 MATERIALS RECOVERY FACILITY

A. ***Standards.***

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1. All recyclable materials shall at all times be stored within a completely enclosed building.

2. The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding area.

3. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the area nor unduly conflict with the normal traffic of the area. Vehicles loading or unloading shall be contained within the property. All driveways and parking areas on the site shall be hard-surfaced to Township specifications.

4. The location, size, intensity, site layout, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate 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, or the presence of toxic materials.

5. All areas shall be screened from view of adjacent residentially zoned or used property, in accordance with the standards set forth in Section 13.02.

B. ***Prohibited Activities.***

1. Incineration or open burning in any building or on the site.

2. Overnight storage of any refuse material, other than recyclable materials, in any building.

3. Dumping or storage of material on the site outside the buildings at any time.

SECTION 11.31 SELF-STORAGE FACILITIES

A. ***Incidental Uses.*** Incidental accessory uses such as the sale of boxes, locks, and other supplies shall be permitted.

B. ***Standards.***

1. The storage of any toxic, corrosive, flammable, or hazardous materials is prohibited.

2. Other than the storage of recreation vehicles, all storage and accessory uses shall be contained within a building. All recreational vehicle storage shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth in Section 13.02.

3. Exterior walls of all storage units shall be of masonry construction.

SECTION 11.32 VEHICLE REPAIR

A. ***Outdoor Storage.*** Dismantled, wrecked, or inoperable vehicles awaiting repair shall not be stored outdoors for a period exceeding five (5) days. Outdoor storage shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 13.02.

B. ***Disposal Containers.*** Suitable containers shall be provided and used for disposal of used parts, and such containers shall be screened from view.

C. ***Enclosed Buildings.*** All repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities, shall be performed entirely within an enclosed building.

D. ***Retail Sales Limitations.*** Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

SECTION 11.33 VEHICLE SALES – NEW, USED, AND VINTAGE

A. ***Setbacks.*** No vehicle shall be parked or displayed within twenty (20) feet of any street right-of-way.

B. ***Noise.*** Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residential zoned or used property.

C. ***Repair and Maintenance.*** All repair and maintenance activities shall conform with the standards set forth in Section 11.32.

D. ***Vehicle Delivery.*** Vehicle delivery shall be conducted on the premises and shall not interfere with vehicular traffic on a public road.

SECTION 11.34 VEHICLE FUELING / MULTI-USE STATION

A. ***Setbacks.*** The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with Fueling / Multi-Use:

Table 11.34.A-1

Setback	Canopy Support	Pump Islands	Canopy Edge
Front	35 feet	30 feet	25 feet
Side	20 feet	20 feet	10 feet
Rear	30 feet	20 feet	20 feet

B. ***Fueling Areas Site Arrangement.*** All fueling areas shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.

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C. ***Canopy Structures.*** Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

D. ***Fire Protection.*** Required fire protection devices under the canopy shall be architecturally screened so that the tanks are not directly visible from the street. The screens shall be compatible with the design and color of the canopy.

E. ***Canopy Lighting.*** Canopy lighting shall be recessed so that the light source is not visible from off site.

F. ***Pedestrian and Vehicular Safety.*** Vehicle fueling / multi-use stations shall be designed in a manner which promotes pedestrian and vehicular safety. The parking and circulation system within each development shall accommodate the safe movement of vehicles, bicycles, pedestrians and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.

G. ***Repair and Services.*** All repair and maintenance activities shall conform with the standards set forth in Section 11.32. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.

H. ***Accessory Vehicle Wash.*** If a vehicle wash is proposed, it must comply with the standards set forth in Section 11.36.

SECTION 11.35 VEHICLE TOWING/IMPOUNDMENT LOT

A vehicle impoundment lot shall have a permanent office located on site. The building or buildings may also include activities which are ancillary to the vehicle towing/impoundment business, such as indoor storage of equipment and equipment repair. The impoundment lot shall be located behind the front face of the building and shall meet the standards set forth in Section 11.40, Outdoor Storage.

SECTION 11.36 VEHICLE WASH

A. ***Use in Building and Setbacks.*** All washing activities shall be carried on within a building. Vacuuming activities shall be located at least fifty (50) feet from adjacent residentially zoned or used property.

B. ***Mechanical Dryer.*** Automatic carwash facilities shall have a mechanical dryer operation at the end of the wash cycle.

C. ***Exit Ramp.*** All automatic carwash facilities must provide a demonstrated means at the exit

ramp for each wash bay to prevent pooling of water or freezing.

SECTION 11.37 EXTRACTIVE OPERATIONS

A. ***Intent and Purpose.*** This section is intended to ensure that mineral mining activity is compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to ensure that mineral mining activities are consistent with the public health, safety, and welfare of the Township.

B. ***Application of Regulations.*** The mining of sand, gravel, stone, and/or other mineral resources in the Township shall be prohibited unless first authorized by the grant of conditional use and site plan approval by the Township Board, after recommendation of the Planning Commission, in accordance with this Section and the requirements of applicable statutes.

C. ***Application Requirements.*** The following information shall be submitted:

1. A completed application and all required information for site plan approval as set forth in Article 9 of the Zoning Ordinance.

2. A completed application for conditional use approval as set forth in Article 10 of the Zoning Ordinance.

3. ***Market Information.*** The applicant shall submit a report prepared by a geologist and/or other experts with the credentials to represent compliance with MCL 3205, Sections (3) and (4), that the natural resources to be extracted shall be considered valuable, and the applicant can receive revenue and reasonably expect to profit from the proposed mineral mining operation. The applicant shall also provide documentation that there is a need for the natural resources to be mined by either the applicant or in the market served by the applicant.

4. There shall be not more than one (1) entrance way from a public road to said lot for each six hundred sixty (660) feet of front lot line.

5. Such removal shall not take place before sunrise or after sunset.

6. No activities conducted in conjunction with the extractive operation shall take place closer than one hundred (100) feet to any lot line.

7. All roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, watered, or chemically treated so as to limit, on adjoining lots and public roads, the nuisance caused by wind-borne dust.

8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation

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of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.

9. There shall be erected a fence of not less than six (6) feet in height around the periphery of the area being excavated. Fences shall be adequate to prevent trespass, and shall be placed on level terrain no closer than fifty (50) feet to the top edge of any slope.

10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

11. The operator or operators shall file with the Township Planning Commission and the County Health Department a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted and the location of future roads, drive, drainage courses, and/or other improvements contemplated.

12. The restoration plans shall be filed with and approved by both the Township Planning Commission and the County Health Department before quarrying or removal operations shall begin. The plans shall be certified by a soil or geology engineer. In restoration no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or subsurface water or into the atmosphere.

13. The operator or operators shall file with the Township Planning Commission a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be used for the required bond shall be fixed by the Township Planning Commission. The bond shall be released upon written certification of the County Health Department that the restoration is complete and in compliance with the restoration plan.

D. ***Standards.*** The determination on applications submitted under this section shall be based upon a determination by the Township Board that no very serious consequences would result from the proposed mineral mining based upon the consideration of the following factors:

1. The proposed mining operation shall not result in a probable impairment, pollution, and/or destruction of the air, water, natural resources, and/or public trust therein;

2. The proposed mining operation shall not result in a probable impairment to the water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation;

3. The proposed mining operation shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, groundwater, and/or the watershed anticipated to be impacted by the operation;

4. The proposed mining operation shall be compatible with surrounding land uses currently in existence, or reasonably anticipated to be in existence, during the operation of the mining operation based upon application of generally accepted planning standards and principles;

5. The proposed mining operation shall not unreasonably burden the capacity of public services and facilities; and

6. The proposed mining operation shall not unreasonably impact surrounding property and/or property along all routes, endurance of noise, dust, air, water, odor, light, and/or vibration, and further shall not unreasonably impact upon persons receiving the operation in terms of aesthetics.

E. ***Additional Requirements.*** In addition to meeting the standards set forth in Section 11.37.D, the following additional requirements shall apply:

1. Access to the proposed extractive operation shall be limited to a paved country primary road and have necessary and appropriate load-bearing and traffic volume capacity in relation to the proposed intensity of the use.

2. The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the Township Board at the time of application and thereafter.

SECTION 11.38 WIRELESS COMMUNICATION FACILITIES

A. ***Intent and Purpose.*** It is the intent of this section to provide standards for the location, construction and maintenance of wireless communication facilities in a way which will retain the integrity, character, property values, and aesthetic quality of neighborhoods and the Township, and minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. The priority of the Township is to minimize the overall number of newly established locations for wireless communication support facilities within the community by encouraging the collocation of existing wireless communication support facilities where possible. It is required that all new and modified wireless communication support facilities (WCSFs) shall be designed and constructed so as to accommodate collocation. This section also requires that wireless communication antennas (WCAs), wireless communication facilities (WCFs) and wireless communication support facilities (WCSFs) shall adhere to all applicable Local, State, Federal laws and regulations, and the standards of this section.

B. ***Authorization.***

1. Subject to the standards and conditions set forth in this Section, wireless communication facilities shall be permitted uses in the following circumstances, and in any districts:

   a. An existing structure which will serve as an attached wireless communications facility

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where the existing structure is not, in the discretion of the Township, proposed to be either materially altered or materially changed in appearance.

b. A proposed collocation upon an attached wireless communication facility which has been approved earlier by the Township.

c. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

d. An existing wireless communication support structure established within a right-of-way having an existing width of more than two hundred and four (204) feet.

2. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside an area identified in Section 11.38.B.1, then, wireless communication facilities may be applied for elsewhere in the Township and must follow the district specific criteria and is subject to the criteria and standards set forth in this ordinance.

C. ***General Regulations.***

1. ***Standards and Conditions Applicable to All Facilities.*** All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Township.

a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

b. Facilities shall be located and designed to be harmonious with the surrounding areas.

c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

d. The maximum height of the new or modified support structures and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structures. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

e. The setback of the support structure shall be equal to the height of the structure.

f. There shall be unobstructed access to the support structure for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to

service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will be needed to access the site.

g. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

h. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

i. The design and appearance of the support structure and all accessory buildings, shall be reviewed and approved so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

j. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

k. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

D. ***Standards and Conditions.*** Applications for wireless communication facilities, which may be approved as conditional uses, and in addition to review requirements as set forth in Article 10, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions set forth herein.

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:

a. Proximity to an interstate or major thoroughfare.

b. Areas of population concentration.

c. Concentration of commercial, industrial, and/or other business centers.

d. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

e. Topography of the proposed facility location in relation to other facilities with which

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the proposed facility is to operate.

f. Other specifically identified reason creating need for the facility.

2. The proposal shall be reviewed in conformity with the collocation requirements of this section.

E. ***Application Requirements.***

1. A site plan prepared in accordance with Article 9, Site Plan Review shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

2. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

3. The application shall include a description of surety to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 11.38.G, Removal. In this regard, the surety shall, be in a form approved by the Township Attorney.

4. The applicant shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. Any proprietary information may be submitted with a request for confidentiality in connection with the development pursuant to 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 community.

F. ***Collocation.***

1. ***Feasibility of Collocation.*** Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

c. The collocation being considered is technologically reasonable, e.g., the collocation

will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards set forth herein.

2. ***Requirements for Collocation.***

a. An approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

G. ***Removal.***

1. A condition to every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The applicant shall notify the Township upon cessation of operations or removal of antenna.

2. The situations in which removal of a facility is required, as set forth in paragraph G.1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township.

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

SECTION 11.39 OPEN AIR BUSINESS

A. ***Outdoor Display and Sales.*** Outdoor Display and Sales are subject to the following standards and conditions:

1. Outdoor Display and Sales that is the principal use of the property is permitted as a Conditional Use in the C-2, Regional Commercial District, and the I, General Industrial District subject to the approval of the Planning Commission in accordance with Article 10.

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2. An Outdoor Display and Sales that is as an accessory use to the principal use conducted on the premises is permitted within the C-1, Neighborhood Commercial District, the C-2, Regional Commercial District, the I, General Industrial District, BD, Business District and Form-Based districts after obtaining a Zoning Compliance Permit from the Zoning Administrator. In the administration of these provisions, the Zoning Administrator may refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.

3. The exterior of the premises shall be kept clean, orderly, and maintained.

4. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.

5. The location of the outdoor display shall meet all required setbacks, and shall be approved by the Zoning Administrator.

6. An outdoor display shall not occupy or obstruct the use of any fire lane, roadway, drive-aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this Ordinance.

7. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 13.02.

8. Only those products that are sold or are similar to the products sold within the principal buiding on the same lot may be permitted to be sold or displayed outdoors.

B. ***Seasonal Sales.*** The outside sale of seasonal items such as Christmas trees, flowers and plants, pumpkins, and other such seasonal items that are grown shall require a permit from the Zoning Administrator subject to the following standards and conditions:

1. Seasonal sales may be located within any required side or rear yard and shall be no closer to a public road right-of-way than the required front yard setback or existing building, whichever is less. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Section 13.02 shall also be provided.

2. Seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this ordinance.

3. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.

4. Such sales shall be permitted for a period not to exceed ninety (90) days.

5. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

SECTION 11.40 OUTDOOR STORAGE AND CONTRACTORS/LANDSCAPERS YARD

Outdoor storage of goods, materials, and equipment shall be prohibited unless otherwise specifically permitted in this section. For those uses where the outdoor storage of goods, materials, and equipment is permitted either by right or through a conditional use, the following conditions shall apply:

A. ***General Regulations.***

1. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under the subsection.

2. ***Location and Size.***

   a. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the conditional use permit application and indicated on a site plan, as set forth in Article 9.

   b. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and to the right-of-way; in any required side or rear yard; or in any required transition strip.

   c. Such storage shall not be located in any required parking or loading space.

3. ***Screening.*** The area for such storage shall be screened from view on all sides. Screening shall be constructed of wood or masonry materials. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening. The screen shall not be less than the maximum height of the product being stored.

B. ***Contractors/Landscapers Yard.***

1. The contractor's office building shall be of permanent construction.

2. Outdoor storage shall be accessory to the contractor's principal office use of the property. Such outdoor storage shall not be located within the front yard and shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 13.02.B.

3. All travel surfaces shall be paved as a condition of approval.

4. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.

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SECTION 11.41 OUTDOOR SEATING AND SERVICE

A. ***General Standards.***

1. Outdoor seating and service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the C-1, C-2, BD, and Form-based districts.

2. Outdoor seating and service shall be allowed only during normal operating hours of the establishment.

3. The exterior of the premises shall be kept clean, orderly, and maintained or the permit may be revoked. All food preparation shall be inside of the premises.

4. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury which may occur as a result of a sidewalk café operation.

5. All sidewalk seating areas shall comply with applicable regulations of the county health department and the state.

B. ***Application.*** An application depicting the location and layout of the café facility shall be submitted to the Zoning Administrator. Administrative site plan approval in accordance with Section 9.05 shall be required. The Zoning Administrator may refer any application for outdoor seating and service to the Planning Commission. A permit shall remain in effect, unless there is a change in ownership or the operation fails to meet the standards contained herein.

C. ***Design Standards.***

1. An outdoor seating and service area shall be located on the same property as the principal establishment. All required setbacks must be met.

2. The outdoor seating and service area shall be located in a manner which does not obstruct pedestrian access. If an outdoor café is located on a sidewalk, not less than five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Seating and service areas shall be enclosed with decorative fencing and/or landscaping.

3. If additional seating is proposed as a result of outdoor seating and service area, all off-street parking requirements shall be met.

SECTION 11.42 OUTDOOR PROMOTIONAL ACTIVITIES

A. ***Days and Hours.*** The event can only be carried on for a period not exceeding four (4) consecutive days and only between the hours of 7:00am and 10:00pm.

B. ***Permits Allowed in Calendar Year.*** In any calendar year, no more than five (5) permits for such events may be approved for a particular business establishment.

C. ***Parking Location.*** Parking for such activity is provided on same site.

D. ***Temporary Structures.*** The total number, size, and location of tents or other temporary structures shall be subject to the review and approval of the Zoning Administrator based on factors such as the size and overall layout of the site, the street frontage, and the design and occupancy of the building.

E. ***Total Area.*** The total square footage dedicated to the outdoor promotional activity cannot exceed ten percent (10%) of the lot area.

F. ***Setbacks.*** Outdoor display and sale of merchandise is conducted at least one hundred (100) feet from any premises used or zoned for residential purposes.

G. ***Traffic Control.*** The event does not occupy or utilize the street right-of-way nor block traffic movement on the street, and allows pedestrians to utilize the sidewalks.

H. ***Sanitation Facilities.*** Available sanitation facilities are adequate to meet the requirements of the expected attendance and any temporary facilities are approved for use by the Washtenaw County Health Department.

I. ***Fire or Other Hazards.*** Equipment and products used in the event pose no unusual fire or other hazard.

J. ***Nuisance.*** The use of any sound system shall be controlled so as not to become a nuisance to adjacent properties.

K. ***Application Rejections.*** The Zoning Administrator may reject such applications for cause including, but not limited to, the advice of the Department of Public Safety or the Township Engineer.

L. ***Special Events Permits Applications.*** Events that fall under the Pittsfield Charter Township Special Events Policy require a Special Events Permit.

SECTION 11.43 OUTDOOR COMMERCIAL RECREATION

A. ***Physical Barriers and Setbacks.*** Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.

B. ***Fencing.*** The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.

C. ***Noise.*** Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residentially zoned property.

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SECTION 11.44 OUTDOOR WOOD FIRE BOILER

A. ***Lot Size.*** An Outdoor Wood Boiler may be installed and used only on a lot that is five (5) acres or more.

B. ***Setbacks, Location.***

1. An Outdoor Wood Boiler shall be located a minimum of one hundred and fifty (150) feet from any property line of the lot on which it is situated.

2. An Outdoor Wood Boiler shall be located a minimum of three hundred (300) feet from the principal building on any adjacent lot.

C. ***Fuel.***

1. ***Permitted Fuels.*** The following combustible materials may be burned in an Outdoor Wood Boiler in accordance with the manufacturer's specifications.

   a. Natural wood, untreated and with no additives.

   b. Wood pellets, without additives.

   c. Agricultural seeds in their natural form.

2. ***Prohibited Fuels.*** All other combustible materials are prohibited from being burned in an Outdoor Wood Boiler, including without limitation:

   a. Treated or painted wood, including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.

   b. Waste petroleum products, paints, varnishes, or other oily wastes.

   c. Asphalt and products containing asphalt.

   d. Any plastic, nylon, PVC, ABS, urethane foam, and other synthetic materials.

   e. Rubber products.

   f. Newspapers, corrugated cardboard, container board, office paper, and other paper products.

   g. Grass clippings, brush trimmings, leaves, and general yard waste.

   h. Rubbish, garbage, construction or demolition debris, or other household or business wastes.

   i. Any materials containing asbestos, lead, mercury, heavy or toxic metals, or chemicals.

D. ***Chimney.*** An Outdoor Wood Boiler shall have a permanent attached chimney (or stack) that extends at least fifteen (15) feet above the ground surface.

1. ***Exception.*** If the Outdoor Wood boiler is located more than three hundred (300) feet but less than five hundred (500) feet from a principal building on any adjacent lot, then the chimney shall extend to a height equal to or greater than the peak of the roof of the principal building on the adjacent lot. Where two (2) or more adjacent lots have principal buildings within the above range of distances, the required chimney height shall be equal to or greater than the highest of the roof peaks of the adjacent principal buildings. In no event shall the chimney be less than fifteen (15) feet in height.

E. ***Applicability.*** Does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances nor apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

SECTION 11.45 GARAGE AND YARD SALES

A. ***Standards.*** The owner or occupant of any one or two family residents may conduct up to six (6) garage, rummage, or yard sales per calendar year. Each sale may be for a period not to exceed seventy-two (72) hours. Signage for said sale(s) shall be as permitted in Section 15.04.B.

SECTION 11.46 ARTISAN FOOD AND BEVERAGE PRODUCTION

A. ***Retail Sales.*** Retail sales of the product produced on-site are allowed. If to be consumed off-site, the product must be in the original packaging. The product may also be soled and served on-site, and accessory retail sales of related items are permitted.

B. ***Wholesale.*** No more than 50% of the product may be produced for sale to a wholesaler and at least 50% of the product must be sold for retail use, to be consumed either on- or off-site.

C. ***Enclosed Buildings.*** All equipment used in the production and all products produced must be located within the principal building.

D. ***Nuisance.*** The production process shall not produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

SECTION 11.47 SMOKING LOUNGE

A. ***Limitations.*** Smoking lounges shall only be permitted as a conditional use in the C-2, Regional Commercial; I, Industrial; or BD, Business Districts and only if approved by the State of Michigan Department of Community Health as a Tobacco Specialty Retail Store or cigar bar and possess

a valid exemption of the State of Michigan smoking prohibition as set forth in Section 12606a of the Michigan Clean Indoor Air Act. Smoking lounges or cigar bars not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are prohibited.

B. ***Standards.***

1. ***Off-street parking.*** Smoking lounges shall provide off-street parking per the standard for Restaurants & Cafes, Standard Restaurant in Table 12.05.G-1.

2. ***Mechanical ventilation required.*** Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge are prohibited. The air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.

3. ***Hours of operation; and outdoor activities prohibited.***

   a. Businesses operating a licensed smoking lounge shall be closed between the hours of Midnight to 10:00 a.m.

   b. All smoking lounge business activities shall be conducted wholly indoors, unless otherwise approved by the Township Board.

4. ***Notice on exterior.*** A clearly visible notice shall be posted by the entry door to the premises that:

   a. Indicates that it contains a smoking lounge;

   b. Indicates that it is a smoking lounge;

   c. Indicates that it is not a food service establishment;

   d. States that no loitering is permitted on the premises; and

   e. States that no minors are permitted on the premises.

5. ***Setbacks.*** It shall be unlawful to operate a smoking lounge within five hundred (500) feet of any of the following:

   a. A place of worship.

   b. A school or childcare facility.

   c. A public park (not including public trails).

   d. Another smoking lounge.

6. ***Alcoholic Beverages.*** No alcoholic beverages shall be sold or consumed on the premises.

7. ***Minors.*** No persons under eighteen (18) years of age shall be permitted within the business.

8. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.

9. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the Township Public Safety Department.

10. Smoking lounges may only be located on premises that are physically separated from any areas of the same or adjacent establishments in which smoking is prohibited by state law and where smoke does not infiltrate into those nonsmoking areas. “Physically separated” shall mean an area that is enclosed on all sides by any combination of solid walls, windows, or doors that extend from the floor to ceiling.

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ARTICLE 12

ACCESS, PARKING, AND LOADING REQUIREMENTS

SECTION 12.01 VISIBILITY AT INTERSECTIONS

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground.

SECTION 12.02 ACCESS TO PUBLIC STREETS

The following provisions shall apply:

A. ***Right-of-Way Width***.

1. Every use, building or structure established after the effective date of this ordinance shall be on a lot or parcel which adjoins a public street or an approved private road. Such street right-of-way will comply with Washtenaw County Road Commission standards or shall adjoin a private road for which the design and construction have been approved per the Township Engineering Standards.

2. A driveway may not serve more than one (1) lot or parcel, unless a private road is constructed for which the design and construction have been approved per the Township Engineering Standards.

B. ***Road Construction***.

1. All new public road construction and road improvements shall comply with the applicable Washtenaw County Road Commission or Michigan Department of Transportation standards.

2. All new private road construction and road improvements shall comply with the applicable Township Engineering standards and any other applicable Township policies.

C. ***Access Requirement for Permits***. No building permits or land division permits shall be issued for any lot or parcel until access, as required under this section, has been constructed and approved. The Zoning Administrator shall have the authority to approve the provision of required access.

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SECTION 12.03 ACCESS MANAGEMENT REGULATIONS

A. ***Purpose***. Access management regulations can alleviate some traffic congestion, help maximize road capacity and increase traffic safety. These regulations are based on considerable research in Michigan and nationally, and were prepared concurrent with guidelines promoted by the Michigan Department of Transportation (MDOT).

B. ***Applicability***.

1. An access point is the connection of a driveway at the right-of-way line of a road or the intersection of a road with a new road, driveway, shared access or service drive. All access points except driveways that serve an agricultural use, a single-family home, a two-family home, or essential service facility structure shall meet the regulations set forth herein.

2. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Access Management Regulations of this Section are met and maintained in connection with such building, structure, or enlargement.

3. No land division or subdivision or site condominium project shall be approved within this district unless compliance with the access spacing standards herein is demonstrated.

4. Any change in use on a site that does not meet the access standards and this Section's access management regulations, shall require the submittal of a site plan for approval by the Planning Commission and the submittal of information to the MDOT and/or the Washtenaw County Road Commission (WCRC) to determine if a new access permit is required.

C. ***Number of Access Points***. Each lot shall be permitted one (1) access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this Section.

D. ***Additional Driveways***. An additional driveway may be permitted by the Planning Commission upon finding that the conditions of 1 and 2, or 3, below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.

1. The site has a frontage of over six hundred sixty (660) feet and the spacing standards between access points listed below are met; or

2. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future; or

3. A traffic study, set forth in Township regulations, demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.

E. ***Spacing of Access Points***. All spacing of access points shall comply with Township Engineering standards, other applicable policies, WCCR standards MDOT standards, or the standards of

another appropriate body.

F. ***Spacing From Intersections***. Minimum spacing of access points from intersections, shall comply with Township Engineering standards, WCCR standards MDOT standards, or the standards of another appropriate body.

G. ***Complete Streets***. Any project involving the construction, reconstruction, capacity enhancement, or preservation of a roadway, bridge, public parking facility, or other transportation right-of-way within the Township shall be subject to the provisions of the Township Complete Streets Ordinance as outlined in Chapter 28, Article 1 of the Pittsfield Charter Township Code.

H. ***Adjoining Lands***. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future. Site development shall be done to provide for future cross access to adjacent lots.

I. ***Access Points on US-12***. Access points along sections of US-12 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards.

J. ***Offset Spacing***. Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of two hundred fifty (250) feet, centerline to centerline. The Planning Commission may reduce this to not less than one hundred fifty (150) feet where each of the opposing access points generates less than fifty (50) trips (inbound and outbound) during any one hour period as determined by the Institute of Transportation Engineer's most recent "Trip Generation Manual", or where sight distance limitations exist.

K. ***Shared Driveway, Service Drive, and Frontage Roads***. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.

Frontage roads or service drives shall be constructed in accordance with the following standards:

1. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum distance that equals the required front yard (setback) or the major road setback, whichever is a greater distance from the right-of-way, shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum fifty (50) feet of throat depth provided at the access point. The Planning Commission may extend throat length if modeled vehicle queues necessitate expansion.

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2. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).

3. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the property owner, when the alternative access system becomes available. The Planning Commission may require posting of a financial performance guarantee to insure compliance.

L. ***Safe Sight Distance***. Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.

M. ***Street Structures***. No driveway shall interfere with municipal facilities such as street lights, traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the adjoining property owner.

N. ***Miscellaneous Access Design Standards***.

1. A driveway which intersects a paved street shall be paved for a minimum distance of fifty (50) feet from the pavement edge of the road, even if the remainder of the drive is not to be paved. Single-family residential lots shall not be subject to this requirement.

2. Driveway slopes shall provide a smooth, uninterrupted movement of traffic from the street to the site. The slope shall be low enough to prevent undercarriage drag or vehicle bouncing in order to permit safe entry and exit when the drive surface is wet.

   a. The minimum slope shall be one percent (1%).

   b. The grade of a commercial driveway shall not exceed a maximum of six percent (6%).

   c. The grade of a residential driveway shall not exceed a maximum of ten percent (10%).

   d. If the sidewalk elevation must be adjusted to meet the driveway, the slope shall not exceed five percent (5%) and the maximum slope shall be six percent (6%).

3. Curve radii at drive intersections with streets shall be large enough to permit smooth, uninterrupted movement of traffic between the site and street.

   a. On County roads, the standards of the Washtenaw County Road Commission shall apply.

   b. On State trunklines, the standards of the Michigan Department of Transportation shall apply.

c. On City of Ann Arbor roads, the standards of the City of Ann Arbor shall apply.

d. On all other roads, driveway intersection radii shall generally meet County Road Commission standards unless the nature and speed of traffic on the road justify a lesser standard.

4. The angle of the driveway intersection with the street shall be ninety (90) degrees unless directional one-way flow of traffic is intended, in which case the angle of deflection from the street to the drive shall not be less than forty-five (45) degrees.

5. Driveways shall be designed to accommodate existing and future sidewalks. These sidewalks shall be Americans with Disabilities Act (ADA) compliant.

6. Where sidewalks intersect driveways, the sidewalk shall be carried through the driveway.

O. ***Modification of Access Standards***.

1. ***Modifications by Planning Commission***. Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Planning Commission as part of the site plan review process upon a finding that all of the following conditions apply:

a. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drains or bodies of water, woodlands that will be preserved, existing development, existing non-conforming width, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use or there is only one access point that is not being changed.

b. The proposed modification is consistent with the appropriate road agency guidelines and the appropriate road agency staff support the proposed access design.

c. If located along US-12, the proposed modification is consistent with the general intent of the standards of this Section and the recommendations of the Master Plan and any other applicable plans.

d. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety, and is not simply for convenience of the development.

e. The applicant shall demonstrate with dimensioned drawings that such modification will not create non-compliant access to adjacent lands that may be developed or redeveloped in the future.

f. Roadway or intersection improvements will be made to improve overall traffic

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operations prior to the project completion or occupancy of the first building.

g. Indirect or shared access is not reasonable.

h. Such modification shall be demonstrated to be the minimum necessary.

2. The decision of the Planning Commission may be appealed to the Zoning Board of Appeals. In consideration of this variance, the Board shall apply the standards above.

3. For building or parking lot expansions or changes in use, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this section. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, and any recommendations from the MDOT and/or the WCRC.

4. Required improvements may include removal, rearrangement or redesign of site access points.

P. ***More Restrictive Standards***. The appropriate road agency may require a more restrictive standard than contained herein.

SECTION 12.04 TRAFFIC IMPACT ANALYSIS

A traffic impact analysis, as set forth in the Engineering Standards, may be required to analyze the effect of development upon existing street traffic. The traffic impact analysis shall be paid for by the applicant. Such traffic impact analysis shall be completed in compliance with Township Engineering Standards.

SECTION 12.05 PARKING AND CIRCULATION

A. ***Where Required***. The standards set forth in this Section shall apply to all uses for which off-street parking and circulation is provided.

B. ***General Off-Street Parking Requirements***.

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

2. Off-street parking for uses in all districts shall be on the same lot as the use or building served by the parking, unless joint parking with abutting properties and uses is provided in a form acceptable to the Township Attorney and executed and recorded by the parties sharing the parking.

3. Off-street parking spaces for single family detached units or duplexes on individual lots shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.

4. Parking areas for uses other than single-family detached units or duplexes on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, as determined by the Zoning Administrator, shall require a submittal of a parking plan.

5. Off-street parking shall be provided for a principal use erected, altered, or expanded after the effective date of this Ordinance. Required off-street parking shall be maintained so long as the principal use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

6. No existing off-street parking shall be reduced below the requirements established by this Ordinance.

7. Within non-residential districts, off-street parking for continuous periods of more than twenty-four (24) hours shall be prohibited with the following exceptions:

   a. Parking in conjunction with an automobile sales and service facility, major and minor automobile repair facility, and automobile towing service, as permitted and regulated by this Ordinance.

   b. Automobiles and commercial vehicles owned and operated in conjunction with the principal use of the property.

8. The storage of and/or the repair of merchandise, materials, equipment or vehicles are prohibited on required off-street parking or loading spaces.

9. Off-street parking areas shall be designed to provide for removal and storage of snow.

C. ***Parking Location and Setbacks***.

1. Parking spaces shall be provided either on the same lot, within lots under the same ownership or where a shared parking easement is provided on an adjacent lot within three hundred (300) feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot.

2. Off-street parking shall not be permitted in required front or corner side yards or in a required greenbelt.

3. Driveways parallel to adjacent streets or roads shall not be permitted in required greenbelt.

4. Paved areas shall be ten (10) feet from any side or rear lot lines that abut an adjacent residentially zoned or used property and five (5) feet from any side or rear lot lines that abut any other property. Paving setbacks between non-residentially zoned or used

property may be waived by the Planning Commission for cross-access and joint parking.

D. ***Units and Methods of Measurement***. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the net floor area, as defined by this Ordinance.

2. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

3. In stadiums, sports arenas, auditoriums and other places of assembly, seating capacity shall be based upon the building code requirements currently in effect. In cases where a place of assembly has both fixed seats and/or open assembly areas, requirements shall be computed separately for each type and added together.

4. When the number of required parking or loading spaces result in a fractional space, then the fraction shall be counted as one (1) additional space.

5. Off-street parking requirements for separate uses may be provided collectively if the total number of spaces provided is not less than the sum of the separate requirements for each use and provided that all regulations governing location, in relation to the use served, are adhered to.

E. ***Shared Parking for Separate Zoning Lots***.

1. The developed parking for adjacent zoning lots may be shared provided a signed agreement is provided by the property owners, and the applicant can demonstrate that the peak usage will occur at different periods of the day.

2. To demonstrate shared parking compatibility, the applicant shall use a recognized industry standard such as the Urban Land Institute Shared Parking Report. Underlying parking space requirements for each use shall be based on Pittsfield Charter Township parking requirements noted herein or as otherwise modified by the provisions of this Article.

3. Side or rear parking lot setbacks may be reduced or waived where a shared access driveway, connected parking lots, and/or internal service drives are provided.

F. ***Flexibility in Application***.

1. The Township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.

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2. The Planning Commission, in its sole discretion, may grant deviations from offstreet parking requirements. These deviations may require more or less parking based upon a finding that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. In the event that a deviation is granted, the following shall apply:

   a. An applicant may request a parking deviation at any time, as part of a current site plan, special land use, or rezoning application, or may request a parking deviation as a separate and distinct action with no other concurrent request.

   b. The applicant shall provide a parking study with adequate detail and information to assist the Planning Commission of the appropriateness of the request.

   c. A parking deviation may be included in an action on a concurrent request or be made separately by resolution.

   d. The Planning Commission may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.

   e. The Planning Commission may require the applicant to set aside area for reserve parking (landbanking) to be constructed as needed, although this is not a prerequisite for the approval of a deviation. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.

3. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff. Exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

G. ***Schedule of Required Off-Street Parking Spaces***. The minimum number of off-street parking spaces shall be determined by the type of use in accordance with Table 12.05.G-1. For uses not specifically listed below, the required parking shall be in accordance with that of a similar use as determined by the Zoning Administrator, or determined by the Planning Commission during site plan review based on documentation regarding the specific parking needs of the use.

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Table 12.05.G-1
Schedule of Required Off-Street Parking Spaces

Use	Parking Requirement
Residential	
Single-family and two-family residential	2 spaces for each dwelling unit
Multiple-family residential	1 space per each efficiency dwelling unit; and 2 spaces per each dwelling unit with one or more bedrooms
Bed and breakfast	2 spaces for owner dwelling; and 1 space for each bed and breakfast room
Mobile home park	2 spaces per each mobile home unit; and 1 space for each employee on the largest typical shift
Housing for the Elderly	
Convalescent and nursing facilities	1 space per each 3 beds or 2 rooms, whichever is less; plus 1 space for each employee on the largest typical shift
Senior assisted or independent living	1 space for each 0.65 dwelling units; plus 1 space for each employee on the largest typical shift
Institutional and Places of Gathering	
Places of worship	1 space for each 3 seats or 6 feet of pews in the main unit of worship
Primary and secondary schools	1 space for each 1 teacher, employee, or administrator, in addition to the requirements for separate auditorium or stadium seating
Post-secondary schools, including high schools, colleges, and commercial schools	1 space for each 1 teacher, employee, or administrator; and 1 for each 10 students, in addition to the requirements for auditorium or stadium seating
Social clubs, fraternal organizations, and other similar uses	1 space for each 3 persons allowed within the maximum occupancy load as established by the fire or building codes
Places of assembly and auditoriums	1 space for each 3 seats or 6 feet of bleacher seating, in public, private, recreational, or theater settings
Day care centers and preschools	2 spaces; plus 1 additional space for each 8 children of licensed authorized capacity
Family day care homes, group day care homes, and adult foster care homes	1 space per 6 clients or fraction thereof; plus 1 space per employee at time of peak shift
Office	
Banks, credit union of savings and loans	1 space for each 200 square feet of gross floor area; plus 2 spaces for each non-drive-up ATM
Drive-through facilities for non-restaurant uses	4 stacking spaces for each window or drive-up ATM
Office or professional buildings, except medical offices	1 space for each 300 square feet of gross floor area
Medical, dental, and veterinary offices, including clinics and medical laboratories	1 space for each 200 square feet of gross floor area
Medical clinics, outpatient centers, 24-hour urgent care centers, etc.	2 spaces per exam or outpatient procedure/operating room; 1 space per laboratory or recovery room; and 1 space per employee at time of peak shift

Use	Parking Requirement
Hospitals	2 spaces per inpatient bed; plus 1 space per each 200 square feet of office or outpatient area
General Commercial/Retail	
All commercial/retail	1 space for each 250 square feet of gross floor area
Commercial/retail centers	For centers of less than 50,000 square feet: 1 space for each 250 square feet of gross floor area For centers between 50,000 and 450,000 square feet of gross floor area: 1 space for each 300 square feet of gross floor area For centers greater than 450,000 square feet of gross floor area: 1 space for each 350 square feet, excluding non-retail uses Non-retail uses such as restaurants, bars, and theaters shall be calculated separately based upon their respective requirements
Vehicle dealership, sales, and service	1 space for each 250 square feet of net floor area; plus 2 spaces per each auto service bay
Recreational vehicles, boat, mobile home, and similar sales	1 space for each 500 square feet of net floor area; plus 2 spaces per each vehicle sales service bay
Restaurants and Cafés	
Standard restaurant	1 space for each 2 seats, based on maximum seating capacity as determined by the building code in effect in the Township
Fast food restaurant	1 space for each 70 square feet of net floor area
Restaurant drive-through window	10 stacking spaces which do not conflict with use of other required spaces
Commercial Services	
Vehicle fueling/multi-use station	1 space for each 125 square feet of net floor area; plus 2 parking spaces per fueling station
Vehicle repair station	2 spaces for each service bay; plus 1 space for each tow truck, if applicable, plus adequate spaces for overnight parking; plus 1 space per 1 employee at peak shift
Vehicle wash	2 spaces; plus 12 stacking spaces per bay for a semi- or fully-automatic wash; 1 stacking space per bay for a self-serve wash; plus 1 space per 1 employee at peak shift
Barber shop / Beauty salons	2 spaces for each barber chair or station
Funeral home and mortuary	1 space for each 70 square feet of service parlors, chapels, and reception area; plus 1 space for each funeral vehicle stored on premises
Motel/hotel	1 space for each guest room 1 space per 1 employee on the largest typical shift, plus any additional spaces required for dining establishments, calculated separately as noted herein
Banquet halls or conference rooms and similar uses without fixed seats	1 space for every 2 persons of capacity authorized by the fire or building code, or 1 space for each 100 square feet of net floor area, whichever is greater, plus any required parking for other uses such as restaurants, gift shops, etc.
Self-storage mini-warehouse	1 space for each 100 storage units, with a minimum of 6 spaces
Recreational	

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Use	Parking Requirement
Health fitness centers, athletic clubs, martial arts studios, and other similar uses	1 space for each 200 square feet of net floor area
Bowling alleys	5 spaces for each lane
Indoor and outdoor recreational uses of public or private ownership or use	1 space for each 1,000 square feet of enclosed recreational space; plus 1 space for each employee on the largest typical shift 2 spaces for each court (tennis, raquetball, etc.); and 4 spaces for each hole of golf
Industrial	
Light industrial, manufacturing, laboratories, research and development centers, and related accessory offices	1 space for each 550 square feet of net floor area
Warehousing	1 space for each 1,500 square feet net floor area; plus 1 space for each employee on the largest typical shift

H. ***Electric Vehicle Parking Standards***.

1. ***Parking.***
   a. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces required in accordance with Section 12.05.

   b. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

   c. Electric vehicle charging stations shall be sized the same as a standard parking space.

2. ***Lighting.*** Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.

3. ***Equipment Standards and Protection.***

   a. Vehicle charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

   b. Adequate vehicle charging stations protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the vehicle charging station is setback a minimum of 24 inches from the face of the curb.

4. ***Signage and Notification of Station Specifics.***

   a. Each electric vehicle charging station space may be posted with signage indicating the space is only for electric vehicle charging purposes.

b. Notification shall be placed on the unit to identify voltage and amperage levels, time of use, fees, safety information and other pertinent information.

5. ***Installation and Maintenance.***

a. All necessary electrical permits must be obtained.

b. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

I. ***Shared Park and Mixed Use Parking Requirements***. Parking for shared parking and mixed-use development shall be determined applying the mixed-use / shared parking methodology established by a recognized industry standard such as the Urban Land Institute Shared Parking Report. This methodology shall be applied by compiling the required parking for all the proposed uses within the development as they would be required if developed separately, and then incorporating the shared parking calculations to realize efficiencies in complementary uses can then allow for an overall reduction in required parking. As with traditional shared-parking projects, underlying parking space requirements for each use shall be based on Pittsfield Charter Township parking requirements noted herein or as otherwise modified by the provisions of this Article.

1. The developed parking for mixed use development may be reduced by the Planning Commission as set forth in Section 12.05.G provided the applicant can demonstrate shared parking compatibility.
2. To demonstrate shared parking compatibility, the applicant shall use a recognized industry standard such as the Urban Land Institute Shared Parking Report. Underlying parking space requirements for each use shall be based on Pittsfield Charter Township parking requirements noted herein or as otherwise modified by the provisions of this Article.

J. ***Parking Structure Design Standards and Requirements***.

1. Providing of parking within structures or buildings shall serve to increase the value and convenience of related development, and to enhance, rather than detract from, the appearance of the overall development. Structured parking shall be designed and operated in a manner which does not negatively impact the safety and security of the public.

2. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element, and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.

K. ***Off-Street Parking Lot Design Standards and Requirements***.

1. ***Barrier-Free Parking***. Off-street parking lots are required to provide Barrier- Free Parking spaces in accordance with the Michigan Department of Labor, Construction Code

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Commission Barrier-Free Design Division.

2. ***Pavement***. All driveways and parking lots shall be hard surfaced with concrete or asphalt and shall have concrete curbing on all sides. Bumper blocks shall not be used in parking lots except where the Planning Commission approves alternative paving materials, such as permeable / grass pavers for overflow, seasonal or low usage parking, based upon the review and recommendation of the Township Engineer.

3. ***Drainage***. All parking lots shall be graded or drained to dispose of stormwater runoff. The Planning Commission may permit openings in the curbing for drainage purposes. No surface water shall be permitted to drain directly onto adjoining property unless a drainage easement has been obtained. Discharge of drainage into a public right-of-way, County Drain or municipal storm sewer shall require written approval from the appropriate local, County, or State agency.

4. ***Striping***. All parking spaces in paved lots shall be striped.

5. ***Dimensions and Layout***.

   a. Plans for the layout of off-street parking facilities for passenger vehicles shall be in accord with the minimum requirements set forth in Table 12.05.K-1.

Table 12.05.K-1
Parking Dimensions

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
Parallel	9.0 feet	12 feet	24 feet	30.0 feet
30 degrees	9.0 feet	12 feet	20 feet	46.6 feet
45 degrees	9.0 feet	16 feet	20 feet	53.2 feet
60 degrees	9.0 feet	19 feet	20 feet	60.4 feet
90 degrees	9.5 feet	22 feet	20 feet	62.0 feet

   b. All spaces shall be provided adequate access by means of maneuvering lanes. All maneuvering lane widths shall permit one-way traffic movement, except that all two (2) way movements shall provide a minimum of twenty-two (22) feet maneuvering lane.

   c. Lots with one-way traffic flow shall have angled spaces in the direction of flow. The direction of traffic flow shall be indicated by pavement marking and signs. Mixing of ninety (90) degree and angled spaces in the same parking lot is generally prohibited.

   d. Spaces which permit vehicles to park head-on against the sides of other vehicles are prohibited. Such a change in parking direction should be separated by a landscape island, sidewalk, drive, or other physical feature.

   e. Parking spaces on entrances from major roads or service drives will not be permitted where the parking maneuvers will interfere with traffic flow.

f. The ends of parking bays which are adjacent to major drives in a parking lot shall be physically separated from the drive by landscape islands or other physical features.

6. ***Illumination***. All illumination of parking lots or display areas shall be designed and installed to comply with the requirements of Section 13.05.

7. ***Landscaping***. The parking area shall provide screening, greenbelts, buffers and parking lot landscaping in accordance with Section 13.02. Where parking abuts required landscape islands or greenbelt areas, landscape islands or greenbelts shall be increased by two (2) feet to accommodate vehicle overhang. The parking space may be decreased by two (2) feet in length if curbing is provided.

8. ***Parking Abutting Sidewalks***. Where a parking space abuts a sidewalk, the minimum sidewalk width shall be seven (7) feet. The parking space may be decreased by two (2) feet in length if curbing is provided.

9. ***Fire Apparatus***. Fire hydrants or post indicator valves that are located within parking lots shall be placed in landscape islands.

10. ***Construction and Maintenance***.

    a. Plans and specifications for parking areas shall be submitted and approved following the site plan review requirements of Article 9, Site Plan Review.

    b. Required parking lots shall be installed and completed before issuance of a certificate of occupancy.

    c. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Article are provided elsewhere or the parking requirements of the site are changed.

    d. Pavement shall be maintained in good condition. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

    e. All off-street parking and loading facilities required by this Section shall be maintained free of accumulated snow, debris, or other materials which prevent full use and occupancy of such parking facilities, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall.

SECTION 12.06 OFF-STREET LOADING ZONE

A. ***Where Required***. In connection with every building or part thereof hereafter erected, except single and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

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Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review in conjunction with a site plan, as set forth in Article 9.

B. ***Off-Street Loading-Unloading Design Standards***.

1. Each off-street loading-unloading space shall not be less than the following:

   a. In any residential district a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.

   b. In any commercial or industrial district a loading unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length and, if a roofed space, not less than fifteen (15) feet in height.

2. Subject to the limitations of the next paragraph, a loading-unloading space may occupy part of any required side or rear yard; except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.

3. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.

4. In the case of mixed uses on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.

5. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on the site and not within a public right-of-way.

6. ***Table of Required Loading Spaces***.

Table 12.06.B-1
Off-Street Loading Requirements

Institutional, Commercial, and Office Uses	
Up to 5,000 sq. ft. Gross Floor Area (GFA)	1 space
5,001 to 60,000 sq. ft. GFA	1 space, plus 1 space per each additional 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	3 spaces, plus 1 space per each additional 50,000 sq. ft. GFA
Industrial Uses	
Up to 1,400 sq. ft. GFA	0
1,401 to 20,000 sq. ft. GFA	1 space
20,001 to 100,000 sq. ft. GFA	1 space, plus 1 space per each additional 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	5 spaces

7. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

8. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of storm water runoff. The Planning Commission may grant a waiver in the loading space requirements set forth in Section 12.06.B.6, if the applicant is able to demonstrate and the Planning Commission is able to determine that such loading space is not required, based on documented evidence, to accommodate the use on a typical day.

SECTION 12.07 PEDESTRIAN ACCESS

A. ***Where Required***. The standards set forth in this Section shall apply to all uses that attract non-motorized and pedestrian traffic.

B. ***General Standard***. The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians, and transit throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide continuity, street crossings, visual interest, and security as defined by the standards in this Section.

C. ***On-Site Design Standards***. To the maximum extent feasible, pedestrian access shall be accommodated in the following manner:

1. ***Minimizing Pedestrian/Vehicular Conflicts***. Physical separation of pedestrian and vehicular access shall be considered the most effective means of avoiding conflicts and unsafe conditions. Where complete separation of pedestrians and vehicles is not possible potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, pedestrian safety islands, landscaping, lighting, or other traffic calming measures to clearly delineate pedestrian areas for both day and night use.

2. ***Multi-Use Paths***. Where bicycle paths are required or are specifically part of a site plan and pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. A minimum width of ten (10) feet shall be required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines and applicable Township Engineering design standards.

   Additional width of up to four (4) feet may be required to accommodate higher volumes of bicycle and pedestrian traffic.

3. ***Curb Cuts and Ramps***. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists, and for people pushing strollers or carts. The location and design of curb cuts and ramps shall meet the requirements of the Michigan

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Barrier-Free Code and the Americans With Disabilities Act and, to the extent possible, shall avoid crossing or funneling pedestrian traffic through loading areas, drive-through lanes, and outdoor trash storage/collection areas.

4. ***Site Amenities***. Development plans shall include site amenities that enhance safety and convenience, and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies, and benches. However, all sites with parking of ten (10) spaces or greater shall provide a bike rack for at least two (2) bicycles within fifty (50) feet of the building entrance.

5. ***Sidewalks***.

   a. Sidewalks within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination. Such sidewalks shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Such connecting sidewalks shall either be grade separated from the parking lot or clearly delineated as to avoid pedestrian/vehicular conflicts, with a paved surface not less than six (6) feet in width.

   b. Where it is necessary for the pedestrian access to cross maneuvering aisles or internal roadways, the crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked, using such measures as pavement treatments, signs, striping, signals, lighting, pedestrian safety islands, landscaping, and other traffic calming techniques.

   c. Sidewalks shall have a minimum clear width of six (6) feet and shall be constructed in accordance with the Township Engineering Standards.

   d. When sidewalks are located adjacent to a building, space shall be provided for planter boxes, landscape trees, or other landscaping. These items shall be located between the building and the sidewalk or between the sidewalk and the parking area or street. Minimum sidewalk widths shall be maintained.

D. ***Off-Site Design Standards***.

1. In general, sidewalks shall be located within the street rights-of-way, one (1) foot from and parallel to the future right-of-way line. Exceptions will be made to accommodate existing conditions such as trees, utility poles and appurtenances, and distance to curbs.

2. Pedestrian paths located outside street rights-of-way may be constructed of materials other than Ordinary Portland Cement (OPC), upon approval of the Township Engineer.

ARTICLE 13

SITE DESIGN STANDARDS

SECTION 13.01 INTENT

The intent of this Article is to promote the public health, safety, and welfare and improve the site design and visual appearance of the Township by requiring consistent standards for such site elements as landscaping, waste receptacles, equipment screening, noise barriers, and lighting.

SECTION 13.02 LANDSCAPING

A. ***Landscape Design Purpose.*** Landscaping is the organization of outdoor space and shall be treated as a design element as important as building placement and vehicular circulation. The landscape plan shall be designed to achieve the following purposes:

1. To preserve and enhance the identity or character of the site.

2. To screen or filter views, buffer incompatible land uses, and blend inharmonious land uses.

3. To integrate and unify various parts of the site.

4. To articulate outdoor and architectural spaces.

5. To improve the local environment by controlling soil erosion, moderating harsh or unpleasant sounds, removing air pollutants, controlling light trespass and reflection, moderating winds and the effects of climate, and promoting stormwater infiltration thereby helping to prevent flooding.

6. To preserve and enhance existing environmental systems and wildlife habitat, including woodlands, wetlands, and grasslands.

B. ***When Required.*** A separate, detailed landscape plan shall be submitted as part of the site plan review as set forth in Article 9.

1. ***Plan Requirements.*** The landscape plan shall be drawn to the same scale as required in Article 9, Site Plan Review. The landscape plan shall include, but not necessarily be limited to, the information set forth in Article 9, and shall demonstrate that all requirements of this Section are met.

2. ***Composition.***

   a. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Washtenaw County, conform to the current minimum standards

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for nursery stock of the American Nursery and Landscape Association and shall have proof of any required governmental regulations and/or inspections. Artificial plant materials are prohibited.

b. A mixture of live plant material, such as evergreen and deciduous trees and shrubs, is required as a protective measure against insect and disease infestation. However, the mixture should be limited rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly arrangement. One (1) species may not exceed twenty percent (20%) of the total number of canopy trees, ornamental trees, coniferous trees, or shrubs.

c. Native species of trees and shrubs shall constitute at least fifty percent (50%) of the total proposed plantings in accordance with the standards set forth in Section 13.02.B.8.

d. All parts of a site that will not be covered by buildings or other structures, streets, driveways, parking lots, or other paved areas, or planting beds, shall be stabilized with grass or ground covers. Margins between sidewalks and streets, islands in parking lots, medians in boulevards, streets, or driveways, and similar areas shall be landscaped. The surfaces of islands and medians shall be stabilized with grass, ground covers and/or low growing shrubs. Mulch should not be used as the only ground cover.

3. ***Berms.*** Berms shall be constructed with slopes not to exceed a one to four (1:4) ratio, with at least a 2-foot wide generally flat top. If a slope greater than 1:4 is necessary, the surface shall be planted with a ground cover that is suitable for stabilizing the surface. Berms shall not exceed three (3) feet in height unless utilized as a noise barrier. Berm height shall be measured from the nearest adjacent top of the curb (parking lot) or nearest adjacent crown of the road or the nearest adjacent finished first floor elevation, whichever is higher. Uniform heights and shapes should be avoided. Berm slopes shall be protected with sod, seed, or other form of natural ground cover. Berms shall be designed and constructed to appear as natural features in the landscape. Irrigation systems may be required on berms to ensure the survival of the plants on the berm.

4. ***Walls and Fences.*** Walls shall be constructed of masonry or stone. Fences for landscaping purposes shall be constructed of wood. Chain link or other metal fences shall not be used for landscaping purposes. Walls and landscape fences shall be coordinated with the building's design and materials and with the character of the site.

5. ***Coordination with Utilities.*** Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth and to not damage any utility or interrupt any utility service. Trees shall maintain a minimum of ten (10) horizontal feet distance from all water, sanitary, and storm structures.

6. ***Existing Trees.*** The preservation and incorporation of existing trees in a landscape plan especially Woodland Heritage trees as described in Article 14 is encouraged. The Planning Commission may require that existing material used to meet these requirements be inspected by the Township's staff or design consultants before accepting them as part of the landscape plan. The Planning Commission may require saving significant plant material based on

their determination that a reasonable layout is possible incorporating those materials. Significant materials shall be defined as those not readily replaceable by virtue of their size, species, variety, shape, or location and may include significant wildlife habitats.

Where existing trees are used to satisfy the requirements of this Section, the following requirements shall apply:

a. Grading, paving, or other site improvements shall not encroach upon the Critical Root Zone (CRZ) of the existing tree(s) to be preserved.

b. If existing plant material is labeled "To Remain" on site plans by the applicant or retention required by the Township, protective techniques such as, but not limited to, fencing or barriers placed at the edge of the CRZ around the perimeter of the plant material shall be installed before construction begins. Barriers shall not be supported by the trees or shrubs they are protecting, and shall be of a durable material that provides the intended protection until construction is complete. No vehicle, construction equipment, materials, or debris shall be parked, stored, or temporarily or permanently disposed of within the dripline of any plant material intended to be saved, including fill. Other protective techniques may be used provided such techniques are approved by the Township.

c. In the event that healthy trees which are used to meet the minimum requirements of this ordinance or those labeled "To Remain" are cut down, destroyed, damaged, or excavated within the CRZ, as determined by the Township, the applicant shall replace them or provide an equivalent amount plus ten percent (10%) administrative fee for later replacement. Replacement trees will either be equivalent in size to the tree(s) removed if possible, or the applicant will replace the total DBH of the tree(s) which have been removed. The performance guarantee may be used by Pittsfield Township to replace such materials.

d. See Section 14.08, Tree and Woodland Protection for requirements regarding Woodland and Heritage trees.

7. ***Stormwater Retention and Detention Ponds.*** The integration of stormwater management systems, including bio-swales, rain gardens, and retention and detention ponds in the overall landscape is required. Stormwater management systems that replicate a natural design and appearance is encouraged.

8. ***Use of Native Plants in Landscaping.***

a. Native plant species chosen for a development shall be based on the native species currently growing on the site, if any.

b. The arrangement of native plant species may be designed in both "natural" arrangements and more conventional arrangements.

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c. Natural arrangements emulate the arrangements found in nature, and have a less manicured appearance. Natural arrangements shall incorporate a wide mix of species. This landscape style shall be used for landscaping open space, surface stormwater systems, street tree plantings, and/or parks. If natural arrangements are used, plant spacing requirements may be waived as long as the function the plants are to serve is accomplished.

d. Conventional, more formal arrangements are generally used close to buildings or heavily used areas of a site. Native species may be used in these areas just as any other commercially-available landscape material. As with any landscape design, the plant's ultimate size, soil and site requirements, and other characteristics shall be considered to ensure they do not overwhelm a space, encroach into walkways, or impede sight distance or visibility of motorists. In entryways, where aesthetics is of primary importance, cultivars of native plant species may be considered to ensure the plant's appearance.

e. Plantings installed in areas used for stormwater management shall be planted with native species that specifically perform the necessary runoff attenuation, filtration, water uptake, and purification functions needed in such areas. Both herbaceous and woody species shall be incorporated into the mix where the desired function dictates.

9. ***Installation, Maintenance, and Completion.***

a. All landscaping required by this Ordinance shall be planted before obtaining a certificate of occupancy or the appropriate financial surety as required in Article 3, Administration and Enforcement.

b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedure.

c. Landscaping required by this Ordinance shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy or dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with irrigation or a readily available and acceptable water supply.

d. Topsoil removed during construction shall be stockpiled in an appropriate manner to prevent erosion, and shall be redistributed on regraded surfaces to be landscaped, and provide a minimum of four (4) inches even cover. Plants shall be mulched with shredded hardwood bark mulch at a depth of four (4) inches.

e. Failure to install and maintain approved landscaping shall be a violation of this Ordinance.

C. ***Screening Between Land Uses.***

1. The use of physical barriers or screens is considered a necessary requirement to allow for the transition from one zoning district or land use to another contrasting zoning district or

land use. This promotes compatibility with existing uses and helps to protect the value of buildings and property. The purpose of this section is to create varying degrees of visual and physical separation between divergent land uses based on the similarity and/or compatibility of the uses.

2. ***Screen Requirements.***

   a. A landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries when a proposed use is either more intense or incompatible with an adjoining property, as set forth in Table 13.02.C-1. A landscape buffer shall consist of berms and living materials so as to maintain a minimum opacity of at least eighty percent (80%). Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.

   b. The width of the screen area, location and density of plantings shall be based upon the specific characteristics of the proposed use and adjacent land uses.

      i. Plants shall be arranged in a staggered pattern to create a continuous screen.

      ii. Existing vegetation located on the property to be developed within the area of the proposed screen, is in good condition, and meets the size and type requirements in the various screening alternatives may be counted toward meeting screening requirements.

      iii. Screening shall be located along all adjoining boundaries. However, the width and location of the screening may be modified due to site conditions, provided the intent of screening requirements is met.

   c. ***Landscape Screening Schedule.*** Table 13.02.C-1 describes the required screening on the lot of the use indicated in the left column of the schedule where it is contiguous to land used or zoned as indicated across the top of the schedule. The numbers in the middle columns refer to the landscape screening alternatives described in Table 13.02.C-2 below, and illustrated in Figures 13.02-A through C. Landscape screening alternatives are established in Table 13.02.C-2. The application of these landscape screening alternatives shall be controlled by Table 13.02.C-1, Landscape Screening Schedule.

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Table 13.02.C-1
Landscape Screening Schedule

Screening Required on These Land Uses:	**When Contiguous with These Land Uses:**						
	Use Group 1: Residential Uses	Use Group 2: Residential/Lodging Uses	Use Group 3: Office/Institutional Uses	Use Group 4: Auto/Transportation Uses	Use Group 5: Retail/Entertainment Uses	Use Group 6: Misc. Commercial Uses	Use Group 7: Industrial Uses
Use Group 1: Residential Uses One-family dwellings Two-family dwellings							
Use Group 2: Residential/Lodging Uses Multiple-family dwellings Manufactured housing park Live-work units Senior assisted/independent living Group day care Child care centers	Screen Alt. 1 or 2						
Use Group 3: Office/Institution General office Professional office Hospitals Medical office Convalescent center Primary/secondary schools Colleges Places of worship Data centers Technology centers / Office research Experimental research and testing labs Utility and public service buildings (without storage yards) Funeral homes Veterinary clinics or hospitals	Screen Alt. 1 or 2	Screen Alt. 1 or 2	Screen Alt. 1 or 2				
Use Group 4: Auto/Transportation Uses Auto or vehicle sales Auto or vehicle service station Auto or vehicle repair station Auto or vehicle body repair Auto or vehicle wash Auto or vehicle fueling/multi-use stations	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall		Screen Alt. 1 and/or wall		

Use Group 5: Retail/Entertainment Uses Financial institutions General retail Retail, large-format Multi-tenant shopping centers Fitness centers Theaters and places of assembly Indoor recreation establishments Restaurant Personal Service Dry cleaning Hair care	Screen Alt. 2 or 3 and/or wall	Screen Alt. 2 or 3 and/or wall	Screen Alt. 2 or 3 and/or wall	Screen Alt. 1 or 2			
Use Group 6: Misc. Commercial Uses Building and lumber supply Garden centers, nurseries Outdoor recreation Playgrounds Campgrounds Country clubs, including accessory uses and buildings Golf driving ranges, mini-golf Commercial outdoor storage Mini/Self-storage Commercial kennels Pet day care	Screen Alt. 3 and/or wall	Screen Alt. 2 or 3 and/or wall	Screen Alt. 2 or 3 and/or wall	Screen Alt. 2 or 3	Screen Alt. 1 or 2		
Use Group 7: Industrial Uses Contractor's equipment storage Extraction Food products Manufacturing, processing, etc. Material distribution or recovery facilities Metal plating Outdoor storage facilities Plastics Printing Radio and television broadcasting and receiving antenna Tool & die, gauge and machine shops Truck/trailer rental Truck terminals Utility and public service buildings (with outdoor storage yards) Warehousing/wholesale Wireless communication facilities	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 2 or 3	Screen Alt. 2 or 3	Screen Alt. 2	

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Figure 13.02-A Landscape Screening Alternative 1

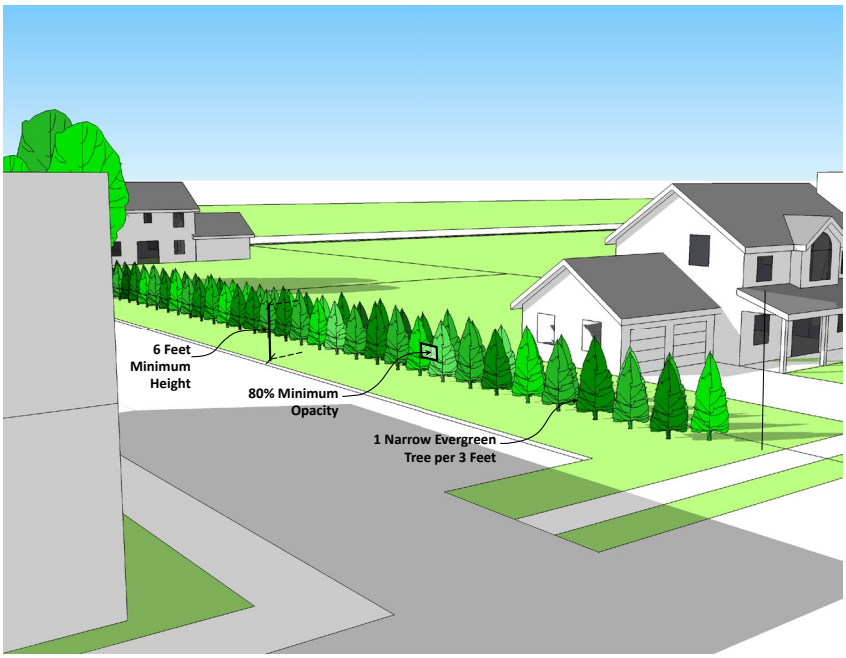

Figure 13.02-B Landscape Screening Alternative 2

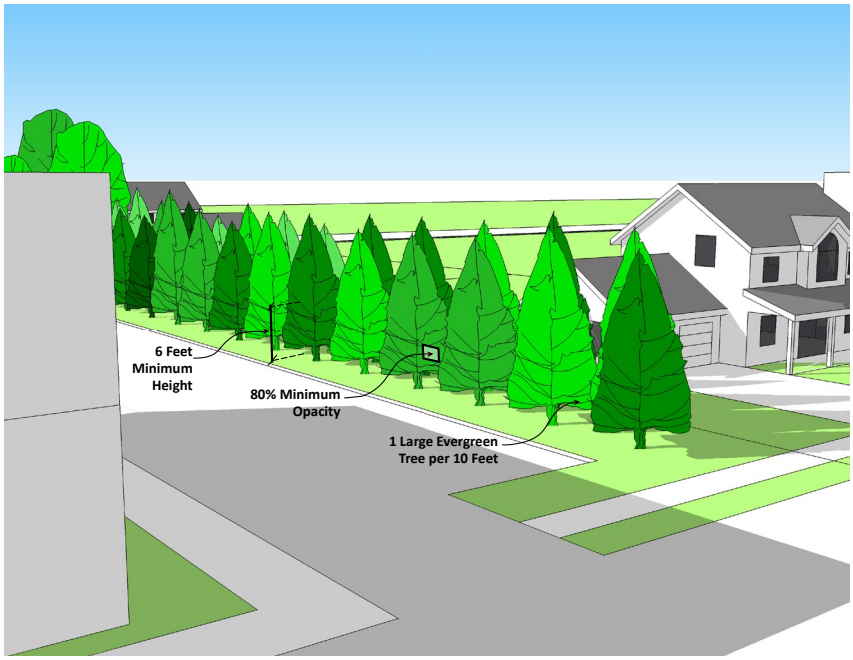

Figure 13.02-C Landscape Screening Alternative 3

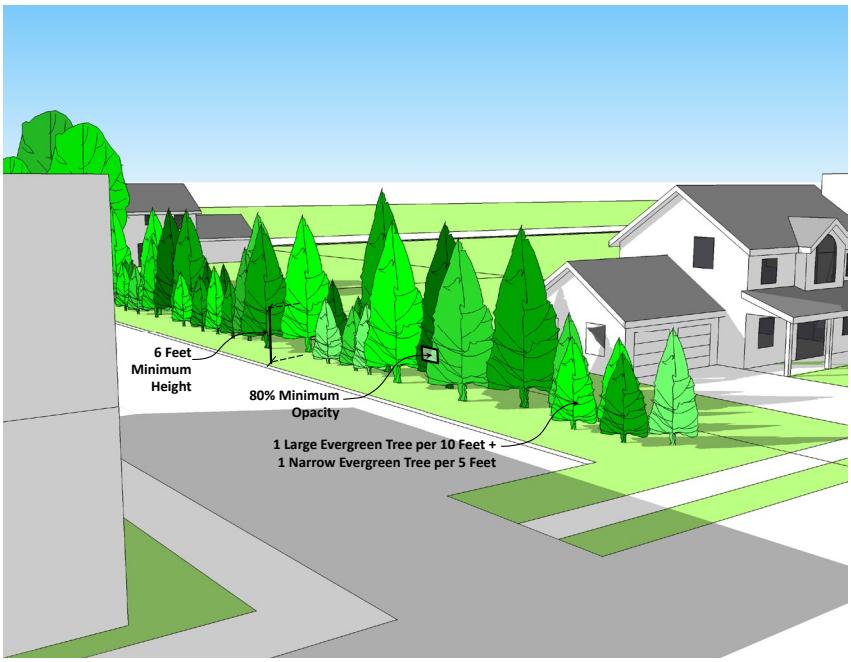

Table 13.02.C-2 Landscape Screening Alternatives

Screening Alternative	Minimum Quantity	Type/Size
1	1 tree per three (3) lineal feet	Narrow evergreen tree
2	1 tree per ten (10) lineal feet	Large evergreen tree
3	1 tree per ten (10) lineal feet	Large evergreen tree
	1 tree per five (5) lineal feet	Narrow evergreen tree

3. ***Solid Wall or Fence.*** Where a land use activity creates noise, light, dust, or other similar nuisance that cannot be effectively screened by a landscape buffer, a solid wall or fence may be required. Such wall or fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height as measured on the side of the proposed wall having the higher grade. A required wall shall be located on the lot line, except alternate locations may be approved where underground utilities interfere, where this ordinance requires conformity with front yard setback requirements, or where an alternate location provides more effective screening. The construction materials of the wall or fence may include masonry, stone, or wood.

4. ***Combinations.*** A combination of landscaping and a solid wall or fence may be approved where such a combination provides more effective screening.

D. ***Parking Lot Landscaping.***

1. Separate landscape areas shall be provided within and at the perimeter of parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and moderate the changes to the micro climate which results from additional pavement.

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2. ***Landscaping Standards within Parking Lots.***

   a. There shall be a minimum of one (1) canopy tree for every eight (8) parking spaces. Canopy trees are required for shading purposes. Flowering deciduous trees and evergreen trees may also be used, but shall not substitute for or replace canopy trees.

   b. In residential and agricultural districts, not more than fifteen (15) spaces shall be permitted in a bay without a break. In all other districts, the number of spaces in a bay shall not exceed twenty (20). The required breaks shall be provided by curbed, landscaped islands.

   c. Landscaping islands shall be curbed islands in the parking lot not less than two hundred (200) square feet in area, with a minimum width of ten (10) feet. Modifications in curbing may be permitted when islands are used as part of the stormwater management system. Surfaces of islands shall be grass, other ground cover, or low growing shrubs.

   d. Each parking lot shall provide an area that is a minimum of five percent (5%) of the lot's paved surface area for purposes of planting shade trees and other landscape materials. Greater than five percent (5%) interior landscape area may be required by the Planning Commission where needed to provide visual and climatic relief.

   e. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhand a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.

   f. An equivalent amount of landscape plantings at the perimeter of parking lots may be approved where landscaping within parking lots would be impractical due to the size of the parking lot, detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing, provided all other landscaping requirements are met.

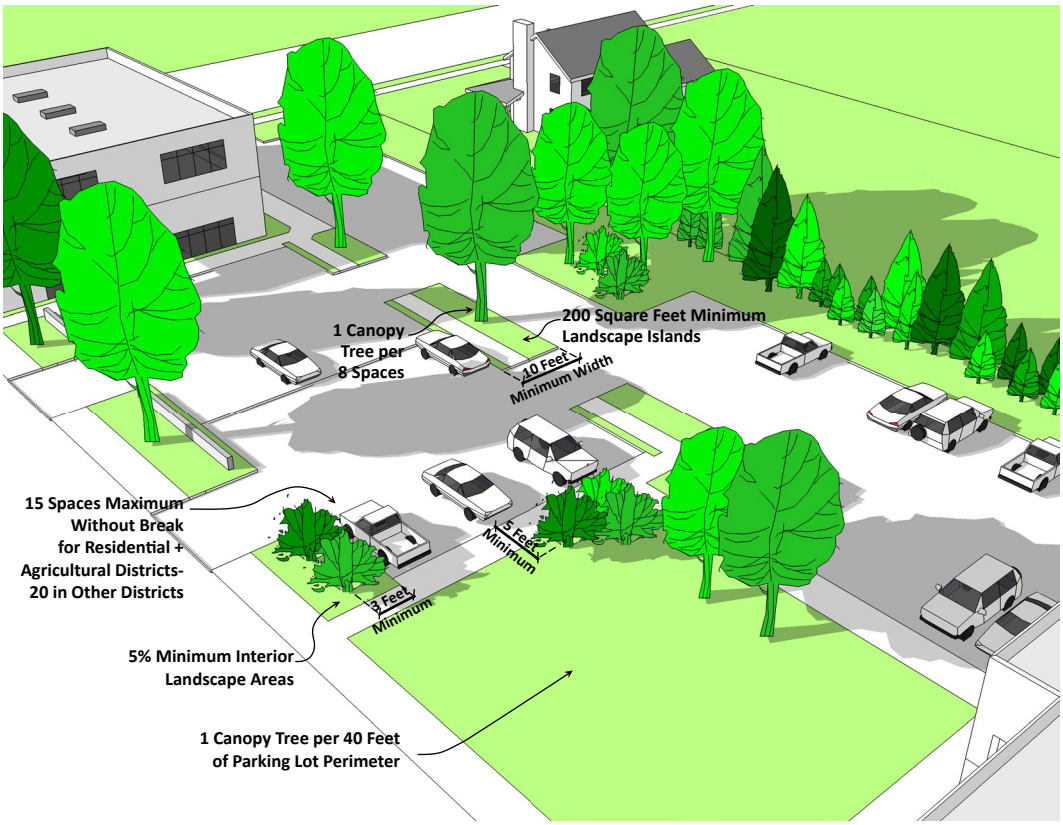
3. ***Landscaping Standards at the Perimeter of Parking Lots.***

   a. Canopy trees shall be provided along the perimeter of a parking lot at a minimum rate of one (1) tree per each forty (40) feet of lot perimeter; however, trees need not be planted on 40-foot centers.

   b. Parking lot entrances shall be landscaped with canopy trees, shrubs and other plant material in a manner consistent with the character and quality of the site.

   c. Greenbelt planting between all parking areas and a right-of-way shall be met as set forth in Section 13.02.E.

Figure 13.02-D Parking Lot Landscaping



E. ***Greenbelts.***

1. Except as otherwise required by this Ordinance, a greenbelt shall be provided along all public streets on which a site has frontage, in accordance with the standards set forth in this Section. These requirements shall replace parking lot perimeter landscaping requirements along public streets.

2. ***Greenbelt Standards.***

   a. The greenbelt shall be a minimum of ten (10) feet in width.

   b. A landscaped berm at least three (3) feet in height along the perimeter of the road right-of-way shall be used to screen the parking lot from the public road. Alternative landscape plantings or a solid wall that does not exceed three (3) feet in height may be approved where it is found that space limitations or visibility for vehicular circulation prevents construction of a landscape berm.

   c. The greenbelt shall be landscaped with a minimum of one (1) deciduous tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Deciduous trees within a greenbelt shall be a minimum caliper of two and one half (2.5) inches, and evergreen trees shall be a minimum of five (5) to six (6) feet in height.

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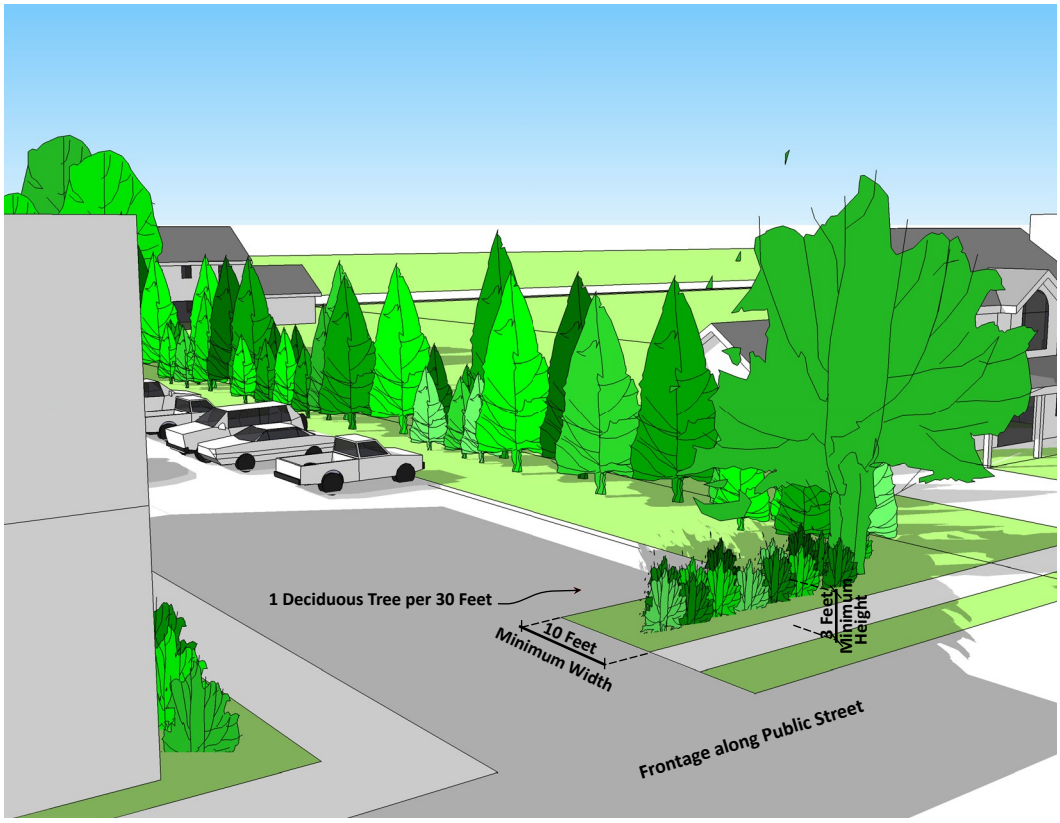
d. Creative placement of the trees, such as staggering, clustering, and/or other methods, is encouraged in an effort to eventually achieve a canopy.

e. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped with grasses, ground covers, shrubs, and other natural landscape materials.

f. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees.

Figure 13.02-E Greenbelt Landscaping



F. ***Site Landscaping.***

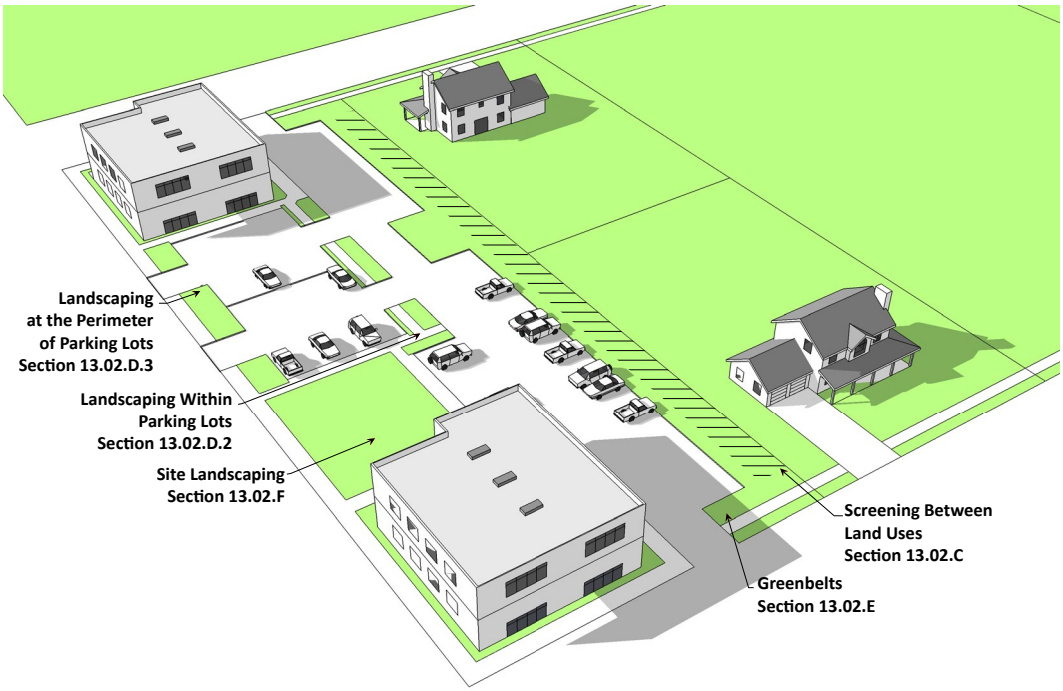
1. A minimum of twenty percent (20%) of the site area shall be comprised of landscape material.

2. Site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas, gardens and building foundation planting beds.

3. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, loading areas, electrical transformers, and trash areas.

4. The landscaping design shall promote compatibility, and preserve the character of the site, in relation to the immediately surrounding area and in relation to the general area in which the property is situated.

Figure 13.02-F General Site Landscaping Overview



G. ***Subdivision and Site Condominium Landscaping.***

1. The frontage of all internal public or private streets shall be landscaped with the equivalent of one (1) tree for every fifty (50) lineal feet, or fraction thereof. Such street trees shall meet the minimum size, spacing, and species requirements set forth in Section 13.02.H, Minimum Size and Spacing Requirements, and 13.02.I, Prohibited Species.

2. Where a subdivision or site condominium contains uses which are more intense or incompatible with an adjoining property, the screening requirements set forth in Section 13.02.C, Screening Between Land Uses, shall be met. The preservation of existing trees along perimeter boundaries is encouraged regardless of whether screening is required.

3. Where a subdivision or site condominium abuts the public road right-of-way of US-23 or I-94, the screening alternative number 3, as set forth in Table 13.02.C-2, shall be required.

4. A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings, and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.

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H. ***Minimum Size and Spacing Requirements.*** Where landscaping is required, the minimum size and spacing requirements set forth in Table 13.02.H-1 for representative landscape materials shall be applicable, unless otherwise specified in this Section:

Table 13.02.H-1
Minimum Size and Space of Landscape Planting

	Minimum Size Allowable							Maximum On-Center Spacing**						
	Height				Caliper/Spread			Feet						
	6' - 7'	5' - 6'	3' - 4'	2' - 3'	2"	24" - 36"	2 gal.	25	15	6	5	4	3	1
Large Evergreen Trees, such as:														
Fir (*Abies*)														
Spruce (*Picea*)														
Pine (*Pinus*)														
Hemlock (*Tsuga*)														
Douglas Fir (*Psudotsuga*)														
Tamarack; Larch (*Larix*)														
Narrow Evergreen Trees, such as:														
Arborvitae (*Thuja*)														
Juniper (*Juniperus*)														
Large Evergreen Shrubs, such as:														
Hicks Yew (*Taxus*)														
Upright Yew (*Taxus*)														
Spreading Yew (*Taxus*)														
Upright Juniper (*Juniperus*)														
Spreading Juniper (*Juniperus*)														
Mugho Pine (*Pinus*)														
Small Evergreen Shrubs, such as:														
Spreading (Ward) Yew														
Upright (Brown) Yew														
Dwarf Spreading Juniper														
Dwarf Mugho Pine														
Euonymus varieties*														
Vines, such as:														
Euonymus varieties*														
Virginia Creeper														
Wisteria														
Riverbank Grape														
American Bittersweet														

	Minimum Size Allowable							Maximum On-Center Spacing**						
	Height				Caliper/Spread			Feet						
	6’ - 7’	5’ - 6’	3’ - 4’	2’ - 3’	2”	24” - 36”	2 gal.	25	15	6	5	4	3	1
Large Deciduous Trees, such as:														
Oak (*Quercus*)														
Maple* (*Acer*)														
Beech (*Fagus*)														
Linden or Basswood (*Tilia*)														
Sweetgum (*Liquidambar*)														
Ginkgo (Male Only) (*Ginkgo*)														
Honeylocust (*Gleditsia*)														
Birch (*Betula*)														
Sycamore (*Plantanus*)														
Hickory (*Carya*)														
Black Cherry (*Prunus*)														
Tulip Tree (*Liriodendron*)														
Blackgum (*Nyssa*)														
Small Deciduous Trees (Ornamental), such as:														
Dogwood														
Flowering Cherry, Plum, Pear*														
Hawthorn														
Redbud														
Magnolia														
Flowering Crabapple														
Mountain Ash														
Hornbeam														
Sassafras														
Ironwood														
Serviceberry; Juneberry														
Ground Cover, such as:														
Euonymous varieties*														
Wild Strawberry*														
Wild Ginger														
Large Deciduous Shrubs, such as:														
Lilac														
Sumac*														
Pyrancantha														
Weigela														
Flowering Quince														
Cotoneaster														
Sargent Crabapple														
Dogwood (Red Osier, Grey, Silky)														

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	Minimum Size Allowable							Maximum On-Center Spacing**						
	Height				Caliper/Spread			Feet						
	6' - 7'	5' - 6'	3' - 4'	2' - 3'	2"	24" - 36"	2 gal.	25	15	6	5	4	3	1
Euonymous varieties*														
Viburnum varieties*														
Witch-hazel														
Ninebark														
Vaccinium (Blueberry)														
Holly														
Spicebush														
Hazelnut														
Chokeberry														
Chokecherry														
Buttonbush														
American Elder														
Small Deciduous Shrubs, such as:														
Fragrant Sumac														
Cotoneaster														
Potentilla														
Meadowsweet														
Leatherleaf														
Rubus/Ribus varieties														

* Refer to Prohibited Weeds and Invasive Plant List adopted by the Township Board.
** "Maximum on-center" spacing refers to the largest space allowed between the centers of plants of the same species/variety.

I. ***Prohibited Species.*** Prohibited species are set forth in the Prohibited Weeds and Invasive Plant List as adopted by the Township Board.

J. ***Private Naturally Landscaped Lots.*** Where a landowner decides to use a landscape style that emulates nature, and such style is not prohibited by deed restriction, Master Deed and Bylaws, or other restrictive covenant, such landscaping shall comply with the Township's Natural Lawn Ordinance as set forth in Section 38 of the Township Code.

K. ***Public Art.***

1. The inclusion of public art may be approved as a replacement to the required greenbelt landscaping in any non-residential district or a PUD.

2. The proposed public art must be approved by the Planning Commission and must include a long-term maintenance plan for the public art.

3. Public art must be visible from the public right-of-way.

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SECTION 13.03 TRASH AND RECYCLING CONTAINERS

A. ***Where Required.*** The standards set forth in this Section shall apply to all uses that have refuse and recycling disposal service by collective trash container. This does not include curbside pickup for single-family residential uses; however, all residential buildings of more than two (2) dwelling units shall provide trash enclosures.

B. ***Container Standards.***

1. Containers used to dispose of trash, grease, recyclables, and similar materials shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of durable material, such as wood or masonry, and construction which is compatible with the architectural materials used in the site development. Wire fencing or fencing with plastic, aluminum, or other filler strips shall not be used as enclosure walls or gates.

2. Containers shall be consolidated to minimize the number of collection sites, located in close proximity to the building they serve, and easily accessed by refuse vehicles without potential damage to parked vehicles.

3. Containers and enclosures shall be located in a side or rear yard, but shall not be located in any yard required adjacent to a public or private street, or in a required transition strip. If located in a required side or rear yard, the enclosure shall be at least ten (10) feet from the property line.

4. Containers and enclosures shall be screened from public view whenever possible. Tree and shrub screening may be required around the enclosure to screen the enclosure from view and provide shade to reduce odors during summer months.

5. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings, or users of adjacent streets or sidewalks.

6. Concrete pads and aprons of appropriate size and construction, a minimum of six (6) inches thick, shall be provided.

7. Installation of recycling containers may permit the removal of up to two (2) required parking spaces.

SECTION 13.04 EQUIPMENT SCREENING

A. ***Where Required.*** The standards set forth in this Section shall apply to all uses for which mechanical equipment including, but not limited to, generators, heating, ventilation, and air conditioning, is placed upon a roof of any building or on the ground outside of the building.

B. ***Screening Requirements.*** All equipment shall be screened as follows:

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1. ***Rooftop Screening.***

   a. Rooftop equipment shall be screened with architectural materials matching or harmonious with the building.

   b. Screens provided to obscure mechanical equipment shall be an opaque barrier at least as high as the equipment being screened.

   c. Rooftop equipment shall be located on the side or rear of a pitched-roof building, screened from public view.

   d. Rooftop equipment shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

2. ***At-Grade Equipment.***

   a. At-grade equipment shall be screened with architectural and/or landscape materials matching or harmonious with the building or landscape materials provided elsewhere on site.

   b. Landscape materials shall be evergreen species so as to provide a screen year-round.

   c. Walls provided to screen mechanical equipment shall be an opaque fence or wall, with a gate, at least as high as the equipment being screened.

   d. At-grade equipment shall be located in a side or rear yard, screened from public view.

   e. At-grade equipment shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

SECTION 13.05 LIGHTING

A. ***Where Required.*** The standards set forth in this Section shall apply to all uses for which exterior lighting is provided. Lighting shall be provided to illuminate roadways, parking lots, intersections, and pedestrian areas of all new developments.

B. ***Lighting Plan Requirements.*** If lighting is provided, the following information must be provided on the site plan submissions:

   1. Location of all free-standing, building-mounted, and canopy light fixtures on the site plan and/or building elevations.

   2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles) and ten (10) feet beyond the parcel lines. The Zoning Administrator may waive the requirement for sites with parking lots of twenty (20) spaces or less or for sites that are not adjacent to residentially zoned property.

3. Specifications and details for the type of fixture being proposed, including the initial lumen rating, type of lamp, method of shielding, type of lens, and all applicable accessories. The details shall include a depiction of the lighting pattern and light levels applicable for the proposed pole height.

C. ***General Standards.***

1. Lighting systems shall limit light trespass, restrict light trespass to specific levels, provide generally even illumination for all intended vehicular and pedestrian areas, and use energy efficient light sources.

2. Site lighting shall be directed away from residential properties as much as possible.

D. ***Freestanding Pole Lighting.***

1. ***Fixture and Bulb Design.***

a. Exterior lighting shall be a full cut-off fixture as defined by the Illumination Engineering Society of North America (IESNA) or other suitably shielded fixture, downward directed with a flat lens to prevent light trespass. All lights shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. All light fixtures shall be installed in such a manner that the shielding satisfies the definition of a fully shielded fixture. All fixtures closest to the property line shall have house side shields.

b. Replacement of existing Metal Halide bulbs, Mercury Vapor bulbs, or other light sources are permitted provide such source does not exceed 4000 Kelvin.

c. All new fixtures shall be LED unless, upon showing a good cause and substantially equivalent energy efficiency, alternative fixtures are specifically approved by the Planning Commission as shown on a photometric and lighting plan.

d. Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be shown that there will be limited off-site light trespass through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.

e. Light fixtures and poles shall be compatible with the character of the development, as determined by the Township.

f. Roadway light systems shall be in accordance with Washtenaw County Road Commission, Michigan Department of Transportation, or the City of Ann Arbor, as applicable.

2. ***Lighting Levels.***

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a. Light levels shall comply with the International Dark-Sky Association's goal to eliminate over lighting by using the minimum recommended values as maximum values as stated in Illuminating Engineering Society of North America's (IESNA) RP-8 and RP-33, as amended.

b. The intensity of light at the base of a light fixture pole shall not exceed ten (10) foot-candles.

c. Light shall not exceed one-tenth (0.1) foot-candle along any boundary, or beyond, adjacent to residentially zoned or used property, and one-half (0.5) foot-candle along or beyond all nonresidential property boundaries.

d. Light levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of any property line boundary or street right-of-way line at a height of five (5) feet above grade level.

e. Except as stated elsewhere in these regulations, light levels will be limited to those published as recommendations by the Illuminating Engineering Society of North America

f. The maximum uniformity (Max-to-Min) ratio shall be 10:1.

3. ***Height.***

a. The maximum height of a fixture shall be no more than twenty (20) feet above grade in residential districts.

b. The maximum height of a fixture shall be no more than twenty-five (25) feet above grade in commercial or office districts, and twenty (20) feet in these districts if the subject property is adjacent to a residential property. An exception may be made for larger commercial applications as long as light trespass falls within the specified limits in 2.c. above.

c. The maximum height of a fixture shall be no more than thirty (30) feet above grade in an industrial district where fixtures are not closer than two hundred (200) feet to any residential district.

d. No fixture shall be a height that allows the fixture light source to be directly seen at the property line.

4. ***Light Pole Location.***

a. Light poles shall be located not less than five (5) feet from the edge of a drive or parking space, where feasible, and not interfere with traffic flow, access to fire hydrants, or other utilities.

b. Light poles located along streets shall be in accordance with Washtenaw County Road

Commission, Michigan Department of Transportation, or the City of Ann Arbor, as applicable.

5. ***Duration.*** All outdoor lighting fixtures, existing or hereafter installed and maintained upon private property, shall be turned off or reduced in lighting intensity between 11:00pm and sunrise. The following exceptions may be approved:

   a. Where greater lighting levels are necessary for security or safety purposes; or

   b. Where permissible commercial or industrial uses such as sales, assembly and repair operate after 11:00pm, in which case the lighting levels shall be turned off or reduced after the use ceases for that day.

E. ***Non-Residential Building Mounted Lighting.*** Building mounted lighting fixtures for the purpose of lighting entrances, adjacent sidewalks, parking areas and loading areas is permitted subject to the following restrictions:

1. Building mounted lighting shall be a full cutoff fixture or fully shielded and directed downward to prevent light trespass. The intensity of light shall not exceed ten (10) foot-candles at grade for any building mounted fixture. Maximum fixture height shall be twenty (20) feet.

2. Light shall not exceed one-tenth (0.1) foot-candle along or beyond zoned or existing residential property lines and one-half (0.5) foot-candle along or beyond non-residential property lines.

3. Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be proven that there will be limited off-site light trespass through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.

F. ***Non-Residential Architectural Lighting of Building Façades.*** The lighting of a building façade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

1. All building façade lighting shall be low intensity. All building façade lighting shall be fully shielded and fully confined from projecting into the sky by eaves, roofs, or overhangs, and mounted as flush to the wall as possible, as determined by the Township.

2. Luminaries shall be downward directed.

3. The maximum illumination of any vertical surface or angular roof surface shall not exceed five (5) foot-candles.

4. Internally illuminated architectural bands or external lighting directed on buildings may be approved where it can be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties.

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G. ***Canopy Lighting.***

1. Flat lenses are required.

2. Downlight fixtures mustbe recessed into the ceiling/grid system.

3. Illumination levels shall comply with IESNA standards.

4. Illumination shall not exceed 50 foot-candles (432LM/M^2) under a canopy.

H. ***Flagpole Lighting.*** A flagpole may be illuminated by one (1) of the following methods:

1. With one (1) upward-aimed spotlight fixture, fully shielded and directed away from streets, shining only on the flag and minimizing light spill into the dark night sky. The fixture shall be placed as close to the base of the flagpole as reasonably possible.

2. With one (1) downward-aimed light fixture, fully shielded and directed away from streets, shining only on the flag and minimizing light spill into the dark night sky.

I. ***Prohibited Lighting Types.*** The following lighting types are prohibited:

1. The use of search lights, lasers, or any similar high intensity light for outdoor advertisement or entertainment.

2. Flood lights.

3. Flashing, moving, strobe, or intermittent type lighting.

4. Exterior exposed luminous tube lighting (neon, cold cathode, or similar source), or exposed bulb fluorescent lighting.

J. ***Exemptions.*** The following are exempt from the lighting requirements of this Section, except that the Zoning Administrator may require a lighting and photometric plan when deemed necessary to protect the public health, safety, and welfare:

1. Sports fields.

2. Swimming pools serving the public or private club members.

3. Holiday decorations.

4. Three (3) foot high, shielded pedestrian walkway lighting.

5. Ornamental low voltage lighting (twelve (12) volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed one hundred (100) lumens.

6. Carnivals or other temporary commercial activities; however, a permit valid for seven (7) days from the Zoning Administrator is required.

K. ***Lamp or Fixture Substitution.*** No Substitution of any existing light fixture or lamp type is permitted without approval of the Zoning Administrator, who may require sufficient information to ensure compliance with the standards of this ordinance.

SECTION 13.06 FENCE

A. ***Permit Requirements.*** It shall be unlawful for any person, firm, or corporation to construct, or cause to be constructed, any fence on any property within Pittsfield Charter Township, except in accordance with these regulations. Any person, firm, or corporation desiring to construct, or cause to be constructed, any fence that is subject to these regulations shall first obtain a fence permit from the Building Department. The application for a fence permit shall contain any and all information, including drawings, that is required and necessary to determine compliance with this ordinance.

B. ***Location of Fences.*** All fences shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly apply for a fence permit for the purpose of constructing a fence on the common property line.

C. ***Height Regulations.***

1. ***Residential District.***

   a. Only ornamental type fences shall be located in a required front yard or, in the case of a corner or through lot, in a required yard which adjoins a public or private street provided such fences shall not exceed three (3) feet in height.

   b. Fences may be located in any required yard not adjoining a public or private street provided that they shall not exceed six (6) feet in height.

2. ***Commercial or Form-Based District.*** Fences shall not exceed six (6) feet in height. Fences in a front yard or a street yard shall not be permitted in a commercial or office district except where required by the Township Planning Commission.

3. ***Business, Industrial, or Public Facility District.*** Fences shall not exceed twelve (12) feet in height or, when located in a front or street yard, fifty percent (50%) opacity.

4. In determining the maximum height of a fence that separates two (2) adjoining lots and that is located within two (2) feet of the common lot line, the maximum height at any point shall be measured from the highest grade at that point within two (2) feet on either side of the common lot line.

D. ***Vision Clearance.*** All fences shall comply with Section 12.01, Visibility at Intersections, herein. A fence that is located at the intersection of a driveway and a public sidewalk, or a sidewalk along a private street, shall not impede vision between the driveway and sidewalk.

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E. ***Safety of Fences.***

1. No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence below the height of ten (10) feet, except in the case of fences that enclose active farmland, in which case barbed wire is permitted at any height of the fence.

2. Fences shall not contain any electric charge or current, except fences that enclose active farmland, in which case electrically charged fence wires are permitted, provided such wires are attached to the inside face of the fence posts. All electrically charged fences shall be of a type and make approved by Underwriters Laboratories.

F. ***Retaining Walls.*** A retaining wall shall be regulated as a fence if the wall projects more than eighteen (18) inches above the grade of the ground being retained.

G. ***Public Utility Fences.*** Fences that enclose public utility installations shall not be located in any required yard where the lot is located in a residential zoning district. Such fences may be located in any required yard where the lot is located in any other zoning district. Such fences shall comply with all other provisions of this ordinance.

H. ***Maintenance.*** Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or other condition endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the building inspector or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.

I. ***Exemptions.*** Fences not greater than four (4) feet in height enclosing active farmland shall be exempt from the regulations and requirements of this section, except Section 13.06.A.

ARTICLE 14

ENVIRONMENTAL STANDARDS

SECTION 14.01 PURPOSE

Environmental standards are established in order to preserve the short-term and long-term environmental health, safety and quality of the Township. No use that does not conform to the environmental standards set forth in this Article shall be permitted.

SECTION 14.02 PERFORMANCE STANDARDS

No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements.

A. ***Fire Hazard***. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

B. ***Radioactivity or Electrical Disturbance***. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

C. ***Hazardous Substances***. Any activity requiring storage or handling of hazardous substances shall abide by the following standards:

1. Areas storing hazardous substances must be designed to prevent spills and discharges to the air, surface of the ground, stormwater system, groundwater, lakes, streams, rivers, or wetlands.

2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for maximum anticipated time necessary for the recovery of any released substance.

3. General-purpose floor drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

4. State and federal requirements for storage, spill prevention, records keeping, emergency

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response, transport and disposal of hazardous substances shall be met. No discharge shall be allowed without required permits and approvals.

D. ***Vibration***. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

1. No use shall generate any ground-transmitted vibration in excess of the limits set forth in Table 14.02.D-1. Vibration shall be measured at the nearest adjacent lot line.

2. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

3. The vibration maximums set forth by Table 14.02.D-1 are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

   PV = 6.28 F x D
   Where:
   PV = Particle velocity, inches per second
   F = Vibration frequency, cycles per second
   D = Single amplitude displacement of the vibration, inches

4. The following is the table of maximum ground-transmitted vibration:

Table 14.02.D-1
Vibration Standards

Particle Velocity (Inches per Second)	
Along Non-Residential District Boundaries	Along Residential District Boundaries
0.10	0.02
0.20	0.02

5. The values stated in Table 14.02.D-1 may be multiplied by two (2) for impact vibrations, i.e. non-cyclic vibration pulsations not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.

6. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

E. ***Airborne Emissions***.

1. ***Smoke and Air Contaminants***. It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public; or which endanger comfort, repose,

health, or safety of persons; or which cause injury or damage to business or property.

2. ***Odors***. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

3. ***Gasses***. The escape or emission of any gas that is injurious, destructive, or harmful to persons or property, or explosive, shall be unlawful and shall be abated.

F. ***Glare***. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

G. ***Noise***.

1. ***General Requirements***. No use, operation or activity shall be carried on that causes or creates measurable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in Table 14.02 G-1 as measured at any point on property adjacent or in close proximity to the lot, parcel, or other property on which the operation or activity is located.

2. ***Methods and Units of Measurement***. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

   Because sound waves having the same decibel (Db) level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound level meter used to take measurements required in this section. All measurements below are expressed in Db(A) to reflect the use of the A-weighted filter.

3. ***Table of Maximum Noise Levels***. Except as otherwise provided in this section, noise levels shall not exceed the limits set forth in the following Table 14.02 G-1:

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Table 14.02.G-1
Noise Level Standards

Use	Time	Sound Level (A-Weighted) Decibels - Db(A)
Residential	7:00am to 7:00pm	60
	7:00pm to 10:00pm	55
	10:00pm to 7:00am	50
Commercial, Business, Office, and Mixed Uses	7:00am to 7:00pm	65
	7:00pm to 7:00am	50
Industrial Office and Research Office	Anytime	65

4. ***Background Noise***. Where existing background noise exceeds the maximum permitted levels specified in Table 14.02 G-1, the noise caused or created by a specific operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally-accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.

5. ***Intermittent or Other Unreasonable Sounds***. Intermittent sounds or sounds characterized by pure tones might be a source of complaints, even though the measured sound level does not exceed the permitted level in Table 14.02 G-1. Such sounds shall be prohibited when found to be unreasonably loud or to unreasonably interfere with the peace and comfort of others. In making such determination, the following shall be considered:

   a. The proximity of the sound to sleeping facilities;

   b. The nature of the use from which the sound emanates and the area where it is received or perceived;

   c. The time (day or night) the sound occurs; and

   d. The duration of the sound.

6. ***Exemptions***. Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally-accepted manner:

   a. Construction activity between the hours of 8:00am and 7:00pm, and as allowed by Chapter 14 of the Pittsfield Charter Township Code;

   b. Performance of emergency work, including snow removal;

   c. Warning devices necessary for public safety, such as police, fire, and ambulance sirens,

tornado and civil defense warning devices, and train horns;

d. Lawn care and yard maintenance that occurs between 8:00am and 9:00pm;

e. Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events;

f. The operation or use of any organ, bell, chimes, or other similar means of announcing religious services at a place of religious worship between the hours of 8:00am and 9:00pm, no more than five (5) times per day, and for a duration of no more than two (2) minutes each time; provided, however, the sound level does not exceed 80Db(A) at the property line of the religious facility;

g. An un-amplified human voice; and

h. Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.

SECTION 14.03 COMMUNITY WASTEWATER SYSTEMS

A. Community wastewater utility systems shall require a conditional use permit from the Planning Commission in accordance with the procedures and standards set forth in Article 10.0, Conditional Land Uses, of this Ordinance, community wastewater utility systems shall be strictly prohibited in areas of the Township that are located outside of the water and sewer district.

B. In addition to the requirements established by the state and/or the county, the following site development and use requirements shall apply to community wastewater utility systems:

1. Required standards and findings set forth in Article 10 shall be met.

2. All operations and structures shall be surrounded on all sides by setbacks as follows:

a. Twenty-five (25) feet from the nearest property boundary for subsurface disposal systems of less than ten thousand (10,000) gallons/day.

b. Fifty (50) feet from the nearest property boundary for subsurface disposal systems of between ten thousand (10,000) gallons/day and less than twenty thousand (20,000) gallons/day.

c. One hundred (100) feet from the nearest property boundary for subsurface disposal systems of twenty thousand (20,000) gallons/day or greater.

d. One hundred (100) feet from the nearest property boundary for a lagoon, irrigation, or other above-ground system.

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3. Landscape buffering in accordance with Section 13.02 shall be placed to minimize the appearance of the installation and to help confine the odors therein.

4. The point of discharge of a community wastewater utility system shall be located a minimum of:

   a. Five hundred (500) feet from another approved community wastewater utility system.

   b. Two thousand (2,000) feet from the one (1) year capture zone of a public well head protection area and five hundred (500) feet from the five (5) year capture zone of a public well head protection area.

   c. Two hundred (200) feet from a wetland, unless said wetland is constructed and approved as an integral treatment component of the community wastewater utility system.

C. Community wastewater utility systems shall also be subject to Chapter 36 of the Township Code of Ordinances. Therefore, a conditional use approval by the Planning Commission for a community wastewater utility system shall be conditioned upon and subject to Township Board approval under said community wastewater utility systems Code provisions.

SECTION 14.04 PRESERVATION OF ENVIRONMENTAL QUALITY

The preservation and enhancement of natural features is essential to maintaining Pittsfield Township's character, ecological diversity and stability, economic wellbeing and quality of life. For purposes of this section, "natural features" shall include wetlands, watercourses, floodplains, woodlands and trees, steep slopes, threatened or endangered species habitats, and ground water recharge areas. When natural features exist on a site proposed to be developed, the applicant shall do the following:

A. ***Federal, State, and Local Permits***. Development in or affecting natural features may be regulated by the Federal, State, County or Township governments, and require licenses, permits or approvals. Permits and approvals required by Pittsfield Township shall not relieve a person from obtaining applicable permits or approvals from other relevant jurisdictions. Similarly, obtaining permits from the Federal, State, or County government does not relieve a person from obtaining the required permits from Pittsfield Township.

B. ***Site Plan Review Required***. In any zoning district, none of the following natural features shall be obstructed, removed, altered, transformed or otherwise impacted in any way at any time by any person except as provided in Article 9 of this Ordinance:

   1. Area, water level, vegetation, edge, bank, shore or natural condition of a river, stream, watercourse, drainageway, lake, or pond, whether filled or partly filled with water or dry in certain seasons.

   2. Area, water level, vegetation, or natural conditions of a marsh, swamp, or wetland.

3. Living tree(s) in any wooded lot, grove, bush, park, wooded area, or forested land.

4. Land having a slope of twelve percent (12%) or greater.

   Such person shall submit to the Township Planning Commission a site plan and the information described in subsections C and D below. Any such alterations shall be made in conformance to applicable local, state, and federal requirements.

C. ***Natural Features Impact Statement***. As part of the Preliminary Site Plan Review process, as set forth in Article 9, the applicant is required to determine if natural features exist on the site, and in proximity to the site. If one (1) natural feature is determined to exist on a site, then the applicant shall submit a Natural Features Impact Statement containing the following information:

1. Site inventory map clearly showing locations and types of natural features both on-site and those within one hundred (100) feet beyond the property lines. The drawing shall delineate:

   a. Edges of woodlands, and description of plant community type.

   b. Heritage trees identified and labeled on the plans and in an accompanying table showing corresponding species, size, and condition data for individual trees.

   c. Edges of wetlands, watercourse stream banks, ordinary pond and high water marks of water features, floodways, floodplains, areas of hydric soils, highly permeable soils, and groundwater recharge areas.

   d. Natural feature buffer areas.

   e. Steep slopes.

2. Written description that illustrates the quality, character and health of the natural features.

D. ***Natural Features Protection Plan***. In addition to the Natural Features Impact Statement, the applicant shall provide a Natural Features Protection Plan as part of the Preliminary Site Plan Review process, showing:

1. Natural features that are excluded from development.

2. Natural features that are to be retained as part of the development, and the measures taken to sustain the natural features.

3. See Section 14.08.D regarding security for Heritage Trees to be retained.

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SECTION 14.05 NATURAL FEATURE SETBACKS

A. ***Where Required***. A natural feature setback shall be maintained in relation to all areas defined in this Section as being a natural feature, unless and to the extent it is determined to be in the public interest not to maintain such setback, in accordance with the standards set forth in subsection D below.

B. ***Natural Features for Setback Purposes***. The following are considered natural features for purposes of this article: a wetland subject to regulation by the Michigan Department of Environmental Quality, or a watercourse, defined as any waterway including a river, stream, ditch, channel, canal, waterway, lake, pond, or any body of surface water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

C. ***Regulated Activities***. Within an established natural feature setback there shall be no:

1. Construction.
2. Deposit of any material, including structures.
3. Removal of any soils or minerals.
4. Clearing of any native vegetation.
5. Dredging, filling or land balancing.
6. Constructing or undertaking seasonal or permanent operations.

D. ***Setback Standards***. The following setbacks shall apply:

1. A twenty-five (25) foot non-disturbance setback from the boundary or edge of a protected wetland.
2. A twenty-five (25) foot non-disturbance setback from the ordinary high water mark of a watercourse.
3. In addition, no building or construction shall occur within the greater of:
   a. One hundred (100) feet from the high water mark of any watercourse
   b. Within the 100-year floodplain, according to the provisions of Section 14.07.

SECTION 14.06 PROTECTION OF WATER QUALITY AND QUANTITY

Efforts shall be made to preserve water features (including natural wetlands, watercourses, lakes and ponds) in a natural state and to avoid stormwater and sedimentation discharge that may damage these features. The following standards are intended to protect existing water features from impacts of stormwater quality and quantity.

A. ***Existing Features***. Existing water features shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land development.

B. ***Special Significance***. Water features of special significance, such as forested wetlands, wetlands associated with watercourses, streams and rivers with intact native plant associations, and the like, shall be protected from development and/or the effects of development.

C. ***Stormwater***. Stormwater discharge to existing water features must not modify the existing water levels or flows.

D. ***Direct Discharge***. Direct discharge of untreated stormwater into a wetland or watercourse is prohibited. All runoff from development will be pre-treated by sedimentation traps and/or basins, or other best management practices, to remove sedimentation and other pollutants prior to discharge.

E. ***Construction***. Any proposed treatment facilities shall be constructed as early as possible.

F. ***Impacts***. Any proposed impacts to water features must be permitted by and adhere to applicable regulations of the Michigan Department of Environmental Quality or the Washtenaw County Drain Commissioner.

SECTION 14.07 FLOOD HAZARD REGULATIONS

A. ***Purpose***. The Federal Emergency Management Agency has identified flood hazard areas in Pittsfield Charter Township. It is the purpose of this section to reduce hazards to persons and damage to property in such areas and to comply with the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and subsequent regulations enacted by the Federal Emergency Management Agency.

This section is designed to achieve the following purposes:

1. Protect human life, prevent or minimize property losses, and reduce public costs of rescue and relief efforts from the effects of flood conditions.

2. Restrict or prohibit uses which, when located in designated flood hazard areas, are dangerous to health, safety, and property in times of flooding, or causes excessive increases in flood heights or velocities.

3. Require that uses and structures which are vulnerable to floods including public facilities, in designated flood hazard areas be protected against flood damage at the time of construction.

4. Alert the public to lands which are unsuitable for certain uses and structures because of potential flood hazards.

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5. Permit reasonable use of property located within designated flood hazard areas.

B. ***Application of Regulations***.

1. All designated flood hazard areas shall be subject to the provisions of this section. The Flood Boundary and Floodway Map and the Flood Profiles which are contained in the Flood Insurance Study and the Flood Insurance Rate Maps, dated May 15, 1991, or any updated flood insurance rate map, are hereby made part of this Ordinance.

2. The general location of the designated flood hazard areas shall be shown on the official zoning map but shall be shown only for the purpose of providing information. The precise location of Floodway and flood hazard areas shall be determined from information as particularly specified on the Flood Boundary and Floodway Map, together with the Flood Profiles contained in the Flood Insurance Study, and by site surveys, and other base flood elevation data available from a federal, state or other source, where applicable.

3. The requirements of this section overlay existing zoning districts. Compliance with the provisions of this section shall be in addition to compliance with the provisions of this Ordinance. Conflicts among provisions of this Ordinance or with provision of any other ordinance shall be resolved in favor of the more stringent requirement.

4. No certificate of zoning compliance and no building permit shall be issued for any lot, use or structure subject, in whole or in part, to the provisions of this Section until all provisions of this Section, the underlying zoning district, and other applicable provision of the Zoning Ordinance have been met. The Zoning Administrator shall have the authority to determine whether a lot, use, or structure is subject to this Section.

C. ***Information Required***. The following information shall be provided with an application for a certificate of zoning compliance for any lot, use, or structure located in whole or in part in a designated flood hazard area.

1. Elevation of the lowest habitable floor, including basement, of all structures. The elevation shall be referenced to USGS data.

2. If a structure is to be flood-proofed, the elevation to which flood proofing will be utilized shall be indicated. The elevation shall be referenced to USGS data. In such as a certificate of a professional engineer or architect registered in the State of Michigan shall be submitted indicating therein that the flood-proofing criteria of this section will be met.

3. A description of alteration or relocation of any watercourse.

4. Proof of floodplain permit approval or letter of no authority from the Michigan Department of Environmental Quality, under the provisions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (formerly PA 245 of 1929, as amended).

5. Base flood elevation data for any lot subject to the Subdivision Control Act (MCL 560.101 et

seq).

6. Additional information reasonably necessary to determine compliance with this section.

D. ***General Standards for Flood Hazard Areas***. The following standards, and all applicable provision of the currently adopted version of the BOCA code as amended, shall apply to all land within a designated flood hazard area:

1. All new construction and substantial improvements including the placement of, or addition to or expansion of, prefabricated structures and mobile homes, shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure; shall be constructed with materials and utility equipment resistant to flood damage; and shall be constructed by methods and practices that minimize flood damage to the smallest reasonable extents.

2. New and replacement water supply systems shall reduce to the smallest reasonable extent infiltration of flood waters into the systems.

3. New and replacement sanitary sewage systems shall reduce to the smallest reasonable extent infiltration of flood waters into the systems, and discharges from the system into flood waters. On-site disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

4. Public utilities and facilities shall be designed, constructed, and located to reduce flood damage to such utilities and facilities to the smallest reasonable extent.

5. Adequate drainage shall be provided to reduce exposure to flood hazards. Positive drainage away from all structures shall be provided.

6. A watercourse within a designated flood hazard area shall not be relocated until approval has been obtained from the Michigan Department of Environmental Quality, the Washtenaw County Water Resources Commissioner, and Pittsfield Township, whichever has jurisdiction. Evidence of the approval shall be submitted by the person relocating the watercourse to the Federal Emergency Management Agency.

E. ***Specific Standards for Flood Hazard Areas, Excluding Floodways***. The following standards shall apply to all land located within a designated flood hazard area but outside a floodway.

1. All buildings or structures shall be elevated so that the lowest floor is located at or above the base flood elevation. All basement floor surfaces shall be located at or above the base flood elevation.

2. Exceptions shall be permitted in accordance with applicable provisions of the currently adopted version of the BOCA code, as amended.

F. ***Specific Standards for Floodways***. The following standards shall apply to land located within the floodway portion of a designated flood hazard area:

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1. Encroachments, including fill, new construction, substantial improvements, and other development, shall be prohibited in a floodway. Exceptions to this standard shall be made only upon certification by a professional engineer registered in the State of Michigan, or by the Michigan Department of Environmental Quality in cases in which the department has jurisdiction, that the encroachment or other development will not result in any increase in flood levels during the discharge of base flood, and that the encroachment or other discharge complies with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

2. The uses and structures permitted in an underlying district shall not be permitted within a floodway, unless an exception is obtained as provided in Subsection F.1 preceding.

3. Construction within a floodway shall be done with the least amount of disturbance to the existing vegetation.

SECTION 14.08 TREE AND WOODLAND PROTECTION

A. ***Purpose***. Trees and woodlands provide a number of public benefits, including environmental, social and aesthetic benefits. Uncontrolled development or tree removal could result in unnecessary removal of trees, woodlands, and related natural resources. Therefore, it is intent of this Section to provide for the protection, preservation, proper maintenance and use of trees and woodlands.

B. ***Tree Removal Exceptions***. No tree shall be removed from a property except as follows:

1. Diseased, weak, windblown, and disfigured trees.

2. Trees that may be within an area designated specifically for buildings, structures, streets and driveways.

3. If any living tree other than as specified above is proposed to be removed by any person, such person shall submit to the Planning Commission a site plan and required data, exhibits, and information as required in Article 9 of this Ordinance.

4. Tree trimming and removal necessary to the operation of essential service facilities of a municipal or other governmental department or agency or public utility franchised to operate in the Township.

C. ***Woodlands***. A woodland is defined as any of the following:

1. One-quarter (¼) acre or more of contiguously wooded land where the largest trees measure at least six (6) inches in diameter at breast height (DBH). The acreage is to be measured from the dripline to dripline of trees on the perimeter. Contiguous shall be defined as the majority of the one-quarter (¼) acre being under the vegetation dripline.

2. A grove, forming one canopy, of at least ten (10) trees with a DBH of ten (10) inches or more.

3. Lands that contained woodlands that have had trees removed up to three years prior to a site plan being submitted to the Township. These areas shall also be considered woodlands for mitigation purposes outlined in this Section. The Planning Commission may decide to estimate the number and size of trees over six (6) inches in diameter that existed before the removal of the woodland through the use of aerial photographs or by counting remaining stumps. The Planning Commission may accept a study performed by a certified arborist or landscape architect as the determination of the number and size of the trees on the site at the time the woodland was removed. This estimated woodland shall be treated the same as any existing woodland in terms of mitigation. If the species of the former trees cannot be determined, it will be assumed that the species are either Oak, Hickory, or Maple.

4. Woodlands that contain native plant species are considered higher quality than those with significant numbers of invasive species. Cultivated woodlands derived from people's planting activities also have considerable importance to the community and are a valuable scenic resource to be preserved.

D. ***Heritage Trees***. Heritage Trees are trees that are distinctive because of their age, size, type or historical significance, and are defined as any of the following:

1. Any tree (except invasive species as identified in Section 14.08.G with a DBH of twenty-four (24) inches or larger.

2. Any tree that would qualify as a Heritage Tree that was removed from the site up to three (3) years prior to a site plan being submitted to the Township. This tree shall be considered an existing Heritage Tree for mitigation purposes outlined in this Section.

3. Any tree on the list below that has attained the associated DBH size:

Table 14.08.D-1
Heritage Tree Size

Common Name	Botanical Name	Heritage Tree Size (DBH)
Ash	*Fraxinus spp.* (not cultivars)	18 inches
Basswood	*Tilia spp.*	18 inches
Beech	*Fagus spp.*	18 inches
Cherry, Black	*Prunus serotina*	18 inches
Elm	*Ulmus spp.* (except *pumila*)	18 inches
Fir	*Abies spp.*	18 inches
Fir, Douglas	*Pseudotsuga menziesii*	18 inches
Kentucky Coffeetree	*Gymnocladus dioicus*	18 inches
Maple (Silver)	*Acer saccharinum*	18 inches
Pine	*Pinus spp.*	18 inches
Spruce	*Picea spp.*	18 inches
Sycamore: London Planetree/American	*Platanus spp.*	18 inches
Tulip Poplar	*Liriodendron tulipifera*	18 inches

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Common Name	Botanical Name	Heritage Tree Size (DBH)
Walnut, Black	*Juglans nigra*	18 inches
Hickory	*Carya spp.*	16 inches
Honey Locust	*Gleditsia tricanthos*	16 inches
Maple (Red)	*Acer rubrum*	16 inches
Maple (Sugar)	*Acer saccharum*	16 inches
Oak	*Quercus spp.*	16 inches
Arborvitae	*Thuja occidentalis*	12 inches
Bald Cypress	*Taxodium distichum*	12 inches
Birch	*Betula spp.*	12 inches
Black Tupelo	*Nyssa sylvatica*	12 inches
Cherry, Flowering	*Prunus spp.*	12 inches
Crabapple	*Malus spp.*	12 inches
Dawn Redwood	*Metasequoia glyptostroiboides*	12 inches
Ginkgo	*Ginkgo biloba*	12 inches
Hackberry	*Celtis occidentalis*	12 inches
Hawthorn	*Crataegus*	12 inches
Hemlock	*Tsuga spp.*	12 inches
Larch/Tamarack	*Larix app.*	12 inches
Magnolia	*Magnolia spp.*	12 inches
Pear	*Pyrus spp.*	12 inches
Persimmon	*Diospyros virginiana*	12 inches
Poplar	*Populus* (except *p. deltoides, alba*)	12 inches
Sassafras	*Sassafras albidum*	12 inches
Sweetgum	*Liquidamber styraciflua*	12 inches
Yellow Wood	*Cladrastis lutea*	12 inches
Blue-Beech/Hornbeam	*Carpinus caroliniana*	8 inches
Cedar	*Juniperus spp.* and upright cultivars	8 inches
Cedar of Lebanon	*Cedrus spp.*	8 inches
Chestnut	*Castanea spp.*	8 inches
Dogwood, Flowering	*Cornus florida*	8 inches
Hop-Hornbeam/Ironwood	*Ostrya virginiana*	8 inches
Maple, Mountain/Striped	*Acer spicatum/pensylvanicum*	8 inches
Paw Paw	*Asimina triloba*	8 inches
Redbud, Eastern	*Cercis canadensis*	8 inches
Serviceberry	*Amelanchier spp.*	8 inches
Butternut	*Juglans cinerea*	6 inches
Chestnut, American	*Castanea dentata*	6 inches

E. ***Tree and Woodland Protection***. To the fullest extent possible, effort shall be made to preserve

and protect woodlands and individual Heritage Trees. (See Section 13.02.B.6 for requirements about trees identified on plans "To Remain.") The following shall apply:

1. Include existing woodlands and Heritage Trees within the site design as much as possible. Minimize clearing around buildings or for other site amenities.

2. Excavated soils from basements and other necessary grading shall not be temporarily or permanently disposed of in a woodland or around Heritage Trees to be retained.

3. Minimize grading/soil disturbance in the vicinity, and at a minimum within the CRZ, of retained trees.

4. Provide for effective stormwater management to prevent a change in moisture levels and drainage patterns in woodlands and around Heritage Trees.

F. ***Tree Mitigation***. In general, woodlands are not to be removed for new development, and Heritage Trees shall not be removed for development except under the most extreme circumstances. Site design shall consider any Heritage Tree on a site an important design element. Removal shall be explained in the Natural Features Impact Statement, shall occur rarely, and be considered only after alternatives are studied and found not to be feasible.

1. When woodlands and Heritage Trees are to be removed, as agreed to by the Planning Commission, the removal shall be mitigated as follows:

   a. Woodland trees six (6) inches or larger DBH shall be mitigated by installation of replacement trees equal to a minimum of one hundred percent (100%) of the original DBH removed.

   b. Heritage trees (including those located within woodlands to be removed) shall be mitigated by installation of replacement trees equal to a minimum of one hundred and fifty percent (150%) of the original DBH removed.

   c. Replacement trees using caliper measurements must be provided at one hundred and forty (140%) of the DBH required.

   d. Replacement trees shall be non-sterile varieties of species native to Washtenaw County. The minimum size of a deciduous replacement tree shall be two and one-half (2.5) inch caliper. The minimum size of an evergreen replacement tree shall be six (6) feet in height. The Township may accept smaller sizes if they are part of a woodland restoration plan. If more than ten (10) trees are required, a mixture of three (3) or more species must be used. Replacement trees required for mitigation purposes shall not be counted toward trees required for landscaping purposes.

2. For each Heritage Tree that is removed without the approval of the Township Planning Commission, the applicant or the property owner shall provide a replacement tree or combination of trees of a species native to Michigan equal to a minimum of two hundred percent (200%) of the original DBH. Replacement trees shall be installed by the applicant prior to issuance of a certificate of occupancy.

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3. Any protected woodlands or Heritage Trees that are determined, by a certified arborist, to be dead, dying, or severely damaged due to on-site construction activity within three (3) years after issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan or plat shall be replaced by the applicant or property owner. The applicant or property owner shall provide a combination of trees native to Michigan equal in the aggregate to one hundred percent (100%) of the DBH of the tree(s) that are lost.

   In the case of Heritage Trees, the Natural Features Protection Plan shall include a description of a proposed amount and type of security to be posted. The security shall be in the form of cash, surety bond or letter of credit, in an amount approved by the Planning Commission will approve the amount. The applicant shall provide the security to the Township prior to issuance of a certificate of occupancy by the Zoning Administrator.

4. All required replacement trees shall be planted on the property on which the trees they are to replace were removed, unless sufficient area is not available on the property for all the required trees. If sufficient area is not available, the replacement trees that cannot be planted on-site may be planted off-site within Pittsfield Township on privately or publicly owned property, provided the location and planting plan are approved by the Planning Commission. Written approval of the owner of the property on which the trees are to be planted shall be submitted to the Township before the Planning Commission may approve the location and the planting plan. After Planning Commission approval of the site plan, the applicant shall submit evidence to the Township of a recorded easement for the proposed off-site planting on privately owned property before planting may begin. The easement may not be modified in any manner unless prior approval is obtained from the Planning Commission.

G. ***Invasive Plant Species***. The plant species set forth in the Prohibited Weeds and Invasive Plant List as adopted by the Township Board shall not require mitigation if removed from a development site.

SECTION 14.09 STEEP SLOPE PROTECTION

A. ***Purpose***. The purpose if this section is to establish a means of protecting existing land forms constituting steep slopes, protecting beneficial vegetation on steep slopes, and minimizing erosion by limiting disturbance on such land forms. The primary objective is preservation of natural contours rather than alteration by mass grading.

B. ***Where Required***. The following areas of the Township shall be considered steep slopes, and shall be protected to the extent of the standards outlined in this Section.

C. ***Steep Slopes***. A naturally occurring landform with a vertical change in elevation of six (6) feet or more, and a slope of twelve percent (12%) or greater, and a length of fifty (50) feet or more, measured parallel to the contour lines.

1. ***Prohibitive Steep Slopes***. Any naturally occurring landform with slopes of forty percent (40%) or greater.

2. ***Precautionary Steep Slopes***. Any naturally occurring landform with slopes between twenty and thirty-nine percent (20% - 39%).

3. ***Moderate Steep Slopes***. Any naturally occurring land form with slopes between twelve and nineteen percent (12% - 19%).

D. ***Steep Slope Protection Standards***.

1. ***Prohibitive Steep Slopes***. Slopes of forty percent (40%) or greater shall be protected as key scenic assets. No disturbance is allowed unless the Township determines it is in the public interest to do so. In that case, the standards of Precautionary Steep Slopes shall apply.

2. ***Precautionary Steep Slopes***. Slopes of twenty to thirty-nine percent (20% - 39%) shall be disturbed to the least extent possible. The following standards will be used to evaluate alteration to Precautionary Steep Slopes:

   a. Development permitted on steep slopes shall maintain or enhance the natural contours.

   b. If any portion of a Precautionary Steep Slope must be disturbed as part of an approved project, the balance of the slope area must be protected from disturbance during construction, and it must be managed/restored as a natural area thereafter.

   c. Native vegetation, as defined by this Ordinance, growing on the steep slope shall not be disturbed to the greatest extent possible.

   d. All areas disturbed as part of an approved project must be re-vegetated to ensure slope stability by native vegetation of similar caliper on a 1:1 basis.

   e. The built environment is to be of the lowest impact possible, minimizing the area of impervious surfaces. Underground utilities shall not be located in steep slopes.

   f. If additional stormwater is generated by the built environment or landscape, such additional stormwater is to be managed on-site in such a way that erosion does not occur. Drainage shall be directed to inlet structures and not be permitted to flow down slopes during and after construction.

   g. Protection measures must be in place before landform or vegetation disturbance takes place. Any damage to waterways or off-site locations from erosion must be promptly repaired to the fullest extent practicable, using best management techniques.

3. ***Moderate Steep Slopes***. Slopes of twelve to nineteen percent (12% - 19%) shall require special techniques to prevent soil erosion. The following standards will be used to evaluate

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alteration to Moderate Steep Slopes:

a. Landscape work on these sites shall be conducted to restore native ecologies and promote slope stability.

b. Stormwater runoff shall be reduced, and infiltration of stormwater enhanced through best management practices. Drainage shall be directed to inlet structures and not be permitted to flow down slopes during and after construction.

c. Natural linkages of native vegetation/habitat shall be maintained with native vegetation/habitat on contiguous properties.

SECTION 14.10 GROUNDWATER RECHARGE AREAS

A. ***Purpose***. Pittsfield Township's geology includes areas where water flows quickly through soil, where there is a high degree of permeable sand and gravel particles in the ground and where the water table is high. These areas, considered groundwater recharge areas, are particularly susceptible to groundwater contamination from development and land use activities.

B. ***Standards***. The following standards shall be adhered to in areas of the Township where the risk of groundwater contamination is high:

1. Development shall be located away from groundwater recharge areas.

2. Where development occurs in these areas, impervious surfaces shall be limited to the greatest extent possible.

3. Grading shall be minimized to retain the water holding characteristics of the land.

4. Provisions of this Ordinance that protect land and water from pollution shall be applied to these areas to the greatest extent possible.

SECTION 14.11 WIND ENERGY CONVERSION SYSTEMS

A. ***Purpose***. Pittsfield Township promotes the effective and efficient use of Wind Energy Conversion Systems (WECS). It is the intent of the Township to permit WECS by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS.

B. ***Approval Required***. It shall be unlawful to construct, erect, install, alter, or locate any WECS within the Township except in compliance with the Section.

C. ***Accessory Use Application***. Where an On-Site WECS is allowed as an accessory use, the Zoning Administrator shall conduct an Administrative Plan Review. An application for such review shall be submitted to the Township, and shall include the following:

1. Name, address, and contact information.

2. A general, written description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.

3. A plan showing a map with the physical features and land uses of the project area, both before and after construction of the proposed project. The plan shall include:

   a. The project area boundaries.

   b. The location, height, and dimensions of all existing and proposed structures and fencing.

   c. Distance of proposed structure from all property lines and permanent structures.

   d. The location, grades and dimensions of all temporary and permanent On-Site WECS access roads.

   e. Existing topography.

   f. Water bodies, waterways, wetlands, and drainage ditches (county drains).

   g. All new infrastructure above ground related to the project.

   h. The location of all overhead utility wires.

4. Proof of the applicant's liability insurance covering the WECS.

5. Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.

6. The applicant shall provide evidence of ownership of the land which the WECS is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land, the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.

D. ***On-Site WECS Conditional Use Application***.

1. The application for an On-Site WECS when permitted as a conditional use shall meet all of the requirements for a conditional use permit application, except that a complete site plan shall not be required unless:

   a. The proposed WECS involves changes to the site outside the footprint of the WECS, or

   b. The Planning Commission finds that the scale or character of the project or other factors, including the nature of the surrounding area warrants a complete site plan.

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2. If a complete site plan is not required by the Planning Commission, the applicant shall submit the information described in subsection 14.11.C.3 above or such other information as the Planning Commission may determine.

E. ***Commercial WECS Conditional Use Application***. The application for a Commercial WECS shall meet all of the requirements for a conditional use permit application and shall include a complete site plan in accordance with Article 9, Site Plan Review.

F. ***Standards and Requirements***. All On-Site WECS and Commercial WECS shall meet the standards and findings of Section 10.04 and the following additional standards and requirements:

1. ***Property Setbacks***.

   a. The distance between a WECS and the nearest property line shall be at least one and one-half (1.5) times the height of the WECS.

   b. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.

2. ***Height***.

   a. On-site WECS shall be less than one hundred and fifty (150) feet in height.

   b. Commercial WECSs shall be less than two hundred and seventy-five (275) feet in height.

   c. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point.

   d. The applicant shall demonstrate compliance with all FAA lighting regulations and the Michigan Tall Structures Act as part of the approval process, if applicable.

3. ***Other Required Setbacks***.

   a. The distance between a WECS and a road or a public right-of-way shall be at least one and one-half (1.5) times the height of the WESC.

   b. The distance between a WECS and any other On-site or Commercial WECS shall be at least one and one-half (1.5) times the height of the taller of the two (2) WECS.

4. ***Noise; Sound Pressure Level***.

   a. Audible noise or the sound pressure level of an On-Site WESC or Commercial WECS shall not exceed fifty-five (55) dB(A) (A-weighted Decibels) at the property line closest to the WECS. For Commercial WECS, modeling and analysis of sound pressure shall be required in accordance with the provisions outlined below.

b. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms.

5. ***Shadow Flicker***. The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structures or properties in the impacted area. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.

G. ***Construction Codes, Towers, and Interconnections Standards***.

1. Every WECS shall comply with all applicable State construction codes and local building permit requirements.

2. Every WECS shall comply with Federal Aviation Administration requirements, the Airport Zoning Act, The Tall Structure Act (PA 259 of 1959), and any other applicable State or Federal laws or regulations.

3. An On-Site WECS or Commercial WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.

H. ***Safety***.

1. ***Design Safety Certification***. The safety of the design of every WECS shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the Township. If WECS construction is approved, the professional engineer shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards, and any applicable State and Federal laws and regulations prior to operation.

2. ***Controls and Brakes***. Every WECS shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the design limits of the WECS. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the Township.

3. ***Lightning Protection***. Every WECS shall have lightning protection.

4. ***Guy Wires***. If an On-Site WECS is supported by guy wires, the wires shall be clearly visible to a height of a least six (6) feet above the guy wire anchors. Every Commercial WECS must be of a freestanding monopole design and guy wires shall not be used.

5. ***Grade Clearance***. The minimum vertical blade tip clearance from grade shall be twenty-

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five (25) feet for any WECS employing a horizontal axis rotor.

6. ***Interference***. Every WECS shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave, or television signals.

7. ***Color***. Towers and blades shall be painted a non-reflective neutral color designated on the application and approved by the Township or as otherwise required by law.

8. ***Climb Prevention***. Every WECS must be protected by anti-climbing devices such as:

   a. Fences with locking portals at least eight (8) feet high;

   b. Anti-climbing devices twelve (12) feet from base of pole including anti-climb panels, anti-climb brackets, and other similar devices.

I. ***Removal of Abandoned On-Site WECS***. In the event an On-Site WECS is abandoned or unused for a period of one hundred and eighty (180) days, or if a WECS is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the tower owner and land owner to fines established by the Township Board. In addition, by accepting a permit for the On-Site WECS, the applicant and land owner agree that in the event the tower and equipment is not removed as required, after thirty (30) days notice from the Township, the Township may undertake such removal and bill the costs to the applicant and land owner plus an administrative fee of fifteen percent (15%) which, if not paid within thirty (30) days, shall be assessed against the land on which the tower and equipment is located and collected in the same manner as delinquent taxes.

J. ***Additional Requirements for Commercial WECS***. The following standards and requirement shall apply to every Commercial WECS:

1. ***Warnings***. A visible warning sign of High Voltage shall be placed at the base of every Commercial WECS. The sign must have at least six (6) inch letters with three-quarter (¾) inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

2. ***Signage***. In addition to warning signs and signs required by law, every Commercial WECS shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.

3. ***Liability Insurance***. The owner or operator of a Commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the Township pertaining to installation and operation of the Commercial WECS. The amount and terms of the policy shall be established as a condition of conditional use permit approval. The Township and land owner shall be named as additional insureds. Certificates of insurance shall be provided to the Township annually.

4. ***Security***. The application shall include a description of security to be posted at the time of receiving a building permit for the WECS to ensure removal of the WECS when it has been abandoned or is no longer needed, as provided in subsection 10 below. The security shall be in compliance with Section 3.09 for the timely removal of the Commercial WECS as required under this Section, and payment of any costs and attorney fees incurred by the Township in connection with such removal.

5. ***Visual Appearance; Lighting; Power Lines***. The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. For Commercial WECSs exceeding minimum FAA height requirements for lighting, minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be place overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.

6. ***Wildlife Impact***. The applicant shall submit an avian study by a qualified professional, such as an ornithologist or wildlife biologist, describing the potential impact of the Commercial WECS on migratory birds or bats and threatened or endangered species.

7. ***Annual Inspection; Maintenance***. The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every Commercial WECS must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the Township.

8. ***Sound Pressure Level***. As part of the application and prior to installation of any Commercial WECS, the applicant shall provide modeling and analysis that will confirm that the Commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within sixty (60) days of the operation of the project.

9. ***Removal***. A Commercial WECS shall be removed by the owner of the WECS or land when the Commercial WECS has been abandoned or unused for one hundred and eighty (180) days ("Non-Use Period"). For purposes of this section, the damage, destruction or removal of any part of WECS equipment, or the cessation of operations shall be considered as the beginning of a Non-Use Period. The WECS owner or applicant shall notify the Township of the beginning of any Non-Use Period or any removal of equipment. The end of the Non-Use Period may be sooner than one hundred eighty (180) days after commencement if the WECS or any portion of the facility becomes a nuisance or is dangerous to the public

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health, safety, and welfare.

a. At the end of the Non-Use Period, the owner of the WECS or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the WECS and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.

b. If the required demolition, removal and restoration of the WECS has not been lawfully completed within sixty (60) days after the end of the Non-Use Period, then after fifteen (15) days prior written notice to the land owner and the WECS owner, the Township may remove or secure the removal of the WECS and related equipment and the Township's costs, expenses, attorneys' fees and consultants' fees, plus a fifteen percent (15%) administrative charge may be drawn and collected from the security described in (4) above, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the WECS is located and may be collected in the same manner as delinquent taxes.

SECTION 14.12 SOLAR ENERGY COLLECTORS

A. ***Purpose.*** Pittsfield Township promotes the effective and efficient use of solar energy collection systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

B. ***Criteria For the Use of All Solar Energy Equipment.***

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.

2. Solar energy equipment shall be repaired or replaced within three (3) months of becoming nonfunctional.

3. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

C. ***Application for Administrative Review.*** An applicant who seeks to install building-mounted solar energy equipment shall submit an application for Administrative Review, as provided by the Township. The application shall include the following:

1. Photographs of the property's existing conditions.

2. Renderings or catalogue cuts of the proposed solar energy equipment.

3. Certificate of compliance demonstrating that the system has been tested and approved by

Underwriters Laboratories (UL) or other approved independent testing agency.

4. Plot plan to indicate where the solar energy equipment is to be installed on the property.

5. Description of the screening to be provided for ground or wall mounted solar energy equipment.

D. ***Exclusions from Administrative Review.***

1. The installation of one (1) solar panel with a total area of less than eight (8) square feet.

2. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

E. ***Building-Mounted Solar Energy Collector Requirements.*** A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:

1. An Administrative Review is required of all building-mounted solar energy collectors permitted as an accessory use. (See exclusions in D. above)

2. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.

3. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Building Official prior to installation; such certification shall be subject to the Building Official's approval.

4. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.

5. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.

6. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.

7. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.

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8. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.

9. Solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code, and other applicable Township construction codes.

F. ***Ground-Mounted Solar Energy Collector Requirements.*** A ground-mounted solar energy collector system shall be a conditional use, subject to the approval of the Planning Commission under Article 10, and subject to the following requirements:

1. Ground-Mounted Commercial Solar Energy Systems and Fields are permitted as a conditional use in the PF Public Facility, AG Agricultural and RC Recreation Conservation Districts only.

2. Ground-mounted solar energy collectors shall be located only as follows:

   a. They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the conditional land use.

   b. They may be located in the front yard only if permitted by the Planning Commission in its approval of the conditional land use but, in any event, they shall not be located in the required front yard setback.

3. Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.

4. The total area of ground-mounted solar energy collectors shall be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.

5. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the conditional use application and shall be subject to the Planning Commission's approval.

6. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the conditional use application. The conditional use, if granted, may be subject to the Building Official's inspection to determine compliance with the manufacturer's directions.

7. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.

8. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code and other applicable Township construction codes.

9. The conditional use may include terms and conditions in addition to those stated in this subsection.

G. ***Solar Access Requirements.*** When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:

1. Is located so as not to be shaded between the hours of 10:00am and 3:00pm by a hypothetical twelve (12) foot obstruction located on the lot line; and

2. Has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.

H. ***Solar Access Exemptions.*** Structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or the effective date of this ordinance, whichever is later is exempt from subsection G. above. Said subjection described in subsection G. above controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

SECTION 14.13 GEOTHERMAL ENERGY SYSTEMS

A. ***Purpose.*** While Pittsfield Township promotes the effective and efficient use of renewable energy systems, an open loop geothermal system can deplete and pollute the Township's groundwater. A closed loop geothermal system can pollute the groundwater if not property constructed or maintained. These regulations are for the purpose of protecting the quality and quantity of the Township's groundwater from these potential dangers.

B. ***General Requirements.*** Geothermal Energy System components shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

C. ***Open Loop Geothermal Systems.*** No person shall install or maintain an open loop geothermal system within the Township.

D. ***Closed Loop Geothermal System.*** A person may install and operate a closed loop geothermal system only in accordance with the requirements of this Section.

1. A permit must be approved and obtained from the appropriate governing agency of Washtenaw County.

2. A building permit must be approved and obtained from the Township Building Official. Applicant shall submit a certificate of compliance demonstrating that the proposed system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

3. The systems shall be tested hydrostatically at one and one half times the maximum system

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design pressure, but not less than one hundred (100) psi. The duration of each test shall not be less than fifteen (15) minutes. All geothermal systems must be pressure checked to the original standard by a licensed geothermal contractor every three (3) years from the certification system date. Results from the test shall be submitted to the Building Department. No person shall operate a system if a test reveals that it is likely to leak the heat transfer liquid.

4. All above-ground equipment shall comply with the setback requirements of the respective zoning district.

5. Equipment, piping, and all other devices shall not be located in any easement or right-of-way.

ARTICLE 15

SIGN REGULATIONS

SECTION 15.01 PURPOSE

The purpose of this Section is to regulate on-site signs and outdoor advertising so as to provide an opportunity for identification while protecting the health, safety, and general welfare, protecting property values, and protecting the character of the various neighborhoods in Pittsfield Township.

The principle features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards) which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principle use of a lot.

SECTION 15.02 GENERAL SIGN REGULATIONS

The following regulations shall apply to all signs in Pittsfield Township. All signs must direct attention to a business or profession conducted on the premise or to a commodity, service, or entertainment primarily sold, offered, manufactured, processed, or fabricated thereon unless specified elsewhere in these regulations.

A. ***Construction Standards.***

1. ***General Requirements.*** All permanent signs shall be designed and constructed in a safe and stable manner in accordance with the Township's adopted Building and Electrical Code. All electrical wiring associated with a freestanding sign shall be installed underground.

2. ***Building Code Compliance.*** All permanent signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.

3. ***Framework.*** All signs attached to a structure shall be designed so that the supporting framework, other than the supporting elements on a freestanding sign, is contained within or behind the face of the sign or within the building to which the sign is attached so as to be totally screened from view.

B. ***Illuminated Signs.***

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1. Only indirectly illuminated signs shall be allowed in Recreation Conservation, Agriculture, and Residential Districts provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

2. Indirectly or internally illuminated signs are permitted in Neighborhood Commercial, Regional Commercial, Industrial Business, Planned Unit Development, Public Facilities, and Form-Based Districts provided such signs are shielded so as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operating as to create an appearance of writing or printing. Nothing contained in this ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities.

4. Lighting of off-premise signs must be turned off after 11:00pm. Lighting of on-premise signs shall be turned off upon closing.

5. Neon signs are permitted in districts which permit internally illuminated signs. Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window, unless as allowed by during the building and lighting review as part of Site Plan Review as set forth in Article 9.

6. The backlighting of awnings is prohibited.

C. ***Measurement of Sign Area.***

1. The area of a sign shall be computed as including the entire area within the regular geometric form of a square, rectangle, triangle, or circle. If the sign utilizes more than one (1) separate geometric form, a square or rectangle may be combined with a contiguous circle or triangle. The form(s) shall encompass all the display area of the sign including all elements of the matter displayed.

2. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back, parallel to one another and less than twenty-four (24) inches apart, the area of the sign shall equal the area of one (1) face.

3. Frames and structural members not bearing copy or display material shall not be included in the computation of sign area.

D. ***Height of Ground Sign.***

1. A ground sign shall not exceed a total height of eight (8) feet including the sign pedestal.

2. ***Sign Measurement.*** Sign height shall be measured to the top edge of the sign, from the adjacent grade. The total height of a ground sign including the sign pedestal and adjacent grade, shall be

no higher than eleven (11) feet from the adjacent street grade.

E. ***Setback Requirements for Signs.***

1. All signs shall meet the minimum yard requirements for the district where located, as set forth herein.

F. ***Flags.***

1. In all single-family residential zoning districts, on developed residential lots, flags other than corporate or commercial flags shall be permitted without restriction.

2. All other districts, flags shall be subject to the following regulations:

   a. Flags shall meet the yard requirements for signs.

   b. Flag poles shall not exceed the height point of the roofline of the structure on the same lot.

   c. The maximum permitted area of a flag shall be as follows:

Pole Height	Maximum Permitted Flag Area
46 feet & over	60 square feet
26 - 45 feet	40 square feet
21 - 25 feet	24 square feet
20 feet and under	15 square feet

   The flag of the United States may be of the area specified for the next highest category. The area of a flag shall not be included in the total sign area permitted on the lot.

   d. Up to three (3) flags of any combination but not more than one (1) corporate flag shall be permitted on each public street frontage of any lot, shopping center, or business center.

   e. There shall be no limit on the number of official National Flags.

   f. A corporate flag shall be located on the same lot as the business building or use.

   g. All flags shall be displayed from a pole or other mounting which is permanently affixed to the ground or a building and dedicated to that purpose. A flag pole may not be roof mounted. A flag shall not be attached to any structure or a separate lot which is designed for an alternative use.

SECTION 15.03 PROHIBITED SIGNS

A. ***Swinging Signs.*** Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.

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B. ***Moving Signs.*** Except as otherwise provided in this section, any sign or portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition are prohibited, including banners, pennants, search lights, twirling signs, balloons, or other gas-filled figures.

C. ***Parking of Advertising Vehicles.*** No vehicle, or trailer, which has attached thereto, or painted thereon, any sign or advertising device displaying the name of any business, product or service located on the subject premises, shall be parked between the hours of 11:00 p.m. or 6:00 a.m:

1. On private property, in any non-residential district, between the front line of the structures located thereon and the front property line;

2. Nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading activities and otherwise lawful parking shall be exempt from this provision.

D. ***Abandoned Signs.*** Signs that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located are prohibited.

E. ***Portable Signs.*** Portable signs, including sandwich board signs, and sidewalk, curb signs, or banners are prohibited.

F. ***Painted Wall Signs.*** Signs which are painted directly on to the wall, or any other structural part of a building are prohibited.

G. ***Roof Signs.*** Signs which are erected or constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof are prohibited.

H. ***Fence Signs.*** Signs which are pasted or attached to utility poles or placed upon trees, fences, rocks, or in an unauthorized manner to walls or other signs are prohibited.

I. ***Projecting Signs.*** Signs located in, or which project into or overhang any public right-of-way, are prohibited, except as allowed by local, state, or federal law or regulation, as otherwise permitted in a form-based district.

J. Electronic Message Signs, EMS, including LED signs, except as otherwise permitted by this Ordinance are prohibited.

K. ***Miscellaneous Signs.***

1. Tacking, pasting, or otherwise affixing of signs or posters visible from a public way except “no trespassing”, “no hunting”, “beware of animal”, warning of danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences is prohibited.

2. Signs which imitate an official traffic sign or signal which contains the words “stop”, “go”, “slow”, “caution” “danger”, “warning”, or similar words except as otherwise provided in this Section.

3. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection are prohibited.

4. Signs which contain statements, words, or pictures of an obscene, pornographic, or immoral character are prohibited.

5. Signs which emit audible sound, odor, visible matter are prohibited.

SECTION 15.04 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A SIGN PERMIT

Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within Pittsfield Township without a permit.

A. ***Public Traffic and Directional Signs.***

1. Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo, and which do not exceed six (6) square feet in area for each sign.

2. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line and shall not exceed six (6) square feet in area for each sign and four (4) feet in height.

3. A directional sign may bear the logo of a business for which it directs entering and exiting traffic if it is the determination of the Zoning Administrator that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.

B. ***Garage and Estate Sales.*** Garage sale and estate sale signs in residential zoning districts, provided that such signs:

1. Are not attached to public utility poles.

2. Do not exceed six (6) square feet in area; a maximum of three (3) feet in height.

3. Are erected no more than three (3) days before, and are removed within one (1) business day after, the announced sale.

C. ***Election and Free Expression Signs.*** Election Signs / Free Expression Signs, subject to the following conditions:

1. Each sign shall have a maximum height of forty-eight (48) inches from the ground, maximum width of ninety-six (96) inches, including the support structure, and no more than six (6) square feet in area.

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2. Such signs shall be set back at least ten (10) feet from the road right-of-way. Permission to locate such signs on private property shall be obtained from the owner or occupant of the property on which such signs are located.

3. Signs which advocate or oppose a candidate for public office or a position on an issue to be determined at an election shall be removed within two (2) days after the election.

4. Free expression or ideological opinion signs not related to an election shall not be subject to any specific time limit but must be removed if they become unsafe or otherwise prohibited by Section 15.03.

D. ***Business Signs.*** Business signs containing information on credit cards, business affiliations, hours of operation, open/closed, etc. The combined area of all such signs shall not exceed four (4) square feet and shall not be included in the maximum window coverage calculation.

E. ***Yard Sale Direction Signs.*** In residential districts, temporary direction signs, not exceeding three (3) square feet in area and three (3) feet in height, shall be permitted on approach routes to a private garage or rummage sale, for a period not to exceed seventy-two hours. Said signs shall contain the address and dates of the sale and shall be removed within four (4) hours of the end of the sale.

F. ***Construction Maintenance or Service Work Being Performed Signs.***

a. ***Number.*** May display one (1) sign on parcel(s) of which work is being completed.

b. ***Duration.*** May remain on-site during duration of work. Must be removed when work is complete.

c. ***Size.*** Six (6) square feet and maximum of four (4) feet in height.

G. ***Signs Exempt From Regulations.***

1. Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connections.

2. Legal notices, identification, information, or directional sign erected, or required by governmental bodies.

3. Integral decorative or architectural features of building, except letters, trademarks, moving parts, moving lights, or backlit areas.

SECTION 15.05 PERMITTED SIGNS IN RECREATION-CONSERVATION, AGRICULTURAL, AND RESIDENTIAL DISTRICTS

Subject to the other conditions of this ordinance, the following signs shall be permitted in the Recreation-Conservation, Agriculture, and Residential Districts within Pittsfield Township with a sign permit.

A. ***Identification Sign for Permitted or Conditional Use Other than Residential.***

1. ***Number.*** One (1) identification sign shall be permitted for each public street frontage.

2. ***Size.*** Each sign shall not exceed eighteen (18) square feet in area, no more than eight (8) feet in height.

B. ***Residential Development Signs.***

1. ***Number.*** One (1) identification sign within the boulevard at the entrance to the development or two (2) single-sided signs incorporated into a landscape wall as shown on an approved landscape plan shall be permitted for each public street frontage for a subdivision, multiple-family building development or mobile home park.

2. ***Size.*** Each sign shall not exceed thirty two (32) square feet in area.

C. ***Residential Development Announcement Signs.***

1. ***Number.*** One (1) announcement sign per entrance, with maximum of two (2) shall be permitted to announce neighborhood events and activities.

2. ***Size.*** Each sign shall not exceed sixteen (16) feet in area and six (6) feet in height.

3. ***Location.*** The sign must be oriented towards the residential development and not towards any adjacent arterial or collector road. Said signs shall be setback the full distance of the front yard for the district in which it is located from any arterial or collector road right-of-way, and shall be setback one (1) foot from any local or neighborhood road right-of-way, or private drive easements.

4. ***Illumination.*** Signs shall not be illuminated.

5. ***Material.*** Signs shall be made of substantial building materials.

D. ***Identification Signs for a Permitted Use Other than Residential.***

1. ***Number.*** One (1) identification sign shall be permitted for each public street frontage.

2. ***Size.*** Each sign shall not exceed eighteen (18) square feet in area or eight (8) feet in height.

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Table 15.05
Recreation-Conservation, Agricultural, and Residential Districts Signage Regulations

Use	Number	Size	Setback	Notes
Identification Sign for Permitted Use or Conditional Use Other than Residential	One (1) for each public street frontage	Eighteen (18) square feet, no more than eight (8) feet in height	Ground: Fifteen (15) feet from the road right-of-way.	
Residential Development Sign	One (1) for each public street frontage	Thirty-two (32) square feet	Ground: Fifteen (15) feet from the road right-of-way.	One (1) additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development, provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign.
Residential Development Announcement Sign	One (1) per entrance, with a maximum of two (2)	Sixteen (16) square feet, no more than six (6) feet in height	Oriented towards the residential development Set back the full distance of the front yard for the district in which it is located from any arterial or collector road right-of-way, and shall be set back one (1) foot from any local or neighborhood road right-of-way, or private drive easements.	Said sign shall not be illuminated. Said sign shall be made of substantial building materials.
Identification Sign for Permitted Use Other than Residential	One (1) for each public street frontage	Eighteen (18) square feet, no more than eight (8) feet in height	Ground: Fifteen (15) feet from the road right-of-way.	Signs not permitted for home occupation business

SECTION 15.06 PERMITTED SIGNS IN C-1 AND C-2 DISTRICTS

Subject to the other conditions of this ordinance, the following signs shall be permitted in the C-1, Neighborhood Commercial District and C-2, Regional Commercial District, with a sign permit.

A. ***Signs Permitted in Shopping or Business Centers.***

1. ***Ground Sign.***

   a. ***Number.*** One (1) ground sign shall be permitted for each public street frontage.

   b. ***Area.*** No ground sign shall exceed sixty-five (65) square feet in area.

   c. ***Setback.*** Ground: Fifteen (15) feet from the road right-of-way.

2. ***Wall Sign.***

   a. ***Number.*** Each business in the center shall be permitted one wall sign. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the center.

   b. ***Area.*** The area of wall signs permitted for each business shall be determined as one (1) square foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of two-hundred (200) square feet. All businesses without ground floor frontage, in a given building, shall be permitted one (1) combined exterior wall sign not more than twenty-four (24) square feet in area.

3. ***Window, Canopy, and Awning.***

   a. ***Number and Size.*** No limit on number but total window sign area cannot occupy more than twenty-five percent (25%) of the each individual window.

   b. A canopy and awning sign is permitted in lieu of a wall sign. The area of awning and canopy signs permitted for each business shall be determined as one (1) square foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of two hundred (200) square feet. For canopies and awnings upon which a sign is to be displayed, the entire area of such canopy and awning shall be considered to be a sign area.

   c. Window signs must be located inside the window.

4. ***Menu/Price Boards.*** In addition to the signs permitted in paragraphs 1, 2, and 3 above, drive-thru businesses with pick up windows may have two (2) menu/price boards per drive aisle. The total square footage for menu boards per drive-aisle shall not exceed thirty-two (32) square feet in area.

B. ***Signs Permitted on Parcels Not Located in a Shopping Center or Business Center.***

1. ***Ground Sign.***

   a. ***Number.*** One (1) ground sign shall be permitted for each public street frontage.

   b. ***Area.*** No ground sign shall exceed sixty-five (65) square feet in area.

   c. ***Setback.*** Ground: Fifteen (15) feet from the road right-of-way.

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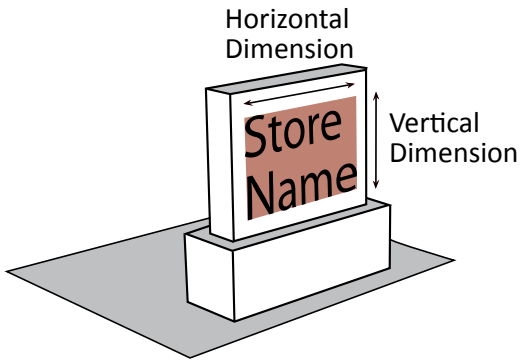
Figure 15.06.B.1 Ground Sign



2. ***Wall Sign.***

   a. ***Number.*** Each developed lot shall be permitted one (1) wall sign for each public street frontage. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot.

   b. ***Area.*** The area of wall signs permitted for each lot shall be determined as one (1) square foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of two hundred (200) square feet. All businesses without ground floor frontage, in a given building, shall be permitted one (1) combined exterior wall sign not more than twenty-four (24) square feet in area.

   c. Window signs must be located inside the window.

Figure 15.6.B2-1 Wall Sign 1

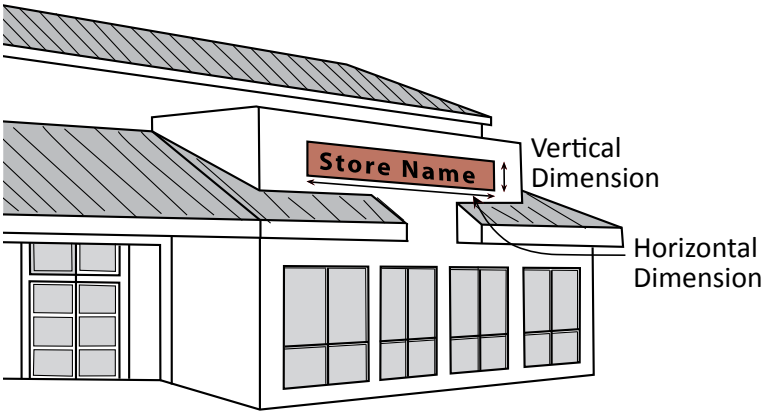
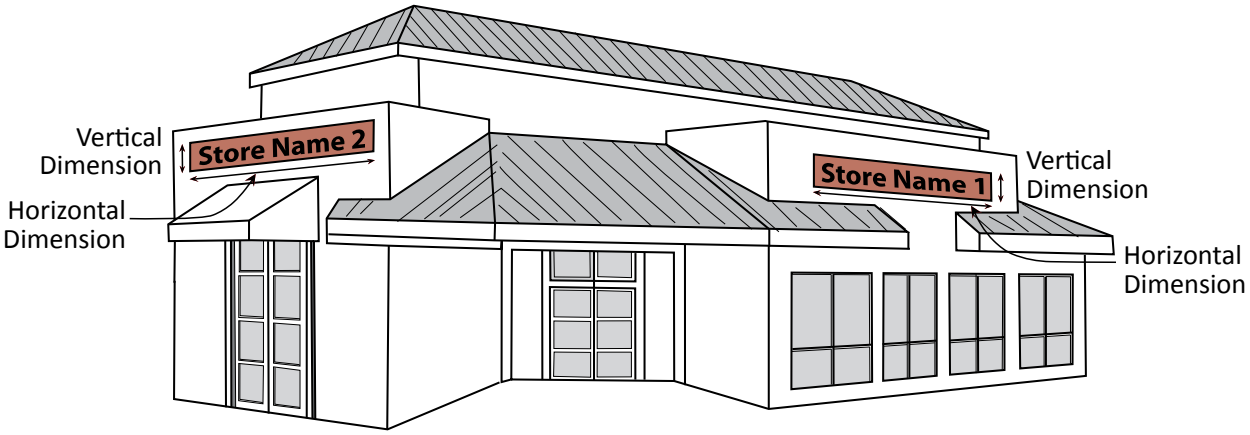


Figure 15.06.B.2-2 Wall Sign 2

Sign Area: Cumulative total of all separate areas



3. ***Window, Canopy, and Awning.***

   a. ***Number and Size.*** No limit on number, but total window sign area cannot occupy more than twenty-five percent (25%) of the each individual window.

   b. A canopy and awning sign is permitted in lieu of a wall sign. The area of awning and canopy signs permitted for each business shall be determined as one (1) square foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of two hundred (200) square feet. For canopies and awnings upon which a sign is to be displayed, the entire area of such canopy and awning shall be considered to be a sign area.

4. ***Menu/Price Boards.*** In addition to the signs permitted in paragraphs 1, 2, and 3 above,

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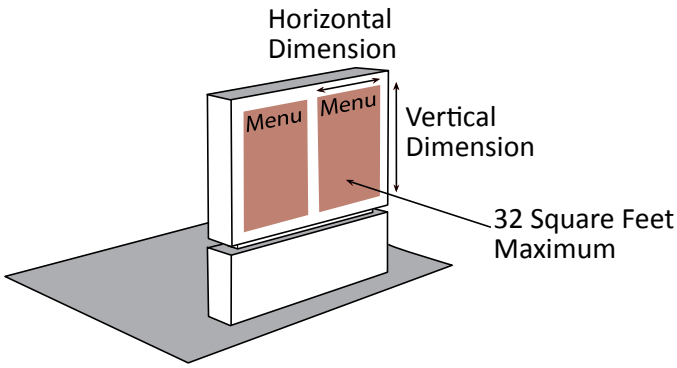
drive-thru businesses with pick up windows may have two (2) menu/price boards and each shall not exceed thirty-two (32) square feet in area.

Figure 15.06.C Menu/Price Sign



5. ***Vehicle Fueling/Multi-Use Stations.***

   a. ***Fuel Price Sign.***

      i. ***Location.*** Said sign shall be mounted or attached to business identification ground sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed in any way.

      ii. ***Number.*** An automobile service station may have one (1) additional sign for the purpose of advertising gasoline prices and other services provided on the premises.

      iii. ***Size.*** Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

      iv. **Illumination.** Fuel prices may be LED numerals provided the following are met:

         a. Numerals shall not exceed 12-inches in height.

         b. All numerals shall be be either red or green in color. LED background may only be black.

         c. The numerals may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

   b. ***Canopy.***

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i. ***Number.*** An automobile fueling or service station may have one (1) additional sign to be located on fueling canopy for each public street frontage.

ii. ***Size.*** Said sign can be one-half (½) square foot of sign area for each one (1) linear foot of canopy face length adjacent to facing public street frontage.

c. ***Pump Signage.***

i. ***Number.*** One (1) per fuel pump face.

ii. ***Size.*** Maximum of one (1) square-foot.

Figure 15.06.D Vehicle Fueling Sign

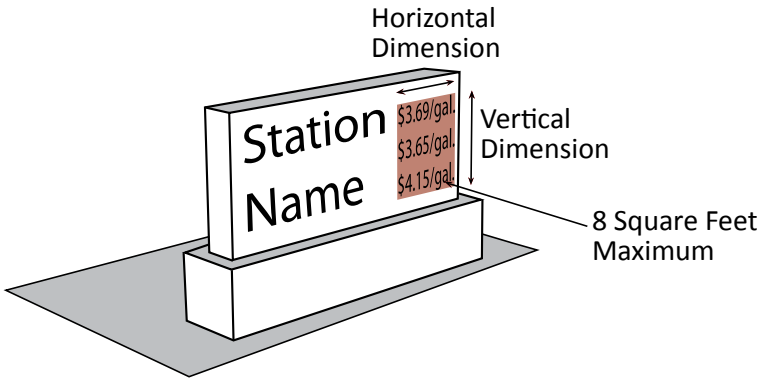

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Table 15.06
C-1 and C-2 Districts Signage Regulations

Use	Type	Number	Size	Notes
Shopping or Business Center	Ground	One (1) for each public street frontage	Sixty-five (65) square feet.	Setback: Fifteen (15) feet from the road right-of-way.
	Wall	One (1)	One (1) square foot of sign area for each one (1) linear foot of building frontage. Maximum area of two hundred (200) square feet.	
	Window	No limit on number	Total window sign area cannot occupy more than twenty-five percent (25%) of each individual window.	Must be located on inside of window
	Canopy and Awning	One (1) in lieu of wall sign	One (1) square foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of two hundred (200) square feet.	For canopies and awnings upon which a sign is to be displayed, the entire area of such canopy and awning shall be considered to be the sign area.
	Menu Board Sign	Two (2)	Thirty-two (32) square feet.	Only applicable for businesses with pick-up windows.
Signs Permitted on Lots Not Located in a Shopping Center or Business Center	Ground	One (1) for each public street frontage	Sixty-five (65) square feet.	Setback: Fifteen (15) feet from the road right-of-way.
	Wall	One (1)	One (1) square foot of sign area for each one (1) linear foot of building frontage. Maximum area of two hundred (200) square feet.	
	Window	No limit on number	Total window sign area cannot occupy more than twenty-five percent (25%) of each individual window.	Must be located on inside of window
	Canopy and Awning	One (1) in lieu of wall sign	One (1) square foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of two hundred (200) square feet.	
	Menu Board Sign	Two (2)	Thirty-two (32) square feet.	Only applicable for businesses with pick-up windows.

Use	Type	Number	Size	Notes
Automobile Station Signage	Fuel Price Sign	One (1)	Eight (8) square feet in area.	Said sign shall be mounted or attached to business identification ground sign.
	Canopy	One (1) additional sign for each public street frontage	One-half (1/2) square foot of sign area for each one (1) linear foot of canopy face length adjacent to facing public street frontage.	
	Fuel Pump	One (1) per fuel pump	Maximum of one (1) square foot.	

SECTION 15.07 PERMITTED SIGNS IN FORM-BASED ZONING DISTRICTS

Subject to the other conditions of this Ordinance, the following signs shall be permitted in the Form-Based District, with a sign permit.

A. ***Intent.*** Recognizing that there are areas within the Township in which the Master Plan places greater emphasis on regulating urban form and character of development as well as use and intensity of use, this section is intended to focus on sign standards that:

1. Acknowledge the differing design concerns and needs for signs in certain specialized mixed use areas.

2. Coordinate the placement and physical dimensions of signs within the different districts.

3. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscapes that affects the image of the Township.

4. Provide for signs as an effective channel of communication, while ensuring that signs are designed and proportions in relation to adjacent structures and structures to which they are attached.

5. Addressing the business community's need for adequate business identification and advertising communication by improving the readability, and therefore, the effectiveness of signs by preventing their improper placement, over-concentration, excessive height, area, and bulk.

B. ***General Regulations.***

1. ***Ground Signs.***

a. ***Lot Requirements.*** Ground sign(s) are only permitted on lots that are at least fifty (50) feet in width and for lots where the building is setback a minimum of ten (10) feet from the public right-of-way.

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b. ***Number.*** One (1) ground sign shall be permitted for each public street frontage.

c. ***Area.*** Parcel less than one (1) acre: shall not exceed twenty (20) square feet in area. Parcel one (1) acre or greater: shall not exceed sixty (60) square feet in area.

d. ***Height.*** Parcel less than one (1) acre: shall not exceed four (4) feet in height. Parcels one (1) acre or greater: shall not exceed six (6) feet in height.

e. ***Setback.*** Two (2) feet from right-of-way and three (3) feet from sidewalk.

f. ***Landscaping.*** One (1) square foot of landscaping adjacent to sign per one (1) square foot of sign area. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest.

2. ***Wall Signs.***

a. ***Number.*** Each developed lot shall be permitted one (1) wall sign. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot.

b. ***Area.*** The area of wall signs permitted for each lot shall be determined as one (1) square foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of one hundred (100) square feet. All businesses without ground floor frontage, in a given building, shall be permitted one (1) combined exterior wall sign not more than twenty-four (24) square feet in area.

3. ***Window Signs.***

a. ***Number and Size.*** No limit on number but total window sign area cannot occupy more than twenty-five percent (25%) of the each individual window.

b. Window signs must be located inside the window.

4. ***Canopy and Awning Signs.***

a. A canopy and awning sign is permitted in lieu of a wall sign.

b. Signs displayed on canopies or awnings shall not exceed fifteen percent (15%) of the awning surface area.

5. ***Blade (Projecting).***

a. ***Number.*** Shall be limited to one (1) sign with no more than two (2) sign surfaces.

b. ***Area.*** Shall not exceed eight (8) square feet in sign area.

c. ***Height from Grade.*** The lowest part of the sign shall be a minimum of eight (8) feet above grade.

d. ***Projection Distance.*** Sign may not project more than four (4) feet from the attached façade.

6. **Vehicle Fueling/Multi-Use Station Signage.** All vehicle fueling/multi-use station signage shall comply with 15.06.B.5

C. ***Design Standards.*** All signs shall comply with Design Standards as set forth in Section 5.03.

D. ***Comprehensive Sign Plans.***

1. ***Intent.*** The intent of a sign package is to ensure that properties with multiple buildings, buildings with multiple occupants or tenants, and adjoining property owners are able to provide signage that is well designed and consistent throughout that building, property, or area, while providing some flexibility in the design of the signs that are approved through a sign package.

2. ***Process.*** A sign package may be submitted to the Planning Commission for its review and approval in accordance with this Section for (i) any property containing more than one (1) building; (ii) any multiple tenant building; and (iii) adjacent buildings on multiple parcels that wish to carry out sign consistency.

3. ***Contents of Sign Package.*** As part of the Site Plan Review process as set forth in Article 9, an application for approval of a sign package shall include details regarding the design and location of all proposed signs for which a sign permit is required. The sign package shall clearly define the areas of the building or property for which approval of a sign package is requested. At a minimum, the following details shall be provided in the application submittal for approval of a sign package:

   a. Sign design, material(s), anchorage, and support(s).

   b. Sign location(s).

   c. Sign color(s).

   d. Sign dimensions.

   e. Method of illumination.

4. ***Standards.*** No sign package shall be approved by the Planning Commission unless the Planning Commission finds that the sign package incorporates signage that is:

   a. Unified and consistent throughout the building or property;

   b. Of a higher quality than would be otherwise required under the applicable sign regulations; and

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c. Compatible with the design and materials of the building or buildings, and consistent with the area surrounding the building or property.

5. ***Relief.*** The following relief may be granted by the Planning Commission provided that all standards as set forth in Section 15.08.D.4 are found:

a. To increase the sign area of a sign by no more than thirty-three and one-third percent (33⅓%).

b. To increase the height of a sign by no more than thirty-three and one-third percent (33⅓%).

c. To permit one (1) additional sign on any lot, provided that no relief shall be granted to permit an additional Ground Sign.

Table 15.07
Form-Based District Signage Regulations

Type	Number	Size	Height	Notes
Ground (on parcel less than one (1) acre)	One (1) for each public street frontage.	Twenty (20) square feet.	Four (4) feet	Lot Requirements: Ground sign only permitted for lots that are at least fifty (50) feet in width and for lots where the building is set back a minimum of ten (10) feet from public right-of-way Setback: Two (2) feet from right-of-way and three (3) foot sidewalk. Landscaping: One (1) square foot of landscaping adjacent to sign per one (1) square foot of sign area. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest.
Ground (on parcel one (1) or greater)	One (1) for each public street frontage	Sixty (60) square feet	Six (6) feet	Lot Requirements: Ground sign only permitted for lots that are at least fifty (50) feet in width and for lots where the building is set back a minimum of ten (10) feet from public right-of-way Setback: Ground: One-half (½) the yard requirements for the district where located. Landscaping: One (1) square foot of landscaping adjacent to sign per one (1) square foot of sign area. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest.

Type	Number	Size	Height	Notes
Wall	One (1)	One (1) square foot of sign area for each one (1) linear foot of building frontage, or a maximum of one hundred (100) square feet.		
Window	No limit on number	Total window sign area cannot occupy more than twenty-five percent (25%) of each individual window.		Must be located on inside of window
Canopy and Awning	A canopy and awning sign is permitted in lieu of a wall sign	Signs displayed on awnings shall not exceed fifteen percent (15%) of the awning surface area, excluding sides.		Lettering on a canopy sign shall not exceed six (6) inch type
Blade (projecting)	Shall be limited to one (1) sign with no more than two (2) sign surfaces	Eight (8) square feet	The lowest part of the sign shall be a minimum of eight (8) feet above grade.	Sign may not project more than four (4) feet from the attached façade.

SECTION 15.08 PERMITTED SIGNS IN PF, I AND BD ZONING DISTRICTS

Subject to the other conditions of this ordinance, the following signs shall be permitted in the Public Facility District, General Industrial District and Business District, with a sign permit.

A. ***Business and Industrial Park Identification Signs.*** For industrial and business park developments one (1) ground identification sign shall be permitted for each public street frontage. The maximum area of each ground sign shall be sixty-five (65) square feet.

B. ***Ground Signs.***

1. ***Number.*** Each developed lot shall be permitted one (1) ground sign for each public street frontage.

2. ***Area.*** No ground sign shall exceed sixty-five (65) square feet in area.

C. ***Wall Signs.***

1. ***Number.*** Each building shall be permitted one (1) wall sign. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot.

2. ***Area.*** The area of wall signs permitted for each lot shall be determined as one (1) square

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foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of two-hundred (200) square feet. All businesses without ground floor frontage, in a given building, shall be permitted one (1) combined exterior wall sign not more than twenty-four (24) square feet in area.

D. ***Tenant Identification Signs.*** For a multi-tenant building, each tenant shall be permitted one (1) tenant identification sign. Such sign shall include only the name of the tenant business and shall only consist of lettering or characters not in excess of six (6) inches in height.

Table 15.08
PF, I, and BD Zoning Districts Signage Regulations

Type	Number	Size	Notes
Park Identification Sign	One (1) for each public street frontage.	Sixty-five (65) square feet.	Setback: Fifteen (15) feet from the road right-of-way.
Ground	One (1) for each public street frontage.	Sixty-five (65) square feet.	Setback: Fifteen (15) feet from the road right-of-way.
Wall	One (1)	One (1) square foot for each one (1) linear foot of building frontage to a maximum of two-hundred (200) square feet in area.	
Tenant Identification Sign	One (1)	Letters may be six (6) inches in height	

SECTION 15.09 PERMITTED SIGNS IN PUD DISTRICTS

Signs shall be permitted in each use area in a PUD district in accordance with the sign regulations in the zoning district that is most similar to that use area, provided, however, those more restrictive sign regulations in the approved area plan shall control.

SECTION 15.10 OUTDOOR ADVERTISING SIGNS

A. ***Districts.*** Outdoor advertising signs shall be permitted only on parcels abutting interstate highways, freeways, and other primary highways in C-2 and I districts provided that such a sign shall not be placed on a parcel having any other structure within one hundred (100) feet of the sign, and no other structure shall be placed on the parcel within one hundred (100) feet of the sign, except that minimum distances from other outdoor advertising signs shall be regulated as set forth in Section 15.11.B and that signs shall not be located within fifty (50) feet of any boundary of such parcel.

B. ***Number.*** Where two (2) or more outdoor advertising signs are located along the frontage of any freeway, they shall not be less than twenty five hundred (2,500) feet apart. When two (2) or

more outdoor advertising signs are located along the frontage of any primary highway other than freeways, they shall be not less than seventeen hundred (1,700) feet apart. A double face (back to back) or a v-type structure shall be considered a single sign provided the two (2) faces are not separated by more than two (2) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable.

C. ***Area.*** The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet. Signs may be single or double faced and shall contain no more than two (2) faces, or panels.

D. ***Height.*** Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Zoning Administrator if it can be shown that excessive grades, building interference, bridge obstruction, and similar conditions obstruct views of the sign.

E. ***No Signs on Roof.*** Outdoor advertising signs shall not be erected on the roof of any building, nor have one (1) sign above another.

F. ***Interchange Distance.*** A sign structure shall not be permitted adjacent to or within five hundred (500) feet of an interchange, an intersection at grade, or a safety roadside rest area. The five hundred (500) feet shall be measured from the point of beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

SECTION 15.11 ELECTRONIC MESSAGE SIGNS

Electronic Message Signs (EMS) shall be permitted within all commercial, form-based, industrial, business, or public facility zoning districts, as either a free-standing or a wall-mounted sign subject to the sign regulations for each zoning district, and subject to the following additional regulations:

A. An Electronic Message Sign EMS shall only be permitted as part of a static sign and shall not exceed fifty (50%) of the total sign area of the static sign.

B. Frequency of message change shall be no more than once every thirty (30) seconds.

C. Scrolling words or images are prohibited.

D. The rate of change between two (2) messages shall be one (1) second or less.

E. EMS owners shall permit Township, state, and federal governments to post messages in the event of an emergency.

F. The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Maximum sign luminance shall not exceed 0.3 footcandles above ambient light measurement based upon the size of the sign (in square feet) and distance measured perpendicular to the sign face in accordance with the following table:

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Maximum Allowed Ambient Light Level	Area of Sign (sq.ft)	Measurement of Distance (ft)*
0.3 footcandles	10	32
0.3 footcandles	15	39
0.3 footcandles	20	45
0.3 footcandles	25	50
0.3 footcandles	30	55
0.3 footcandles	35	59
0.3 footcandles	40	63
0.3 footcandles	45	67
0.3 footcandles	50	71
0.3 footcandles	55	74
0.3 footcandles	60	77
Source: Model Code, Illuminating Engineering Society of North America		
* Measured in feet, perpendicular to the face of the sign.		

G. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels.

H. In no case shall EMS luminance exceed 0.1 footcandles above ambient light along any adjacent property line that is zoned or used for residential purposes.

SECTION 15.12 TEMPORARY SIGNS

Non-illuminated temporary exterior signs may be erected in accordance with the regulations of this Section.

A. ***General Regulations.***

1. It is the intent of these regulations to minimize the proliferation of temporary signs in the Township.

2. Temporary signs shall not be illuminated.

3. Unless otherwise specified, all temporary signs shall be located on the premises they are intended to serve.

B. ***Specific Sign Requirements.***

1. ***Single-Family and Two-Family Districts.*** In single-family and two-family districts, one (1) sign for each public street frontage advertising a recorded subdivision or development shall

be permitted. Each sign not to exceed thirty two (32) square feet in area. Each sign shall be removed within one (1) year after the sale of ninety percent (90%) of all lots or units within said subdivision or development.

2. ***Multiple-Family Districts.*** In multiple-family districts, one (1) sign on each public street frontage of a new multiple-family development advertising the new dwelling units for rent or sale, not to exceed thirty two (32) square feet in area, shall be permitted. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy percent (70%) of the dwelling units within the development.

3. ***Real Estate Directional Signs.*** Directional real estate signs shall be permitted in residential districts on weekends between 6:00pm Friday and 8:00pm the Sunday following fifty (50) consecutive hours as follows:

   a. Temporary real estate direction signs referencing an individual parcel in a residential zone, which is, or has been, occupied as a legal residence, shall be permitted on approach routes to an open house, only for the day of open house. Said signs shall not exceed three (3) square feet in area, three feet in height and four (4) in number, shall show a directional arrow, and be placed back of the property line. Such signs shall not be attached to any traffic sign or other structure. All such signs shall be located within a one and one-half (1½) mile radius of the geographic center of the property referenced on said sign.

   b. In a subdivision or other residential development under construction, in which less than ninety-five percent (95%) of the available lots have been sold, temporary real estate direction signs advertising open model homes shall be permitted to be displayed during the period specified above. Said signs shall not exceed three (3) square feet in area, three (3) feet in height and four (4) in number per subdivision or development, shall show a directional arrow and be placed back of the property line. Such signs shall not be attached to any traffic sign or other structure. All such signs shall be located within a one and one-half (1½) mile radius of the geographic center of the property referenced on said sign.

4. ***Real Estate Signs.***

   a. In residential districts, real estate signs shall be freestanding (such as lawn signs) or wall mounted, and offer an open house on the premises or offer the premises on which they are located "for sale" or "for rent," provided that there shall not be more than one (1) such sign per parcel. Signs in residential districts shall not exceed six (6) square feet in area, and no freestanding sign shall project higher than six (6) feet above normal grade. Signs shall be removed after the sale or rental of the property.

   b. In nonresidential districts, real estate signs shall be freestanding or wall-mounted, and offer the premises on which they are located "for sale" or "for rent," provided that there shall not be more than one (1) such sign per street frontage. Such signs in nonresidential districts shall not exceed thirty-two (32) square feet in area per side. No freestanding sign shall project higher than eight (8) feet above normal grade, and

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no wall mounted sign shall project higher than ten (10) feet above normal grade. Signs shall be removed after the sale or lease of the property, or, in the case of rental property, after final occupancy has been issued to the entire development.

5. ***Temporary Agricultural Retail Signs.*** Temporary agricultural retail signs are used by farms and agricultural enterprises are permitted subject to the following:

   a. A maximum of four (4) agricultural retail signs shall be permitted for two (2) consecutive periods of seventy-five days or one (1) consecutive period of five months per calendar year.

   b. Agricultural retail signs may be erected on either on-premise or off-premise with the written approval of the property owner.

   c. Agricultural retail signs shall not exceed five (5) feet in height and twenty (20) feet in area per side.

   d. A maximum of twelve (12) temporary direction signs, not exceeding three (3) square feet in area and three (3) feet in height, shall be permitted on approach routes to agricultural retail locations hosting an event. Directional signs may be erected either on-premise or off-premise with written approval of the property owner and displayed for a maximum period of twenty-four (24) hours per event.

   e. A sign permit application, detailing the size and location, must be submitted and a permit issued prior to the use of temporary agricultural retail signs.

6. ***Construction Signs.*** One (1) identification sign shall be permitted for all building contractors, one (1) for all professional design firms and one (1) for all lending institutions on sites under construction, each sign not to exceed six (6) square feet in area, with not more than a total of three (3) such signs permitted on one (1) site. If all building contractors, professional design firms and lending institutions combine together in one (1) identification sign such sign shall not exceed thirty two (32) square feet in area with not more than one (1) sign permitted on one (1) site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of construction, construction shed, or construction trailer and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.

7. ***Public Charitable, Educational, or Religious Event.*** Temporary signs announcing any annual or semi-annual public charitable, educational, or religious event or function, located entirely within the premises on which the event or function is to occur shall be permitted. Maximum sign area shall not exceed twenty-four (24) square feet. Signs shall be allowed no more than fourteen (14) days prior to the event or function and shall be removed within one (1) day after the event or function. If building mounted, signs shall be flat wall signs and shall not project above the roof line. If ground-mounted, signs shall not exceed six (6) feet in height.

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SECTION 15.13 NON-CONFORMING SIGNS

A. Non-conforming signs shall not:

1. Be re-established after the related activity, business or usage has been discontinued for ninety (90) days or longer.

2. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign.

3. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty percent (50%) of the replacement cost as determined by the Building Inspector.

SECTION 15.14 PERMITS AND FEES

A. ***Application.*** Application for a permit to erect or replace a sign, or to change copy, shall be made by the owner of the property, or an authorized agent, to the Township Zoning Administrator, by submitting the required forms, fees, exhibits, and information.

B. ***Application Requirements.*** An application for a sign permit shall contain the following:

1. The applicants name and address in full, and a complete description of his/her relationship to the property owner.

2. The property owner's written consent to the application.

3. The address of the property.

4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.

5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.

6. English translation if sign copy is in another language.

C. ***Inspection.***

1. All signs must be inspected and approved by the Township Zoning Administrator or designee for conformance to this ordinance prior to placement on the site. Foundations must be approved by the building inspector prior to pouring of the concrete for the sign support structure.

2. Signs for which a permit is required shall be inspected periodically by the Zoning Administrator or designee for compliance with this ordinance and other laws.

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D. ***Expiration.*** A sign permit shall become null and void if the work for which the permit was issued has not been completed six (6) months after the date of the permit. Sign permits may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator or designee.

E. ***Maintenance.*** Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

SECTION 15.15 REMOVAL OF SIGNS

A. ***Legal Non-Conforming.*** The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this ordinance except for legal non-conforming signs. In the case of permanent signs, written notice shall be given to the owner of the sign or of the building, structure, or premises on which said sign is located ordering removal of the sign or such action as is necessary to bring the sign into compliance with this ordinance and specifying a reasonable period of time for removal and/or compliance. Upon failure to remove the sign or to comply with this notice within the specified time, the Township may remove the sign immediately and without further notice, at its discretion. Any sign deemed a safety hazard, signs prohibited under the provisions of Section 15.03, and signs improperly erected in any public right-of-way, may be removed without notice. Any cost of removal incurred by the Township may be assessed to the owner of the property on which such sign is located and such charge shall be a lien on the property.

B. ***Expiration.*** A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township may remove it in accordance with the provisions stated in Section 15.15.A preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

C. ***Nuisance.*** Any sign maintained in violation of this ordinance is a nuisance per se as provided in Section 3.07 of this Ordinance and subject to the penalties contained therein.

SECTION 15.16 VIOLATIONS

A. It is a violation of this ordinance to:

1. Install, authorize installation, create, erect, or maintain any sign in a way inconsistent with the terms of this Ordinance or that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.

2. Install, authorize installation, create, erect, or maintain any sign requiring a permit without such a permit.

B. ***Separate Violation.*** Each sign installed, created, erected, or maintained in violation of this Ordinance shall be considered a separate violation.

C. ***Right-of-Way.*** Unless specified elsewhere in this ordinance any signs placed within a road right-of-way (ROW) and on utility poles will be considered a violation of this Ordinance and may be removed by the Township at the expense of the owner.

SECTION 15.17 ENFORCEMENT

Knowing and willful violation of the provisions of this ordinance shall be a municipal civil infraction. Enforcement of this ordinance may proceed through the municipal civil infraction process. Each day that such violation continues after receipt of written notice to remove a sign shall be deemed a separate offense. Violation of these regulations shall result in a revocation of the subject sign permit.

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ARTICLE 16

NON-CONFORMITIES

SECTION 16.01 PURPOSE

Certain existing lots, structures and uses of lots and structures were lawful before this Ordinance was adopted, but have become nonconformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such nonconformities to remain until they are abandoned or removed, but not to encourage their survival or, where abandonment or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities shall not be enlarged, expanded, or extended, except as provided in this chapter and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this chapter to be incompatible with the structures and uses permitted in the various districts.

SECTION 16.02 NON-CONFORMING USES

A. ***Non-Conforming Uses of Parcels and Lots***.

1. A lawful non-conforming use of a parcel or lot may be continued so long as it remains otherwise lawful, subject to the following provisions:

    a. No such non-conforming use of a parcel or lot shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this Ordinance and no accessory use, building, or structure shall be established therewith.

    b. No non-conforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not occupied on the date of adoption of this Ordinance.

2. If the lawful non-conforming use of a parcel or lot ceases for any reason for a period of more than one hundred eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel or lot is located.

B. ***Non-Conforming Uses of Buildings and Structures***.

1. A lawful non-conforming use of a building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

    a. No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is

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located, except that if no structural alterations are made any non-conforming use of a building or structure may be changed to another non-conforming use by the Board of Appeals, as provided in Article 17 of this Ordinance; and

b. The Board of Appeals shall determine that such non-conforming use is equally appropriate or more appropriate in the district involved than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions and intent of this ordinance.

2. When a non-conforming use of a building or structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, except where government action prevents access to the premises, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

3. Any structure or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the districts, and the non-conforming use may not thereafter be resumed.

4. Where a non-conforming status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at the time of destruction.

SECTION 16.03 NON-CONFORMING BUILDINGS AND STRUCTURES

A. ***Define***. A non-conforming building or structure shall be one which was lawful on the effective date of adoption or amendment of this Ordinance and which does not conform to the new ordinance regulation for lot area, lot area per dwelling unit, lot width, lot coverage, floor area ratio, height, transition and landscape strips, off-street parking, loading space, or yard requirements of the district in which located.

B. ***Continuation***. A non-conforming structure, except a single-family dwelling and its accessory buildings and structures, which is damaged to an extent of more than fifty percent (50%) of its replacement cost shall not be reconstructed except in conformity with the regulations of this Ordinance. A non-conforming structure, except single-family dwellings and their accessory structures, which is damaged to an extent of fifty percent (50%) or less of its replacement cost, may be replaced, provided the replacement is commenced within two (2) years of the date of damages, and is diligently pursued to completion. Failure to complete replacement shall result in the loss of legal, non-conforming status, unless the Township Board, after a hearing, finds good cause for the delay.

C. ***Single-Family Dwellings***.

1. Non-conforming, single-family dwellings and their accessory buildings and structures may be continued, replaced, repaired, or remodeled, and shall be exempt from the provisions of Section 16.03.B. Such dwelling, and its accessory buildings and structures, may be replaced

or repaired, if approved by the Zoning Administrator, according to the conditions set forth in Section 16.03.D and E.

2. A single-family dwelling and its accessory buildings and structures may be constructed or moved onto a non-conforming lot of record, if approved by the Zoning Administrator, according to the conditions set forth in Section 16.03.D and E following.

D. ***Moved***. A non-conforming building or structure which is moved within a lot or to another lot, shall conform, after it is moved, to the regulations of the district in which located.

E. ***Expansion***. Non-conforming structures may be expanded in compliance with the following regulations:

1. A non-conforming single-family dwelling unit and its accessory buildings and structures may be expanded, provided all the following conditions are met. In such case no action or review by the Pittsfield Township Zoning Board of Appeals shall be required, unless a variance is requested.

   a. The single-family dwelling shall be a permitted use in the district in which it is to be located.

   b. The lot shall be of record at the date of adoption of or amendment to this Ordinance.

   c. The owner of the subject lot shall not own adjacent property which can reasonably be added, in whole or in part, to the lot to make it conform. If part of an adjacent parcel is so added, the remaining part of the adjacent parcel shall conform to the minimum lot area and width requirements of the district in which located.

   d. All new construction for building expansion shall meet all yard, lot coverage, floor area ratio, and height regulations. Non-conforming single-family dwellings, to be replaced or repaired, shall be exempt from this subsection d., provided that the yards, lot coverage, floor area ratio, and height regulations existing at the time of damage shall not be encroached upon or exceeded.

2. All other non-conforming structures, in any zoning district, may be expanded only after approval by the Zoning Board of Appeals, as provided in Section 17.06 herein entitled "Expansion of Non-Conforming Buildings and Structures".

SECTION 16.04 REPAIRS AND MAINTENANCE

All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but such building or structure shall not be structurally altered in a way inconsistent with the description and purpose of this article.

SECTION 16.05 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of an existing non-conforming use, building or structure, provided there is no change in the nature of character, extent, or intensity of such non-conforming use, building, or structure.

SECTION 16.06 EXTENSION AND SUBSTITUTION

A non-conforming use, building, or structure shall not be extended unless it fulfills the requirements of this Article, nor shall one non-conforming use, building or structure be substituted for another non-conforming use, building, or structure except as provided for in Section 16.02.B.1.a above.

SECTION 16.07 COMPLETION OF PENDING CONSTRUCTION

To avoid undue hardships, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 16.08 CONDITIONAL USES

Any use existing at the time of adoption of this Ordinance and which is permitted as a conditional use in a district under the terms of this Ordinance shall be deemed a conforming use in such district, and shall without further action be considered a conforming use.

SECTION 16.09 SUBSTANDARD, NON-CONFORMING LOTS OF RECORD

A. ***Provision***.

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance.

2. These provisions shall apply even though such lot fails to meet the requirements for area for width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

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B. ***Continuous Frontage***. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in the Ordinance.

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ARTICLE 17

ZONING BOARD OF APPEALS

SECTION 17.01 ZONING BOARD OF APPEALS GENERAL REGULATIONS

A. ***Membership***.

1. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. One member shall be a member of the Planning Commission. The remaining members shall be selected from the electors of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a Zoning Board of Appeals member. One member of the Zoning Board of Appeals may be a member of the Township Board. A member of the Township Board may not serve as Chairperson of the Zoning Board of Appeals.

2. The Zoning Board of Appeals at its first meeting following January 1 of each year shall select from its membership a chairperson of the Zoning Board of Appeals who shall serve until the successor chairperson is appointed.

3. The term of office of each member shall be for three (3) years, except the term of a member who is serving as a member of the Planning Commission or Board of Trustees shall be limited to the time he or she is a member of that body. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for un-expired terms shall be filled for the remainder of the term.

B. ***Removal***. Members of the Zoning Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

C. ***Conflict of Interest***. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself constitutes malfeasance in office.

D. ***Quorum***. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Zoning Board of Appeals are present.

E. ***Rules and Regulations***. In addition to the procedural requirements set forth in Zoning Enabling Act the Zoning Board of Appeals shall fix rules and regulations to govern its procedures, and shall record into the minutes of its meetings all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and all of its official actions. Such records shall be open to public inspection. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or Township

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Board. However, the member may consider and vote on other unrelated matters involving the same property.

F. ***Decisions.*** The concurring vote of a majority of the members is necessary to reverse a decision of the Zoning Administrator, Planning Commission, Board of Trustees or other official, or to grant a variance or to decide in favor of an applicant.

G. ***Notice***.

1. The Board shall give due notice of the hearing as specified in Section 3.05. Where the hearing concerns matters of general applicability in the Township and does not concern only individual lots or parcels, in accordance with Section 3.05, notice shall be provided by newspaper and by mail to the party making request.

2. Appeals shall be taken within a reasonable time, not to exceed forty-five (45) days or such lesser period as may be provided by the rules of the Zoning Board of Appeals by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

H. ***Stay***. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from who the appeal is taken certifies to the Zoning Board of Appeals after the notice is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

I. ***Fee***. A fee shall be established as set forth in Section 3.06. Fee shall be paid at the time of filing of the appeal.

SECTION 17.02 POWERS AND DUTIES

The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Zoning Enabling Act in such a way that the objectives of this ordinance shall be attained, the public health, welfare, and safety secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided in this Ordinance.

SECTION 17.03 ADMINISTRATIVE REVIEW

The Zoning Board of Appeals shall hear and decide appeals where there is an error alleged in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

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SECTION 17.04 VARIANCE

A. ***Power and Duty***. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such nonuse variances from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

B. ***Application Required***. An application for a variance shall be filed by the owner of the property in question with the Township Clerk. The application shall consist of a completed application form, required fee, and the information required in this Section, including the following:

1. Legal description, address, and tax number of the subject property.

2. Boundary survey, showing all property lines, bearings, or angles, correlated to the legal description; all existing and proposed structures and their uses, and the dimensions of said structures and their dimensioned locations; lot area and all other calculations necessary to show compliance with the regulations of the Zoning Ordinance.

3. Name and address of the applicant, name of the owner and any other person or entity having an interest in said property, the interest of the applicant in the property and the signature of the property owner, if other than the applicant, concurring in the submittal of the application.

4. List and description of each Section of the Zoning Ordinance for which a variance is requested.

5. Documentation demonstrating:

   a. That without a variance the property could not be used for the purposes permitted in the zoning district.

   b. That the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions.

   c. That the variance would not alter the essential character of the area.

   d. That the plight or problem is not self-created.

C. ***Findings***. Prior to granting a variance the Zoning Board of Appeals shall make findings that the following requirements have been met by the applicant for the variance:

1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.

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2. That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

3. That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.

4. That the plight or problem is not self-created.

5. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

6. That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.

D. ***Conditions and Safeguards***. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance provided said conditions:

1. Are designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the public.

2. Are necessary to meet the intent and purpose of the Zoning Ordinance, are related to the standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards.

E. ***Violations***. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 3.07 of this Ordinance.

F. ***Limitations of Authority***. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, reduce the required lot area or road frontage below the minimum required for the district therein located or permit any use expressly, or by implication, prohibited by the terms of this Ordinance in said district. Approval of use variances require a vote of 2/3 of the members of the Zoning Board of Appeals.

G. ***Reverse or Affirm Zoning Administrator***. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

SECTION 17.05 VOIDING OF, AND RE-APPLICATION FOR, VARIANCE

A. ***Commencement***. Each variance granted under the provisions of this Ordinance shall become null and void unless:

1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or

2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty days (180) days after the granting of such variance.

B. ***Resubmittal***. No application for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be re-submitted for a period of three hundred sixty-five (365) days from such denial, except on ground of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

SECTION 17.06 EXPANSION OF NON-CONFORMING BUILDINGS AND STRUCTURES

A. ***ZBA Determination***. The Zoning Board of Appeals shall determine if a non-conforming building or structure may be enlarged, expanded, extended, or altered, and the conditions under which such improvements shall be made.

B. ***Standards***. The following standards shall be considered by the Zoning Board of Appeals:

1. The reasons for the non-conformity shall be limited to minimum lot area and lot width, yard, off-street loading and parking requirements. In no case shall building or structure that is non-conforming because of lot coverage, floor area ratio, or height requirements be permitted to expand without removing the non-conformity, except as permitted under a variance for hardship reasons.

2. The existing and proposed uses of such buildings and structures must be among those permitted in the district in which situated.

3. The proposed improvement shall conform to all requirements of the district in which situated.

4. The Board shall determine the following in approving a request:

   a. That the retention of the non-conforming building or structure is reasonably necessary for the proposed improvement or that the requiring of removal of such building or structure would cause unnecessary hardship.

   b. That the proposed improvement is reasonably necessary for the continuation of activities on the property.

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c. That the enlarged or otherwise improved non-conforming building or structure shall not adversely affect the public health, safety, welfare, and convenience.

5. The Board shall have the authority to require removal or modification of the non-conformity, where such is reasonable, as a condition for approval. The board may attach other conditions for its approval which it deems necessary to protect the public health, safety, welfare, and convenience.

6. All expansions permitted under this section shall meet all requirements set forth in Article 9, Site Plan Review.

SECTION 17.07 APPEALS TO THE ZONING BOARD OF APPEALS

A. ***Process***. Appeals from the ruling of the Zoning Administrator of the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Zoning Board of Appeals within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record of the action or decision being appealed.

B. ***Who May Appeal***. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, County, or State.

C. ***Effect of Appeal; Restraining Order***. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason 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 Zoning Board of Appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

D. ***Representation at Hearing***. At the hearing, any party or parties may appear in person or by agent or by attorney.

E. ***Decisions of the Zoning Board of Appeals and Appeals to the Circuit Court***. The Zoning Board of Appeals shall decide upon all matters appealed from within a reasonable time and may reverse or affirm in whole or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals in each particular case. A party aggrieved by the decision shall have the right to appeal to the circuit court on questions of law and fact.

SECTION 17.08 DUTIES ON MATTERS OF APPEAL

A. ***Order***. It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, and that such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator, and the recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law.

B. ***Township Board***. It is further the intent of this Ordinance that the duties of the Township Board in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Article and this Ordinance.

SECTION 17.09 SUBSTITUTION OF NON-CONFORMING USES

A non-conforming use may be substituted for an existing non-conforming use upon approval by the Board of Appeals, provided that the existing non-conforming use is a legal non-conformity, and provided further that the proposed non-conforming use is more appropriate than the existing non-conforming use in the neighborhood in which it is located. The Zoning Board of Appeals may attach conditions to its approval.

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ARTICLE 18

AMENDMENT PROCEDURE

SECTION 18.01 INITIATING AMENDMENTS AND FEES

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established, whenever the public necessity and convenience and the general welfare require such amendment. Amendments may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay the fees established by the Township Board as set forth in Section 3.06, no part of which shall be refundable to the petitioner. All proposed amendments shall be referred to the Planning Commission for review and recommendation.

SECTION 18.02 AMENDMENT PROCEDURE

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, as amended. The Township Planning Commission shall hold a public hearing on the amendment. Notice of the public hearing shall be given as set forth in Section 3.05 of this Ordinance.

SECTION 18.03 CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

SECTION 18.04 AMENDMENT REQUEST

A. ***Filing of Amendment Request***. A request for an amendment to the Zoning Ordinance shall be initiated by filing an application with the Township Zoning Administrator.

B. ***Zoning Map Amendment***. When the application involves a change in zoning map, the petitioner shall submit the following information:

1. A legal description of the property.

2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

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3. The name and address of the applicant.

4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner(s).

5. Date of filing with the Township Clerk.

6. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information.

SECTION 18.05 FINDINGS OF FACT REQUIRED

A. ***Review***. In reviewing any application for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full, along with its recommendations for disposition of the application, to the Township Board.

B. ***Findings***. The facts to be considered by the Township Planning Commission shall include, but not be limited to, the following:

1. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.

2. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the application.

3. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the application were approved.

4. Effect of approval of the application on the condition and/or value of property in the Township or in adjacent civil divisions.

5. Effect of approval of the application on adopted development policies of Pittsfield Township and other government units.

C. ***Public Record***. All findings of fact shall be made part of the public records of the meetings of the Planning Commission and the Township Board. An application shall not be approved unless these and other identified facts are affirmatively resolved in terms of the general health, safety, welfare, comfort, and convenience of the citizens of Pittsfield Township, or of other civil divisions where applicable.

SECTION 18.06 CONDITIONAL REZONING PROCEDURES

A. ***Authorization and Limitations***. The Township Board shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the Township Board. In exercising its authority to consider a conditional rezoning, the Township is also authorized to impose the following limitations:

1. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.

2. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.

3. Any use or development proposed as part of an offer of conditions that would require special use approval under the terms of this ordinance may only be commenced if special use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

4. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

5. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.

B. ***Amendment of Conditions***. The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. ***Procedure***. The procedure for consideration of Conditional Rezoning request shall be the same as provided in Section 18.04 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:

1. A Conditional Rezoning request shall be initiated by the applicant submitting a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:

   a. A written statement that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.

   b. A written statement that confirms that the property will not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.

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c. A list of conditions proposed by the applicant.

d. A time frame for completing the proposed improvements.

e. A legal description of the land.

f. A Sketch Plan in sufficient detail to illustrate any specific conditions proposed by the applicant.

2. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.

3. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:

a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.

b. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:

i. A change in Township policy since the Master Plan was adopted.

ii. A change in conditions since the Master Plan was adopted.

iii. An error in the Master Plan.

c. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.

d. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.

e. The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.

D. ***Amendment to Zoning Map***. Upon approval by the Township Board of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.

E. ***Expiration***. A Conditional Rezoning Approval shall expire two (2) years from the effective date of the rezoning unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the Township.

1. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.

2. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:

   a. The property owner seeks a new rezoning classification for the property; and/or

   b. The Township initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.

F. ***Recording***. A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Washtenaw County Register of Deeds and a certified copy of the Agreement is filed with the Township Clerk.

G. ***Violation of Conditional Rezoning Agreement***. If development and/or actions are undertaken in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and deemed a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

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