APPENDIX A

LENOX TOWNSHIP
ZONING ORDINANCE

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ZONING MAP

ARTICLE 1
SHORT TITLE

SECTION 100. This Ordinance shall be known and may be cited as the Lenox Township Zoning Ordinance

ARTICLE 2
OFFICIAL ZONING MAP AND ZONING DISTRICTS

SECTION 200. OFFICIAL ZONING MAP

The Official Zoning Map of Lenox Township which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall include the date of the adoption of this Ordinance and subsequent amendments thereto.

If in accordance with the provisions of this Ordinance and Act 110, of the Public Acts of the State of Michigan, 2006, as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Board. The notice of adoption shall be published not more than 15 days following action by the Township Board in a newspaper of general circulation in the Township. All zoning amendments, text or district changes (rezoning), shall take effect 7 days after publication of the notice of adoption. The changes in the district boundaries or other matters affecting the Official Zoning Map shall be clearly portrayed on the Map.

No change(s) of any nature shall be made in the Official Zoning Map on matter(s) shown thereon except in conformity with 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 under ARTICLE 22, SECTION 2210.

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 Township Clerk shall be the final authority as to the current status of land uses, buildings and other structures in the Township.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

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 and amendment.

SECTION 201. Zoning Districts

For the purpose of this Ordinance Lenox Township is hereby divided into the following districts:

AG	-	Agricultural District
RL	-	Residential Low Density - One Family District
RM	-	Residential Medium Density - One Family District
RH	-	Residential High Density - Multiple Family District
MH	-	Mobile Home Park - One Family District
CN	-	Commercial - Neighborhood District
OS	-	Office Service District
CC	-	Commercial - Community District
CG	-	Commercial - General District
IR	-	Industrial - Restricted District
IC	-	Industrial - Controlled District
FP	-	Flood Plain District

SECTION 202. Boundaries

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

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, drains, canals, lakes, or other bodies or water shall be construed to follow such center lines;

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through F above, the Zoning Board of Appeals shall interpret the district boundaries, after recommendation from the Planning Commission, according to the rules and regulations which the Planning Commission may adopt.

SECTION 203. District Regulations

All structures and land in any district set by this Ordinance shall be subject to the provisions of this Ordinance. The regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:

1. to exceed the height or bulk;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area;
4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provision of this Ordinance.

C. 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.

D. No yard or lot existing at the time of passage 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.

E. All territory which may hereafter be annexed to the Township shall be considered to be in the RL - Residential Low Density One Family District until otherwise classified.

F. Whenever any street, alley or other public way within the Township shall be vacated such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it is attached.

ARTICLE 3
GENERAL PROVISIONS

SECTION 300. GREENBELTS, FENCES, WALLS AND OTHER BARRIERS

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

1. When required by this Ordinance for site plan approval, the erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Planning Commission and shall be ornamental in nature.

2. Fences in other than AG Districts, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:

   a. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.

   b. No fence shall hereafter be located in the front yard of the lots or parcels in question more than three (3) feet in height.

   c. All fences hereafter erected shall be an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as provided below. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary in the interests of public safety.

3. Fences in AG Districts and fences for agricultural uses in other districts may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.

4. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and line connecting them at points twenty five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.

5. A zoning compliance permit shall be required for all fences 6 feet or less in height and all boundary line fences, except fences for agricultural uses, or for the enclosure of farm animals, as defined in this Ordinance.

B. Whenever a greenbelt is required by this ordinance or landscaping is proposed by a developer, it shall be planted within six (6) months from the date a certificate of occupancy is issued and shall thereafter be maintained in a healthy, growing condition. The planting area shall also be kept free of weeds, debris, and refuse. Specific planting requirements are as follows:

1. Plant materials shall not be placed closer than two (2) feet from the property line.

2. No earthen berm shall exceed a height of four (4) feet. To avoid a monotonous appearance and insure proper drainage in the area, the berm shall be broken or provided with openings at least every seventy-five (75) feet.

3. Plantings that die or are unhealthy shall be replaced during the following spring or summer.

4. Evergreen trees shall not be less than five (5) feet in height. Large deciduous trees shall not be less than three (3) inches in trunk caliper (measured six inches above ground up to and including four inch caliper trees; measured twelve inches above ground for larger trees). Small deciduous trees shall not be less than two (2) inches in caliper.

C. When a greenbelt is specifically required, the following additional planting requirements shall apply:

1. The planting strip (greenbelt) shall be no less than fifteen (15) feet in width.

2. The greenbelt shall provide a minimum opacity of fifty (50) percent during winter and eighty (80) percent during summer within two (2) years following installation. This opacity shall be maintained up to a minimum height of five (5) feet, or higher if required by the Planning Commission.

3. A minimum of one (1) evergreen tree shall be planted at fifteen (15) foot intervals. Evergreen trees shall not be less than five (5) feet in height.

4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees. These intermediate shrubs shall not be less than thirty (30) inches in height.

5. Additional deciduous and evergreen trees and shrubs shall be provided so as to achieve the opacity standards stated above.

6. Plant materials within the greenbelt should have a pleasing natural appearance by staggering the plants in two or more rows or by grouping of materials.

7. At the discretion of the Planning Commission, a five (5) foot high (minimum) decorative screen wall made of brick, precast brick panels, decorative treated wood panels or poured concrete with a brick-like texture may be substituted for a greenbelt.

D. The following are suggested plant materials. When other alternatives are proposed, similar height, spread and diameter dimensions should be provided:

1. The following evergreens and all similar plants proposed shall be a minimum of five (5) feet in height with an average spread of thirty (30) inches.

   Fir Pine
   Juniper
   Red Cedar
   American Arborvitae
   Pyramidal Arborvitae
   Columnar Juniper
   Irish Juniper

2. The following types of single stem, tree-like shrubs shall have a minimum caliper of two (2) inches when installed:

   Flowering Crabs
   Smoke Bush
   Clump Bush
   Mountain Ash
   Dogwood
   Red Bud
   Rose of Sharon

3. The following types of deciduous shrubs shall have a minimum height of thirty (30) inches when installed:

   Honey Suckle
   Viburnum
   Mockorange
   Tall hedge
   Holly (Varieties)
   Forsythia
   Barberry
   Ninebark

4. The following types of trees shall have a minimum caliper of three (3) inches when installed:

   Marshall Seedless Ash
   Birch
   Linden
   Thornless, Seedless Varieties of Locust
   Hard Maples
   Oak

E. The following trees shall not be permitted: Box elder
   Soft maples
   Elms (American) Poplars
   Ailanthus (Tree of Heaven)
   Cottonwood
   Willows

F. Bond:

1. A bond or cash in an amount equal to fifty (50) percent of the cost of the required greenbelt shall be deposited with the Township Clerk prior to issuance of a building permit and kept until such time as the greenbelt is planted. The applicant shall provide a landscape cost estimate prepared by a registered landscape architect or provided by a business selling landscape material.

2. In all cases, the Township shall be authorized to withhold twenty (20) percent of the bond or cash for a period of two (2) years from the date of issuance, to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two year period. It shall be the responsibility of the owner to maintain the greenbelt for its original intent and purpose.

G. Screen Walls

Wherever a non-residential use adjoins a residential district and wherever a parking lot of eight (8) or more spaces adjoins a single family residential district, a screen wall shall be provided by the non-residential use. (For purposes of this section, a parking lot of eight (8) or more spaces shall be considered a non-residential use).

1. All required screen walls shall be a minimum six (6) feet in height and shall be placed along the lot line of the non-residential use. Screen walls shall not exceed eight (8) feet in height.

2. Required screen walls shall not be extended into a required front setback area to insure proper visibility of pedestrians and vehicles by drivers exiting the non-residential site.

3. Required screen walls shall be of masonry construction, be designed to withstand frost heave, hydrostatic pressure, the effects of weather, and be protected from vehicles by bumper guards or setbacks. The appearance of the wall in terms of material, design, and workmanship shall be beneficial to the residential districts. To that end, the wall shall be decorative in nature, constructed of face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick, stucco, or similar treatment.
4. The Planning Commission may: approve in partial or complete substitution for the wall(s) the use of existing and or proposed topography, dense vegetation, or other natural or man-made features that would produce substantially equivalent results of screening, and durability; approve reduction or increase in wall height where a lesser or greater height is found appropriate based on considerations of topography, sight lines, and distances; approve variations in the design standards for reasons of topography or characteristics peculiar to the site, its usage, and environs. In taking such actions, the Planning Commission shall take into account that the principal purpose of the wall(s) is to screen non-residential activities, including parking, loading and noise, from nearby residential districts. In such cases where the Planning Commission finds that there would be no substantial need for a screen wall, the requirements of this section may be reduced, or substituted. For example, the Planning Commission might find that a church, school, or park in a residential district without a screen wall would pose no significantly adverse effect on adjoining residential areas. The basis for such decision shall be recorded in the minutes of the Planning Commission.

H. Open Storage

The open storage of any industrial or commercial equipment, vehicles, and all materials, including wastes, except new vehicles for sale and/or display, shall be screened from public view, from a public street, and from adjoining properties by an obscuring wall or fence not less than six feet (6') nor more than eight feet (8') high. The required height of the wall shall be determined by the Planning Commission so as to properly screen all materials, vehicles and wastes. Vehicles and equipment over eight (8) feet high must be properly screened but need not be completely screened above eight (8) feet. Materials must be completely screened if they are stored within twenty (20) feet of the screen wall or fence. All wastes must be completely obscured from view. In no instance shall any open storage of equipment, vehicles and/or materials be permitted within a required front yard in any zoning district.

I. Dumpsters and Trash Storage Enclosures

All areas used for the storage of trash and other waste products shall be screened from public view, from a street or alley, and from an adjoining residential district. The following standards shall apply to all such trash enclosures:

1. Enclosure shall be constructed of the same exterior materials as the buildings they are intended to serve.

2. Enclosures shall be at least five (5) but not more than eight (8) feet high and shall obscure all wastes and/or containers within.
3. In all office and business districts no enclosure shall be permitted within ten (10) feet of the right-of-way of a street or alley that provides access to the side or rear of the building.

4. No trash enclosure shall be located within a required front or side setback.

5. Where possible, the applicant is encouraged to incorporate the dumpster enclosure into the building and provide gates, roll-up doors, or similar means of access for trash removal personnel.

6. Dumpster enclosures for restaurants, grocery stores, and similar establishments that generate food wastes shall provide a hose bib and a drain connected to the sanitary sewer. The trash container(s) shall be emptied daily (Monday through Friday) and hosed out with fresh water when necessary to keep odors to a minimum.

J. Transformer and Mechanical Equipment Screening

1. All ground mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by a dense landscaped planting approved by the Planning Commission.

2. All rooftop climate control equipment, elevator towers, transformer units, and similar equipment shall be screened from view of any street or adjacent property. The materials used to screen the equipment shall be compatible in color and type with the exterior finish materials of the building. Where possible, a parapet wall or similar architectural feature should be selected as the preferred method. All rooftop equipment shall conform to the maximum height regulations of this Ordinance.

SECTION 301. OFF-STREET PARKING STANDARDS

Whenever the off-street parking standards require the development of parking spaces, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

A. Off-street parking areas shall be designed with either a 90-degree, 60-degree, 45-degree, or parallel parking pattern. Spaces adjacent to a sidewalk or landscaped area shall allow for a vehicle overhang of two (2) feet. Sidewalks providing such overhang shall be at least seven (7) feet wide and the curb shall have a maximum height of six (6) inches. See Parking Lot Illustrations A through F on the following pages.

B. All spaces shall be provided adequate access by means of maneuvering lanes.

C. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

D. The parking area shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation to the front property line or else into an approved under- drainage system approved by the Township Engineer. The Planning Commission may waive this requirement for temporary or seasonal uses in the Agricultural district.

E. Off-street parking areas shall be designed in accordance with the dimensional standards displayed in Parking Lot Illustrations A through F (see following pages). All required dimensions shall be measured from the face-of-curb (where applicable), with the exception of curb radii which shall be measured from the back-of-curb. The dimensions of the following parking lot elements shall conform with the applicable Parking Lot Illustrations:

1. Parking space width:

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

b. Sixty (60°) Degree Pattern: Parking spaces shall be a minimum of nine (9') feet wide and shall have an effective length of eighteen (18') feet. Maneuvering lanes shall be a minimum of eighteen (18') feet wide.

c. Forty-five (45°) Degree Pattern: Parking spaces shall be a minimum of nine (9') feet wide and shall have an effective length of eighteen (18') feet. Maneuvering lanes shall be a minimum of fifteen (15') feet wide.

d. Parallel Parking Spaces: Parallel parking spaces shall be a minimum of eight (8') feet wide and twenty-three (23') in length.

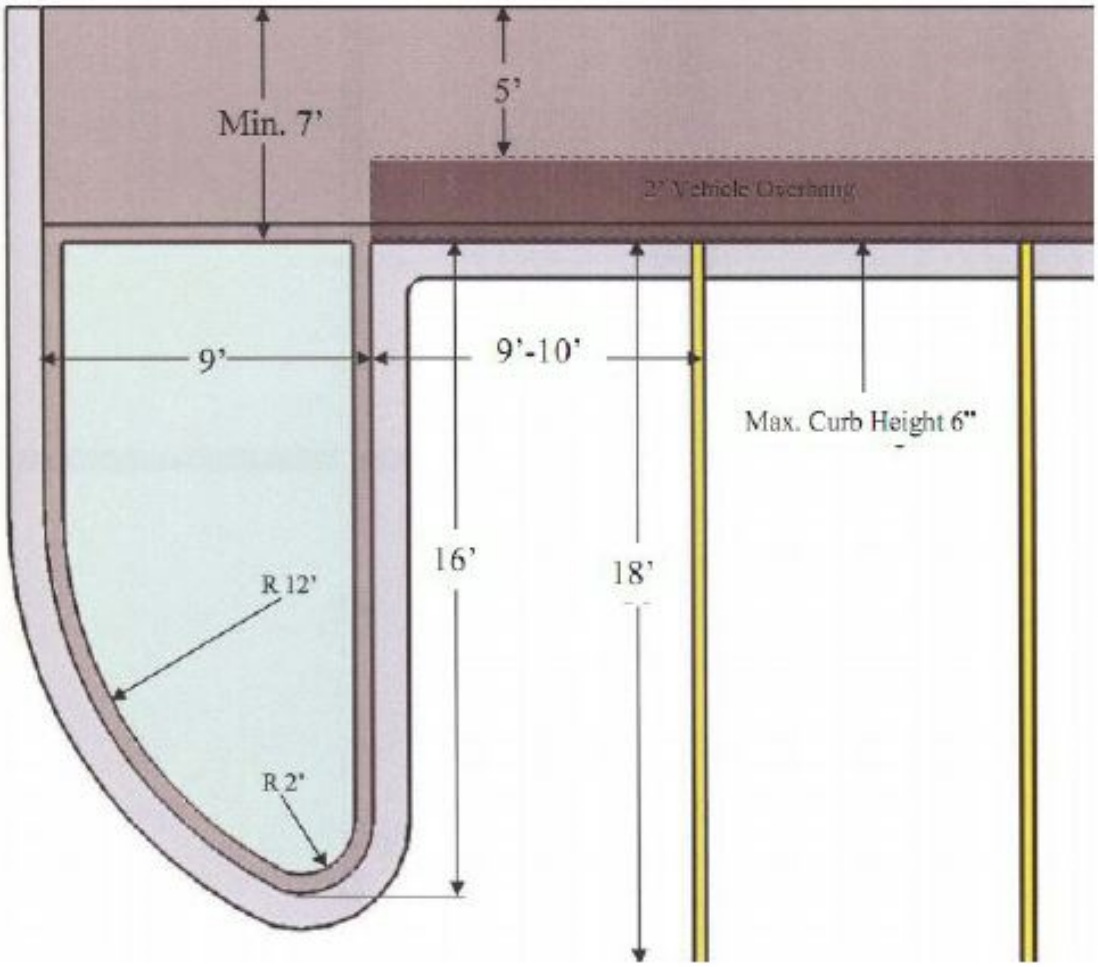
2. End aisle width (24 feet for two-way traffic).
3. Island radii (varies).
4. Island width (typically 9 feet).
5. Island length (varies).
6. Sidewalk width adjacent to parking spaces (typically 7 feet minimum).
7. Curb height of sidewalk or landscaped area adjacent to parking spaces (maximum 6 inches).
8. Barrier-free space width (8 feet).
9. Barrier-free access aisle width (5 feet, or 8 feet if van-accessible)
10. Maneuvering aisles shall have a minimum width of twenty-six (26') if a fire hydrant is located within the parking lot.
11. All parking lot designs shall meet or exceed all applicable fire codes.

F. In addition to requirements for landscaping setback areas, all off-street parking lots of more than forty (40) spaces shall incorporate and provide curbed or otherwise protected landscaped islands located within the parking lot area itself. Landscape islands shall generally conform to the dimensions of Parking Lot Illustrations A through E. The ratio of landscaped area to number of parking spaces shall be one hundred (100) square feet for each twenty (20) parking spaces. The landscaped islands shall be provided with a variety of plant materials including trees of a selected variety and size as may be practical for planting and architectural effect, and a variety of low-growing shrubs. Maximum mature shrub height shall be twenty-four inches (24") and minimum canopy height of deciduous trees shall be eight feet (8').

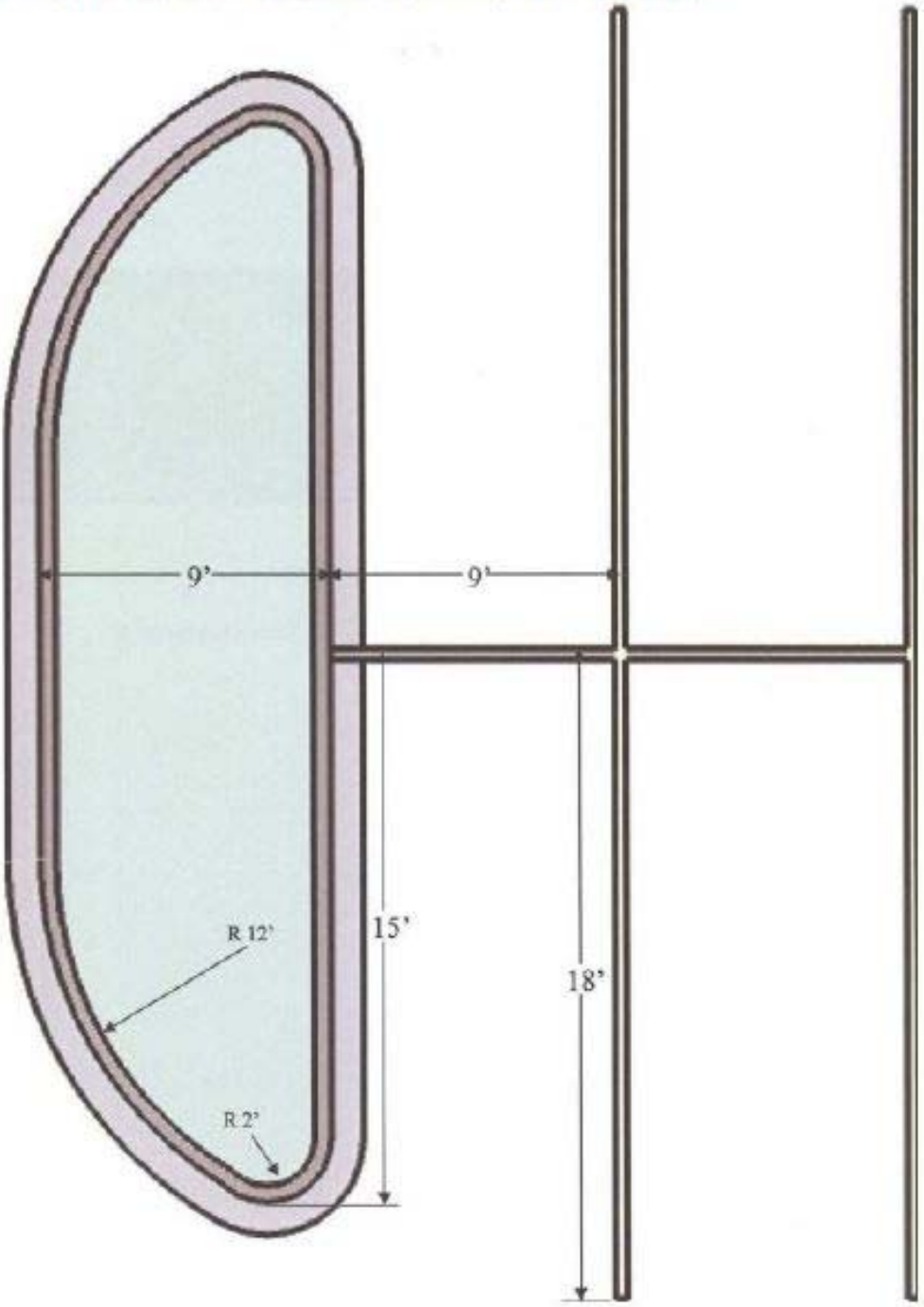
G. In order to delineate on-site circulation, ensure adequate sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, landscaped end islands shall be required at the end of all parking bays. Landscaped end islands shall generally conform with the dimensional standards displayed in Parking Lot Illustrations A through E. The Planning Commission may approve painted or raised-curb end islands in lieu of landscaped islands when it is demonstrated by the Applicant that a landscaped island cannot be accommodated.

H. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

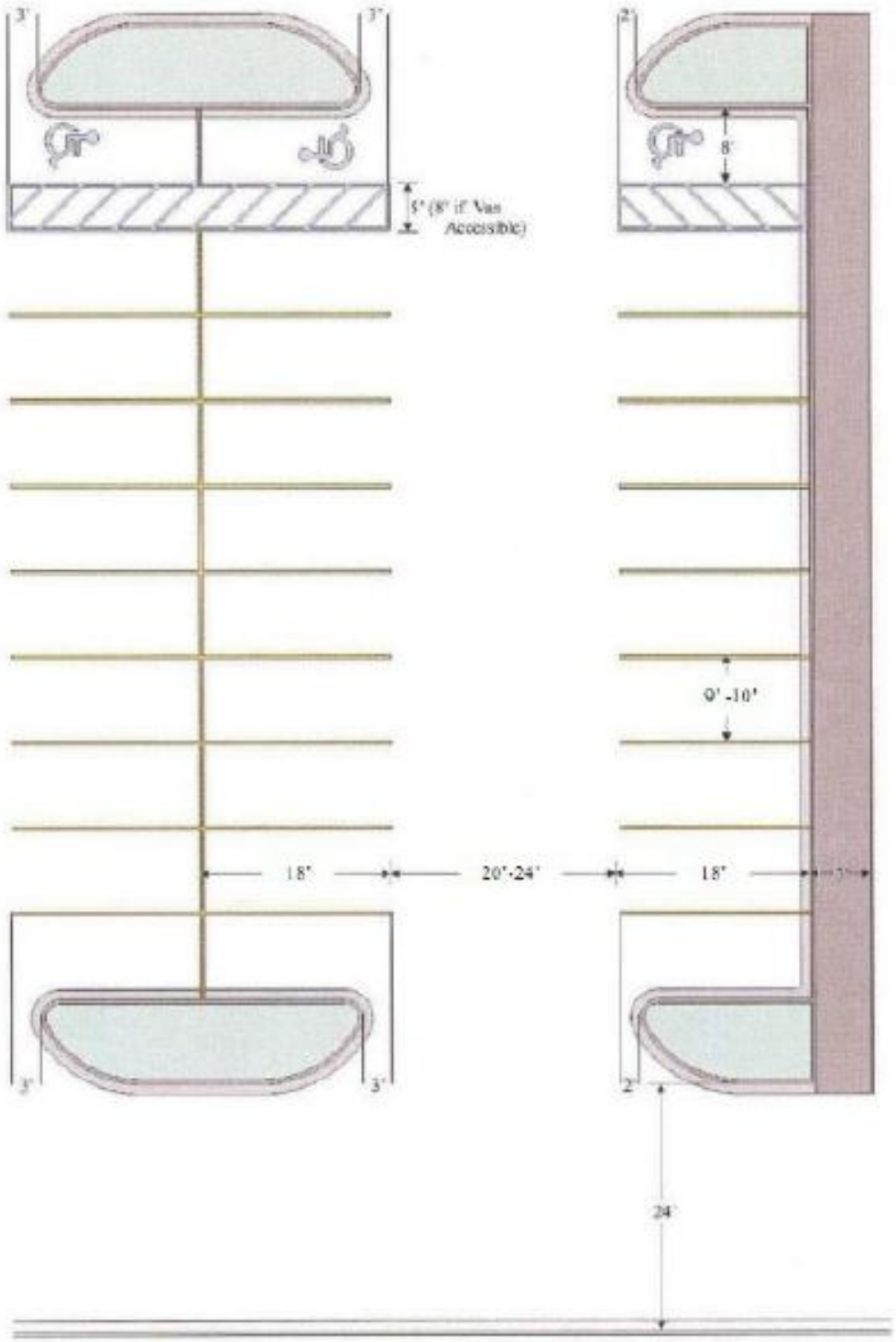
Parking Layout Illustration A (Parking Spaces Abutting Sidewalk or Curb)



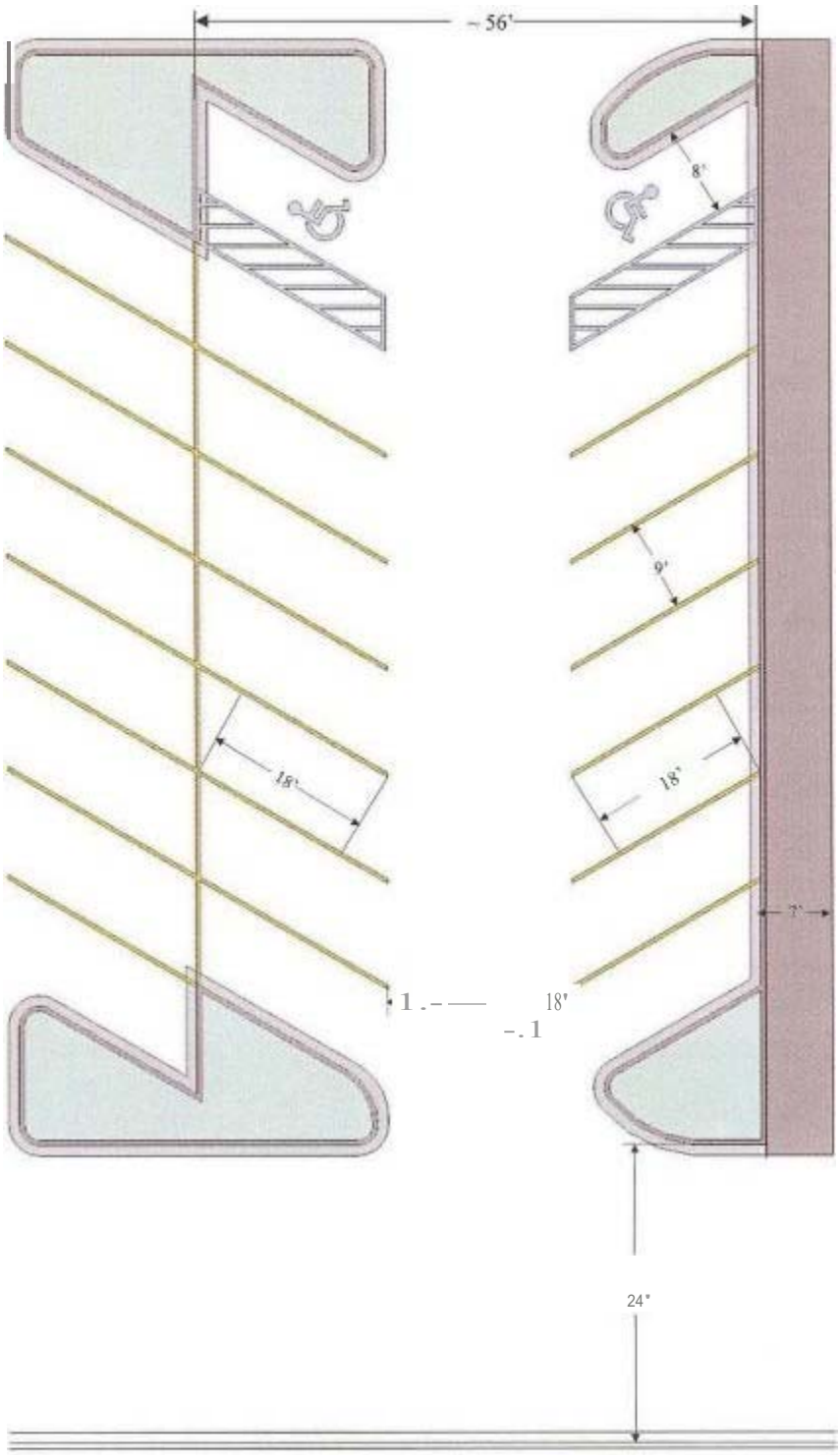
Parking Layout Illustration B (Parking Spaces Adjacent to End Island)



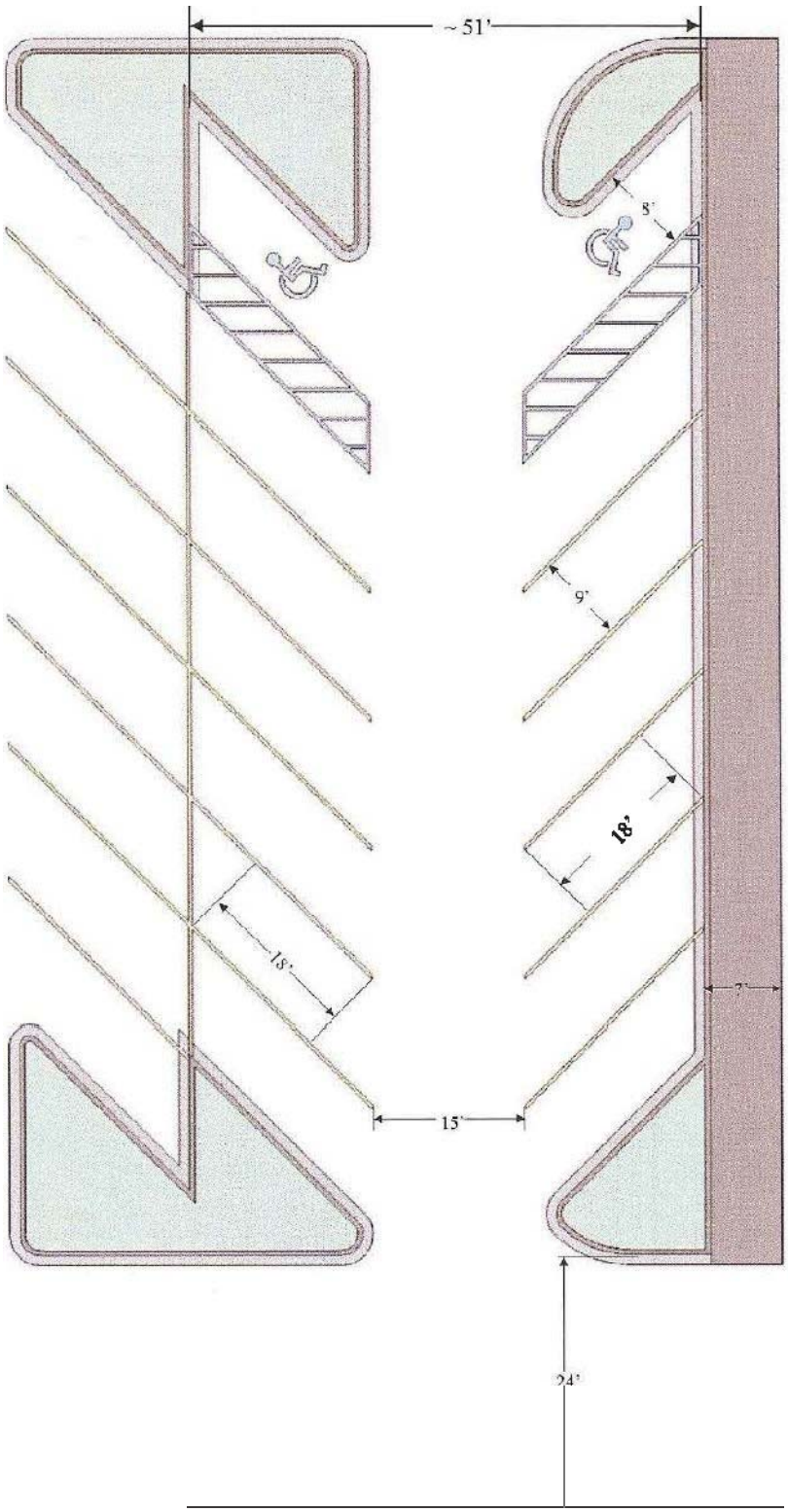
Parking Layout Illustration C (90° Parking Spaces)



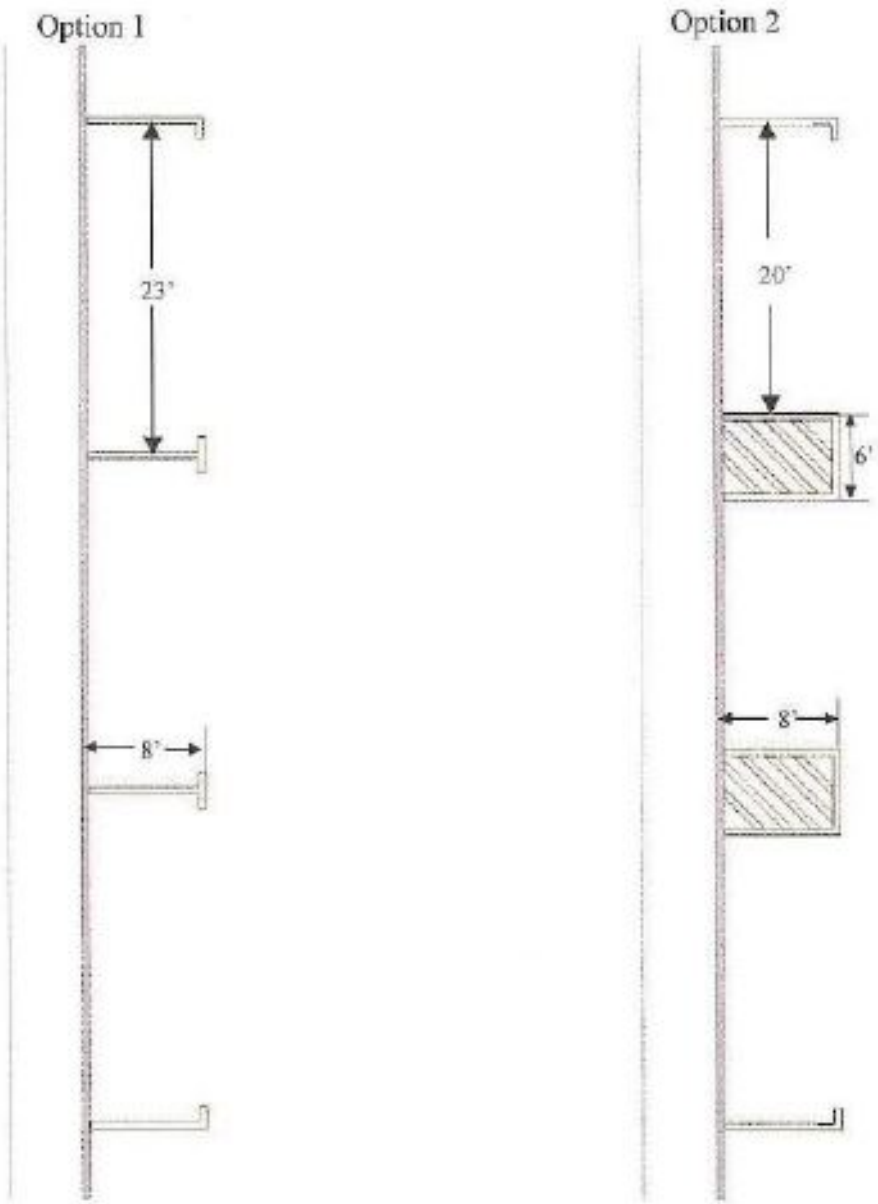
Parking Layout Illustration D (60° Parking Spaces)



Parking Layout Illustration E (45° Parking Spaces)



Parking Layout Illustration F (Parallel Parking Spaces, Two Options)



USE	MINIMUM NUMBER OF PARKING SPACES PER INDICATED AREA OR UNIT OF MEASURE
RESIDENTIAL	
1. One-Family Residential	Two (2) for each unit
2. Two- Family Residential	Two (2) for each unit
3. Multiple-Family Residential	Two (2) for each unit
4. Independent Elderly, where residents live in their own independent apartment or other housekeeping unit.	One (1) for each dwelling unit and one (1) for each employee.
5. Congregate Elderly, where residents occupy a private or shared room, and have meals, medical, laundry, and other housekeeping unit.	One (1) for each four (4) units.
6. Homes for the Aged (Assisted Living Convalescent Care and Nursing Homes)	One (1) for each two (2) beds.
7. Churches or Temples	One (1) for each three (3) persons allowed understate, county or local fire and health regulations or one (1) for each five (5) feet of pews in the main unit of worship, whichever is greater.
8. Hospitals	Two (2) for each one (1) bed plus parking for related uses.
9. Private and Public Elementary and Junior High Schools and Similar Institutions	One (1) for each (2) seats in the auditorium or assembly hall, or one (1) space for each employee plus ten (10) visitor spaces, whichever is greater.
10. Public and Private High Schools and Similar Institutions	One (1) for each two (2) seats in the auditorium or assembly hall, or one (1) space for each employee plus one (1) space for each four (4) students, whichever is greater.
11. Public and Private High Schools Converted for Adult Education classes.	One (1) space for each one and one-half (1 ½) students based on the maximum occupancy as determined by local or state fire codes.
12. Commuter College, University, Business Vocational, or Similar School Principally Enrolling Students 17 Years of Age or Older	One (1) parking space for each pupil plus parking requirements for places of public assembly shall be met if used during periods of classroom assembly.
13. Small Residential Colleges, Religious Schools, and Similar Institutions	One (1) for each three (3) students plus one (1) for each employee.

14. Private Clubs or Lodges	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire or health codes.
15. Private Swimming Pool Clubs or Other Similar Uses.	One (1) for each (2) member families or individuals plus one (1) for every two (2) employees in the largest shift.
16. Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
17. Theaters and Auditoriums	One (1) for each three (3) seats plus one (1) for each employee.
18. Theaters and Auditoriums in Shopping Centers	One (1) for each four (4) seats.
19. Stadium, Sports Arenas, or other Place of Outdoor Assembly	One (1) for each three (3) seats or five (5) feet of benches.
20. Libraries, Museums, or Post Offices	One (1) for each two hundred (200) square feet of gross floor area (5 spaces per 1,000 square feet).
21. Nursery Schools, Day Nurseries, or Child Care Centers	One (1) for each three hundred fifty (350) square feet of usable floor area (2.86 spaces per 1,000 square feet) plus one (1) space for each employee.
OFFICES	
22. Banks, Savings and Loans, Credit Union	One (1) for each two hundred (200) square feet of gross floor area (5 spaces per 1,000 square feet) plus five (5) automobile standing (queue) areas foe each drive-in teller window. The automobile standing space shall not be less than twenty (20) feet by nine (9) feet. The standing area shall not be considered parking space.
BUSINESS OFFICES AND PROFESSIONAL OFFICES EXCEPT AS INDICATED IN THE MEDICAL/DENTAL CATEGORY (26).	
23. Offices Under 50,000 Square GFA	Four and one-half (4.5) spaces for each 1,000 square feet of GFA.
24. Offices Containing 50,000 - 99,999 Square Feet GFA	Four (4) for each 1,000 square feet of GFA.
25. Offices Containing 100,000+ Square feet GFA	Three and one-half (3.5) for each 1,000 square feet of GFA.
26. Professional Offices of Doctors, Dentists, Veterinarian or Similar Professions; Outpatient Clinics under 2,500 square feet of gross floor area.	One space (1) for each one hundred (100) square feet of gross floor area.
Professional Offices of Doctors, Dentists, Veterinarian or Similar Professions; Outpatient Clinics over 2,500 square feet of gross floor area.	25 spaces for the first 2,500 square feet and (1) space for each two hundred (200) square feet of additional gross floor area.

INDUSTRIAL	
27. Industrial or Research Establishments and Related Accessory Offices	Five (5) plus one (1) for each employee in largest working shift; or five (5) plus one (1) for each five hundred (500) square feet of GFA (0.59 spaces per 1,000 square feet), whichever is greater.
28. Warehouses and Wholesale Establishment and Related Accessory Offices	Five (5) plus one (1) for every one (1) employee in the largest working shift, or five (5) plus one for each seventeen hundred (1,700) square feet of GFA (0.59 spaces per 1,000 square feet), whichever is greater.
29. Self-Storage or Mini-Warehouse	One (1) for each 15 (fifteen) storage units.
BUSINESS / COMMERCIAL	
30. Commercial or Shopping Center	One (1) for each two hundred (200) square feet of GFA (5 spaces per 1,000 square feet).
31. Furniture and Appliance, Hardware, Household Equipment Repair Shops, Showroom of a Plumber, Decorator, Electrician Similar Trade, Shoe Repairs Other Similar Uses	One (1) for each eight hundred (800) square feet GFA (1.25 spaces per 1,000 square feet) plus one (1) for each two (2) and employees.
32. Beauty and Barber Shops	Three (3) for each chair, tanning station, or similar use area.
33. Mortuaries and Funeral Parlors	One (1) for each three (3) persons allowed under state, county, or local fire and health codes.
34. Miniature Golf Establishments	Two (2) for each one (1) hole and one (1) for each employee, plus parking for accessory uses.
35. Golf Driving Ranges	One and one-half (1 ½) for each driving pad.
36. Golf Courses, Public	Fifty (50) spaces per 9 holes plus one (1) for each two (2) employees in the largest shift plus 50% of the spaces otherwise requires for accessory uses such as a restaurant or banquet
37. Golf Course, Private	Fifty (50) spaces per 9 holes plus one (1) for each two (2) employees in the largest shift plus one (1) for each six (6) member families.
38. Bowling Alleys	Five (5) for each bowling lane plus parking for accessory uses.
39. Dance Halls, Pool or Billiard Parlors, Roller Skating Rinks and Exhibitions Halls Without Fixed Seats	One (1) for each three (3) persons allowed under state, county, or local fire and health codes.

40. Establishments for the Sale and on the Consumption premises of Beverages, Food or Refreshments (Except Fast Food Restaurants)	One (1) for each one hundred (100) square feet of GFA (10 spaces per 1,000 square feet).
41. Fast Food Restaurants	One (1) for each sixty (60) square feet of GFA (16.7 spaces per 1,000 square feet) plus a minimum of eight (8) automobile standing spaces for drive-up window (if provided). The automobile standing area shall be not less than twenty (20) feet by nine (9) feet. The automobile standing area shall not count towards the parking requirements.
42. Carry-Out Only Restaurants	One (1) for each twenty five (25) square feet of usable floor area (40 spaces per 1,000 square feet) plus a minimum of ten (10) automobile standing spaces for drive-up window (if provided). The automobile standing area shall be not less than twenty (20) feet by nine (9) feet. The automobile standing area shall not count towards the parking requirements.
43. Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) machines.
44. Automobile Wash (Automatic)	One (1) for each one (1) employee plus an automobile standing area outside the car wash structure equal to four (4) times the maximum capacity of the auto wash. The maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
45. Automobile Wash (Self Service)	One (1) for each employee plus four (4) automobile standing spaces for each washing stall in addition to the stall itself. The automobile standing spaces shall be no less than twenty (20) feet by nine (9) feet.
46. Gasoline Service Stations (Full Service)	Four (4) parking spaces, exclusive of stall space, for each service/repair stall, plus one (1) for each fuel pump. In no instance shall required parking space or maneuvering area conflict with vehicles being refueled or awaiting fuel.

47. Gasoline Stations (No Vehicle Repair, Alternations, or Service)	One (1) space for every two pumps plus one (1) space for each employee. In no instance shall required parking space or maneuvering area conflict with vehicles being re-fueled or awaiting fuel.
48. Gasoline Stations With Convenience Retail Food and Beverage Sale Other than Machine Sales	Same as above plus one (1) space for each two hundred fifty (250) square feet of GFA devoted to retail food and beverage sales.
49. Motel, Hotel or other Commercial lodging establishments.	One and one-quarter (1.25) for each unit plus parking for accessory uses.
50. Motor Vehicle Sales and Service	One (1) for each two hundred (200) square feet of usable floor area of sales room and one (1) for each one (1) auto service stall exclusive of the stall itself.
51. Conference Facility	One (1) for every three (3) persons allowed within the maximum occupancy established by the fire department or state, county, or local building or health codes, plus parking for accessory uses.
52. Retail Store Except as Specified Herein	One (1) space for each one hundred fifty (150) square feet of GFA.

When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.

SECTION 302. OFF-STREET PARKING DEVELOPMENT REGULATIONS

Off-street parking lots shall be permitted as an accessory use in all commercial and industrial districts subject to the regulation set forth below. Said lots shall also be permitted in residential districts by the Township Planning Commission after a public hearing, and subject to the following requirements, when it is reasonably indicated that business or industrial property in adjoining or adjacent areas is unavailable or impractical for the development of an off-street parking facility:

A. No repairs or service to vehicles shall be permitted.

B. The parking surface shall be covered with a pavement having as asphaltic or Portland Cement binder(unless waived pursuant to Section 301, D above), and shall be graded and drained to the storm sewer so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property.

C. When lighting facilities are used, reflectors shall be installed to reflect the light away from adjacent residential areas.

D. Side yards shall be maintained for a space of not less than ten (10) feet between adjoining lot lines and the parking area.

E. Whenever such parking area adjoins residential property and/or a residential street or alley, an ornamental masonry wall at least five (5) feet in height, shall be erected and maintained between the required yard space and area to be used for parking. On such other locations where a protective barrier is required, the use of an ornamental masonry wall, cyclone fence, and/or dense shrubbery may be permitted by the Township Planning Commission. All required walls, fences or other barriers shall be properly maintained, kept free of debris, signs or any advertising whatsoever. Bumper guards (comprising either a curb at least six inches high or steel posts 24 to 30 inches high and not more than five feet apart, set three feet in concrete) shall be provided to prevent vehicles striking said wall or shrubbery.

F. In all cases where a screen wall extends to a driveway which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than fifteen (15) feet from such driveway line in order to permit a wider means of access to the parking area.

G. The Planning Commission may substitute a screen fence and/or a greenbelt in place of the wall, as provided in Section 300, where no good purpose would be served by the wall.

H. Plans for the development of any parking lot must be submitted in triplicate to the Building Inspector and must be approved by the Building Inspector prior to the start of construction. The construction to be in accordance with the requirements of the Building Code and the Zoning Ordinance of the Township and such construction shall be completed and approved by the Building Inspector.

I. The use of any loud noise producing device or public address system, shall be prohibited.

J. An approved off-street parking area in a Non-Commercial or Non-Industrial district shall be considered a conditional accessory use to adjoining business property and as such is to be used for customer vehicle parking of such adjoining business only, including passenger vehicles and trucks up to one-half (1/2) ton capacity. Further, penetration of residential property for the establishment of an off-street parking area shall not exceed eighty (80) feet measured at right angles from the residential property line adjoining such business district, and shall be subject to the following requirements in addition to those stated above:

1. No advertising signs shall be erected on the premises, but one sign may be erected at each of the points of ingress or egress and such sign may bear the name of the operator of the lot and the enterprise it is intended to serve. Such sign shall not exceed twenty (20) square feet in area and an overall height of fifteen (15) feet above the ground and shall not project beyond the property line of said premises.

2. All land between the lot boundaries of the lot on which is located a parking area and the barriers hereinafter referred to, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the neighborhood.

3. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the right-of-way for the parking of motor vehicles; provided, however, that any barrier or greenbelt required by this Ordinance shall be located in the setback line as herein required.

4. Entrance to such area shall be only from the adjoining permitted use or adjoining alley.

5. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked, or stored in parking lots for a period of longer than twenty-four (24) hours. Further, it shall be unlawful for any person to store wrecked or junked cars or vehicles, recreational vehicles, boats or similar vehicles in any required parking lot.

SECTION 303. OFF-STREET LOADING REQUIREMENTS

On the same premises with every building, structure, or part thereof, erected occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Loading and Unloading Spaces Required in Terms of Square Feet
Square Feet of Usable Floor Area
0 - 1,400 None
1,401 - 20,000 One (1) Space
20,001 - 100,000 One (1) space plus one (1) space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,001 - 5,000,000 Five (5) spaces plus 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft. Over 500,000 Fifteen (15) spaces plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

SECTION 304. RESERVED

SECTION 305. SITE PLAN REVIEW

A. Whenever a development requires site plan approval by the Planning Commission prior to issuance of a building permit, the procedures listed below shall be followed and the use shall comply with the requirements and standards listed below. Any new construction, significant change in an existing use, modification to a structure other than routine maintenance and upkeep, significant change in floor plans, significant modification of parking or landscaping, or any other significant change in any existing development or use, other than an individual single family home used as a residence, requires site plan approval by the Planning Commission. A "significant change", as used above, will be determined by the Planning Commission after consideration of the potential impacts of the proposed change in relation to the requirements of the Lenox Township Zoning Ordinance and other applicable Township regulations

B. Requirements - The required number of copies of the Site Plan Review and/or Special Land Use application (obtainable from the Township Clerk) together with the same number of copies of all required drawings and illustrations and the Administration, Planning, and Engineering Review Fees established by resolution of the Township Board shall be presented to the Township Clerk 21 days prior to the next regular meeting of the Planning Commission, to be forwarded to the Community Planner, Township Engineer and/or Township Attorney where necessary. The application shall include the fee for site plan review established by resolution of the Township Board. Resubmission of revised plans shall include a re-review fee equal to seventy-five (75%) percent of the original site plan review fee. All of the following detailed information must be submitted:

Application Form Requirements	Preliminary Site Plan/ Engineering Feasibility Plan	Final Site Plan	Final Engineering Plan
1. Applicant's name and address.	X	X	X
2. Name of the proposed development.	X	X	X
3. Common description of the property.	X	X	X
4. Complete legal description,	X	X	X
5. Dimensions of land, width, length and acreage.	X	X	X
6. Existing zoning and zoning of adjacent properties.	X	X	X
7. Proposed use of land.	X	X	X
8. Name, address, city and phone number of the firm or individual who prepared site plan.	X	X	X
9. Name and address of applicant if not the legal owner.	X	X	X
10. Signature of the legal owner, if not the applicant, and proof of ownership.	X	X	X
11. Completion of the form titled "Groundwater Protection Information for Site Plan Review" provided by the Township.	X	X	X

Site Plan Drawings and Illustrations (fully dimensioned)	Preliminary Site Plan/ Engineering Feasibility Plan	Final Site Plan	Final Engineering Plan
12. Location map drawn at scale of 4"=1 mile (show nearest major intersection).	X	X	X
13. Location of all existing and proposed structures and uses.	X	X	X
14. All aisles, drives and parking areas (include the number of spaces in each).	X	X	X
15. Screening and/or protective walls. (See Performance Guarantee, Section 324)		X	X
16. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements. Include off-site driveways within 200 feet.	X	X	X
17. Types of proposed facing materials to be used on structures in accordance with Section 326.		X	X
18. Elevations (front, side and rear views) of all sides of the building(s).	X	X	X
19. Typical floor plans(s).	X	X	X
20. Seal of Registered Architect, Landscape Architect, Land Surveyor, Professional Planner or Civil Engineer who prepared the plan. In cases of minor structural alterations where professional services are not required, the Planning Commission may waive this requirement.	X	X	X
21. Density calculations.	X	X	X
22. Existing buildings or improvements on the site and all land adjacent to the site within 100 feet.	X	X	X
23. Designation of units by type of buildings.	X	X	X
24. Interior sidewalks within right-of-way.		X	X
25. Exterior lighting locations and methods of shielding.		X	X
26. Trash receptacle location, method of screening (masonry wall or pressure treated wood fence).		X	X
27. Landscape plan (Bond requirement Sec. 300.F)		X	X
28. Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate.	X	X	X
29. All utilities located on or serving the site.	X	X	X
30. Loading/unloading area - must demonstrate safe access by all intended delivery vehicles, especially large trucks.	X	X	X
31. Total floor area.	X	X	X
32. Designation of fire lanes.	X	X	X
33. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, noise, vibration, and emission levels and other data of all such equipment or machinery.	X	X	X

Site Plan Drawings and Illustrations (fully dimensioned)	Preliminary Site Plan/ Engineering Feasibility Plan	Final Site Plan	Final Engineering Plan
34. Location and extent of development of recreation areas, where necessary.	X	X	X
35. General location of all proposed stormwater drainage and retention facilities shall be shown on the site plan drawings.	X	X	X
36. Location of existing drainage courses, floodplains lakes or streams.	X	X	X
37. Existing topography drawn to at least ten (10) foot contour intervals based on USGS data. Benchmarks for the elevations shown on the drawing shall be properly indicated if available.		X	X
38. A plan for storm water drainage and retention facilities clearly indicating that the development will not adversely affect adjoining properties.		X	X
39. Indication of where trees and shrubs exist or where such vegetation will be planted prior to occupancy will be shown. All such trees and shrubs shall be labeled as to size and whether existing or proposed. Whenever a tree or group of trees of six (6) inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted "to be removed".	X	X	X
40. The boundaries of all wetlands on the subject property shall be identified and located based upon MDNR, USGS, and / or National Wetlands Inventory data. Such lands are subject to Section 321 of this Ordinance.	X	X	X
41. All interior and exterior areas to be used for storage, loading / unloading, recycling, use or disposal of hazardous substances and polluting materials.		X	X
42. Proposed location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, collection of contaminated stormwater, and all similar uses.		X	X
43. Location of existing underground storage tanks to be removed.		X	X
44. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for drains and pipes shall be specified on plans.	X	X	X
45. Existing trees and woodlands on-site shall be inventoried in accordance with Tree Survey requirements of Section 331 F.		X	X
46. Regulated wetlands must be flagged by a certified wetlands consultant.		X	X
47. Detail required by the Township's Sewer and Water Ordinance and Land Development Ordinance.			X

48. Sign Information. Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of preliminary site plan review or at a later date (final site plan). The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later as part of a sign review by the Commission.
    a. Height of Sign above grade.
    b. Surface of the sign (Materials and dimensions).
    c. Area of sign surface.
    d. Lettering / content of sign including dimensions of the proposed lettering.
    e. Method of illumination, if any.

49. Development Agreements when required shall include the following information for review by the Township planner and attorney for final approval by the Township Board:
    a. A legal description and survey of the total site(s) proposed for development.
    b. Names and addresses of all owners and persons with legal or equity interest in the property proposed for development.
    c. A development schedule, including any individual stages or phases, and the anticipated beginning and completion dates.
    d. Phasing information shall include information regarding the street layout and number and type of dwelling units for residential phases, the building footprint, square footage and location and number of parking spaces shall be specified for non-residential phases
    e. An affirmative representation that the proposed uses(s) will not exceed the performance criteria of the ordinance.
    f. Descriptive detail regarding the proposed architecture including proposed materials and architectural renderings.
    g. A schedule of Development Regulations detailing the requested dimensional standards including a reference to the zoning district they are based upon. All conditions and stipulations as set forth by the Township Board. Provisions satisfactory to the Township attorney dealing with maintenance of the property, as well as maintenance, repair, and replacement of any common facilities servicing any portion of the property. Any provisions deemed necessary by the Township attorney, planning consultant, or engineer regarding on-site and off site easements required to service the property.
    h. A statement incorporating by reference in the agreement all representations, warranties, and information provided in a submission by the applicant and confirming the Township's reliance on those representations, warranties and information.
    i. Enforcement provisions satisfactory to the Township Attorney.
    j. A statement allowing recording of the agreement or a notice of existence of the agreement at the office of the Macomb County Register of Deeds.
    k. Any other provisions deemed necessary by the Township attorney, engineer or planning consultant to meet the intent and purposes of the applicable ordinances.

C. Procedures – A site plan petition submitted in accordance with the provisions of Section 305 B will be placed on the agenda of a meeting of the Planning Commission and consideration for acceptance, revision or disapproval will be given.

1. The Planning Commission shall consider the following factors in exercising its discretion over preliminary and final site plan approval:

   a) Whether the use proposed for the site is a use permitted in the district and complies with all applicable requirements of the Lenox Township Zoning Ordinance and any other applicable code or ordinance.

   b) Whether traffic access to the site is such that vehicular congestion or other impairment of traffic may result from access to and from the site. When evaluating traffic impact, the Planning Commission will examine such factors as driveway/street location(s), driveway spacing, internal circulation, parking layout, and pedestrian safety. The Planning Commission shall have a goal of limiting the number of driveways and curb cuts on a public street to the minimum number for safe and efficient ingress and egress.

   c) Whether the development of the site is such that it does not serve as a physical barrier or detriment to the development of adjacent land.

   d) Whether the location of activities on the site, including the arrangement of buildings and parking areas is such that activities may create noise, odor, excess light, or other nuisances that would be a detriment to existing or future uses of abutting lands.

   e) Based on the preliminary engineering feasibility plan, whether the preliminary site plan layout is feasible from an engineering standpoint with regard to utility conflicts, adequate drainage outlets and detention basin locations.

2. Upon determination of the Planning Commission that the preliminary site plan and preliminary engineering feasibility plan is in compliance with the Zoning Ordinance as amended, and other plans or applicable regulations, action shall be taken to approve the preliminary site plan and engineering feasibility plan.

3. Upon determination of the Planning Commission that a site plan is in compliance except with minor revisions, said changes shall be so indicated in the Planning Commission motion. When these changes have been adequately provided, the petitioner may resubmit the revised site plan for review. All revised site plan review submittals, following the initial preliminary site plan review, shall include a response letter detailing the changes made to the plan since the previous submittal.

4. If extensive revisions to the site plan are necessary to meet the Ordinance, plan and regulations requirements, the site plan shall be disapproved for reasons noted in the Planning Commission's motion and the petitioner shall be requested to prepare an alternate site plan.

5. If the applicant desires to prepare an alternative plan, the same procedure as outlined under subsection A "Requirements" above must be met.

6. Following Planning Commission approval of the preliminary site plan including intended use, design, layout, parking, landscaping, screening, lighting and preliminary engineering feasibility, the applicant shall submit his final site plan and final engineering plans to the Township for review and consideration by the designated approving body prior to approval of a building permit.

D. Approval valid for one (1) year - Upon approval of a final site plan by the Planning Commission, a building permit shall be requested by the applicant within twelve (12) months or the site plan shall be declared to be invalid. Extensions may be granted at the discretion of the Planning Commission. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and reasonably continued, or the site plan and building permit shall be declared to be invalid, unless the applicant requests and obtains a renewed building permit from the Building Inspector.

SECTION 306. SINGLE FAMILY DWELLING STANDARDS

All single family dwellings erected in Lenox Township or brought into Lenox Township shall comply with the following:

A. A building permit issued by Lenox Township shall be required before beginning construction of any site-built dwelling and before any factory-built dwelling is brought in the Township.

B. All single family dwelling units shall comply with the Township Building Code in effect at the time. If a dwelling is required by law to comply with any state or federal standards, and those standards are different than the Township Building Code, then such state or federal standards or regulations shall apply.

C. All single family dwelling units shall be fastened to a minimum 8 inch wide masonry foundation which is continuous around the perimeter of the dwelling to a depth of at least 42 inches. If the dwelling is a mobile home, it shall be installed pursuant to the manufacturer's setup instructions, shall be secured to the premises by an anchoring system complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall as described above.

D. All single family dwellings shall comply with the minimum square footage requirement of this Ordinance for the zone in which they are located.

E. All single family dwellings shall comply with the proportional requirements of Section 325.

F. In order to promote compatibility and relative uniformity of single family dwellings, the following features shall be present in all single family dwellings:

1. A roof overhang of not less than 12 inches.

2. A roof with a pitch no less than 4/12 (4 inches vertical for each 12 inches horizontal) on the main structure, excluding porches, patio roofs, attached garages, overhangs and similar subordinate architectural features or components of the dwelling, as determined by the Building Inspector. The roof of the main structure shall be in the shape of a hip, gable, shed, gambrel, or similar style.

3. At least two exterior doors, on different sides of the dwelling with steps or porches connecting said exterior doors with the ground where a change in elevation requires the same.

4. The exterior surfaces of exterior walls shall be covered with wood, stucco, or a material of metal, metal alloy, brick, masonry, vinyl, or plastic with major actual or visual vertical or horizontal joints spaced at not more than 8 inches apart.

5. Incorporates a storage of a least 100 square feet, in addition to the minimum floor area required in that particular zoning district, located in a basement, attic, closets, or in a separate structure of standard construction similar to or of better quality than the principal dwelling. The foregoing standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the standard designed home.

G. In the event that a dwelling is a mobile home, it shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

H. The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

I. The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state of federal law or otherwise specifically required in Article 9 of this Ordinance.

SECTION 307. HAZARDOUS MATERIALS

All businesses and facilities which use, store, or generate hazardous substances in any quantity shall comply with the following requirements:

A. Groundwater Protection Standards

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.

2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.

3. General purpose floor drains shall be connected to a public sewer system or an on- site holding tank in accordance with state, county and township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Natural Resources.

4. Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

6. In determining conformance with the standards in this zoning ordinance, the Township shall take into consideration the publication titled "Small Business Guide to Secondary Containment" and other references.

B. Aboveground Storage

1. Primary containment of hazardous substances shall be product-tight.

2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance.

3. Outdoor storage of hazardous substances is hereby prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism. Said storage areas shall be completely screened from public view by a masonry wall, pressure treated wood fence, or poured concrete wall with a brick-like texture. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.

4. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.

5. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.

   At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.

C. <u>Underground Storage:</u>

1. Existing and new underground storage tanks shall be registered with the Michigan Department of Natural Resources in accordance with Federal and State requirements.

2. Installation, operation, maintenance, closure and removal of underground tanks shall be in accordance with the requirements of the Fire Department, the Michigan State Police, Fire Marshall Division, and the Michigan Department of Natural Resources. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.

3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, the Michigan Department of Natural Resources and Lenox Township.

SECTION 308. CONFLICTING REGULATIONS

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

SECTION 309. APPROVAL OF PLATS

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

SECTION 310. BUILDING GRADES

A. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. There shall be a sloping grade beginning at the finished grade line at the front of the building to the front lot line. However, this shall not prevent the maintenance of natural existing grades or the grading of a yard space to provide a sunken or terraced area, provided proper means are provided and maintained to prevent the run off of surface water from flowing onto adjacent properties. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade.

B. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building the yard around the new building shall be graded in such a manner as to prevent the run-off of surface water onto the adjacent properties.

1. In general, each lot shall drain from the front of the house or other principal structure to the road and from the rear of the house to the rear of the lot.

2. Whenever a lot is graded toward the sides or the rear, a drainage structure must be provided across the side and/or the rear lot line to receive surface run-off. The structure shall direct the run-off water to an appropriate natural drainageway or a County drain.

3. Drainage for each site must be self-contained so that drainage across adjacent sites is avoided, unless easements are provided for that purpose.

4. Whenever drainage is required to cross an adjacent lot, an easement for this purpose must be obtained across the adjacent lot.

C. Final grades shall be approved by the Building Inspector, who may require the owner and/or the developer to submit a grading plan prepared and certified by a registered civil engineer or land surveyor.

D. Health Department requirements for "elevated" or "engineered" septic system tile fields shall not constitute a reason for directing storm water onto adjacent properties. In no instance shall the finished grade of the lot be more than six (6) inches above the approved finished grade of the septic system.

SECTION 311. BUILDINGS TO BE MOVED

Any building, structure, or mobile home, which has been wholly or partially erected or placed on any premises within Lenox Township or outside Lenox Township shall not be moved and/or placed upon any premises in the Township until a building permit for such removal shall have been secured, and a cash bond, in an amount determined by resolution of the Township Board, shall have been posted.

A. Wholly or partially erected site-built structures and previously occupied mobile homes shall require a physical inspection by the Building Inspector prior to being brought into the Township. Any such building, structure, or mobile home, whether moved from within or outside the Township, shall fully conform to all provisions of this Ordinance and all other Ordinances of Lenox Township in the same manner as a new building or structure. The applicant shall pay an inspection fee and a cash performance bond, in an amount determined by resolution of the Township Board, in addition to all required building permit fees and bonds. The purpose of the bond is to ensure completion of the moving of the building, structure, or mobile home, removal of all debris, and proper restoration of the site in question.

B. All, new, factory-built mobile or modular buildings or structures shall fully conform to all provisions of this Ordinance and other Ordinances of Lenox Township prior to being brought into the Township. Any such building or structure shall be subject to all building permit fees and bonds required for new, site-built structures. It shall not be necessary for new mobile homes to post a moving bond and/or prior inspection fee.

SECTION 312. BUILDING UNDER CONSTRUCTION

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said building permit was granted.

SECTION 313. DWELLINGS IN NON-RESIDENTIAL DISTRICTS

No dwelling shall be erected in commercial or industrial districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

SECTION 314. DWELLING IN OTHER THAN MAIN STRUCTURE

No residential structure shall be erected upon the rear yard of a lot or upon a lot with another dwelling.

SECTION 315. EXCAVATIONS OR HOLES

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded open or dangerous excavations, holes pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety -or -welfare, are hereby prohibited; provided however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector; and, provided further, that this section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

SECTION 316. FRONTAGE

A. Every dwelling or principal building shall be located on its own lot, which shall front upon a public street for the minimum width required in the district for the use proposed. The only exception to this frontage requirement shall be lots located on a cul-de-sac or similar turn-around in an approved subdivision plat or condominium subdivision, which shall have a minimum of fifty (50) feet of frontage on the public street. Development of new private roads is prohibited. Refer to the Lenox Township Book of Ordinances, Part 79, Ordinance 1 Private Roads, Section 6 regarding policies and standards for existing private roads.

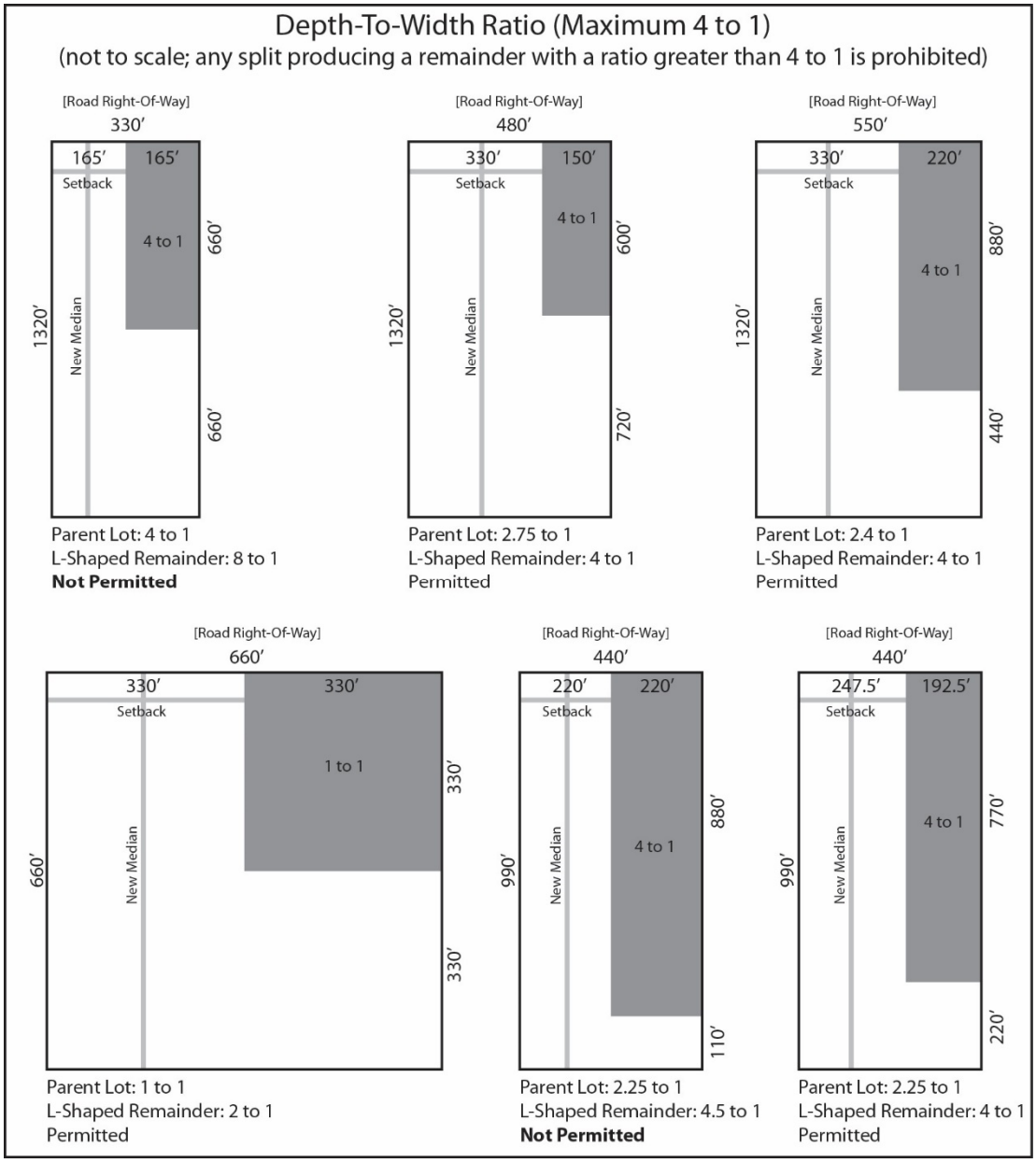
B. This section is intended to prohibit the development of so-called flag lots, where one building site is located behind another with access to the public street only by means of a narrow driveway. This section is not intended to prohibit land divisions that result in an L-shaped remainder of the parent parcel, so long as the remainder satisfies the following standards:

    1. The remainder of the parent parcel shall provide the minimum lot area required in the district and for the use proposed.

    2. The remainder of the parent parcel shall provide the minimum lot width required in the district and for the use proposed.

3. Not more than one half (½) the frontage of the original parent parcel may be given up to frontage land divisions in each consecutive 10 years, beginning in 2014.

4. Future development of interior acreage, where the majority of the original frontage has been given up to frontage land divisions, shall require the development of a new public road. The new public road for all such interior acreage developments shall have at least two (2) points of access to a major or minor thoroughfare.



SECTION 317. LOT LIMITATIONS

In all residential subdivisions, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots", which may be so arranged

or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements of the district in which it is located; provided further that no building shall be erected on land subdivided in violation of Act 288 Public Acts of the State of Michigan, 1967, as amended.

SECTION 318. LOTS, YARDS, AND OPEN SPACE

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit required by this Ordinance, may by reason of change in ownership, or otherwise, be counted or calculated to satisfy or comply with a yard or other space or lot area requirements for any other building.

SECTION 319. TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS OCCUPANCY PROHIBITED

Sub-standard basement or garage dwellings as defined by the State Housing Law of Michigan which have been heretofore erected or occupied, are hereby declared to be undesirable and should be altered so as to comply with the provisions of this Ordinance. Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

SECTION 320. RESTORING UNSAFE BUILDING

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector, or required to comply with his lawful order, provided that the restoration is not contrary to SECTION 2104 of this Ordinance.

SECTION 321. LAKES. PONDS, WETLANDS OR WATERCOURSES

Lakes, ponds, wetlands and/or watercourses shall be retained as permanent open space in all proposed developments. All such features shall be clearly delineated on a site plan for the use and submitted to the Planning Commission for review and approval. No development, filling, piping, or diverting shall be permitted except for required roads, or as may be allowed or required by the Macomb County Public Works Commissioner and the Michigan Department of Natural Resources in accordance with the provisions of Act 203, Public Acts of 1979, as amended, (Wetland Protection Act) and/or Act 346, Public Acts of 1972, as amended (Inland Lakes & Streams Act).

SECTION 322. SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or maintained, and no new use or change shall be made of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 323. ACCESSORY BUILDINGS AND STRUCTURES

Unless otherwise provided for in this Ordinance, accessory buildings and structures in all zoning districts shall meet the following standards:

A. Accessory buildings over 200 square feet shall require a building permit. A zoning compliance permit shall be required for all accessory buildings under 200 square feet.

B. Accessory buildings may be erected in the front of a principal structure only if they are setback at least six hundred sixty (660) feet from the front lot line. Any detached accessory building located in the rear yard may not occupy more than thirty percent (30%) of the required rear yard. In no instance shall a detached accessory building be closer than ten (10') feet to a rear or side lot line. Structures with a height greater than twenty-two (22') feet shall be setback a minimum of twenty (20') from a rear or side lot line.

C. Where the accessory building is structurally attached to the main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the main building.

D. Accessory buildings on corner lots shall maintain the specified front setback from both streets, as required for main buildings in the same zoning district.

E. No accessory building shall be erected prior to the enclosure of the main building, except as provided herein. The Building Official may allow the construction of an accessory building prior to the construction of the principal building subject to all of the following:

1. The applicant shall obtain a building permit for the principal building prior to or simultaneous with obtaining the building permit for the accessory building.
2. The applicant shall deposit a cash performance guarantee with the Township to insure completion of the main building. The guarantee shall be in an amount equal to the cost of completing the principal structure.

F. One (1) non-enclosed awning, lean-to, or overhang may be attached to or may be part of the accessory building. The area under the awning, lean-to, or overhang shall not count as accessory building floor area; however, the area of such awning, lean-to or overhang shall not exceed twenty- five (25%) percent of the accessory structure and shall not extend beyond twelve (12') feet outward from the accessory structure wall. All such awnings, lean-to or overhang shall be open with no walls on three (3) sides.

G. All accessory buildings with two hundred (200) square feet or less of floor area shall have a floor elevation at least 8" above grade and/or a rat-wall.

H. The maximum size permitted for attached residential garages shall not exceed ½ of the floor area of the home or 850 square feet whichever is less with a maximum height of sixteen (16) feet. In order to de-emphasize the prominence of the garage and to maintain the residential character of the principal building, residential garages that exceed 660 square feet (2 ½ car or more) must utilize one of the following design techniques:

1. The vertical plane of the front wall and doors of the attached garage shall be setback at least five (5) feet behind the vertical plane of the front wall of the residence.
2. A side or rear entry garage design with residential architectural details such as windows or roof gables oriented toward the street.

I. Accessory buildings shall be compatible with the character and materials of the principal building. All exposed walls shall have a finished appearance by the application of face brick, decorative block, wood, aluminum, vinyl or composition siding.

J. The occupants of each residential dwelling may keep not more than one (1) commercial vehicle, not larger than a regularly manufactured pickup or panel truck, which must be housed in a garage or similar accessory building when not in use, provided the commercial vehicle is owned and operated by a resident of the dwelling.

K. Accessory buildings shall be incidental to the principal permitted use and shall not involve any business, profession, trade or occupation, unless specifically approved as part of a special land use permit under Article 18.

L. Vehicles and Containers Prohibited as Accessory Buildings

1. Over-the-road truck trailers, shipping containers, other enclosed trailers, and similar vehicles and containers shall not be permitted as permanent accessory buildings in any zoning district.

2. The Building Inspector may permit the use of trailers, shipping containers, and similar enclosed vehicles for temporary storage at new building construction sites for periods not to exceed 6 months and may grant not more than one 6-month extension. A valid building permit shall be in place during the entire time the temporary storage unit is in use. A cash performance guarantee, in an amount established by resolution of the Township Board, shall be deposited with the Building Department Clerk to guarantee removal of the temporary storage unit upon expiration of the building permit and/or as a condition for issuance of a Certificate of Occupancy.

M. Accessory buildings in Agricultural (AG), Residential Low Density (RL) zoning and Recreation (REC) districts shall comply with the following:

1. All buildings accessory to the operation of a farm, other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary, with the exception that the main farm barn building shall not less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, which are located closer to the road and which existed prior to the adoption of this Ordinance, if approved by the Zoning Board of Appeals.

2. Accessory buildings and structures used solely in an agricultural or farm operation shall be regulated by the criteria below.

   a. No number, size or height restrictions apply where an accessory building or structure is utilized solely for activities directly related to agriculture or farm operations on the same parcel. This provision shall apply to property which has filed a claim for Farmland Exemption with the Michigan Department of Treasury under P. A. 237 of 1994 as amended, and where the owner has agreed with Lenox Township in writing that the property shall be actively maintained for agricultural use for a minimum of three years from the time that the Farmland Exemption is claimed.

   b. Where the accessory building or structure is partially or wholly accessory to a single-family residence, the accessory building shall meet all criteria specified in Subsection 3.

3. Detached Accessory buildings and structures which are accessory to single-family residences in the AG, RL, RM and REC districts shall comply with the following:

PARCEL SIZE	TOTAL ALLOWABLE AREA OF ALL DETACHEDACCESSORY BUILDINGS[1,2,4]	MAXIMUM HEIGHT OF DETACHED ACCESSORY BUILDINGS[3]
1 acre or less	300 square feet or 2.8 percent of the land area of the parcel, whichever is greater.	Twenty-two (22) feet.
1.01 – 2.0 acres	1,400 square feet or 2.1 percent of the land area of the parcel, whichever is greater.	Twenty-two (22) feet.
2.01 – 3.0 acres	1,800 square feet or 2.0 percent of the parcel, whichever is greater.	Twenty-two (22) feet.
3.01 – 4.99 acres	2,600 square feet or 2.0 percent of the parcel, whichever is greater.	Twenty-two (22) feet.
5.00 acres or greater	No Limit	Thirty-five (35) feet.

[1] One (1) attached or detached garage not to exceed eight hundred (800) square feet in area shall be permitted on an individual lot or parcel in addition to the total allowable area of all detached accessory buildings specified above. Excess floor area for garages that exceed eight hundred (800) square feet shall be included in the calculations used to determine maximum allowable size of accessory buildings. Attached garages must comply with the requirements of Section 323G. (Therefore they cannot exceed 850 square feet or ½ of the floor area of the home whichever is less)

[2] Existing accessory buildings may limit future lot splits if the accessory building exceeds the maximum allowable area for accessory buildings on the proposed lot. The Zoning Board of Appeals shall not grant variances for existing accessory buildings, which exceed the maximum allowable area in order to facilitate a proposed lot split.

[3] Maximum height shall be measured from the floor elevation to the highest point of the structure. Maximum sidewall height shall not be greater than eighteen (18) feet for buildings with heights less than or equal to twenty-two (22') feet. For buildings larger than twenty-two feet in height, the sidewall height shall not exceed twenty-four (24') feet.

[4] Second story floor area shall not count toward the allowable square footage of the structure.

N. Buildings accessory to residential buildings in Residential Medium Density (RM), Residential High Density (RH), and Mobile Home (MH) districts on lots less than .25 acre shall be limited to one attached or detached garage, and one storage shed or similar structure under 200 square feet.

SECTION 324. PERFORMANCE GUARANTEE

Whenever improvements such as paving of parking areas, screen walls, or other improvements are required by this Ordinance they shall be shown on a site plan for the proposed use. In addition, the owner of the subject property shall deposit with the Township Clerk a cash performance guarantee in the amount of 10% of the estimated cost of the required improvements or as otherwise provided in this ordinance at the time of issuance of the building permit. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

SECTION 325. PROPORTIONAL REQUIREMENTS FOR SINGLE FAMILY DWELLING UNITS

All dwelling units in AG, RL, and RM districts shall have a width to length proportion that does not exceed 1 to 4. In no case shall the minimum width of any side wall be less than twenty-four (24) feet. For architectural styles that incorporate side wall sections of the dwelling that are less than 24 feet, a variance must be obtained from the Zoning Board of Appeals.

SECTION 326. NON-RESIDENTIAL BUILDING DESIGN STANDARDS

The following design standards are intended to provide a guideline for the use of architectural materials and designs, which will positively contribute to the character of Lenox Township. The objective of the standards is to promote the use of durable materials and designs that are harmonious with the rural identity of the community, its adopted Master Plan, and its adopted Gratiot Corridor Plan.

A. The following design standards shall apply to non-residential structures located in residential, commercial, office and industrial districts:

1. Those sides of new buildings that are visible from the public right of way or the internal road accessing the facility, shall be constructed of high quality durable masonry building materials such as face brick, stone, or decorative block.

2. The use of concrete masonry units or cinder blocks for walls that are visible from a street or building entrance must be architecturally treated in one or more of the following ways:

   a. Use of textured surfaces such as split faced or grooved.
   b. Use of other masonry types such as brick, glass block, or tile in conjunction with the proposed concrete material.
   c. Use of decorative coursing to break up blank wall areas.
   d. Use of matching colored mortar where color is an element of architectural treatment for any of the options above.

3. The Planning Commission shall consider other building materials, which may be approved, if the Planning Commission determines that they are equivalent in quality and appearance to the above materials.

4. The architecture and exterior facing materials of any building shall be designed to achieve a high quality character throughout the Township. Variations in design and materials shall be considered and encouraged. The Planning Commission shall find that the plans include a complimentary contrast between materials in the overall appearance of the building, and an architectural style appropriate for that particular zoning district.

5. The color of each façade material shall be harmonious with the color of all other façade materials used on the same building. Façade colors should be of a low reflectance, complementary in hue, tone and intensity. The use of façade materials to form a background or component in a sign or to increase the visual presence of the building for the purpose of advertising shall be prohibited. Neon tubing may not be used as an accent material in building trim or windows.

6. The total square footage of windows along a façade facing a street shall be a minimum of 15% of the square footage of the façade. The Planning Commission may waive or reduce this requirement if one or more of the following techniques is employed:

   a. The installation of a landscaped bed at least 8 feet in width planted with evergreen materials that will obscure or screen at least 50% of the wall's surface within 3 years.

   b. The use of building ornamentation such as mosaic tile, relief sculpture, ornamental wood or metal trim.

7. Prototype design for franchises should be consistent with the Township's rural character and should reinforce visual consistency with adjacent buildings.

8. All roof mounted and ground mounted mechanical equipment and telecommunications equipment shall be screened from view or isolated so as not to be visible from any public right-of-way. Proposed roof screening shall be indicated on the façade drawings. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance. This provision shall not require that screening be taller than the objects being screened.

9. The proposed exterior facing materials and any mechanical equipment shall be noted on the building elevation drawings.

B. The Gratiot Corridor is the gateway to Lenox Township and provides many with their first glimpse of the character of the Community, the objective of the guidelines below is to encourage building design that has visual character consistent with the Township's Master Plan. In addition to standards A-I above, the following design standards shall apply to non-residential uses located along the Gratiot Corridor:

1. New development within the Gratiot Corridor shall reflect the rural character of the area. The use of extensive amounts of glass, irregular footprints, large signs and bright lights shall be discouraged. Structures reminiscent of older rural buildings in the area shall be encouraged.

2. Exterior building materials shall be composed primarily of high quality, durable, low maintenance material, such as masonry, stone, brick, glass or equivalent materials. To the maximum extent practical, concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, embossed, patterned, imprinted, sandblasted or covered with a cement-based acrylic coating shall not be used as exterior building materials and shall be prohibited on all exterior walls.

3. The following materials are prohibited in visible locations along the Gratiot Corridor:
   a. Corrugated or beveled metal siding.
   b. Vinyl or plywood siding.
   c. Corrugated fiberglass.
   d. Chain-Link fencing.
   e. Crushed colored rock / crushed tumbled glass.

4. Mirrored glass with a reflectance greater than 40 percent shall be prohibited from covering more than 40 percent of the exterior walls of any building.

5. Buildings shall be designed with varied architectural details to provide visual interest; large expanses of blank walls shall be avoided. To the maximum extent practical, structures with walls of more than 1,500 square feet must incorporate fascias, canopies, arcades, building setbacks of 3 or more feet or other design features to break up large wall surfaces on those sides visible from the road.

6. New buildings should face the street with entrances, windows and architectural features oriented toward Gratiot Avenue. No overhead doors shall face Gratiot Avenue, unless approved by the Planning Commission based upon a finding that the door is recessed back from the front façade and properly screened from public view.

7. Nothing in this section should be construed to prohibit the use of standing seam metal or other high quality building materials.

SECTION 327. SWIMMING POOLS

A. Application. The application for a building permit to erect a swimming pool shall include such detailed information affecting construction and safety features deemed necessary by the Building Inspector.

B. Pool Location. Minimum setback shall not be less than fifteen (15) feet between the pool outside wall and any side or rear property line, or less than the established easement width at the rear property line, or less than ten (10) feet between pool wall and any building on the lot. No pool shall be constructed in any front yard.

C. Swimming Pool Safety Devices. Every person owning land on which there is situated a swimming pool thirty-six (36) inches or more in depth shall erect and maintain thereon an adequate enclosure, either surrounding the pool or the property upon which the pool is located, consisting of a chain-link fence, vertical board fence, or solid frame or masonry wall not less than four (4) feet in height above the underlying ground. Vertical board fences may have spaces between boards not more than two (2) inches in width. Solid frame or masonry walls, including woven fences, with spacings of more the 3/8 inch or with projections in excess of 3/8 inch shall be prohibited. All openings in any such fence shall be equipped with a self- closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use. (Above-ground pools, four (4) feet or more above the underlying ground need not be fenced if the ladder or entry device, or pertinent equipment, is of such a nature that it can be locked to prohibit entry and such locking device is at least four (4) feet in height above the underlying ground).

SECTION 328. CONDOMINIUM SUBDIVISION APPROVAL

A. PREAMBLE

It is the purpose of this Section to regulate the condominium subdivision of land; to promote the public health, safety and general welfare; to further the orderly layout and use of land; to require the land be suitable for building sites, public and private improvements and that there be adequate drainage thereof; to provide for the proper ingress to and egress from buildings; to provide a procedure for condominium subdivision approval and, except as otherwise provided in this Ordinance, assure that a condominium subdivision of land meets the standards and requirements of the Lenox Township Subdivision Regulations Ordinance No. 21 and any amendments thereto, and this Zoning Ordinance.

B. DEFINITIONS

As used in this Section, the following words, terms and phrases are defined and where applicable equate words and terms utilized in the Condominium Act with words and terms used in this Ordinance and Lenox Township Subdivision Regulations Ordinance No. 21, as amended.

1. General Common Elements - means the portion of the condominium project other than the condominium unit and limited common elements.

2. Condominium Act - means Act 59 of 1978, as amended.

3. Condominium Subdivision Plan - means the site, survey and utility plans; flood plain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements, and limited common elements. The Condominium Subdivision Plan, for the purpose of this Ordinance, shall include the Master Deed and Bylaws of the Condominium Subdivision.

4. Condominium Unit - means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

5. Equivalent Word, Term - Those words and terms and phrases in the Zoning Ordinance or Subdivision Regulations Ordinance which correspond to that word, term or phrase set forth in this definition section.

6. Limited Common Elements - means a portion of the common elements reserved in the Master Deed for the exclusive use of less than all co- owners.

7. Condominium Building Site - shall mean that area containing the limited common elements together with its condominium unit or, where there is no limited common element associated with each unit, the condominium unit alone shall conform to the requirements of a lot and a lot's required elements as contained in Lenox Township's Zoning Ordinance and Subdivision Regulations Ordinance.

8. Mobile Home Condominium Project - means a condominium project in which mobile homes are intended to be located upon separate condominium units.

9. Master Deed - means that condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved Bylaws for the project and the approved condominium subdivision plans for the project.

10. Setback - The distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit or, where no limited common element is provided, the distance between the nearest point on the condominium dwelling or structure and the outer boundary of the condominium unit, is the equivalent phrase for the word "setback" as contained in this Zoning Ordinance.

11. Site Condominium - The resulting subdivision of land created under the Condominium Act.

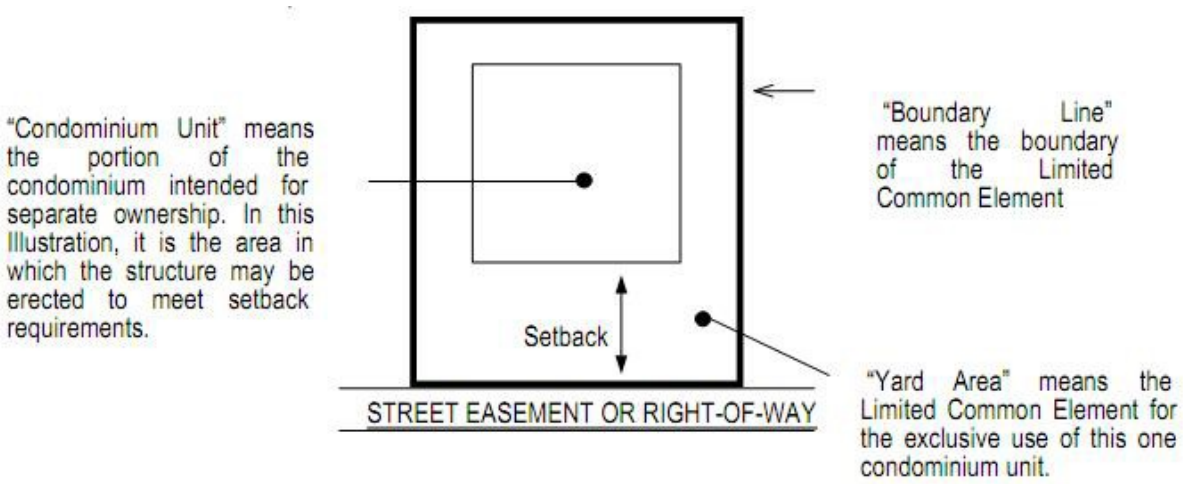
12. Subdivision Ordinance - means the Township of Lenox Subdivision Regulations Ordinance No. 21, as amended.

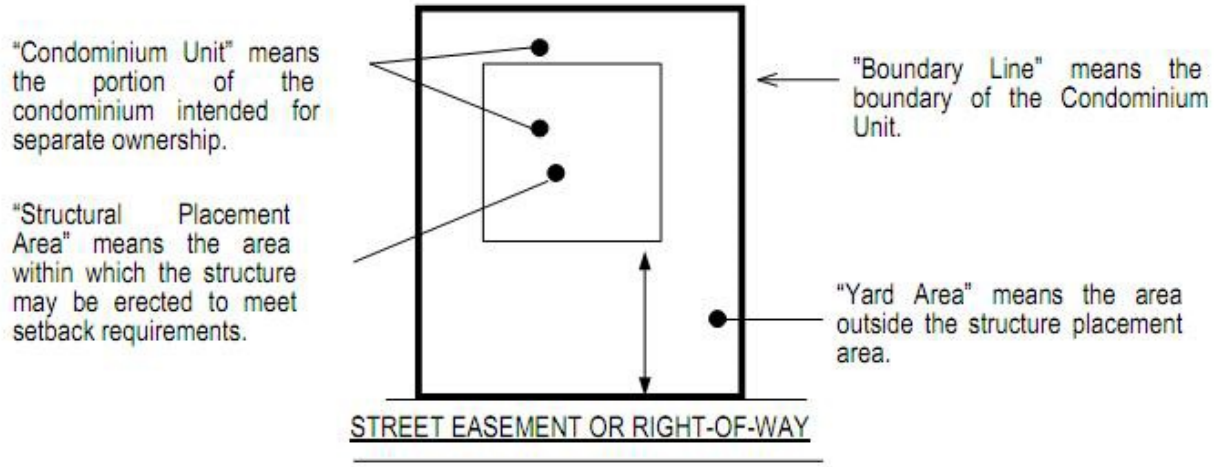
13. Zoning Ordinance - means the Township of Lenox Zoning Ordinance, as amended.

14. Yard Area - shall mean that Limited Common Element for the exclusive use of a single condominium unit, or, where there is no limited common element associated with each unit, shall mean that area of the Condominium Unit outside of the area where the structure is or will be placed.

C. ILLUSTRATION OF "LOT" OR "BUILDING SITE"

The following drawing is provided to illustrate, in a general way, the correlation between a lot and the elements of a lot as provided for in the Subdivision Regulations Ordinance and in the Lenox Township Zoning Ordinance and a Site Condominium Building site and its elements. Where there is a conflict between this illustration and the terms and conditions of this Ordinance, the terms and conditions of this Ordinance shall control.





D. REVIEW AND MEETING MINIMUM REQUIREMENTS

All site condominium development shall be submitted to the Lenox Township Planning Commission for review and approval pursuant to the terms of this Ordinance and all building sites and condominium units created from the subdivision of land under the Condominium Act shall, at a minimum contain the required square footage, dimensions, ratios, setbacks and other requirements of a lot as provided in this Zoning Ordinance and Subdivision Regulations Ordinance.

E. VARIANCE

A variance from the terms and conditions herein may only be granted by the Zoning Board of Appeals.

F. CONDOMINIUM SUBDIVISION PLAN AND DOCUMENT REQUIREMENTS

1. All condominium subdivision applications submitted for review by the Planning Commission shall contain all required information for site plan review as set forth in Section 305 of the Zoning Ordinance and shall, by applying the equivalent words or terms, conform to the plan preparation requirements; design, layout and improvement standards of Section 401, 402 and 403 of the Subdivision Regulations Ordinance, as amended. The requirement of final plat approval or review by the Township Board in Ordinance No. 21 shall not apply to the condominium subdivision plans except that a deposit in the form of cash, certified check or irrevocable bank Letter of Credit shall be made with Lenox Township to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facility, within a length of time agreed upon from the date of final approval of the Condominium Subdivision Plan by the Planning Commission. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under Ordinance No. 21 or the Subdivision Control Act.

2. A copy of the proposed Master Deed and Bylaws shall be submitted to the Planning Commission for review.

3. All condominium subdivision plans submitted for review by the Planning Commission shall include the information required by Section 66 of the Condominium Act and the following:

   a. A Survey Plan of the Condominium Subdivision.

   b. A flood plain plan when appropriate.

   c. A site plan showing the location, size, shape, area and width of all condominium units.

   d. The boundaries of all wetlands as determined by an individual recognized by the Michigan Department of Natural Resources as a Wetlands Consultant.

   e. A utility plan showing all sanitary sewer, water and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.

   f. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.

   g. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.

   h. Easement for utilities. The Condominium Subdivision Plan shall include all necessary easements granted to Lenox Township for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or moving pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "Public Structures") for the purpose of providing public utilities, including conveyances of sewage, water and stormwater runoff across, through and under the property, subject to said easement and excavating and refilling ditches and trenches necessary for the location of such structures.

G. INTERPRETATION BY THE PLANNING COMMISSION

Where there is no equivalent term or phrase defined in this Ordinance, the Planning Commission may interpret the appropriate equivalent term in the Zoning Ordinance and/or Subdivision Regulations Ordinance for the purpose of applying the standards and requirements of those Ordinances to the proposed site condominium so as to carry out the purpose of this Ordinance as set forth in the Preamble paragraph in this Section.

H. MINIMUM BUILDING SEPARATION REQUIREMENTS

Where there is any ambiguity in the application of minimum setback requirements of the Zoning Ordinance to a condominium subdivision plan, the individual condominium units shall maintain the following separation requirements between individual units and from individual units to the center of all internal project streets:

1. MINIMUM BUILDING SEPARATION FROM:

Zoning District	Front to Center	Side to Side	Side to Rear	Rear to Rear	Side to Center	Rear to Center
AG	80'	20'	60'	100'	80'	80'
RL	70'	20'	38'	60'	70'	60
RM & RH	60'	12'	35'	60'	60'	60'
MH	(a)	(b)	(b)	(b)	(a)(b)	(a)(b)

(a) Minimum setback from an individual mobile home shall be 30 feet from the edge of the planned right-of-way as designated in the Township's Thoroughfare Plan included within the Township's Master Plan.

(b) Minimum setback from an individual mobile home to the park boundary shall be 20 feet along any side or rear lot line.

2. For condominium developments in commercial and industrial districts, the Planning Commission shall specify the building separation requirements, based upon the setback requirements of the particular zoning district.

I. ENCROACHMENT PROHIBITED

Encroachment of one condominium unit upon another as described in Section 40 of the Condominium Act shall be prohibited by the Condominium Bylaws and shall be recorded as part of the Master Deed. In addition, no common elements shall be permitted within the limited common elements utilized as part of the Building site.

J. MOBILE HOME CONDOMINIUM PROJECT

Mobile Home Condominium Projects shall conform to all requirements of this Ordinance and shall be located only in mobile home park districts.

K. PRIVATE CONDOMINIUM STREETS

All private streets in the condominium subdivision shall have a paved driving surface of asphalt or concrete and shall meet the current standards and specifications of the Macomb County Road Commission Subdivision Specifications, and any amendments thereto.

L. MASTER DEED REQUIRED PROVISIONS

The Master Deed for condominium subdivisions shall be approved by the Planning Commission and shall contain a provision that the Master Deed shall not be amended without the prior approval of the Lenox Township Planning Commission.

M. APPROVAL/AMENDMENT

Approval by the Planning Commission of a condominium subdivision plan shall confer upon the applicant the right to a building permit for a period of twelve months from and after approval. Upon receipt of a building permit, reasonable construction shall be commenced within six months and reasonably continued or the site plan and the building permit shall be declared invalid unless the applicant requests and obtains a new approval from the Planning Commission.

N. AMENDMENTS AND RENEWALS

Any amendments or renewals to a condominium site plan, including its Master Deed, shall require the approval of the Planning Commission. The Planning Commission shall apply as its standards in determining whether to grant a renewal or amendment its then existing Condominium Subdivision Ordinance.

SECTION 329. REGULATIONS PERTAINING TO HOME OCCUPATIONS

Home Occupations may be permitted in the AG, Agricultural and RL, Residential Low Density, RM, Residential Medium Family districts upon a finding by the Planning Commission that the proposed home occupation complies with the following:

A. Such occupation is incidental to the residential use to the extent that not more than twenty percent (20%) of the gross floor area of the principal building shall be occupied by such occupation.

B. Each and every article or service sold or offered for sale on the premises shall be produced by the home occupation.

C. All employees shall be members of the resident family.

D. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas nor shall it generate traffic in excess of what is customary in residential areas. This shall include the prohibition of a separate entrance for the home occupation.

E. One (1) non-illuminated name plate, not more than four (4) square feet in area, maybe attached to the building which shall contain only the name and occupation of the resident of the premises.

F. Uses such as, but not limited to, medical offices, hospitals, barber shops, beauty parlors, tea rooms, tourist homes, animal hospitals, kennels, millinery shops, and retail sales establishments, shall not be permitted as home occupations.

SECTION 330. COMMUNITY IMPACT STATEMENT REQUIREMENTS

A. Intent

The community impact statement is intended to provide a format for applicants to document the anticipated impacts of intensive development projects proposed as Special Land Uses in the Township of Lenox. Intensive land uses often have significant impacts on public services, the surrounding neighborhood and the natural environment that must be understood in order for the Township to have a complete understanding of the development proposal. Community Impact Statements are not mandatory for all special land uses but may be required, at the discretion of the Planning Commission, on a case-by-case basis. Home occupations as special land uses shall not require a community impact statement.

B. Contents

The CIS should address the items below in a concise manner that accurately portrays the proposed land use. The CIS is to be prepared by the Applicant and submitted to the Township Planning Commission for review.

General

1. Brief description of the land use proposed. Include hours of operation (if applicable), impacts on adjacent uses (noise, smoke, dust, etc.), and other pertinent data. Is the land use proposed consistent with the Master Plan and Zoning Ordinance?

2. Brief description of surrounding land uses.

Community Facilities and Services

3. Estimated demand on police services.

4. Estimated demand on fire services. Include special equipment requirements.

5. Estimated number of sewer and water taps and demand.

6. Estimated number and axle loading of truck trips daily over proposed route through Township. Describe present road cross-section, adequacy to handle proposed traffic, and/or upgrade needed to handle proposed traffic loadings.

7. Describe any other significant impacts or needs related to community facilities and services.

Economics

8. Anticipated number of construction and permanent jobs (in full-time equivalents).

9. Anticipated tax revenues to the Township and School District.

Environment

10. Describe the area and type of natural features on site including streams, rivers, bodies of water, wetlands, woodlands, and the like. Describe how these features will be impacted by the proposed development (e.g. loss of wetlands, potential pollution of water bodies, and any other similar impacts).

11. Describe whether the proposed use will include the manufacture, use, or storage of any hazardous materials. If so, describe the types and quantities, storage areas, and product containment measures. Also provide a spill response plan.

12. Provide a complete description of the types and quantities of pollutants that are expected to be emitted into the air as a result of this proposal, and describe how state and federal air quality standards will be met. Dust particulate should also be included as well as a dust control plan.

13. Describe the impact the proposed development will have on groundwater quality and quantity. Describe necessary mitigation measures.

Noise

14. Describe the impact of the project on area noise levels. The applicant should document that the noise standards contained in the Zoning Ordinance Performance Standards will be met. The A-weighted decibel levels dB(A) at the property line should be specified (existing and proposed).

Traffic

15. Describe the proposed traffic impacts of the development, including the number of trips per day that will be generated. Describe the anticipated impact of this additional traffic at the proposed development intersection(s) with public road(s). Provide road capacity analyses at critical intersections (as determined by the Township) using the methodologies in the Highway Capacity Manual.

    The traffic impact analysis should be prepared by a planner (AICP or PCP) or engineer (PE) with experience in traffic impact analysis.

Mapping

16. Provide a current aerial photograph of the site and surrounding properties within 1,500 feet of the site. Include an overlay showing the proposed development area and existing residential dwellings within 1,500 feet of the site.

Other

17. Provide any other information necessary to assess the impact of the proposed project on the surrounding community. The Township may request additional data based upon the characteristics of the development proposed.

Preparer Information

18. Provide the names, phone numbers, addresses, and relevant credentials of those preparing the CIS.

SECTION 331. TREE AND WOODLANDS PROTECTION

A. Statement of Findings

The Township finds that protection of natural resources is a matter of paramount public concern as provided by Article IV, Section 52 of the Constitution of the State of Michigan and the Environmental Protection Act of 1970, being Act No. 127 of the Public Acts of 1970, as amended. Continued growth, new development and redevelopment in Lenox Township, and increased demand on natural resources have the effect of encroaching upon, despoiling, or eliminating many of the trees and other forms of vegetation, natural resources, and processes associated with wooded areas. If preserved and maintained in an undisturbed and natural condition, these resources constitute important physical, aesthetic, recreation, and economic assets to existing and future residents of the Township. Specifically, the Township finds that:

1. Woodland growth protects public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, and through its cooling effect in the summer months;
2. Woodlands provide for public safety through the prevention of erosion, siltation, flooding;
3. Trees and woodland growth are an essential component of the general welfare of the Township of Lenox by maintaining play areas for children and natural beauty, recreation and irreplaceable heritage for existing and future Township residents; and
4. The protection of such natural resources is a matter of paramount public concern in the interest of health, safety and general welfare of the residents of the Township, consistent with the Township Rural Zoning Act 184 of 1943 as amended, the State Constitution of 1963, and the Michigan Environmental Protection Act of 1970.

B. Intent and Purpose

The intent and purpose of this Section 331 is to promote feasible and prudent alternatives to the destruction and removal of trees and woodlands consistent with promotion of the public health, safety and welfare in light of the paramount public concern for the protection of natural resources from impairment or destruction; to provide for the protection and preservation of trees and woodlands in order to minimize destruction and disturbance to them, the wildlife habitat that they provide and other consequential effects on other natural resources; to protect and preserve trees and woodlands for their economic support of local property values, natural beauty, wilderness character, and ecological significance. The intent of Section 331 is not to be excessively restrictive nor prohibitive but to provide for the submission and evaluation of feasible and prudent alternatives to the destruction and removal of trees and woodlands in accordance with the standards and procedures set forth herein prior to such action being taken.

C. Definitions Pertaining to Tree and Woodlands Protection

1. Agricultural Use means the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use does not include the management and harvesting of a woodlot. (Silviculture) means a land use, the primary purpose of which is to derive income from growing plants and trees including but not limited to fruit or timber production.

2. Clear-cutting shall mean the indiscriminate removal of any or all trees from a parcel of land in the Township of Lenox that is not governed by an approved Woodlands Management Plan. Nominal activity and nominal development, as defined herein, shall not constitute clear-cutting.

3. Commercial Nursery or Tree Farm means a licensed plant or tree nursery that plants and grows trees for sale to the general public.

4. Diameter Breast Height (d.b.h.) means the diameter of a tree, in inches, measured at 4½ feet above the ground.

5. Farmland Exemption shall apply to property which has filed a claim for Farmland Exemption with the Michigan Department of Treasury under P. A. 237 of 1994 as amended and where the owner has agreed with Lenox Township in writing that the property shall be actively maintained for agricultural use for a minimum of four years from the time that the Farmland Exemption is claimed.

6. Historic Tree means a tree which has been designated by the Planning Commission to be of notable historic interest to the Township because of its age, type, size, or historic association.

7. Indiscriminate removal shall mean the removal of trees in any fashion not consistent with tree harvesting, as permitted and defined herein.

8. Nominal Activity means the removal of 3 or fewer trees having 6 inch or greater d.b.h. within a 12 month period.

9. Nominal Development shall mean the removal of any tree within 10 feet of the foundation wall of a building housing a principal permitted use or an addition to a building housing a principal permitted use.

10. Removable Tree shall mean those trees designated by resolution of the Township Board as being appropriate for removal due to their characteristics. Such trees shall be listed by common and botanical name. Such list shall be maintained by the Zoning Administrator and shall initially include the following tree species.

Common Name	Botanical Name
Chinese Elm	Ulmus Pumila
Cottonwood	PopulusDeltoides
Large-Toothed Aspen	PopulusGrandidentata
Lombardy Poplar	Populus Nigra (var. italica)
Russian Olive	Elaeagnus Augustifolia
Trembling Aspen	Populus Tremuloides Salix
Weeping Willow	Babylonica
White Poplar	Populus Alba

11. Regulated Development means all commercial, office, industrial or multiple family development or redevelopment, and all new single family residential development that results in 4 or more lots (including the terms parcels, homesites, units, or the like) or any single lot that is five (5) acres or larger upon which there is an occupied residence.

12. Silviculture means a land use, the primary purpose of which is to derive income from growing plants and trees including but not limited to fruit or timber production.

13. Specimen Tree means a tree which has been designated by the Planning Commission because of its high value as a representative tree of a particular type or species, due to its size, age, or other prominent botanical characteristic.

14. Tree Harvesting shall mean the removal of trees from a parcel of land in accordance with an approved Woodlands Management Plan, for purposes of woodlot improvement.

15. Woodlands Trust Fund A fund to be exclusively used for activities associated with the acquisition and maintenance of woodland areas, land acquisition for preservation and / or reforesting, or planting woodland areas and natural corridors.

D. Applicability

The provisions of Section 331 of this Ordinance shall apply to a Regulated Development and/or a Nominal Development, as defined herein, that requires site plan approval, special land use approval, lot split approval by the Planning Commission or subdivision plat approval, or condominium approval. The provisions of this Section 331 shall also apply to all property in the Township regarding clear-cutting, indiscriminate removal and tree harvesting.

E. Requirement Established

1. For all Regulated Development, no person shall remove, cause to be removed, transplant, or destroy any tree having 6 inch or greater d.b.h. or any conifer greater than 20 feet in height without first obtaining approval from the Township. Approval shall require the submission of a tree survey for the property under consideration. In instances where the applicant is proposing to remove fewer than 10% of the total trees on site, not including those trees identified by this ordinance as a removable tree, the applicant may provide generalized information showing the location and the number of trees that will be removed to satisfy the survey requirements of this section.

2. Provisions for protecting trees on-site and on adjoining properties during construction and preservation of trees in connection with grading and drainage shall be provided. All trees to be retained shall be protected from heavy equipment, material storage, and other construction activities by temporary fencing at the drip lines and posting of signs prohibiting encroachment with that area during construction.

F. Tree Survey Content

For any site that proposes to remove more than 10% of the total trees on site that are not classified as a removable tree, a tree survey shall be prepared to scale and shall identify the location and type of all trees 6 inches or greater d.b.h. and all conifers greater than 20 feet in height.

G. Minimum Preservation Requirement

Except for the area within the right-of-way of a public street, an easement for public utilities, or the area defined as Nominal Development, all Regulated Development shall leave standing and undamaged a minimum of 80% of the total number of trees having 6 inches or greater d.b.h. and 80% of all conifers greater than 20 feet in height.

H. Replacement Option

If a developer must remove certain trees in excess of the 80% Minimum Preservation Requirement, replacement of trees shall occur on the site of the principal building, within a public right-of-way, in a boulevard island, or on property permanently reserved as open space [for example: a subdivision outlot-park, dedicated public park or open space, and the like]. Every tree 6 inches or greater d.b.h. and all conifers greater than 20 feet in height that will be removed shall each be replaced with one or more trees of equal value, as determined by the Tree Value Evaluation Guide currently in use by the Township and adopted by resolution of the Township Board.

I. Agriculture And Other Exemptions

The following activities are exempted from the requirements of this Section 331:

1. The removal, transplanting, or destruction of trees located on a site which is five (5) acres or less in area, upon which there is an occupied residential structure for which a valid certificate of occupancy has been issued.

2. The removal of dead or damaged trees where the death or damage resulted from an accident or non-human cause.

3. The trimming, maintenance, or care of trees in accordance with standard forestry and horticultural practices and techniques as established by the American Association of Nurserymen or an equivalent organization promulgating standards for care and improvement of trees.

4. The removal or destruction of trees damaged by tornado, windstorm, flood, freeze, fire, dangerous insect infestation, or man-made or natural disaster, in order to prevent injury or damage to persons or property.

5. The removal, transplanting or destruction of trees occurring during a farm operation if the farm operation conforms to generally accepted agricultural and management practices and meets the farmland exemption definition of this Section.

6. The removal, transplanting or destruction of trees in order to perform maintenance or repair of lawfully located roads, public utilities, structures and facilities used in the service of the public, provided that such roads, public utilities, structures and facilities are not materially changed or enlarged.

J. Woodlands Management Plan

Tree removal may occur on property where a Woodlands Management Plan, prepared by a Michigan Registered Forester or Michigan Registered Landscape Architect, is approved by the Township Board following consultation with and a recommendation from a consulting Township Forester and the Planning Commission. The Woodlands Management Plan shall demonstrate that removal activities are designed to reduce the density of trees so as to promote and maintain the health and viability of the remaining trees. The Woodlands Management Plan shall include the means by which cut trees shall be removed from the property without damaging remaining trees. Not more than 20% of existing trees 6 inches or greater d.b.h. shall be removed in a 12 month period under an approved Woodlands Management Plan.

K. Nominal Activity Exemption

Nominal Activity, as defined herein, is exempt from requirements for tree preservation and/or replacement.

L. Right-of-Way, Public Utility Exemption

The area encompassed by the right-of-way of a public street or an easement for public utilities is exempt from requirements for tree preservation and/or replacement.

M. Historic or Specimen Tree Designation

Any resident or property owner in the Township of Lenox may nominate a tree for Historic Tree or Specimen Tree designation by the Planning Commission, based upon its age, type, size, historical or cultural association. The nomination shall be made on a form provided by the Planning Commission. If the nomination is made by a person who is not owner of the property on which the tree is located, the owner shall be notified in writing, by regular U.S. Mail, at least 15 days in advance of the date, time, and place that the Planning Commission will consider the designation. The notice shall advise the owner that designation will make it unlawful to damage, destroy or remove the tree. If the owner does not object, the Planning Commission may designate the tree if it meets one or more of the criteria above. If the owner objects, the Planning Commission shall not designate the proposed Historic or Specimen Tree.

N. Clear-Cutting Prohibited

Clear-cutting, as defined in this Ordinance, shall be prohibited. All removal of trees, including tree harvesting, that does not constitute nominal activity or nominal development, or that is not incidental to a regulated development shall require approval of a Woodlands Management Plan as provided in subsection 331 J above.

O. Any person who violates any provision of this Section shall forfeit and pay to the Township a fine equal to the total replacement value of those trees illegally removed or damaged as determined by the Tree Value Evaluation Guide currently in use by the Township and adopted by resolution of the Township Board. Such sum shall accrue to the Township and may be recovered in a civil action brought by the Township and placed in the Township Woodlands Trust Fund. Replacement of illegally removed trees may be required as restoration in lieu of money. This replacement will be computed on an inch-for-inch ratio based on the total diameter at breast height (d.b.h.) in inches of the illegally removed trees and include labor costs associated with replanting. If because of destruction of the removed trees, exact inch for inch measurements cannot be obtained, the Township may use other means to estimate the tree loss. A combination of money and tree replacement may be required.

Section 332. OUTDOOR LIGHTING STANDARDS.

A. Submission Requirements. All applications for site plan review or building permits which include exterior lighting shall include the following:

1. *Photometric Plan* prepared by a lighting professional shall indicate the location of lights with specifications, level of illumination at all property lines and five feet (5') beyond based on all proposed and existing light fixtures.

2. *Lighting cut sheets* for each proposed lighting style (ground, wall, sign, pole recessed can, bollard). Any changes in fixture type, style or size after site plan approval must be reviewed by the Planning Commission.

3. *Lamp Types* (Incandescent, Quartz-Halogen, Fluorescent, Low or High Pressure Sodium, Mercury Vapor, Metal Halide, or approved equal) for each proposed light source.

4. *Shielding method* (refractor, louver, or side-shield) proposed to cut-off direct light to adjacent properties.

5. *Lamp Wattage*

6. *Height* of pole and fixture and/or distance above grade for wall-mounted lighting fixtures.

B. Requirements. Lighting in all use districts shall conform to the following requirements as to type, location, intensity and method of shielding.

1. All outdoor lighting shall be shielded downward or below horizontal with cut-off luminaries (maximum of 80 degrees from vertical) to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences, as well as public rights-of-way.

2. The height of any lighting fixture, including the base, measured from the established grade shall not exceed 25 feet or the height of the building, whichever is less, unless modified by the planning commission. The planning commission may modify these height standards in the commercial and industrial districts based on the position and height of buildings; other structures and trees on the site; the potential off-site impact of the lighting; and the character of the proposed use relative to surrounding uses. In no case shall the height of the lighting exceed 35 feet.
3. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view. Open neon is prohibited, except that the commission may permit open neon lighting when it is determined that such lighting is solely for architectural enhancement purposes, serves no advertising purposes and is in character with the surrounding area.
4. Flood lights shall not be permitted in any zoning district, excepting residential applications for residential uses.
5. A lighting photometric plan for the entire site with values at ground level shall be required to ensure compliance with the provisions of this section.
6. Light poles shall be located within parking islands or at the boundary of the parking lot area, whenever feasible and practical. In both instances, the light pole must be set back from the curb a minimum of 2 1/2 feet to ensure proper vehicular overhang clearance.
7. The intensity of outdoor lighting in all use districts shall be limited to the following minimum and maximum average amounts:

Schedule of Illumination(in footcandles measured at the surface)*

Use	**Maximum Average Illumination Level (Foot Candles)**	**Minimum Average Illumination Level* (Foot Candles)**	**Uniformity Ratio**
Residential, Church School and Child Care Facility	0.8	0.2*	4:1
Nonresidential	2.5	0.5*	4:1

**Intensity.* No light measured at eye level at the property line between nonresidential and any residential district or use shall be greater than one-quarter footcandle at the side and rear property line, nor greater than one-half footcandle or the intensity of the available street lighting at the front property line, whichever is greater.

8. *Canopy lighting* for gas stations, fast food restaurants, banks and similar drive- in/drive-through uses and outdoor display lighting used in conjunction with vehicle sales or rental shall be permitted a maximum lighting level of twenty (20) footcandles as measured at grade.

SECTION 333. PRIVATE RESIDENTIAL POND REGULATIONS

Private residential ponds may be permitted only in the AG, Agricultural and RL, Residential Low Density districts, subject to the following standards and guidelines:

1. Primary Level Requirements

The following requirements shall not be varied, even by the Lenox Township Zoning Board of Appeals

a. A site plan shall be submitted to the Building Inspector for review and approval and building permit obtained by the owners of the property prior to the construction of all ponds, enlargement of an existing pond, or cleaning of a pond that results in the removal of over thirty (30) cubic yards of material.

b. All ponds shall be inspected 3 times during construction: an initial stake inspection to check setbacks; a rough inspection to check the size, final slopes, and depth; and a final inspection for lift stations, final slopes, grading around the pond, and replacement of vegetation.

c. There shall be no slope in excess of 5:1 (five feet horizontal to one foot vertical) until the water reaches a depth of five (5) feet, on the beach side of the pond. In no case shall any slope exceed 3:1.

d. There shall be a minimum setback of twenty-five (25) feet from the edge of the excavation to the nearest point of the house or any accessory building on the same parcel.

e. All ponds shall require the maintenance of minimum lifesaving devices. A Coast Guard approved life ring attached to 50 feet of suitable rope is mandatory along with one of the following: planks, wooden ladders or wooden poles of at least twelve (12) feet in length.

f. Where a pond will be used for swimming, a suitable rope with flotation device shall be properly anchored to mark the line along which the pond reaches a depth of five (5) feet.

g. All excavated soil material must be used on the same parcel as the pond. No materials may be hauled off-site. Excavation materials used for grading around the pond shall not be placed closer than twelve (12) feet to the edge of the excavation.

h. The pond shall comply with the following minimum setbacks from a septic tank and/or tile disposal field, based upon the soil type:

50 feet – heavy clay soils
75 feet – clay loam, loam, sandy loam soils
76-100 feet – sandy, loamy sand soils

2. Secondary Level Requirements

a. There shall be a minimum setback of one hundred (100) feet from all property lines and street right-of-way lines, based upon the planned future right-of-way as shown on the Township's adopted Thoroughfare Plan.

b. The minimum depth of a pond shall be twelve (12) feet. To prevent winter fish kills, a depth of fifteen (15) feet is recommended. The maximum depth of all ponds shall be eighteen (18) feet.

c. The maximum size of any one pond shall not exceed twenty thousand (20,000) square feet and the cumulative total of all ponds on any one parcel of land shall also not exceed twenty thousand (20,000) square feet.

d. All ponds shall be completed within forty-five (45) days of commencement but not less than sixty (60) days following issuance of the pond permit.

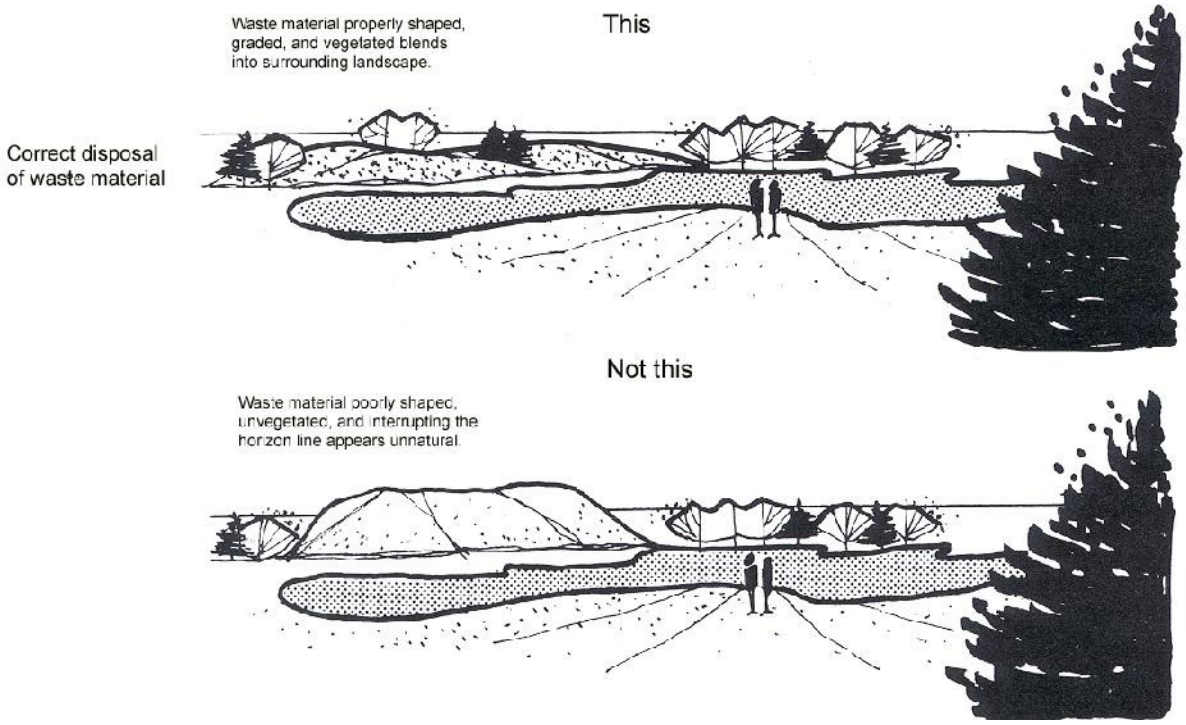
e. The minimum site size required for the construction of all ponds shall be five (5) acres.

f. Plans submitted should show the location and approximate depth of any domestic water supply well.

3. Optional Design Guidelines (Recommended For High Quality Ponds

a. Where excavated material is used for berms or contouring on-site, the maximum slope of the overburden should not exceed 1:2.

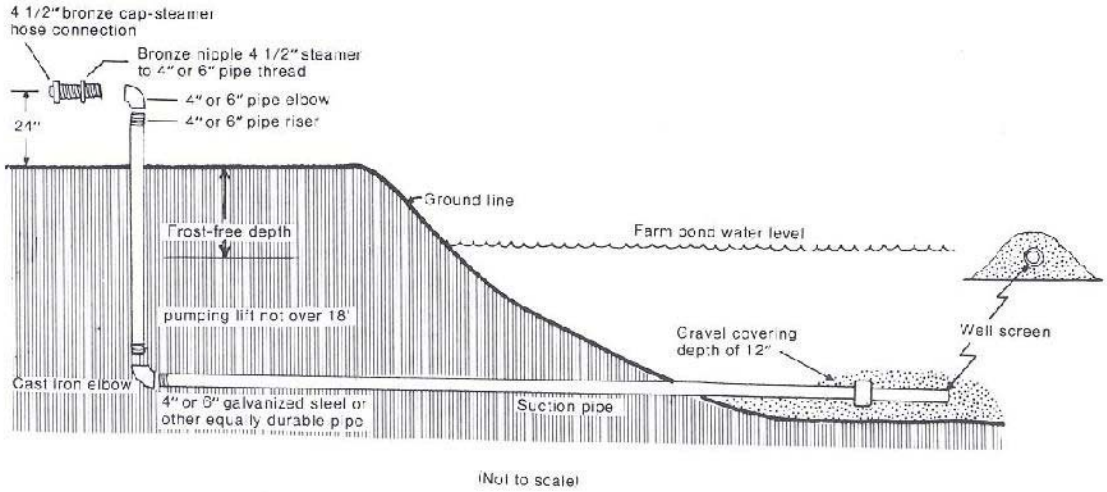
b. Where excavated material is to be used for berms or other landforms on-site, avoid interrupting the existing horizon with the top of the redistributed overburden.



c. Where very porous soils are present, an eight (8) inch think sealer or liner of well- graded material containing at least twenty (20) percent clay should be used for depths of water up to ten (10) feet. For each foot of water over ten (10) feet, increase this thickness by two (2) inches.

d. During design of the pond, the applicant should take into account the pond's orientation to prevailing winds. Wave action helps reduce unwanted aquatic weed growth.

e. Installation of a "dry hydrant" is encouraged to assist with fire protection of the owner's property, following the guidelines of Figure 5 in the USDA Agriculture Handbook Number 590.



SECTION 334. OPEN SPACE PRESERVATION OPTION

A. Intent

The intent of the Open Space Preservation Option is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with P.A. 177 of 2001.

B. Eligibility Requirements

In areas that are served by municipal sewers, eligible properties shall be zoned for three (3) or fewer dwelling units per acre (AG and RL districts). In areas which are not served by municipal sewers, eligible properties shall be zoned for two (2) or fewer dwelling units per acre (AG, RL and RM districts).

C. Density

1. Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than 50%, that could otherwise be developed under existing ordinances, laws, and rules on the entire land area, as determined by the approving body.

2. Density shall be calculated as follows:

   A parallel plan shall be submitted to the approving body in order to establish the maximum permitted density. A parallel plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the Township. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands and similar features. The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the plan, determine the number of dwelling units that would be permitted under the Open Space Preservation Option. A separate review fee for the parallel plan shall be submitted with the application.

D. Design Requirements

1. A minimum of fifty (50%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state.

2. Permanent open space shall include important natural, environmental, agricultural, and/or cultural features, such as:

   a. steep slopes,
   b. wetlands, floodplains, natural watercourses,
   c. woodlands and wildlife habitat,
   d. scenic views,
   e. agricultural or equestrian components,
   f. historical structures, and historical or archeological sites,
   g. recreational pathways and facilities,
   h. buffers from major thoroughfares and more intensive land uses, and
   i. similar features acceptable to the approving body.

3. Under the Open Space Preservation Option, minimum lot size and width shall be according to the following table, unless the approving body determines that a smaller minimum lot size shall be necessary to comply with the requirements of P.A. 177 of 2001. In such cases the approving body may modify lot area and lot width requirements so as to assist in the creation of open space if the Applicant can demonstrate approval of reduced lot area and width from the County Health Department. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the typical lot within the development.

DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM SETBACK				NET BUILDABLE AREA
			FRONT	REAR	LEAST SIDE	TOTAL OF TWO SIDES	
AG, land divisions without sewer	1.0 acre	120’	50’	50’	20’	40’	21,040
AG, subdivision or condominium	0.5 acre	120’	40’	30’	15’	30’	10,035
RL without sewer	0.5 acre	120’	40’	30’	15’	30’	10,035
RL with sewer	7500 sq. ft.	75’	25’	20’	10’	25’	2,750
RM without sewer	0.5 acre	120’	40’	30’	15’	30’	10,035

* Minimum lot area is subject to approval of on-site sewage disposal by the Macomb County Health Department.

4. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.

5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body.

6. Homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a compact subdivision in a rural area. A minimum 100-foot buffer area along existing county and State roads shall be maintained for the entire frontage of the development. Only access to new internal roadways shall be permitted to bisect this buffer area. The buffer shall be landscaped in a manner that generally follows Section 300, or maintained in its natural vegetative state if it provides an equivalent level of screening, and will count as part of the required minimum open space.

E. Open Space Maintenance

1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

2. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to acceptance by the approving body.

3. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development.

F. Review Process

1. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.

2. All open space preservation option plans shall include a resource inventory that contains the following:

   a. All floodplains, wetlands, and water bodies;

   b. A woodlands analysis identifying all significant woodlands;

   c. All wildlife habitat areas.

   d. An analysis of on-site soils and topography to identify limitations to development; and

   e. An analysis of the cultural features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses, archeological sites, and the like.

3. The approving body shall determine that the open space preservation option plan satisfies the intent of Subsection D.2 above.

SECTION 335. PLANNED UNIT DEVELOPMENT DISTRICT

A. INTENT

The intent of the Planned Unit Development (PUD) District is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for large-scale developments which qualify as planned unit developments. These may include, but are not limited to, housing developments, shopping centers, industrial parks, office parks, and medical and education campuses, and mixed-use developments. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on one lot. These requirements would in certain large developments have results that would less serve the public health, safety, and welfare than if a controlled degree of flexibility were allowed. Similarly, a development may be of such large size and unique design or character as to justify permitting certain incidental uses not normally permitted in the zoning district. The Township Board with recommendation from the Planning Commission shall have discretionary authority to consider and modify the applicable minimum requirements of Article 17, Schedule of Regulations as well as the zoning district regulations of this ordinance. Such modifications shall be based upon finding that the PUD meets the standards of approval of Section 335F.

B. QUALIFYING CONDITIONS FOR A PLANNED UNIT DEVELOPMENT

Planned unit developments may be allowed as a zoning classification upon determination that the following criteria are met:

1. A PUD site must be under the control of one owner or group of owners with a unified development plan. Sufficient documentation as specified in Section 335 E. shall be provided to demonstrate that there is a single person or entity with responsibility for the completion of the project in conformity with this Ordinance.

2. A qualifying PUD may be approved in any location within the Township, subject to the development regulations and review process established in this Section and any other applicable ordinances.

3. The minimum PUD site size shall be 20 acres. A smaller area of property contiguous to an approved PUD may be reviewed for addition to that PUD under the major amendment provisions of this Article.

4. The site shall have frontage along and access to a road capable of accommodating anticipated traffic volumes consistent with the specifications provided in the Township's adopted Thoroughfare Plan.

5. The development shall be designed as an entity, intended to be developed in clearly identified phases. Each phase (final PUD site plan) shall meet the requirements of this Ordinance and the Township's Subdivision Regulations. Phasing of the project shall be agreed upon as part of the approved development agreement.

6. The parcel has irregular or unique physical constraints, or significant natural or historic features that might otherwise be lost through conventional development methods.

7. The PUD will provide a complementary mixture of uses or housing types and amenities within a unique, high quality design as determined by the Planning Commission in accordance with the standards of Section 335 C.

8. The proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities in relation to the development permitted under conventional zoning regulations applicable to the site. The applicant may propose to mitigate additional demands on public facilities and services through site design features and infrastructure improvements. Such improvements shall be intended to offset the impacts of the proposed PUD project to assure that the PUD shall not place an unreasonable burden upon the surrounding land and or property owners and occupants.

9. Mixed use PUD's shall be designed to achieve a synergistic relationship between the uses. The various uses shall be integrated with pedestrian and vehicular access systems and open spaces. For all PUD projects, site design elements and amenities shall be developed in a consistent manner throughout the entire site (e.g. landscaping, signs, lighting, etc.).

C. DEVELOPMENT REGULATIONS

The Zoning Ordinance shall provide the basis for regulation and design of all development in the Township. Insofar as the PUD option allows for flexibility of some of the standards of the zoning ordinance, the following development regulations shall apply to all PUD applications.

1. Density. The Township Board, after receiving a recommendation from the Planning Commission, shall determine the overall residential density permitted, based upon the guidance provided by the Township's adopted Master Plan. The Planning Commission and Township Board shall consider whether the PUD proposal will meet one or more of the following desired characteristics:

   Density calculations shall be based upon the net buildable area which consists of the portion of the site which is not encumbered by regulated wetlands, lakes or streams, public road rights-of-way, easements, or other existing or proposed features that would prevent the construction of a building or use of the site for residential purposes.

a. Exhibits extraordinary design excellence, examples of which include but are not limited to: innovative energy efficient design; provision of additional usable open space above the required amount; added improvements to assure vehicular and pedestrian safety; amenities or site features to assure a long-term aesthetically pleasing appearance;

b. Provides high quality architectural design through the use of natural and durable building materials (such as brick and stone) recessed, side entry or rear entry garages, or substantial variation in building elevations;

c. Provides landscaping and buffering from adjacent sites and from non- residential land uses within the proposed PUD that significantly exceed the requirements of the ordinance;

d. Preserves and restores historic structures or involves the reclamation of site features which may include the reclamation of land that has been previously mined ; and

e. Other public benefits as demonstrated by the applicant.

2. Open Space Standards. All PUD proposals with residential land uses shall maintain a minimum of 20% of the gross area of the site as permanent usable open space, guaranteed by an irrevocable covenant that is found acceptable to the Township Board and Township Attorney. The following design requirements apply:

a. Depending upon the size of the property and the quality of the natural features up to 50% of the existing wetland, flood plain, open water bodies, and "wet" storm water detention/retention areas on the site may be counted as part of the open space required for a PUD with residential land uses. Detention ponds or drainage facilities that do not provide a natural appearance and are not incorporated into the overall plan as an amenity, as determined by the Township, shall not be included as required open space.

b. Qualifying open space must be interconnected, scattered inaccessible remnant lands shall not be considered usable. Open spaces shall be clearly identified and provide access to the site's most important natural features. Proposed pathways shall link to existing and planned greenways as established in the Township's Master Plan.

c. Usable open space shall not include the area of any public or private road, the area of any easement providing access to the site, or the area of any commercial recreation use (such as a golf course).

d. In addition to the preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:

1. Preserve or create a buffer from adjacent land uses where appropriate;
2. Maintain existing natural viewsheds; and
3. Open space shall be located within prominent and highly visible areas of the development, such as at the terminus of key views along roads, at the intersection of arterial or collector streets, at high points or centrally located within a residential area.

e. Additional non-contiguous open space may be attached to a Planned Unit Development request in accordance with the provisions of Public Act 184 of 1943 Section 16.c (3).

f. The useable open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

1. Indicate the proposed use(s) of the required open space.

2. Indicate how the leisure and recreation needs of all segments of the population residing in or using the planned development will be accommodated.

3. Set forth the provisions for the joint maintenance of the privately owned open space among those private property owners with an interest in the open space.

4. Establish maintenance standards and a maintenance schedule.

5. Provide for the assessment of the private property owners by Lenox Township for the cost of maintenance of the open space in the event that it is inadequately maintained or becomes a public nuisance.

6. If accepted by the Township Board the open space may be conveyed to the Township for the use of the general public.

3. Dimensional Standards. The applicant shall provide a table that clearly identifies the proposed development standards for each type of development including lot area, width, setbacks, density, building height, building separation, and the like. Such table shall indicate which zoning district the standards are based upon and provide adequate justification for the consideration of the approving body. Lot area, width and setbacks shall be subject to approval of the Township Board, after recommendation by the Planning Commission. The following standards shall apply:

   a. Dimensional standards shall be based on sound planning and design principles in accordance with the considerations of Section 335F.

   b. Any detached single family structure shall be located at least twenty (20) feet from any other detached single family structure. Approved modifications to side yard setbacks for single family structures shall not result in side yards less than nine (9) feet.

   c. Multiple family residential uses shall comply with all spacing requirements specified in Article 17, Schedule of Regulations and development regulations provided in the RH zoning district.

   d. Non-residential buildings shall be located at least one hundred (100) feet from any residential buildings.

   e. Office, commercial, research and development, and industrial land uses shall comply with all dimensional requirements specified in Article 17, Schedule of Regulations, and development regulations for the least intensive zoning district that permits a proposed land use. Modification to these building spacing requirements may be approved by the Township Board upon making the determination that alternative building spacing requirements would be more appropriate because of the particular design and orientation of buildings.

4. Building Appearance Standards. The PUD Review process shall place significant emphasis on the quality of architectural design and exterior building materials. Building materials such as brick and stone are strongly encouraged.

5. Site Design Standards. The Planning Commission and Township Board shall consider the following aspects of the overall site design: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; quality of pedestrian circulation system including access to and from thoroughfares and parking areas; internal roadway design; the achievement of a coordinated development with regard to signage, lighting, landscaping and building materials; quality and effectiveness of noise reduction and visual screening methods, particularly where non- residential development is proposed adjacent to off-site residentially zoned or used property.

6. Use Standards. Where the subject site is surrounded by residentially zoned property, no industrial uses shall be permitted. Furthermore, non-residential uses may comprise up to 20% of the land area provided the Planning Commission finds that the appropriate buffering between residential and non-residential land uses is provided. Where the surrounding zoning is IR or IC, no residential land uses shall be permitted.

7. Compatibility Standards. The proposed uses and design of the PUD development shall be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.

8. Infrastructure. The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the proposed PUD.

D. PUD APPLICATION AND REVIEW

All PUD applications shall follow a three-step review process including a Pre-Application Conference, Conceptual PUD Site Plan review and approval, and Final PUD Site Plan review and approval. The approval of a planned unit development application shall require an amendment to the Zoning Ordinance to apply the "PUD" Planned Unit Development designation to the property. A detailed explanation of the review procedures follows:

1. The applicant shall request a Pre-Application Conference with Township Staff and Consultants to informally discuss the proposed development. The purpose of such conference is to facilitate the review of the PUD proposal in a timely manner and to provide the applicant with direction in preparing the Conceptual PUD Site Plan Application and supporting materials.

   a. Prior to the Pre-Application Conference, the applicant must submit a sketch plan of the proposed development, a legal description of the property in question including the total number of acres in the project area; a description of the estimated number of units and the approximate number of acres to be occupied by each type of use; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

   b. The Township shall charge a fee for the conference to cover administrative and consultant costs. No formal action shall be taken at a Pre-Application Conference. Advisory comments shall be provided to assist the applicant in the formalization of the application materials.

2. The applicant shall prepare and submit to the Township a request for PUD approval with a Conceptual PUD Site Plan meeting the submittal requirements of Section 335 E and fifteen (15) copies of an Impact Assessment developed in accordance with Section 330. The conceptual PUD application shall include a Traffic Impact Study as required by Section 336 B.

3. The Planning Commission shall set a date for a public hearing after the submittal requirements of Section 335 E. have been met. Notice of the public hearing shall be given by two (2) publications in a newspaper of general circulation in the Township. The first notice shall be given not less than twenty (20) and not more than thirty (30) days before the public hearing date and the second not more than eight (8) days before the date of the hearing, in accordance with the Township Zoning Act (P.A. 184 of 1943, as amended). The notice shall specify that the Township is considering both an amendment to the Zoning Map (to add the PUD designation for the subject site) and the Conceptual PUD Site Plan. The Planning Commission shall conduct the public hearing, and submit a written recommendation on the requested PUD re-zoning, Conceptual PUD Site Plan, and draft development agreement to the Township Board based on the review standards of Section 335 F.

4. Within 60 days after the Township Board receives a recommendation from the Planning Commission, the Township Board shall review the proposed PUD application and either approve, deny, or approve with conditions the PUD. The Township Board shall consider the recommendations made by the Planning Commission and all Township Consultants in making a decision to approve or deny the PUD and final draft of the development agreement. Prior to making a final decision the Township Board may require the applicant to resubmit a revised conceptual site plan for approval to the Planning Commission. As part of the PUD approval, the Township Board and the applicant shall enter into a written development agreement outlining the terms of approval and specifying conditions of approval.

5. Final PUD Site Plans. Approval of the PUD, Conceptual PUD Site Plan and development agreement by the Township Board confer upon the property owner the right to submit final site plans for each phase of the project in accordance with the site plan review process outlined in Section 305 or as specified in the approved development agreement. If application for Final Site Plan approval is not requested within two (2) years of the date of PUD approval , such approval shall expire, the property shall revert to its previous zoning category, and resubmittal of the Conceptual PUD application shall be required. The Township Board may, at its discretion, upon application by the owner in writing prior to the expiration date, and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

6. Effect of Approval - The approval of a Final PUD Site Plan shall allow the Building Inspector and/or Zoning Administrator to issue zoning compliance permits in conformity with the application as approved.

E. CONCEPTUAL PUD SUBMITTAL REQUIREMENTS

The purpose of the Conceptual PUD review is to provide a mechanism whereby the applicant can obtain approval of the proposed project in concept and then prepare final site plan and engineering documents. Submittal requirements for Conceptual PUD Site Plan review are listed below.

1. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
2. A completed application form and an application fee. A separate escrow deposit may be required for administrative charges to review the PUD submittal.
3. Fifteen (15) copies of an Impact Assessment meeting the requirements of Section 330.
4. A Traffic Impact Study, prepared by a registered professional engineer (P.E.), certified planner, (AICP) or professional community planner (PCP), shall be provided to the Planning Commission in accordance with Section 336. The Planning Commission or Township Board may request that the applicant provide a market study demonstrating the market demand and feasibility of the proposed PUD project.
5. Sheet size of submittal drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale. The applicant shall also submit a set of plans on 11" X 17" sheets, with at least one sheet in color, highlighting landscaped and open space areas.
6. Cover Sheet providing:
    a. the applicant's name;
    b. the name of the development;
    c. the preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
    d. date of preparation and any revisions;
    e. north arrow;
    f. property lines and dimensions;
    g. complete and current legal description and size of property in acres;
    h. small location sketch of the site and area within one mile; (drawn to scale);
    i. existing zoning and current land use of applicant's property and all abutting properties and properties across any street from the PUD site;
    j. lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines;
    k. location of any access points on both sides of the street within three- hundred (300) feet of the PUD site along streets where access to the PUD is proposed.

7. A Plan Sheet(s) labeled Existing Site Conditions, including: the locations of existing buildings and structures; rights-of-way and easements; significant natural and historical features; existing drainage patterns (by arrow); surface water bodies and floodplain areas; wetlands over two acres in size; the limits of major stands of trees; and a tree survey indicating the locations, species and caliper of all trees with a caliper over eight (8) inches, measured four feet above grade. The detailed tree survey may be delayed until final site plan review, if approved by the Township Board, following review and a recommendation by the Planning Commission, if the applicant provides an outline of a tree preservation program. This sheet shall also illustrate existing topography of the entire site at two (2) foot contour intervals and a general description of grades within one-hundred (100) feet of the site. A reduced copy of this sheet may be included in the Impact Assessment.

8. A Conceptual PUD Site Plan Sheet including:

   a. Conceptual layout of proposed land uses, acreage allotted to each use, road layout, parking area, open space. Residential developments shall specify the overall density proposed in a table including dimensional standards. Such density shall demonstrate consistency with the Township's Master Plan. Regulations shall be generally consistent with residential zoning ordinance standards referenced in the development agreement as well. The applicants shall include a concise statement indicating the proposed approach employed to support the objectives and intent of this ordinance.

   b. If a multi-phase Planned Unit Development is proposed, identification of the areas included in each phase and a demonstration that each phase shall meet the requirements of this Ordinance and all other applicable ordinances. For residential uses, the number, type and density of housing by phase shall be identified.

   c. The Conceptual PUD Site Plan shall illustrate the building footprint and square footage of each non-residential structure as well as the road layout, parking area and open space.

   d. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the PUD.

   e. A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.

f. If all or part of the PUD project is expected to be a platted subdivision, the Final PUD Site Plan for that phase shall also meet all the submittal requirements for a tentative preliminary plat, as described in the Township Subdivision Regulations.

g. The Township Board, after review and recommendation by the Planning Commission shall establish the development standards, including setbacks, lot sizes and overall density based on the information submitted by the applicant. Each final site plan shall comply with the approved PUD standards recorded in the development agreement.

9. A written narrative describing the recognizable and substantial public benefit to be provided to the project and the community as a whole as part of the proposed PUD Development Plan.

F. STANDARDS FOR APPROVAL OF CONCEPTUAL PUD SITE PLAN

Based upon the standards below, the Planning Commission may recommend approval, approval with conditions, or denial and the Township Board may approve, approve with conditions or deny the proposed planned unit development. Upon the approval of a Conceptual PUD Site Plan by the Township Board, the property shall be designated as Planned Unit Development zoning on the Official Zoning Map.

1. The planned unit development meets the qualification and project design requirements of Sections 335 B and 335 C.

2. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.

3. The conceptual plan shall demonstrate consistency with the Township's adopted Master Plan with regard to density and land uses proposed. The proposed development standards for lot area, width, setbacks, density, building height, building separation, and the like shall be incorporated into an agreed upon schedule of regulations within the PUD agreement.

4. If the PUD includes a platted subdivision, the final site plan for the phase including the platted subdivision will comply with the Township Subdivision Regulations and the requirements of the Macomb County Road Commission. A Conceptual PUD Site Plan that complies with the Township Subdivision Regulations may be considered a tentative preliminary plat should the applicant desire a concurrent review process. Alternatively, the applicant may submit the tentative preliminary plat at a later date, following approval of the Conceptual PUD Site Plan.

5. The proposed development not have an adverse impact upon the Township's Master Plan and is consistent with the Master Plan's spirit and intent, as well as the spirit and intent the Township's Zoning Ordinance.

6. The PUD location, density, adequacy of schools, parks, and other public facilities, traffic volumes and circulation, compatibility with existing development, adequate provision for light and air, and accessibility for fire and police protection.

7. Judicious effort has been used to protect and preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.

8. Public water and sewer facilities are available or planned in accordance with the Township Water and Sewer Ordinance. The use of public services and facilities as proposed will not have an adverse impact on surrounding property

9. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site will be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

10. The planned unit development will result in a recognizable and substantial benefit[2] to the ultimate users of the project and to the community, as demonstrated by the applicant, where such benefit would otherwise be unfeasible or unlikely to be achieved if strict application of the Ordinance requirements were applied.

[2] *Benefit, Recognizable and Substantial*. A clearly-demonstrated benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable impacts of the proposed development and use(s); including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or important historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated; and provision of a significant public facility or similar public infrastructure improvement that provides benefits to the community beyond the boundaries of the PUD. The Applicant must demonstrate this benefit as part of their development proposal.

G. FINAL PUD SITE PLAN SUBMITTAL PROCEDURES AND APPROVAL.

The purpose of the PUD final review is to consider whether the Final Site Plan and Impact Statement for each phase of the PUD is consistent with the approved Conceptual PUD Site Plan. Upon receiving approval for the overall Conceptual PUD Site Plan the applicant may seek Final PUD Site Plan approval for the individual buildings or project components in phases, subject to consistency with the Township Board-approved Phasing Plan adopted as part of the approved Development Agreement. Receipt of a building permit shall require signoff by the Township Planning Commission and Building Department.

1. The final submittal shall include the materials required by Section 305, Site Plan Review, plus the following:

a. A copy of the approved Development Agreement, recorded with the Macomb County Register of Deeds, that describes the terms and conditions of the approval and the rights and obligations of each party.

b. A separately delineated specification of all the PUD development regulations applicable to the uses and development proposed.

2. Detailed site plans for each building project or phase shall then be reviewed according to the procedures and standards of Section 305, Site Plan Review, or the Township Subdivision Regulations for any platted portion of the PUD.

3. Each final PUD site plan shall be reviewed by the Planning Commission according to the procedures outlined in Section 305, Site Plan Review. The Planning Commission shall make a recommendation to the Township Board which shall have the authority to approve the final PUD site plan unless waived as part of the original PUD agreement. The design and proposed uses shall be consistent with the approved conceptual PUD site plan and the approved PUD agreement. The approving body may require an updated version of the impact assessment for an individual phase if the proposed use or layout has changed from the approved concept plan.

4. For any condominium section of a PUD, the applicant shall provide a copy of the Master Deed and Condominium Association Bylaws for review by the Township Attorney and Planner prior to approval by the Township Board. The condominium documents shall provide limits on use of common areas or open space accessory structures such as swimming pools, decks, playground equipment and buildings. A plan shall be provided indicating the limits of such accessory structures within a defined envelope.

H. SCHEDULE OF CONSTRUCTION

1. To ensure that planned unit developments are constructed in an orderly manner and, further, to ensure that the planned unit development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use, non-residential structures and uses not otherwise permitted on a property planned for residential development in the Township's Master Plan shall not be constructed until at least twenty-five (25) percent of the residential buildings have commenced construction. To qualify, residential structures must have valid building permits. For property identified for non-residential use in the Master Plan, , not more than twenty-five (25) percent of the site shall be developed for uses not otherwise permitted in the corresponding non-residential zoning district until an equal percentage of the site has been developed for permitted non-residential uses. For purposes of carrying out this provision, the percentage shall be approximations as determined by the Township Board, following review and a recommendation by the Planning Commission, based on the floor area and land area allocated to each use. Such percentages may be varied by the Township Board.
2. Final site plan approval of a PUD phase, or a building within a PUD shall be effective for a period of two (2) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of

previously approved phases, or upon a showing of good cause for not having made such progress.

3. In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five percent (25%) or more of the total housing stock proposed for the PUD.

I. APPEALS AND VIOLATIONS

1. The Board of Appeals shall have the authority to hear and decide appeal requests by individual property owners for dimensional, bulk, & height variances from the Lenox Township Zoning Ordinance. However, the Board of Zoning Appeals shall not have the authority to reverse an order or decision of the Township Board, change conditions imposed by the Township Board or make interpretations related to the PUD site plan or Development Agreement.

2. A violation of the PUD plan shall be considered a violation of this Ordinance.

J. AMENDMENTS AND DEVIATIONS FROM APPROVED PUD SITE PLAN

Deviations from the approved PUD Site Plan may occur only when an applicant or property owner who was granted PUD Site Plan approval notifies the Planning Commission of the proposed amendment to the approved Conceptual PUD Site Plan in writing, accompanied by a site plan illustrating the proposed change. The result shall be received prior to initiation of any construction in conflict with the approved PUD Site Plan.

1. Procedure. The Planning Commission shall determine whether the change is major, warranting review by the Township Board, or minor, allowing Planning Commission approval, as noted below.

2. Minor changes. The Planning Commission may approve the proposed revision upon finding the change would not alter the basic design nor any condition imposed upon the Conceptual PUD Site Plan approved by the Township Board. The Planning Commission shall advise the Township Board of such approval in writing. The Planning Commission shall consider the following when determining a change to be minor.

a. For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.

b. Gross floor area of non-residential buildings may be decreased or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.

c. Floor plans may be changed if consistent with the character of the use.

d. Horizontal and/or vertical elevations may be altered by up to five percent (5%).

e. Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.

f. Designated "Areas not to be disturbed" may be increased.

g. Landscape plantings approved in the Conceptual PUD Site Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved, which are lost during construction, may be replaced by at least two (2) trees of the same or similar species.

h. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

i. Changes of building materials to another of higher quality, as determined by the Planning Commission.

j. Slight modification of sign placement or reduction of size.

k. Internal rearrangement of parking lot that does not affect the number of parking spaces or alter access locations or design.

l. Changes required or requested by the Township, County or State for safety reasons.

3. Major Changes. Major changes include but are not limited to such things as density revisions, a reduction in open space, changes in use or site size. Where the Planning Commission determines the requested amendment to the approved Conceptual PUD Site Plan is major, or if there is a request to expand the land area included within the PUD, submittal of an amended application for review and approval by the Township Board is required. If the Township Board determines that the proposed modifications to the Conceptual PUD Site Plan significantly alter the intent of the approved PUD Site Plan or significantly modify the on-site or off-site impacts of the Plan, a revised Conceptual PUD Site Plan shall be submitted according to the procedures outlined in this Section, including a new public hearing and review and recommendation by the Planning Commission prior to Township Board action. If the PUD is being expanded in size, the previously submitted impact assessment and traffic study shall be updated to reflect new conditions and the expected impacts associated with the subject area.

K. DEVELOPMENT AGREEMENT

Concurrent with the approval of a Conceptual PUD Site Plan, the applicant and Township Board shall enter into a Development Agreement that describes the terms and conditions of the approval and the rights and obligations of each party. The Development Agreement may be approved by the Township Board immediately following approval of the Conceptual PUD Site Plan or it may be placed on an subsequent agenda of the Township Board. The applicant shall reimburse the Township for all fees for Township legal counsel and consultant participation in the development agreement. The approved Development Agreement shall be recorded with the Macomb County Register of Deeds. In the event that the Conceptual PUD Site Plan requires a major amendment, the Development Agreement shall be amended to reflect the approved changes and recorded as provided in Section 335 G.1. Action to amend a Development Agreement requires approval by the Township Board.

SECTION 336. TRAFFIC IMPACT STUDIES

A. Intent.

Lenox Township recognizes the direct correlation between land use decisions and traffic operations. Traffic impact studies assist in coordinating land use and transportation planning by forecasting the potential generation of new vehicular traffic; evaluating proposed access plans and identifying driveway-related road improvements at the site plan review stage; and identifying off- site road improvements needed to accommodate future traffic patterns. The intent of this section is to establish warrants for determining when traffic impact studies should be done, as well as minimum standards for the conduct and reporting of such studies.

B. Required Study by Type.

Traffic impact studies generally consist of three types, a Rezoning Traffic Study (RTS), Traffic Impact Assessment (TIA), or Traffic Impact Statement (TIS). The content of each study type is broadly described below, along with the warranting conditions.

1. Rezoning Traffic Study. An RTS describes relevant existing traffic conditions and compares the potential trip generation of a site's use under existing and proposed zoning classifications. An RTS is required for any proposed change to the zoning map that is either (1) inconsistent with the Township's Master Plan, or (2) involves other than residential down-zoning.

2. Traffic Impact Assessment. A TIA describes existing and likely future traffic conditions both with and without a site developed in specific proposed manner. The evaluation of traffic impacts is limited to overall trip generation and the operation of the proposed site access drive(s). A TIA is required if the proposed use(s) would generate (1) 500-749 driveway trips per day or (2) 50-99 peak- hour, peak-direction driveway trips.

3. Traffic Impact Statement. A TIS is similar to a TIA but includes off-site intersections and other critical road features more impacted due to a proposed use's greater amount of trip generation. It may also be appropriate to evaluate impacts at an off-site location due to ongoing congestion or safety problems, or because a road redesign is pending and should account for potential land use changes in the area. A TIS is required if the proposed use(s) would generate (1)
750 or more driveway trips per day or (2) 100 or more peak-hour, peak- direction driveway trips.

4. Determination of Need. The Township's Traffic Engineering Consultant will certify the type of traffic impact study required (if any), by signing a Determination of Need form completed by the Applicant or Applicant's traffic consultant. The form to be used for this purpose will be approved by the Township Board and may be obtained from the office of the Township Clerk.

C. Preparation and Submittal: All traffic impact studies must be planned and conducted in close cooperation with Township staff and/or designated Township consultants.

1. Qualifications of Preparer and Reviewer. The person responsible for preparing a traffic impact study shall (1) have at least three years of recent experience preparing such studies, where that work has comprised a major portion of the Preparer's professional experience; (2) be an Associate (or higher) member of the Institute of Transportation Engineers; and (3) be a registered Professional Engineer (P.E.) in Michigan, certified Professional Traffic Operations Engineer (PTOE), and/or certified community planner (AICP or PCP). The person designated by the Township to review a submitted study shall have the same qualifications.

2. Approval of Scope. Using a form approved by the Township Board, the Preparer shall complete and submit to the Traffic Engineering Consultant a Traffic Impact Study Worksheet. This worksheet will (1) detail the trip generation forecast used to determine the need for the study; (2) identify candidate off-site intersections (if any) based, in part, on projected site traffic constituting 5% or more of existing traffic; (3) propose specific growth rates and other developments to be considered in forecasting future background traffic (if any); (4) describe the method to be used in distributing site-generated traffic; and (5) confirm an awareness of other study methodology requirements. The Preparer should verify that the completed worksheet is satisfactory prior to continuing work on the study. Studies submitted without such verification will not be reviewed in detail or approved.

3. Submittal of Report. Unless waived by the Planning Commission, traffic impact studies must be submitted to the Township at least 30 days prior to the associated rezoning or development proposal appearing on the agenda for a Site Plan Committee or public meeting. This lead time is needed to ensure the distribution of the report to the Reviewer; study review and the preparation of review comments; and the distribution of the review comments to appropriate Township officials. The Planning Commission will inform the Applicant when the traffic impact study has been approved, at which time the Applicant or Applicant's traffic consultant shall also submit the approved study to the Road Commission of Macomb County and/or Michigan Department of Transportation (MDOT), as appropriate (based on agency jurisdiction over the road(s) abutting the subject site). If revisions or additions to the initial report are required, they shall be made and approved before the report is accepted by the Township and forwarded to the responsible road agency(ies).

D. Traffic Impact Study Contents: All studies should be consistent with the state of the practice, as outlined in such publications as *Evaluating Traffic Impact Studies – A Recommended Practice for Michigan Communities* (*ETIS*, sponsored by MDOT, et al.). Required content by study type is indicated in the table below. The composition of individual content items is detailed in paragraphs a through n.

1. Describe Requested Rezoning or Proposed Use(s). When rezoning is requested, the study shall identify a range of feasible permitted uses under existing zoning as well as a range of feasible permitted uses under the proposed new zoning; justify the use sizes assumed within each range; and ensure that the sized uses represent a reasonably robust range of potential trip generation. When a site plan or plat is proposed as opposed to a rezoning, the study shall include (where feasible) the conceptual site plan or plat assumed as the basis for the study, along with the anticipated phasing and build-out year(s) for the development.

2. Describe Site, Surroundings, and Study Area. At a minimum, existing abutting land use(s) and roadway conditions shall be described. If off-site intersections have been identified and approved via the TIS Worksheet (Sec.332.3.b), the study area inferred by those intersection locations shall be similarly described. Special attention should be paid to features potentially affecting the required provision of safe and efficient site access, such as road alignment and sight distance limitations; speed limits; surface type; lane configuration and traffic control devices; existing or approved intersections and driveways within 300 ft of the proposed site access points (on both sides of abutting road(s)); and compliance or non-compliance with established access- management standards.

CONTENT REQUIREMENTS BY TRAFFIC STUDY TYPE			
CONTENT ITEM	Required for		
	Rezoning Traffic Study	Traffic Impact Assessment	Traffic Impact Statement
Describe Requested Rezoning or Proposed Use(s)	x	x	x
Describe Site, Surroundings, and Study Area	x	x	x
Obtain and Evaluate Current Traffic Data: Daily Traffic Volumes (latest available) Hourly Traffic Volumes (generally new counts) Other Data if Indicated in Letter to Applicant	x	x	x
Describe Anticipated Future Changes to Area Land Uses and Roads	x	x	x
Forecast Future Background Traffic Volumes		x	x
Forecast Driveway Trip Generation in Manner Recommended by Institute of Transportation Engineers	x	x	x
Discount Driveway Trips as Appropriate	x	x	x
Forecast and Compare Trip Generation by Uses Permitted within Existing and Proposed Zoning Districts	x		
Develop Reasonable Trip Distribution Model(s)		x	x
Assign Generated Trips and Forecast Future Total Traffic		x	x
Determine Minimum Warranted Access Improvements		x	x
Evaluate Peak-Hour Traffic Impacts		x	x
Identify and Evaluate Any Needed Capacity Mitigation		x	x
Recommend Road Improvements At Access Point(s) (including Driveway Lanes) At Off-Site Intersection(s) (as required)		x	x

3. Obtain and Evaluate Current Traffic Data. For all three traffic study types, the Preparer shall obtain the latest available daily traffic counts for area roads, and determine (where possible) the proportion of traffic within the AM and PM peak hours (the *K-factor*). For Impact Assessments and Impact Statements, new peak-period manual counts shall be made at all selected off-site intersections, including those opposite proposed site access points, unless waived by the Traffic Engineering Consultant. Any new counts shall be made on a Tuesday, Wednesday, or Thursday of a non-holiday week unless the nature of the proposed use requires otherwise (such as Saturday for a major shopping center). To the extent feasible, counts should be made during average or higher-than-average volume conditions. In rare situations, seasonal adjustments may be permitted to ensure that an adequately representative volume condition is addressed. The locations, days, and time periods selected for the manual volume counts will be predetermined and documented on the TIS Worksheet. If any special counts (e.g., of trucks, gaps, speeds, crashes, etc.) are proposed or required, such will be indicated in a separate letter.

4. Describe Anticipated Future Changes to Area Land Uses and Roads. All traffic studies shall document pending changes, other than the proposed site development, that might influence future traffic conditions. These changes should include but not necessarily be limited to (1) other developments that could increase traffic at the selected off-site intersections by 5% or more, and (2) planned road improvements in the study area, with those actually approved and funded clearly distinguished from other improvements merely discussed or recommended.

5. Forecast Future Background Traffic Volumes. To provide an appropriate basis for expressing the traffic impacts of a proposed development, current traffic volumes shall always be projected to the earliest subsequent year in which it would be reasonable to expect full occupancy of the development. This creates a so- called background traffic scenario, wherein recent traffic trends have continued or new expected trends have evolved, but the subject site hypothetically remains undeveloped. The TIS Worksheet must be used to predetermine and document the general growth rate and specific background developments to be considered in established the background traffic scenario.

6. Forecast Driveway Trip Generation. Unless waived by the Review Consultant, forecasts of driveway trip generation must be based on data and methodology found in the latest editions of the following two ITE publications: *Trip Generation* (rate data) and *Trip Generation Handbook – An ITE Recommended Practice* (methodology and pass-by percentages; hereafter referred to as the *Handbook*). The *Handbook's* recommended procedure for choosing between *Trip Generation's* average rates and regression equations should be followed, with the exception that no regression with a correlation coefficient (R2) of less than 0.75 shall be used, regardless of sample size. Regardless of which statistical approach is taken (average rates or equations), it is critical that (1) the size of the development under analysis be within the range of ITE's sample data (especially important when the illustrated regression equation is non-linear); (2) the line representing the weighted average rate or regression equation lie within the cluster of data points near the size of the development site; and (3) a regression equation with a non-zero intercept not be applied for small developments (to avoid illogical results). The Preparer should contact the Traffic Engineering Consultant if questions arise regarding the best forecasting method or what to do when ITE data appear unsuitable.

7. Discount Driveway Trips as Appropriate. For some land uses, such as those involving shopping or dining, it may be appropriate to reduce (1) the above- predicted number of trips at site access points, due to transit usage or so-called "internal or downtown capture" (i.e., walking trips), or (2) the number of new driveway trips assumed to pass through off-site intersections, due to "pass-by or diverted" traffic (drivers already using area roads en route to primary destinations elsewhere). Driveway trips less pass-by and diverted trips are known as "new" or "primary" trips. The percentages of total driveway trips assumed in each of the above categories (if any) will be predetermined and documented via the TIS Worksheet. To be conservative, the pass-by percentages recommended in *ETIS* should be used as applicable; in no cases shall percentages larger than the averages found in the *Handbook* be used.

8. Forecast and Compare Trip Generation by Uses Permitted within Existing and Proposed Zoning Districts. This item is to be completed only for Rezoning Traffic Studies. Where site development under *existing* zoning could involve more than a single density or development size, at least two uses representing a range of potential trip generation must be identified and evaluated. For the proposed *new* zoning, at least one assumed development must be forecasted to generate a quantity of trips near the higher end of what might be generated by all feasible uses permitted under that new zoning (the use envisioned by the rezoning Applicant may or may not meet this requirement). The report must explain in some detail the planning and traffic engineering bases of the assumed development scenarios. The trip generation comparison must address the total number of driveway trips generated by the site, and if applicable, the number of new (or primary) trips passing through all off-site intersections (if less than total driveway trips).

9. Develop Reasonable Trip Distribution Model(s). The method(s) used to distribute site-generated traffic among specific movements at the site drives and various off-site intersections evaluated should be explained in some detail. For instance, it is insufficient to simply state that the trip distribution modeling is "based on existing traffic patterns"; the superficial application of this concept may result in all trips being modeled as if they were pass-by trips. Generally, new (primary) trips should be modeled *separately* from pass-by trips, since the former return to their origin (by definition), as opposed to exiting in the direction they were traveling prior to entering. Refer to the *Handbook* chapter entitled "Pass-by, Primary, and Diverted Linked Trips" for more explanation. Finally, the traffic impact study should illustrate the assumed trip percentages throughout the study area (including at site drives, to facilitate a reasonableness review).

10. Assign Site-Generated Trips and Forecast Future Total Traffic. Assign the total site-generated peak-hour trips forecasted in items 4f and 4g according to the model(s) developed in item 4i. Add the resulting site traffic to the future background traffic (forecasted in item 4e) to forecast future total *peak-hour* traffic. The future *daily* traffic on the abutting road(s) must also be forecasted for the site's anticipated build-out year, generally by dividing the projected future total peak-hour traffic volume by a K-factor (either the value(s) determined in item 4c, or by value(s) based on professional experience and judgment). Any deviation from this approach must be approved in advance by the Traffic Engineering Consultant.

11. Determine Minimum Warranted Access Improvements. Prior to evaluating future levels of service at site access points and off-site intersections (as applicable), the safety- based need for left- and right-turn lanes at the proposed access points must be determined. Warrants published by the Michigan Department of Transportation shall be evaluated and used as the basis for road improvement recommendations, on multi-lane as well as two-lane roads. The evaluation of these warrants will examine both peak-hour and daily volumes at site build-out, as applicable.

12. Evaluate Peak-Hour Traffic Impacts. The study must evaluate peak-hour levels of service at all off-site intersections under current, future background, and future total (background-plus-site) traffic conditions, as well as at all site access points under future total traffic conditions. Unless waived by the Traffic Engineering Consultant, all locations and hours counted (per item 4c) must be evaluated using methodology consistent with latest edition of the *Highway Capacity Manual*, published by the Transportation Research Board. Capacity analyses must evaluate future background and future total traffic *without as well as with* any recommended mitigation, unless funding of timely mitigation is assured or this requirement is waived by the Traffic Engineering Consultant. Finally, the study must (1) indicate the peak-hour factors used in the capacity analyses; (2) summarize in the body of the report (at a minimum) the level of service for any movements rated E or F as well as the level of service by intersection approach (as applicable); and (3) comment on the average delay per vehicle for any intersections, approaches, or movements rated F.

13. Identify and Evaluate Any Needed Capacity Mitigation. Unless waived by the Traffic Engineering Consultant, the traffic impact study must determine what (if anything) would have to be done to ensure a future background and/or future total level of service of at least D overall at every signalized intersection evaluated. A reasonable effort should also be made to identify mitigation for any approaches or movements expected to experience a level of service of E or F, whether at signalized or unsignalized intersections (including driveway approaches to major roads). Level of service analyses must be done and fully documented for all identified capacity mitigation.

14. Recommend Appropriate Access Design and Off-Site Road Improvements. Based on the study's findings and conclusions, the final report shall recommend, at a minimum: (1) an appropriate lane configuration at each proposed access point, including turn lane lengths based on storage and/or deceleration requirements; (2) specific clear-vision triangles commensurate with prevailing standards and speeds; and (3) needed capacity mitigation at the off-site intersections evaluated. Off-site mitigation to accommodate new traffic generated by the proposed development shall be clearly distinguished from the mitigation needed to accommodate future background traffic growth unrelated to the development.

15. Possible Waiver of Study Requirement: The requirement for submittal of a traffic impact study may be waived by the Planning Commission in certain cases where recent studies of a similar nature have been completed and no further benefit would be achieved by completing an additional study. Requests to waive traffic study requirements will be evaluated on a case-by-case basis.

<u>Section 337 Medical Marijuana Uses.</u>

1. Intent

a. Voters in the State of Michigan approved the referendum authorizing the use of marijuana for certain medical conditions.
b. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/ grow, use and distribute marijuana and to assist specifically registered individuals identified in the statute without fear or criminal prosecution under limited, specific circumstances.
c. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan law and the legalization of obtaining, possession, cultivation/growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.

d. If not closely monitored or regulated, the presence of marijuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and / or activity and this threat affects the health, safety and welfare of the residents of Lenox Township.

e. It is the intention of Lenox Township that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow activity relating to cultivation /growing, distribution or consumption of marijuana that is otherwise illegal.

2. *Medical Marijuana Dispensary, Compassion Centers or other similar operation for the consumption of medicinal marijuana*. It shall be <u>unlawful</u> for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center or other similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, or other similar operation in Lenox Township.

3. *Registered Primary Caregiver.* A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this section, shall be permitted to grow marijuana as a home occupation subject to the applicable provisions of Section 329. Nothing in the section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. Also, since Federal Law is not affected by the Act or General Rules, nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal Law. The Michigan Medical Marijuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

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

b. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, including child care or day care facilities operated by a school, to insure community compliance with Federal "Drug-Free School Zone" requirements;

c. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a single parcel;

d. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient;

e. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the production of marijuana are located;

f. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Lenox Township Fire Department to insure compliance with the Michigan Fire Protection Code.

SECTION 338. GRATIOT AVENUE CORRIDOR OVERLAY ZONE

A. Intent

The intent of the Gratiot Avenue Corridor Overlay Zone is to improve traffic operations and reduce potential for crashes through regulations on the number, spacing, placement and design of access points. Numerous published reports and recommendations by the Michigan Department of Transportation (MDOT) and other transportation organizations have identified a direct correlation between the number of access points and the number of crashes. Those studies also demonstrate that appropriate standards on the number and placement of access points (driveways and side street intersections) can preserve the capacity of a major corridor, like Gratiot Avenue, whose primary function is to move traffic, with a secondary function to provide reasonable access to properties along the road.

The standards herein are based on recommendations published by various national and Michigan agencies that were refined during preparation of the Gratiot Avenue Corridor Access Management Plan.

Further, these regulations are intended to protect the substantial public investment in the road system and helps avoid the need for costly reconstruction, which causes traffic congestion with associated emissions and disrupts businesses. The procedures outlined in this Article are intended to promote a more coordinated and expedited development review and approval process for site plans and access permits by the Township, MDOT and the Road Commission of Macomb County (RCMC).

B. Definitions

1. Access Management: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting road system.

2. Intersection: The junction where one road crosses another or where one road terminates into another approximately perpendicular road. Intersections, as referred to in this Article, shall mean those both signalized and non-signalized.

3. Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road. Reasonable access does not necessarily mean direct access.

C. Applicability

1. The standards of this Section shall apply to all land with frontage along Gratiot Avenue. The access standards of this Article do not apply to access that serves a single-family home, duplex or essential service facility structure.

2. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance.

3. The following applications must comply with the standards in this Article.

   a. New or Enlarged Building or Structure. Any new principal building or structure, or enlargement of any principal building or structure by more than 10%.
   b. Land Division, Subdivision or Site Condominium. Any land division, subdivision or site condominium project, including those for residential development.
   c. Change in Use or intensity of Use. Any change in use, intensity of use or increase in vehicle trips generated on a site.
   d. Extension of Site Plan Approval. Site Plan extensions pursuant to Section 305 (Site Plan Review), shall comply to the extent required by the Planning Commission.

4. Where conflict occurs between the Township regulations and road agency regulations, the more restrictive regulations shall apply.

D. Submittal Information

In addition to the submittal information required for site plan review in Section 305 - Site Plan Review the following shall be provided with any application for site plan or special land use review. The information listed in items 1-3 below shall be required with any request for a land division.

1. Existing access points. Existing access points within 500 feet along the same side of the road frontage and along both sides of any adjoining intersecting roads shall be shown on the site plan, aerial photographs or on a plan sheet.

2. Existing and proposed driveways. Dimensions shall be provided for existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site. Dimensions must also be provided between the existing and proposed driveways within the site and access points within 500 feet along both sides of the Gratiot Avenue frontage and, for corner lots, those along both sides of any adjoining intersecting roads.

3. Review coordination. The Township may contact MDOT and/or RCMC for the opportunity to provide input on the Township's decisions on access. Any access permit from the road agency shall be consistent with the Township's decision on a site plan or special land use application. An access permit may not be approved by a road agency until the land division or site plan is approved by the Township.

4. Sites Not Otherwise Subject to Planning Commission Review. Where site access is being reviewed due to a change in use or intensification of use or traffic generated, the Township may allow submittal of a sketch plan that contains only the information necessary to review such access. At a minimum, the information required in items 1-3 above must be provided on a scaled drawing of the overall site conditions.

5. Truck Turning Movements. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.

6. Legal Documents. Where shared access is proposed or required, draft easement language and/or a draft shared access and maintenance agreement shall be submitted for approval. If approved, these documents shall be recorded with the Macomb County Register of Deeds.

7. Traffic Impact Study. Submittal of a traffic impact study may be required for any land uses expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily, or where exceptions from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience to perform such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by MDOT. Calculations or micro-scale modeling may also be required to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.

E. Access Management Standards

The regulations of this Section shall be considered by the Planning Commission during review of access points, streets, private roads and driveways subject to review according to this Article.

1. Compliance with Corridor Plan. Where property is illustrated in the Gratiot Avenue Corridor Improvement Plan, or other corridor plan, such access shall be provided as shown to the extent possible, as determined by the Planning Commission.

2. Number of Access Points. The number of access points, either existing or proposed, shall be the fewest necessary to provide motorists reasonable access to the site. Each lot shall be permitted one access point. Depending on site conditions, this access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive.

3. Additional Access Point. An additional access point may be permitted by the Planning Commission upon finding that one or more of the following, as applicable, are met:

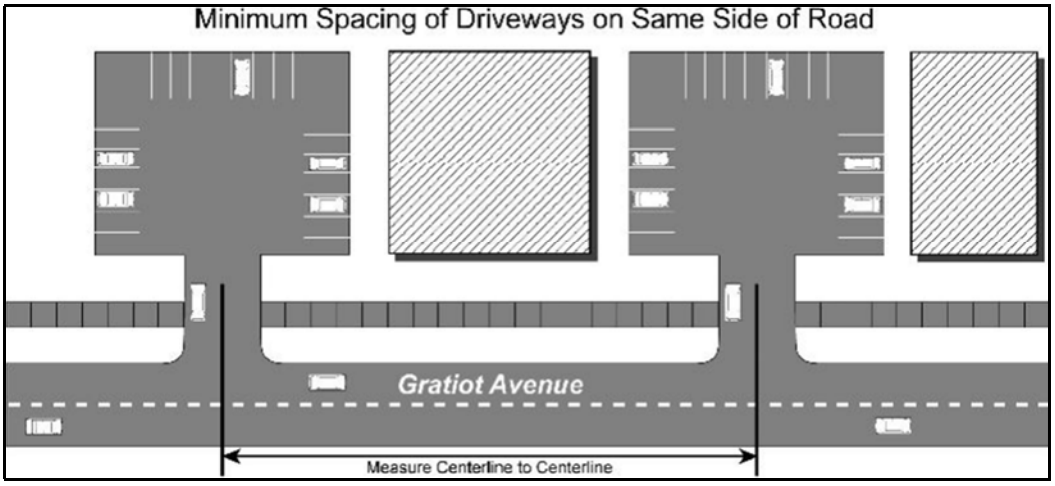
   a. The applicant submits a report by a qualified traffic engineer that certifies the need for an additional access point and that the additional access point will not create negative impacts on through traffic flow or operations. Planning Commission may require the submittal of a traffic impact study to demonstrate the report's findings.; and
   b. That a poor level of service will result if access is provided that meets the location and spacing standards and the additional driveway will improve the overall level of service both within the site and on the road.

OR

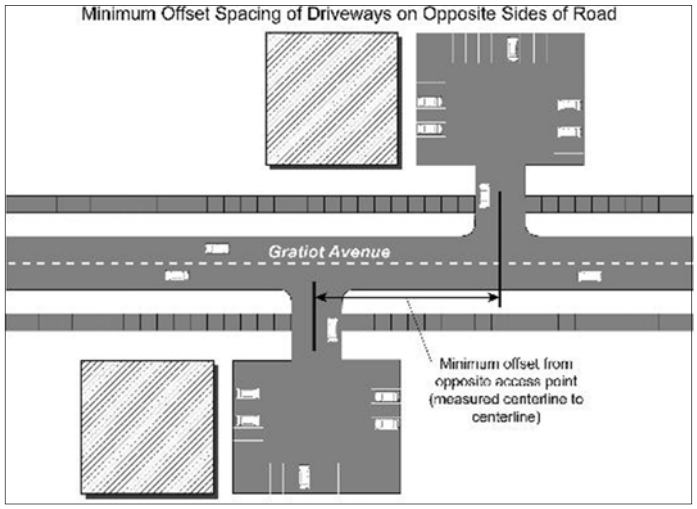
   a. The site has adequate frontage to meet the spacing standards between access points listed below, and the additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future; and
   b. The additional access point will not create conflicts with access points on adjacent properties or median crossovers, will not create a non-conforming situation for an existing or expected access for an undeveloped site, or it will make an existing non-conforming situation more conforming; and
   c. If necessary, the site plan includes facilities (such as easements or access agreements) that will allow future shared access to neighboring properties or will implement existing opportunities to provide shared access when the driveway is constructed; and
   d. The additional driveway is a necessity rather than just a convenience; and The additional access is acceptable to the MDOT along Gratiot Avenue or any State trunkline and the RCMC for other roads.

4. <u>Spacing of Access Points on Same Side of Road</u>.

Access points shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline as shown on the figure), based on the posted speed limit along the abutting road segment, according to the following table.



Posted Speed limit	Along Gratiot Ave *	Along other Roads
35 mph or less *	245 ft.	150 ft.
40 mph	300 ft.	185 ft.
45 mph	350 ft.	230 ft.
50 mph	455 ft.	275 ft.
55 mph	455 ft.	350 ft.
* unless greater spacing is required by MDOT or required to meet other standards herein		



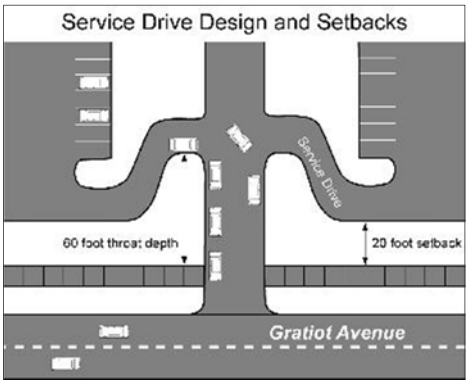
5. <u>Offset from Access Points on Opposing Side of Road</u>. Access points shall be aligned with driveways on the opposite side of the road or offset a minimum of 250 feet (measured from centerline to centerline). The Planning Commission may reduce this to not less than 150 feet where each of the opposing access point generates less than 50 trips (inbound and outbound) during the peak hour or where sight distance limitations exist.

6. <u>Spacing from Intersections</u>. Minimum spacing of access points from signalized intersections (measured from pavement edge to pavement edge as shown on the figure) shall be at least 300 feet from an intersection along Gratiot Avenue.

7. <u>Consideration of Adjacent Sites</u>. Where the subject site adjoins land that may be developed or redeveloped in the future, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.

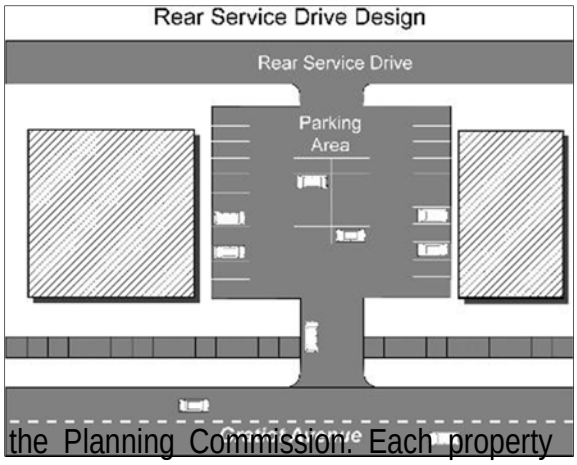
8. <u>Shared Driveways and Service Drives</u>. Where direct access consistent with the above regulations can not be achieved, access should be provided via a shared driveway or service drive. In particular, the Planning Commission may require development of service drives where such facilities can provide access to signalized locations, minimize the number of driveways, or provide an efficient means of ingress and egress.

   Service drives shall be constructed in accordance with the following standards:



   a. Service drives shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission and the RCMC and/or MDOT shall consider the setbacks of existing buildings and anticipated traffic flow for the site.

b. The service drive shall be located within an access easement permitting traffic circulation between properties. This easement shall be approved by the Township and the RCMC/MDOT and recorded with the Macomb County Register of Deeds. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the easement and service drive.



c. A minimum of twenty (20) feet shall be maintained between the road right- of-way and the pavement of the service drive, with at least sixty (60) feet of throat depth provided at the access point, where practical, measured between the road right-of-way and the intersecting service drive.

d. Service drives shall have a minimum pavement width of twenty-four (24) feet and be constructed of pavement and curb with gutter. The Planning Commission may modify these standards based upon site conditions, anticipated volumes and types of automobile and truck traffic.

e. Where a service drive is stubbed or intended to be extended onto an adjacent property in the future, the site plan shall indicate the proposed elevation of the service drive at the property line so that the Township can maintain a record of all service road elevations and their grades can be coordinated with future developments.

f. 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 applicant, when the alternative access system becomes available. The Planning Commission may require posting of a financial performance guarantee to ensure compliance with such agreement.

g. If, during redevelopment of existing sites, it is not possible to develop separate service drives, the Planning Commission and RCMC/MDOT may instead require a drive connecting parking lots with adjacent sites.

9. Sight Distance. Driveways shall be located to provide safe sight distance, as determined by the staff of MDOT and/or RCMC.

F. Review Procedure. It is recognized that certain existing site conditions may prohibit full compliance with this Section. Modifications to the standards herein may be permitted by the Planning Commission according to the following procedure:

1. Submittal Information. Along with any other required information, developments subject to review according to this Section shall submit:

a. Detailed information showing nearby intersections; existing driveways on adjacent sites; proposed driveways; changes to existing access; and any information requested by the City necessary to review site access.

b. The Planning Commission may require submittal of a traffic impact report, prepared by a qualified traffic engineer, to verify the need for additional driveways or to justify a modification.

2. Allowed Modifications. The Planning Commission may, after considering the criteria in #3 below, modify the standards of this Section in the following situations:

a. The modification will allow an existing driveway to remain that does not meet the standards of this Section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.

b. The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.

c. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.

d. Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.

3. Modification Criteria. The Planning Commission may waive certain requirements of this Section upon consideration of the following:

a. The proposed modification is consistent with the general intent of the standards of this overlay zone, the recommendations of the Gratiot Avenue Corridor Improvement Plan, and published MDOT guidelines.

b. MDOT staff endorse the proposed access design.

c. Driveway geometrics have been improved to the extent practical to reduce impacts on through traffic flow.

d. Shared access has been provided, or the applicant has demonstrated it is not practical.

e. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

SECTION 339. SMALL SOLAR ENERGY SYSTEMS

Small solar energy systems may be installed and operated in all districts, provided the systems meet setback and other standards, as provided in this section:

A. Small solar energy systems may be approved through the issuance of a Building Permit provided the application meets setback and other standards, as provided in this Section, and provided solar panels are roof mounted. If the Building Official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Official may require the applicant to apply for a Site Plan approval to the Planning Commission.

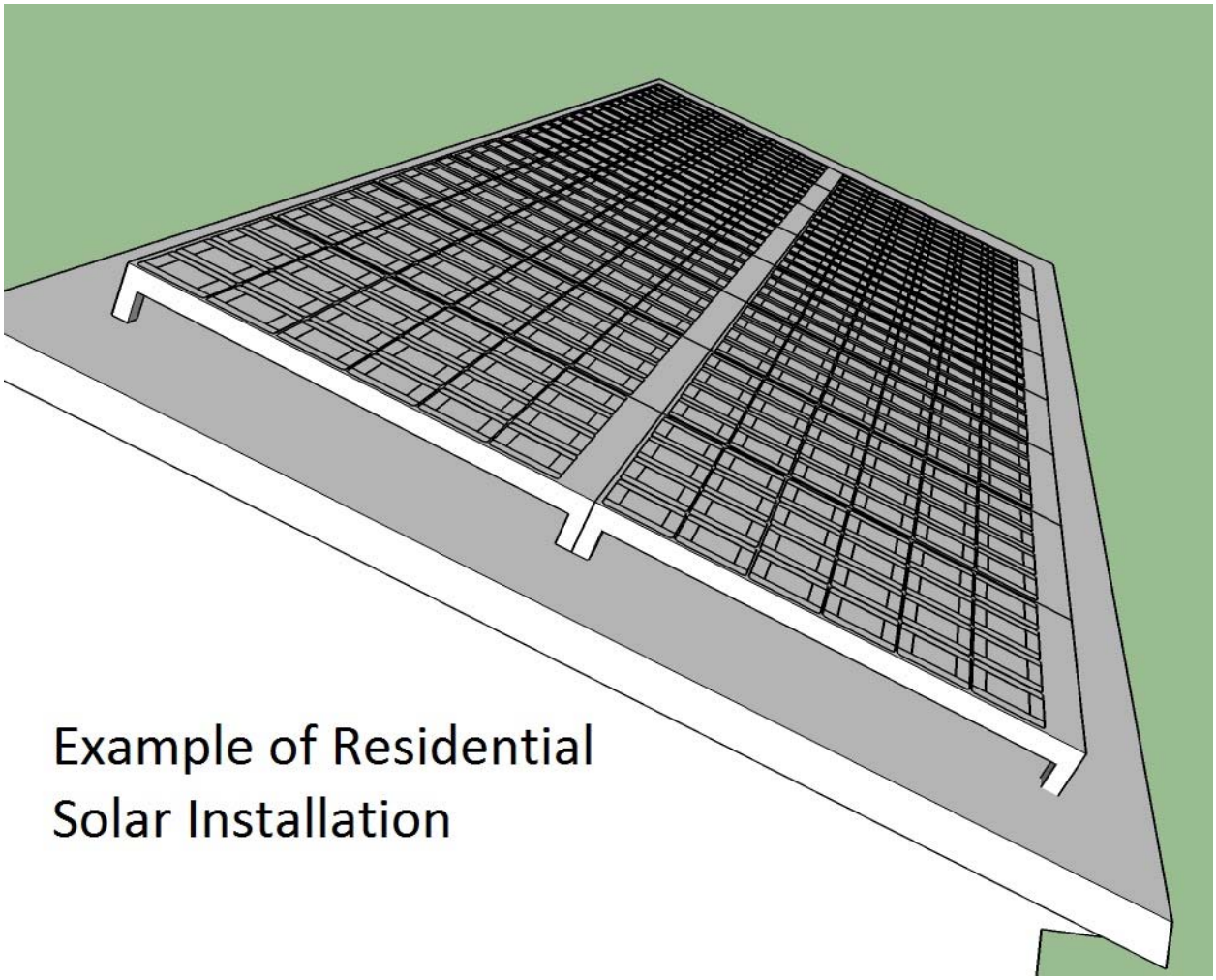
B. All ground mounted solar panels require approval by the Planning Commission. Ground-mounted solar panels are not permitted on residential lots less than one quarter acre in size or in the RH Residential High Density (Multiple Family) district.

C. Approval by the Planning Commission is required for all small solar energy systems that do not meet A and B above.

D. The requirement for a complete, professionally-prepared site plan shall not apply to applications proposing 1) only roof mounted solar panels or 2) proposing ground mounted panels that do not exceed 8,000 square feet in total area in non-residential districts, 400 square feet in area on residential lots between one quarter acre and two acres in size, or 1,000 square feet in area on residential lots larger than two acres. When a full site plan is not required, a sketch plan shall be submitted. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.

E. Roof-mounted photovoltaic solar energy systems, including solar water or swimming pool heating systems, may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure, subject to the following:

1. Solar panels may not be cantilevered beyond the ridge of a pitched roof.
2. The total area of solar panels may not exceed the total area of the roof. Where panels are mounted on one slope of a pitched roof, their total area may not exceed the total area of that slope.
3. Roof-mounted solar panels placed on a residential structure must be parallel to the surface of the roof.



F. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than five (5) feet to any property line.

G. Ground-mounted solar collection panels, where the solar panels are attached to the ground by a pole, metal frame or other similar support structure, shall comply with existing regulations for accessory structures but in no instance shall the panels exceed twenty (20) feet in height in residential zones and must meet a rear yard setback of five (5) feet. Any mechanical equipment used as part of the solar system shall be screened from view from any public street, residential district or agricultural district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission.

Ground-Mounted Collector Example

H. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.

I. If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

J. If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

K. When a ground-mounted solar panel(s) is located adjacent to a residential or agricultural district (i.e., properties zoned AG, RL, RM, RH, MH or REC) or public right-of-way, a 26-foot wide (minimum) greenbelt shall be constructed so as to provide a buffer between the panels and the adjacent residential / agricultural or public property. The Planning Commission may waive or reduce the greenbelt requirement upon a

determination that the solar panels are located more than 200 feet from an adjacent property zoned residential or agricultural or from any public right-of-way. The Planning Commission may waive or reduce the greenbelt requirement if the adjacent residential or agricultural property is likely to remain undeveloped, or existing natural features to remain provide adequate screening. Greenbelts shall be planted as part of an approved site plan and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties. Specific planting requirements for greenbelts are as follows:

1. The planting strip shall be no less than twenty-six (26) feet in width.
2. Plant materials shall not be placed closer than four (4) feet from the property line.
3. A minimum of one (1) evergreen tree shall be planted at twenty (20) foot intervals (on average).
4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.

SECTION 340. MEDIUM SOLAR ENERGY SYSTEMS

A. Medium solar energy systems may be installed and operated in the districts that make reference to this section, provided the systems meet setback and other standards, as provided in this section.
B. Medium-sized solar energy systems may be approved through the Site Plan approval process, which requires action by the Planning Commission.
C. Roof-mounted photovoltaic solar energy systems, including solar water or swimming pool heating systems, may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure, subject to the following:
    1. Solar panels may not be cantilevered beyond the ridge of a pitched roof.
    2. The total area of solar panels may not exceed the total area of the roof. Where panels are mounted on one slope of a pitched roof, their total area may not exceed the total area of that slope.
    3. Roof-mounted solar panels placed on a residential structure must be parallel to the surface of the roof.
D. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than five (5) feet to any property line.
E. Ground mounted solar collection panels shall comply with existing regulations for accessory structures.
F. Medium solar facilities proposed in agricultural (AG) and recreation zones (REC) are encouraged to locate on predominantly (more than 60 percent) non-prime farm lands. If they do not meet this standard, the use shall be deemed a Special Land Use, which requires a public hearing. The Application for a Special Land Use permit shall include an analysis of the potential for agricultural use on the subject site by an expert in agriculture or soil science, as determined by the Planning Commission.
G. Ground-mounted solar facilities shall meet the front, rear, and side yard setback requirements of the zone in which they are located, with the following exception: In all zones abutting a residential district (including AG) or residential use, the setbacks shall be at least 50 feet from all property lines adjoining said district(s) or use.
H. Ground-mounted solar facilities shall meet the height limit requirements of the zone in which they are located.
I. Any mechanical equipment used as part of the solar system shall be screened from view from any public street, residential district or agricultural district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission.
J. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.

K. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.

L. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, quantity and source of water, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. Applicant shall demonstrate the use of well water shall not negatively impact the function of existing wells in the area.

M. If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

N. The Applicant shall post a performance guarantee (cash, letter of credit or bond deemed suitable by the Township attorney) to cover the cost of removal of the equipment, structures and foundations related to the solar system in the event of abandonment or failure to comply with federal, state or local laws (after being given reasonable time to remedy the problem).

O. When a ground mounted solar panel(s) is located adjacent to a residential or agricultural district (i.e., properties zoned AG, RL, RM, RH, MH or REC) or public right-of-way, a 26-foot wide (minimum) greenbelt shall be constructed so as to provide a buffer between the panels and the adjacent residential / agricultural or public property. Planning Commission may waive or reduce the greenbelt requirement upon a determination that the solar panels are located more than 200 feet from an adjacent property zoned residential or agricultural or from any public right-of-way. Planning Commission may waive or reduce the greenbelt requirement if the adjacent residential or agricultural property is likely to remain undeveloped, or existing natural features to remain provide adequate screening. Greenbelts shall be planted as part of an approved site plan and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties. Specific planting requirements for greenbelts are as follows:

1. The planting strip shall be no less than twenty-six (26) feet in width.
2. Plant materials shall not be placed closer than four (4) feet from the property line.
3. A minimum of one (1) evergreen tree shall be planted at twenty (20) foot intervals (on average).
4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.

SECTION 341. LARGE SOLAR ENERGY SYSTEMS

A. Large solar energy systems may be installed and operated in the districts that make reference to this section, provided the systems meet setback and other standards, as provided in this section.

B. Large solar energy systems shall meet all the requirements of Section 340 Medium Solar Energy Systems, provided that all Large Solar Energy Systems shall be treated as a Special Land Use in the AG, OS, CG, OTW, and REC Districts. In the IR and IC Districts, Large Solar Energy Systems shall be a principal permitted use subject to the standards in this section.

C. If the use is a Special Land Use, it shall adhere to the general special land use standards of the Township (Article 18). In reviewing the application, the Planning Commission shall particularly focus on the ability of the use to be in harmony with the surrounding area and the intent and policies of the Master Plan. Potential impact on neighboring properties in terms of glare, stormwater runoff, property values, aesthetics, and screening shall be considered by the Planning Commission in determining whether the use is appropriate on the subject property.

ARTICLE 4
GENERAL EXCEPTIONS

SECTION 400. ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township; it being the intention hereof to exempt such essential services from the application of this Ordinance.

SECTION 401. VOTING PLACE

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

SECTION 402. RESIDENTIAL YARD FENCES

Fences or walls in residential districts may be constructed within a required rear or side yard, e.g. along property line.

SECTION 403. DRIVEWAYS

Driveways may be constructed within required front, side and rear yards.

SECTION 404. AT-GRADE PATIOS

At-grade patios may be constructed within required side and rear yards.

SECTION 405. HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, public monuments or wireless transmission towers provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a use permitted subject to special conditions of this Ordinance.

SECTION 406. LOT AREA

Any lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for lot width, depth, and area, may be utilized for permitted purposes, provided the available open space for yards, and other provisions of this ordinance are met.

SECTION 407. LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) of the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 408. YARD REGULATION

When yard regulations cannot reasonably be complied with, as in the case of lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Zoning Appeals.

SECTION 409. PORCHES AND TERRACES

An unenclosed and uncovered porch (i.e., one which is not roofed over) or paved terrace may project into a required front or rear -yard for a distance not exceeding eight (8) feet.

SECTION 410. PROJECTIONS INTO YARDS

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

SECTION 411. RAILROAD RIGHT-OF-WAY

Railroad right-of-way shall be permitted in all use districts, provided that related industrial uses shall be permitted only when adjacent to an IR or IC Industrial District.

SECTION 412. CARNIVALS, PUBLIC MEETING TENTS AND CIRCUSES

Rock or pop festivals, carnivals, public meeting tents and circuses and the like may be given temporary permits for varying periods by the Township Board providing adequate traffic and parking provisions, and any other provisions as set forth by the Township Board, can be made for the use proposed.

ARTICLE 5
AG AGRICULTURAL DISTRICT

PREAMBLE

The Agricultural District includes those open areas of the township where farming, dairying, forestry operations, and other rural activities are found. Vacant land, fallow land, and wooded areas are also present and are often interspersed among farms. Gradually, portions of the Agricultural District may be converted into other land uses. The Agricultural District protects land needed for agricultural pursuits from encroachment by untimely and unplanned residential, commercial and industrial development.

SECTION 500. PERMITTED USES

A. Single-family farm dwellings related to agricultural operations.

B. Farm buildings and greenhouses.

C. Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structure. The keeping of horses for farming or for riding purposes, without remuneration, cattle or similar livestock shall be permitted only on a lot or parcel of five (5) acres or more. The keeping of fowl, poultry and small livestock other than the raising of fur bearing animals, including commercial dog kennels, mink, rabbit, cat and canine establishments, shall be regulated according to yard setbacks. All land so used for the keeping of livestock or fowl shall be located no nearer to the front street line than the rear building line of the dwelling on said lot and no closer than fifty (50) feet from any adjacent property line. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, equine, cattle or similar livestock. Except for a dairy farm, feedlot, or similar livestock farm being operated according to generally accepted, good farming practices, the keeping of horses, equine, cattle or similar livestock shall require five (5) acres of land for the first animal and one (1) acre of additional land for each additional animal kept.

D. Truck gardening.

E. Tree and shrub nurseries.

F. Single family dwellings. Note: single family housing in approved subdivisions or site condominiums may have minimum lot sizes of one (1) acre with minimum lot width of one hundred and fifty (150) feet. The intent of this subsection is to permit the orderly subdivision of land for residential use, but to prohibit unplanned, piecemeal single family development.

G. Publicly owned and operated libraries, parks, parkways, and recreational facilities.

H. Public, parochial and private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.

I. Township offices and accessory buildings and uses.

J. Private residential ponds may be permitted only in the AG, Agricultural and RL, Residential Low Density districts, subject to the standards and guidelines in Section 333.

K. Swimming pools (SECTION 327).

L. Home occupations as defined in SECTION 2400.

M. One (1) temporary building for the sale of the produce raised by any of the above agricultural uses, which shall be located not closer than twenty-five (25) feet from the street or highway right-of-way line and further provided that an open space for parking, twenty- five (25) feet off the street or highway right-of-way be provided for patrons of such roadside produce market; and further provided that such building shall be of such a portable construction that the building shall be removed from its roadside location during the season that it is not in use as a roadside produce market.

N. Accessory buildings, structures and uses customarily incidental to any of the above uses when located on the same property. (See Section 323).

O. Family day care home

P. Adult foster care family home

Q. Small solar energy systems subject to the conditions listed in Section 339.

R. Medium solar energy systems subject to the conditions listed in Section 340.

S. Neighborhood places of worship (SECTION 1803).

SECTION 501. SPECIAL LAND USES

A. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations (SECTION 1800)

B. Cemeteries (SECTION 1802).

C. Large-scale places of worship (SECTION 1803).

D. Convalescent or rest homes (SECTION 1805).

E. The raising, boarding, and/or training of fur bearing animals, including kennels, offices of a veterinarian and animal clinics, mink, rabbit, cat and canine establishments (SECTION 1807).

F. Large scale recreation uses (SECTION 1809).

G. Migratory labor camps (SECTION 1811).

H. Group day-care home(1813).

I. Private and public colleges and universities (SECTION 1814).

J. Public utility buildings (without storage yards) (SECTION 1815).

K. Soil, sand, clay, gravel or similar removal operations (SECTION 1816).

L. Ponds for commercial businesses, such as pay-to-fish establishments and the like and for fire protection (SECTION 1818).

M. Residential Accessory Occupation, as defined and regulated by SECTION 1821.

N. Yard Waste Composting Facilities, subject to the requirements of SECTION 1822.

O. Group Child Care Centers (SECTION 1812).

P. High Volume Water Well or Well System (SECTION 1823)

Q. Private Kennels (SECTION 1826).

R. Limited Soil Removal Permits (SECTION 1833).

S. Utility Structures, Utility Transmission Systems, Wireless Transmission / Reception / Relay Towers (SECTION 1815).

T. Similar uses, compatible with the principal permitted uses listed in Section 500, may be permitted by the Planning Commission as special land uses, based upon findings of fact, the General Requirements of Article 18, and the specific standards of Section 1834.

U. Bed & Breakfast Inns (Section 1835).

V. Large solar energy systems subject to the conditions listed in Section 341.

W. Fraternal organizations, lodge halls, and clubs (SECTION 1841).

The above special land uses shall be permitted only after proper notice has been given as required

by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 502. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family homes are exempt from this requirement. See Section 305.

SECTION 503. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 6
RL - RESIDENTIAL LOW DENSITY (ONE FAMILY) DISTRICT

PREAMBLE

The Residential Low Density Single Family District is established to provide principally for one family. The specific interest of this Article is to encourage the construction and continued use of one family dwellings and to prohibit business, commercial, industrial or other use of the land which would substantially interfere with development or continuation of single-family dwellings in the district. To discourage any land use which, because of its character and size would create requirements and costs for public services such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family swellings.

SECTION 600. PERMITTED USES

A. One-family detached dwellings.

B. Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres, all subject to the health and sanitation provisions of the Macomb County Health Department.

C. Public, parochial and private elementary, intermediate schools and/or high schools offering courses in general education.

D. Publicly owned and operated libraries, parks, parkways, and recreation facilities.

E. Township offices and accessory uses.

F. Home occupations as defined in SECTION 2400.

G. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same property. (See Section 323).

H. Swimming Pools subject to the following requirements:

I. Private residential ponds may be permitted in the RL, Residential Low Density district, subject to the standards and guidelines in Section 333.

J. Family day care home

K. Adult foster care family home

L. Small solar energy systems subject to the conditions listed in Section 339.

M. Neighborhood places of worship (SECTION 1803).

SECTION 601. SPECIAL LAND USES

A. Large-scale places of worship (SECTION 1803).

B. Cluster housing development (SECTION 1804).

C. Large scale recreation (SECTION 1809).

D. Private and public colleges and universities (SECTION 1814)

E. Public utility buildings (without storage yards) (SECTION 1815)

F. Residential Accessory Occupation, as defined and regulated by SECTION 1821.

H. Bed & Breakfast Inns (SECTION 1835).

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 602. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individually single family homes are exempt from this requirement. See Section 305.

SECTION 603. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 7
RM - RESIDENTIAL MEDIUM DENSITY (ONE FAMILY) DISTRICT

PREAMBLE

The Residential Medium Density One-Family District is established with the same objectives as the RL Residential Low Density One Family District except that a greater density is permissible in this district and two family dwellings may be permitted subject to special conditions, in order to encourage additional variety in housing designs that meet the needs of different age and family groups in the Township.

SECTION 700. PERMITTED USES

A. One-family detached dwellings.

B. Public, parochial and private elementary, intermediate schools and/or high schools offering courses in general education.

C. Publicly owned and operated libraries, parks, parkways, and recreation facilities.

D. Township offices and accessory uses.

E. The growing of vegetables, fruit, flowers, shrubs and trees, provided such use is not operated for commercial purposes.

F. Home occupation (Section 329).

G. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same property. (See Section 323).

H. Swimming Pools (SECTION 327).

I. Family day care home

J. Adult foster care family home

K. Small solar energy systems subject to the conditions listed in Section 339.

L. Neighborhood places of worship (SECTION 1803).

SECTION 701. SPECIAL LAND USES

A. Large-scale places of worship (SECTION 1803).

B. Cluster housing development (SECTION 1804).

C. Private and public colleges and universities (SECTION 1814). D.

Public utility buildings (without storage yard) (SECTION 1815). E. Two

family residential dwellings (SECTION 1817).

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 702. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration on substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individually single family homes are exempt from this requirement. See Section 305.

SECTION 703. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 8
RH - RESIDENTIAL HIGH DENSITY (MULTIPLE FAMILY) DISTRICT

PREAMBLE

The RH - Residential High Density Multiple District is designed to permit a more intensive residential use of land with a variety of multiple-family attached dwellings and related uses. Various types and sizes of residential units, for ownership or rental, are thereby provided to meet the needs of the different age and family groups in the Township. Buildings shall be designed to incorporate architectural details and features commonly associated with residential development such as arches, porches, awnings and the like. The development of detached single family residential homes in this district shall be limited in order to preserve the intended variety of choices for Township residents seeking multiple family and attached product alternatives. (See Section 1701.F).

SECTION 800. PERMITTED USES

A. All permitted uses permitted and as regulated in the immediate abutting One Family District.

B. Multiple Family dwellings.

C. Two Family dwellings.

D. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same property. (See Section 323).

E. Swimming Pools (SECTION 327).

F. Family day care home

G. Adult foster care family home

H. Small solar energy systems subject to the conditions listed in Section 339.

SECTION 801. SPECIAL LAND USES

A. Convalescent or rest homes, home for the aged, indigent or physically handicapped, or orphanage. (SECTION 1805).

B. General Hospital (SECTION 1810).

C. Group day care home (SECTION 1813).

D. Group Child Care Center (SECTION 1812).

E. Large-scale places of worship (SECTION 1803).

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this

Ordinance.

SECTION 802. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 305.

SECTION 803. DEVELOPMENT REGULATIONS

See Article 17, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

SECTION 804. GREENBELT

Multiple family developments shall construct greenbelts, in accordance with the standards of Section 300, in the following instances:

A. Where the multiple family parking lot or service building is within 200 feet of a single family district or a single or two-family dwelling.

B. Where the multiple family development abuts an existing, non-residential use.

ARTICLE 9
MH - MOBILE HOME PARK (ONE FAMILY) DISTRICT

PREAMBLE

The Mobile Home Park District is a moderate density one family residential district designated to provide housing that is safe and adequately spaced for ownership or rental to meet the needs of different age and family groups in the community.

SECTION 900. PERMITTED USES

A. Mobile Home Parks in compliance with Act 419 of the Public Acts of the State of Michigan, 1976, as amended, which requires submission of a site plan for approval by the Township Planning Commission.

B. Swimming Pools (SECTION 327).

C. No business of any kind shall be conducted on the site except for separate, permanent structures which may contain facilities such as the management offices, laundry, dry cleaning or similar uses which are designed to serve the resident of the park only.

F. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same property. (See Section 323).

G. Small solar energy systems subject to the conditions listed in Section 339.

SECTION 901. SPECIAL LAND USES

A. Planned Unit Development (SECTION 1814)

B. Group Child Care Center (SECTION 1812)

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 902. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 305.

SECTION 903. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 10
CN - COMMERCIAL NEIGHBORHOOD DISTRICT

PREAMBLE

The Neighborhood Commercial District is established to provide local office areas and to meet the need for day-to-day convenient shopping and services by persons residing in adjacent residential areas, and is intended to be composed of a grouping of buildings served by a convenient off-street parking area.

SECTION 1000. PERMITTED USES

A. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, photographic, and sales organizations.

B. Medical offices and clinics.

C. Funeral homes.

D. Banks, credit unions, savings and loan associations, insurance offices, real estate offices and similar uses.

E. Public utilities offices.

F. Generally recognized retail business which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods, drugs, dry goods, clothing, notions and hardware.

G. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and the like) tailor shops, beauty parlors, barber shops and self service laundries.

H. Dry cleaning establishments, or pick-up stations dealing directly with the consumer.

I. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same property. (See Section 323).

SECTION 1001. GREENBELT AND SCREENING REQUIREMENTS

When a commercial use abuts a district permitting a residential use, a greenbelt shall be provided along all sides abutting the residential district in accordance with Section 300.

SECTION 1002. SPECIAL LAND USES

A. Auto Wash (SECTION 1801).

B. Gas and Service Station (SECTION 1808).

C. Planned Unit Development (SECTION 1813).

D. Group Child Care Centers (SECTION 1812).

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval by the Planning Commission shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 1003. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 305.

SECTION 1004. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 11
OS - OFFICE SERVICE DISTRICT

PREAMBLE

The OS Office Service District is established to accommodate office uses, office sales uses and basic personal services, particularly larger planned office complexes and office centers.

SECTION 1100. PERMITTED USES

A. Office buildings for any of the following occupations: executive, administrative, professional, accounting, real estate, writing, clerical, stenographic, drafting, sales, and insurance subject to the limitations contained below.

B. Medical offices, including clinics.

C. Publicly owned buildings, and public utility offices, but not including storage yards.

D. Retail businesses normally associated with and complimentary to office districts, e.g., stationary shops, office supplies, and office machine repair.

E. Banks, credit unions, and similar uses.

F. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same property. (See Section 323).

G. Other uses similar to the above uses, as may be determined by the Planning Commission.

H. Small solar energy systems subject to the conditions listed in Section 339.

I. Medium solar energy systems subject to the conditions listed in Section 340.

SECTION 1101. GREENBELT AND SCREENING REQUIREMENTS

When a commercial or office use abuts a district permitting a residential use, a greenbelt shall be provided along all sides abutting the residential district in accordance with Section 300.

SECTION 1102. SPECIAL LAND USES

A. Retail and Personal Service Establishments (SECTION 1832).

B. Group Child Care Centers. (SECTION 1812).

C. Large solar energy systems subject to the conditions listed in Section 341.

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 1103. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 305.

SECTION 1104. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area and setback requirements.

ARTICLE 12
CC – COMMUNITY COMMERCIAL DISTRICT

PREAMBLE

The CC - Community Commercial District is established to serve the needs of a larger consumer population than is served by the Neighborhood Commercial District, and is generally characterized by an integrated or planned grouping of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

SECTION 1200. PERMITTED USES

A. Any retail business or service establishment permitted in the CN - Neighborhood Commercial District, subject to the regulations applicable in the following sections of this Article.

B. All retail business, service establishments or processing uses as follows:

1. Any retail business whose principal activity is the sale of merchandise is an enclosed building.

2. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, and similar service establishments that require a retail adjunct.

3. Fraternal organizations, lodge halls and clubs (SECTION 1841).

4. Indoor commercial recreation establishments such as a bowling alley, billiard hall, indoor archery range, indoor tennis court, indoor skating rink or similar establishment.

5. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.

6. Business schools and colleges or private schools operated for profit.

7. Other uses similar to any of the above uses.

8. Accessory buildings and uses customarily incident to the above permitted uses.

C. The following open air business uses when developed in planned relationship with the CC District:

1. Retail sales of plant material not grown on the site and sales of lawn furniture, playground equipment and garden supplies.

2. Recreational space providing children's amusement park and other similar recreation when part of a planned shopping center. Such recreation space shall be fenced on all sides with not less than a four (4) foot chain link type fence.

D. Automobile service centers, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center.

E. Neighborhood and large-scale places of worship (SECTION 1803).

F. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same property.

G. Small solar energy systems subject to the conditions listed in Section 339.

H. Medium solar energy systems subject to the conditions listed in Section 340.

SECTION 1201. GREENBELT AND SCREENING REQUIREMENTS

When a commercial or office use abuts a district permitting a residential use, a greenbelt shall be provided along all sides abutting the residential district in accordance with Section 300.

SECTION 1202. SPECIAL LAND USES

A. Public utility buildings, telephone exchange buildings and repeater stations; transformer stations and substations; and gas regulator stations (without storage yards) when operation requirements necessitate the locating within the district order to serve the immediate vicinity. (SECTION 1815)

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 1203. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan

approval is required for all permitted uses and special land uses in this district. See Section 305.

SECTION 1204. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area and setback requirements.

ARTICLE 13
CG - GENERAL COMMERCIAL DISTRICTS

PREAMBLE

The CG General Commercial District is established to provide sites for more diversified business types which may often be incompatible with the pedestrian movement in the Neighborhood Commercial District or the Community Commercial Districts.

SECTION 1300. PERMITTED USES

A. Any retail business or service establishment permitted in the CC District.

B. Gas and Service stations, subject to the following:

1. A minimum of one hundred fifty (150) feet of street frontage on the lot proposed for the service station shall be provided on the principal street serving the station. The lot shall contain not less than one (1) acre of lot area.
2. All buildings shall be setback not less than forty (40) feet from all street right- of- way lines.
3. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15) feet from all street right-of-way lines.
4. Curb cuts shall be no closer than twenty (20) feet to any adjoining non- residential district, no closer than seventy (70) feet to any corner of two intersecting street right-of-way lines, and no closer than twenty-five (25) feet to any abutting residential district.
5. Curbs shall be constructed on all streets adjacent to the gas and service station site.
6. Prohibited activities include the following: outdoor storage or parking of vehicles for more than three consecutive calendar days, vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, auto dismantling, upholstery work, auto glass work and such other activities whose external physical effects could adversely extend beyond the property line.

C. Bus passenger stations.

D. Storage of materials or goods to be serviced or sold at retail provided such storage is within a building or is enclosed so as not to be visible to the public from a street or property.

E. Greenhouses.

F. Open air business uses including outdoor space for sale or rental of automobile, agricultural implements, boats, or house trailers and open air business uses such as, but not limited to, retail sales of lawn furniture, plant materials, nursery, playground equipment, and other home garden supplies subject to the following:

1. The lot or area shall be provided with an improved durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area. In the case of vehicle, trailer, boat, or similar sales, the surface must be paved.

2. Ingress and egress to the outdoor sales area shall be at least seventy (70) feet from the intersection of any two (2) street right-of-way lines or an abutting residential district.

3. No major repair or major refinishing shall be done on the lot; provided that auto repair garages may be permitted subject to the following:

   a. In no case shall be building be located closer than forty (40) feet to residentially zoned land.

   b. Outdoor storage of wrecked automobiles or junk shall be prohibited.

G. New or used vehicle sales showrooms and service facilities.

H. Commercial recreational uses such as golf driving ranges, miniature golf courses, par-3 golf courses, picnic area, and uses of a similar nature. Such use shall expressly not include go-kart tracks or activities of a similar nature.

I. Hotel or motel subject to the following:

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare.

2. No kitchen or cooking facilities within the units are to be provided with the exception of units for the use of the manager or caretaker; except that 25% or less of the total units may have kitchenettes for the convenience of the traveling public.

3. Each unit shall contain at least two hundred fifty (250) square feet of floor area.

4. Units shall not be occupied as a place of permanent residence and a guest register shall be maintained by the motel.

J. Veterinary hospitals or veterinary clinics, excluding outside kennel facilities, provided all activities are conducted within a totally enclosed main building.

K. Mini-storage, mini-warehouse and similar facilities when completely enclosed in a building not more than one story in height. No outdoor storage of any kind shall be permitted as part of a mini-warehouse development in the CG districts.

L. Accessory buildings and uses customarily incidental to any of the above permitted uses when located on the same property. (See Section 323).

M. Other uses similar to the above uses, as determined by the Planning Commission following review, and findings of fact.

N. Small solar energy systems subject to the conditions listed in Section 339.

O. Medium solar energy systems subject to the conditions listed in Section 340.

SECTION 1301. GREENBELT AND SCREENING REQUIREMENTS

When a commercial or office use abuts a district permitting a residential use, a greenbelt shall be provided along all sides abutting the residential district in accordance with Section 300.

SECTION 1302. SPECIAL LAND USES

A. Auto wash (SECTION 1801).

B. Business in the character of a drive-in, or open front store (SECTION 1806).

C. Planned Unit Development (SECTION 1813).

D. Public utility buildings (without storage) (SECTION 1815).

E. Large solar energy systems subject to the conditions listed in Section 341.

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 1303. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan

approval is required for all permitted uses and special land uses in this district. See Section 305.

SECTION 1304. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 14
IR - RESTRICTED INDUSTRIAL DISTRICT

SECTION 1400. IR, RESTRICTED INDUSTRIAL PREAMBLE

The IR Restricted Industrial District is established to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The IR District is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

SECTION 1401. IR, RESTRICTED INDUSTRIAL PERMITTED USES

A. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

B. Warehousing, mini-storage and wholesale establishments, and trucking facilities. Outdoor storage may be permitted, provided it is screened from view by minimum six (6) foot high masonry wall or an obscuring greenbelt approved by the Planning Commission. (See Section 300).

C. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool die, gauge, and machine shops.

D. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.

E. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

F. The manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.

G. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

H. Laboratories - experimental, filming, or testing.

I. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, caves and the like.

J. Storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange building, electrical transformer stations and substations, and gas regular stations. Sewage disposal plants. Propane tank holders. Railroad transfer and storage tracks. Railroad rights-of-way. Freight terminals.

K. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies.

L. Central dry cleaning plants or laundries.

M. Automobile repair garages, auto engine and body repair, and undercoating shops when completely enclosed.

N. Non-accessory signs.

O. Kennel, commercial. (Subject to SECTION 1807, subsection 3 and 4a).

P. Other uses similar to the above uses, as determined by the Planning Commission following review and findings of fact.

Q. Accessory buildings and uses customarily incidental to any of the above permitted uses when located on the same property. (See Section 323).

R. Small solar energy systems subject to the conditions listed in Section 339.

S. Medium solar energy systems subject to the conditions listed in Section 340.

T. Large solar energy systems subject to the conditions listed in Section 341.

No use in this District shall be permitted whose operation may violate the PERFORMANCE STANDARDS set forth in ARTICLE 20.

SECTION 1402. IR, RESTRICTED INDUSTRIAL GREENBELT AND SCREENING REQUIREMENTS

When a use permitted in an industrial district abuts a district permitting a residential use or contains outdoor storage of any commercial or industrial vehicles, materials, wastes, or similar material, a greenbelt shall be provided along all sides abutting the residential district and around all outdoor storage areas in view of a public street, in accordance with Section 300.

SECTION 1403. IR, RESTRICTED INDUSTRIAL SPECIAL LAND USES

A. Retail Uses Which Have An Industrial Character (SECTION 1827).

B. Lumber & Planing Mills (SECTION 1828).

C. Metal Plating & Similar Uses (SECTION 1829).

D. Utility Structures, Utility Transmission Systems, Wireless Transmission / Reception / Relay Towers (SECTION 1815).

E. Planned Unit Development (SECTION 1813).

F. High Volume Water Wells Or Well Systems (Section 1823).

G. Landfills, Transfer Stations, Waste Processing Plants (SECTION 1819).

H. Large scale recreation uses (SECTION 1809).

I. Accessory buildings and uses customarily incidental to any of the above special land uses, when reviewed and approved as part of the application for the special land use.

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 1404. IR, RESTRICTED INDUSTRIAL SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 305.

SECTION 1405. IR, RESTRICTED INDUSTRIAL DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area and setback requirements.

ARTICLE 14A
OTW – OFFICE, TECHNOLOGY AND WAREHOUSE DISTRICT

SECTION 1400A. OTW, OFFICE TECHNOLOGY, WAREHOUSE PREAMBLE

The OTW – Office, Technology, and Warehouse District is established to accommodate office, engineering, product development, warehouse storage, and business office-related activities and to exclude incongruous and disruptive uses. The uses in this district are distinct from other industrial districts because they have minimal impacts outside the principal buildings and are lower in intensity than other industrial districts. Uses in this district can be expected to develop in a campus like setting of business buildings and landscaped open spaces.

SECTION 1401A. OTW OFFICE PERMITTED USES

A. Retail uses which have a warehouse or an industrial character because of enclosed storage requirements.

B. The warehouse and storage of general materials such as, but not limited to building materials, clothing, dry goods, food, furniture, hardware, electrical, computers, electronic supplies, wood or similar products. All storage must be housed inside a completely enclosed building.

C. Corporate, business and sales offices associated with permitted warehouse uses.

D. Facilities that have research, design and pilot or experimental product development as their main function.

E. Technical training schools and institutions of higher learning.

F. Computer programming, data processing and other computer related services

G. Professional office buildings.

H. Medical offices, clinics, and research facilities.

I. Banks, credit unions, savings and loan associations, including drive-in facilities related thereto.

J. Public and private facilities such as parks, playgrounds, athletic fields, and open spaces.

K. Essential service buildings without storage yards.

L. Meeting halls for union, trade or similar organizations.

M. Offices of an engineering, drafting, architectural, electrical, plumbing, or industrial design firm.

N. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same property. (See Section 323).

O. Small solar energy systems subject to the conditions listed in Section 339.

P. Medium solar energy systems subject to the conditions listed in Section 340.

Q. Large solar energy systems subject to the conditions listed in Section 341.

R. Neighborhood and large-scale places of worship (SECTION 1803).

SECTION 1402A. OTW - GREENBELT AND SCREENING REQUIREMENTS

When a Warehouse Office use abuts a district permitting a residential use, a greenbelt shall be provided along all sides abutting the residential district in accordance with Section 300.

SECTION 1403A. OTW - SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. (See Section 305).

SECTION 1404A. OTW - DEVELOPMENT REGULATIONS

All uses within the OTW District shall comply with the following required conditions:

A. Except as otherwise provided in this Article, all uses shall be conducted wholly within a completely enclosed building.

B. No truck well, loading dock or door, shall be permitted on or in the wall of the building which faces an abutting residential district and only pedestrian exits or emergency doors shall be allowed on such wall. All loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district or on the wall that lies approximately at a ninety (90) degree angle to the residential district boundary. If such door, truck well and/or dock faces the front street, then such dock, truck well or door shall be recessed by not less than sixty (60) feet from the front wall of the building in order to provide that a truck tractor and trailer shall not, when in place for loading or unloading at the dock or well, project past the front wall of the building. Also, the site plan and driveways shall be designed in such a manner to discourage truck

access to that portion of the lot or site that is adjacent to a residential district.

C. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area in conformance with Section 300.

D. For all uses permitted in the OTW District there shall be a finding by the Planning Commission that:

1. The scale, size, building design, façade materials, landscaping and activity of the use is such that current and future adjacent residential uses will be protected from any adverse impacts.

2. The intended truck delivery service can be effectively handled without long term truck parking on site.

3. The noise, vibration, odor and other possible impacts are in compliance with standards and intent of this article and performance standards of Article 20.

4. The storage and/or use of any volatile, flammable or other materials shall be fully identified in the application and shall comply with any Township ordinances regarding toxic or hazardous materials.

E. Refer to Article 17, Schedule of District Regulations, for height, bulk, density, area and setback requirements.

F. No required front yard space in any OTW District shall be used for the storage or parking of vehicles or any other materials or equipment, except incidental parking for visitors, vendors and the like.

ARTICLE 15
IC - CONTROLLED INDUSTRIAL DISTRICT

PREAMBLE

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

SECTION 1500. PERMITTED USES

A. Any permitted use permitted in an IR District.

B. Heating and electric power generating plants, and all necessary uses.

C. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which shall conform with the performance standards set forth in ARTICLE 20, "Performance Standards".

D. Other uses similar to the above uses, as determined by the Planning Commission following review and findings of fact.

E. Accessory buildings and uses customarily incidental to any of the above permitted uses when located on the same property. (See Section 323).

R. Small solar energy systems subject to the conditions listed in Section 339.

S. Medium solar energy systems subject to the conditions listed in Section 340.

T. Large solar energy systems subject to the conditions listed in Section 341.

SECTION 1501. GREENBELT AND SCREENING REQUIREMENTS

When a use permitted in an industrial district abuts a district permitting a residential use or contains outdoor storage of any commercial or industrial vehicles, materials, wastes, or similar material, a greenbelt shall be provided along all sides abutting the residential district and around all outdoor storage areas view of public roadways, in accordance with Section 300.

SECTION 1502. SPECIAL LAND USES

A. All special land uses permitted in the IR district.

B. Junk & Salvage Yards (SECTION 1831).

C. Incinerators and Energy Recovery Plants (SECTION 1825).

D. Planned Unit Development (SECTION 1813).

E. Concrete and Asphalt Plants (SECTION 1824).

F. Landfills, Transfer Stations (SECTION 1819).

G. All other uses not permitted elsewhere provided they conform to the Performance Standards of Article 20 of this Ordinance, the general standards for special land use approval in Article 18, and will not, in the opinion of the Planning Commission, be harmful to surrounding use or the orderly development of the district.

H. Accessory buildings and uses customarily incident to any of the above permitted uses.

The above special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

SECTION 1503. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 305.

SECTION 1504. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 16.
FP - FLOOD PLAIN DISTRICT AND REC - RECREATION DISTRICT

SECTION 1600. FLOOD PLAIN DISTRICT PREAMBLE

The FP Flood Plain District is established to protect the health, safety, and general welfare of the inhabitants of Lenox Township, and environs by promoting its development with land uses which will not reduce the river valley's reservoir capacity nor impede, retard, accelerate or change the direction of water flow or the carrying capacity of the river valley or to otherwise increase - the possibility of flood.

Whenever in question the "Flood Plain" shall be herein determined by the methods outlined in "A Uniform Technique for Determining Flood Flow Frequencies", December, 1967, Water Resources Council, Washington, D.C., as modified. Future maps or charts prepared under the supervision of the Department of Interior changing the flood limits under then existing conditions will be supplemented and incorporated herein automatically.

SECTION 1601. PERMITTED USES IN FLOOD PLAIN DISTRICT

A. The open yard space portion of any abutting use district providing that no structure, other than grade parking, be provided.

B. For residential districts the Flood Plain may be used for computing density and may therefore, be used for yard and open space areas (refer to Cluster Development, SECTION 1804, Subsection 3).

C. Gardening, general farming, horticulture, forestry, or any similar agricultural activity.

D. Public and private open recreation areas such as parks, playgrounds, playfields, golf courses and bridle paths.

SECTION 1602. GENERAL REQUIREMENTS IN FLOOD PLAIN DISTRICT

A. Except as is provided in the following SECTION 1602, Flood Plains shall be restricted so as to prohibit any structure wherein human habitation may be provided, for either a place of residence or employment.

B. Any proposed erection or construction in the Flood Plain shall be submitted to the Township Engineer and Planning Commission for their review and recommendation and shall require approval by the Township Board prior to the issuance of a building permit. Approval shall be contingent on a finding that the proposed erection or construction is so designed, constructed and placed on the lot or parcel so as to offer no added obstruction to the flow of water, and be so fixed to the site as to withstand the force of the expected velocity of flood water.

C. The applicant shall provide such topographic data, engineering studies or other studies as needed to determine the effects of flooding on the proposed structure and/or the effect of the structures on the flow of water. All such required data shall be prepared by technically qualified persons.

D. No portion of any building, including basement, hereinafter permitted under SECTION 1502 shall be less than two (2) feet above the high water mark except that structural members such as but not limited to, columns supporting said building may be permitted.

SECTION 1603. SPECIAL LAND USES IN FLOOD PLAIN DISTRICT

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval by the Planning Commission shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

A. Railroads, bridges, roads, dams, wires, and public utilities.

B. Public Utilities buildings, without storage yards, provided they do not obstruct the floodway (SECTION 1815).

C. Accessory buildings and uses customarily incidental to the above permitted uses, provided they do not obstruct the floodway. (See Section 323).

SECTION 1604. RECREATION DISTRICT PREAMBLE

Recognizing that a substantial portion of the Township's land area is devoted to public and private recreation activities, the Recreation District is designed to encourage full utilization of the Township's recreational potential while protecting the character of these lands and preserving them for future generations of Township residents.

SECTION 1605. PERMITTED USES IN RECREATION DISTRICT

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the REC districts except for one or more of the following uses:

A. Public and private day-use parks and similar facilities on a minimum site of ten (10) acres.

B. Single family detached residences, when accessory to a permitted recreation facility, for use by staff or park officials only, subject to the Development Regulations of the RL district.

C. Single family dwellings.

D. Accessory uses customarily incidental to the above permitted uses.

E. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses.

F. Small solar energy systems subject to the conditions listed in Section 339.

G. Medium solar energy systems subject to the conditions listed in Section 340.

SECTION 1606. SPECIAL LAND USES IN RECREATION DISTRICT

The following special land uses shall be permitted only after proper notice has been given as required by State Law and after review and approval has been granted by the Planning Commission or Township Board. Approval by the Planning Commission shall be subject to the requirements and standards of Article 18 of this Ordinance and the submission of a site plan conforming to the requirements of Section 305 of this Ordinance.

A. Campgrounds, overnight camping parks, golf courses, riding academies and stables, and similar uses (SECTION 1809).

B. Shooting range, gun club (SECTION 1809).

C. Local utility structure (SECTION 1815).

D. Large solar energy systems subject to the conditions listed in Section 341.

SECTION 1607. SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in the Flood Plain and Recreation districts. See Section 305.

SECTION 1608. DEVELOPMENT REGULATIONS

See Article 17, Schedule of District Regulations, for height, bulk, density, area and setback requirements.

ARTICLE 17. SCHEDULE OF DISTRICT REGULATIONS

EXCEPT as otherwise specifically provided in this Ordinance, no lot shall be smaller than the minimum size specified below; nor less than the minimum width specified below; nor shall the buildings or structures on any lot occupy a greater percentage of the lot than the maximum specified below.

ALSO, except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below, and no building shall be erected or maintained which exceeds the height limit specified below. The side setback requirement applies to a side lot line and shall also apply to any lot line which is neither a front, rear or side lot line as defined in this ordinance. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, may be counted or calculated to satisfy a yard or other open space requirement for any other building which is not located on the same lot.

SECTION 1701. HEIGHT, BULK, DENSITY, AREA AND SETBACK REQUIREMENTS BY DISTRICT

ZONING DISTRICT	Minimum Lot Dimensions [A,S]		Maximum Building Height [T]		Minimum Setbacks [B, H, I]			Maximum Lot Coverage [J,S]	Minimum Per Unit Living Area **(Residential Districts)**
	Lot Area [N,O,P] Density [Q]	Lot Width	Stories	Feet	Front [D]	Sides [E, L]	Rear		
AG AGRICULTURAL									1 story- 1,650 sq. ft. 1 ½ Story- 1st- 1,250 sq. ft. 1 ½ Story-2nd- 575 sq. ft. 2 Story- 1st- 1,000 sq. ft. 2 Story-2nd- 1,000 sq. ft.
AG-SMALL FARM	5 Acres [O,P,Q]	330'	2 ½ [C]	35' [C]	50'	20'[k]	50'	25%	
AG-RURAL HOMESITE	2 Acres [O,P,Q]	165'	2 ½ [C]	35' [C]	50'	20' [k]	50'	25%	
RL RESIDENTIAL LOW DENSITY									
RL-CONVENTIONAL -NO SEWER	1 Acres [O,P,Q,R]	150'	2 1/2	35'	40'	20' [k]	50'	30%	
RL-CONVENTIONAL -WITH SEWER	12,000 [P,Q,R] Square Feet	100'	2 1/2	35'	30'	15' [k]	35'	30%	
RM RESIDENTIAL MEDIUM DENSITY- SEWER SERVICE AREA									1 Story - 1,000 sq. ft. 1 1/2 Story - 1st - 800 Sq. ft. 1 1/2 Story - 2nd - 350 sq. ft. 2 Story - 1st - 750 sq. ft. 2 Story - 2nd - 750 sq. ft.
RM, SINGLE FAMILY- NO SEWER	1 Acre [O,P,Q,R]	150'	2 1/2	35'	40'	20' [k]	50'	30%	
RM, SINGLE FAMILY- WITH SEWER	8,400 [P,Q,R] Square Feet	70'	2 1/2	35'	30'	10' least 25' total* [k]	30'	40%	
RH RESIDENTIAL HIGH DENSITY-SEWER SERVICE AREA									***Attached*** Efficiency = 400 sq. ft. 1 bedroom = 700 sq. ft. 2 bedroom = 850 sq. ft. 3 bedroom = 1,000 sq. ft. 4 bedroom = 1,200 sq. ft. Ground floor = 500 sq. ft / unit Individual condominium units shall contain a minimum of 864 square feet. Maximum building length = 180 feet ***Detached*** 1 Story - 864 sq. ft. 1 1/2 Story - 1st - 700 Sq. ft. 1 1/2 Story - 2nd - 300 sq. ft. 2 Story - 1st - 650 sq. ft. 2 Story - 2nd - 650 sq. ft.
MULTI FAMILY APARTMENTS, CONDOMINIUMS & ASSISTED LIVING FACILITIES	15-25 Units per acre [G]	200'	3[U]	40'[U]	50'[I]	40' [I,J ,U]	50'[I]	35% building footprint 50% max impervious surface [J]	
MULTI FAMILY APARTMENTS, CONDOMINIUMS & ASSISTED LIVING FACILITIES	15-25 Units per acre [G]	200'	3[U]	40'[U]	50'[I]	40' [I,J,U]	50'[I]	35% building footprint 50% max impervious surface [J]	
ATTACHED 4 PLEX	10 Units per acre [G]	100'	2 1/2	35'	35'	30' [I]	35'	25%	
ATTACHED DUPLEX	8-15 Units per acre [G]	100'	2 1/2	35'	35'	25' [I]	35'	25%	
DETACHED SINGLE FAMILY	6,600 [P,Q,R] Square Feet	50'	2 1/2	35'	25'	9' least 19' total	25'	25%	

SECTION 1701. HEIGHT, BULK, DENSITY, AREA AND SETBACK REQUIREMENTS BY DISTRICT (Non-Residential Districts)

ZONING DISTRICT	Minimum Lot Dimensions [A,S]		Maximum Building Height [T]		Minimum Setbacks [B, H, I]				Maximum Lot Coverage [J,S]
	Lot Area [N,O,P] Density [Q]	Lot Width	Stories	Feet	Front [D]	Sides [E, L]		Rear	
						Least	Total		
CN-COMMERICAL NEIGHBORHOOD									
	20,000	120	2	25	40		20[L]	20	40%
OS-OFFICE SERVICE									
	20,000	120	2	25	40		20[L]	20	40%
CC-COMMERCIAL COMMUNITY									
Shopping Center	10 acres		3	30	75	60	120	60	40%
Individual Building	1 acre		3	30	75	30	60	30	40%
CG-COMMERCIAL GENERAL									
	1 acre	150	2	25	40		20[L]	30	40%
IR-INDUSTRIAL RESTRICTED									
	1 acre	150	2	45	40	15[L]	40[L]	30	40%
IC-INDUSTRIAL CONTROLLED									
	1 acre	200	2	45	40	20[L]	40[L]	60	40%
REC-PRINCIPAL USE:									
Park	10 acres	330	2	30	50	20	40[K]	50	20%
Residence	2 acres	165	2	30	50	20	40[K]	50	25%- Minimum gross floor area of 1,000 for residence

SECTION 1701. FOOTNOTES TO SECTION 1700

A. The ratio of lot depth to lot width shall not exceed 4:1 for any lot 20 acres or less in any district.

B. In determining required yard spaces (minimum setbacks) for all land uses in any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot at the nearest lot line. Front yard setbacks for the yard spaces shall be measured from the edge of the existing right-of-way line for such thoroughfare to the building or structure on a lot. See Section 323 for setbacks applying to accessory buildings.

C. Except silos and agricultural storage barns

D. Where a front yard of less depth than the specified depths exists in the front of more than 50 percent of the lots of record on one side of the street in any block at the time of the passage of this Ordinance, the depth of the front yard of any building subsequently erected on that side of the street in the block shall not be less than the average depths of the front yards of such existing dwellings. In rural areas, a block shall be measured 1,300 feet in each direction from the centerline axis of the lot in question or to the nearest intersecting street, whichever is less.

E. The following shall apply to all districts: Where a side yard abuts upon a street it shall constitute a front yard and all buildings, structures and accessory uses shall observe the required front setback.

F. Detached single family homes shall be limited to 25% of the total development within a High Density residential development project.

G. Individual two-family dwellings on their own site shall have a minimum lot area of twenty thousand (20,000) square feet. Two-family dwellings in a complex of two or more two-family dwellings shall adhere to the land area requirements in the table below.

Where multiple dwellings are permitted, or two or more two-family dwellings are proposed, the first dwelling unit shall have a minimum lot area of ten thousand (10,000) square feet, plus the additional lot requirements per unit as listed below. These areas shall not include kitchens, bathrooms, closets or other storage areas.

Minimum Land Area (in square feet) Required Per Dwelling Unit With Public Sewer and Water			
Residential Dwelling Types	Studio, Efficiency, 1 Bedroom	2 Bedrooms	3 or more Bedrooms
Two-family or Duplex Condominium	4,200	4,800	5,400
4-Plex Condominium	3,600	4,200	5,000
High Density Condominium	2,200	2,500	2,800
Senior Assisted Living	1,750	2,000	2,200
Rental Apartments	2,200	2,500	2,800

H. Multiple Family Residential Development Requirements: Front, side, and rear yards relating to the spacing between buildings in multiple family developments shall have the following overall dimensions:

Building Relationship	Overall Distance Between Buildings (Exclusive of Parking Area)
Front to Front	50'
Front to Side	35'
Front to Rear	65'*
Rear to Rear	80'*

Building Relationship	Overall Distance Between Buildings (Exclusive of Parking Area)
Rear to Side	50'
Side to Side	30'
Corner to Corner	15'

* Parking may be permitted in up to 50 percent of the required yard, provided there is at least 25' of yard space between the building and parking area.

I. Standards for Yards, Courts, and Building Orientation In Multiple Family Developments

1. Each exterior side yard shall be a minimum of forty (40) feet and this space shall be increased by two (2) feet for each ten (10) feet or part thereof by which the length of the multiple dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line, provided that no multiple-family building shall exceed one hundred eighty (180) feet in length along any one face of the building.

2. Any court shall have a width equal to not less than 50 feet. The depth of any court shall not be greater than three (3) times the width.

3. The front and rear of the multiple family building shall be considered to be the faces along the longest dimension of said building.

4. The front of multiple family buildings shall be considered to be the direction indicated on the drawings submitted, provided it is not inconsistent with the floor plan of the individual unit; and the side of the multiple family building shall be considered to be the face along the narrowest dimension of said building.

J. In all Multiple Family developments there shall be usable open space provided for the use of the residents therein. Such space shall be provided upon the following basis:

1. Five thousand (5,000) square feet for the first unit.

2. An additional one hundred (100) square feet for each additional unit.

The usable open space is to be separate and distinct from all other uses permitted upon said multiple family site and a specific site shall be designed for recreation, passive outdoor activities, and similar uses and permanently reserved for same.

K. For permitted non-residential uses, side setbacks shall be as follows: 30 feet for each side with 1 additional foot for each 5 feet the structure exceeds 40 feet in length along the adjoining property line.

L. For side yards which border on a residential district, there shall be provided a minimum setback of at least thirty (30') feet. No interior side setback is required in CN, OS, CC, and CG districts, provided adequate access is provided to all parking and loading/unloading areas, and provided the Fire Department can access all areas necessary for adequate fire protection.

M. The minimum project size for a planned development of more than one OTW use shall be ten (10) acres and the minimum lot width shall be three hundred (300) feet.

N. The minimum lot area for all lots shall be the net lot area excluding public road right-of-way and private road easements.

O. Refer to Section 334 for Open Space Preservation Option for lot size reductions with the mandatory preservation of 50% of the property in accordance with P.A. 177 of 2001. The Open Space Preservation Option does not offer a density bonus for the preservation of open space.

P. Calculations for determining maximum density and the number of lots permitted shall be based upon net buildable land area (areas such as regulated wetlands, floodplains and open water bodies shall not be included in calculations for determining maximum density and number of lots permitted).

Q. Refer to Section 335 Planned Unit Development for flexible residential and non-residential development options for parcels of twenty acres or more. Proposed residential PUD's meeting the standards of Section 335 C.1. may qualify for a density bonus.

R. Cluster Development. Lot widths and overall area reductions for qualified Cluster Developments shall not be more than twenty (20) percent. Approved modifications to side yard setbacks for single family structures shall not result in side yards less than nine (9) feet. Side yards shall be oriented so that any detached single family structure shall be located at least twenty (20) feet from any other detached single family structure. Front setbacks for Cluster Developments in the RL and RM districts may not be reduced to less than 30 feet. Rear yards may be reduced to thirty (30) feet in the RL and RM Districts when bordering on land dedicated to the common use of the development as required by subsection 1804 B.

S. Permitted projections into required yards shall be as follows:

Covered porches and decks that are attached to the principal building shall comply with the principal building setbacks for the district.

Architectural features such as sills, belt courses, eaves, uncovered balconies, bay windows, chimneys and the like may extend up to two feet into a required front or rear yard. Such features may not extend more than 18 inches into a required side yard.

Uncovered porches, paved terraces and platform decks may project up to 16 feet into the required rear yard and shall be subject to applicable lot coverage requirements of the district.

T. The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

U. Upon Planning Commission approval the maximum building height within a Planned Unit Development as permitted by Section 335 may be increased to a maximum of fifty (50) ft. and four stories if the fourth floor is visually incorporated into the roof structure so as to have the appearance of a three (3) story building. This may be accomplished through the use of dormers or other similar features. In such instances, the minimum required side setback shall be increased to so that it is equivalent to the height of the approved structure. If the structure within three hundred (300) feet of a single-family residential district or use, it shall be limited to a maximum height of forty (40) feet.

ARTICLE 18
SPECIAL LAND USE APPROVAL REQUIREMENTS

A. General Requirements.

For all special land uses, a site plan shall be submitted to the Lenox Township Planning Commission and conform to the Requirements and Procedures for Site Plan Review set forth in Section 305. If the plans meet the required standards of this Ordinance, Article and applicable section and indicate no adverse effects which, in the opinion of the approval authority, cause injury to the residents, users or adjoining property, or the Township as a whole, the Planning Commission shall approve the use. The power to approve or disapprove all special land uses shall be vested with the Planning Commission as provided by State Law and this Ordinance. In consideration of all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.

2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relation to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

6. The proposed use is necessary for the public convenience at the proposed location.

7. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.

8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

B. Approval.

If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in a special land use permit a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed, and particular use(s) which have been allowed and applicable conditions. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved.

C. Denial.

If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.

D. Record.

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

E. Hearings.

The Planning Commission shall investigate the circumstances of each such case and shall hold a public hearing on the proposed special land use. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, and by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject

property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Lenox Township. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.) and shall describe the nature of the special land use request, indicate the property that is subject of the request including a listing of all existing street addresses within the subject property, state the time and place of the public hearing, and indicate when and where written comments will be received.

F. Conditions.

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

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

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

G. Revocation

1. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked; provided, however, the Planning Commission or Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

2. A special land use permit shall be valid for a period of twelve (12) months after the date of issuance of the building permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this 12 month period, the Building Official shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may extend the period of time in which the permit is to expire for a period of time not exceeding six (6) months if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Once the special land use is established and the conditions of the permit fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit. The Planning Commission reserves the right to review, with the applicant and the Township Zoning Administrator, the status of Special Use Permits on an annual basis.

3. If any special land use fails to conform to the specific standards for the particular use, any conditions imposed as part of the special land use permit, the Performance Standards of Article 20, the lot area and width requirements of this Ordinance, ~~or~~ any other provisions of the Zoning Ordinance, or any federal, state and local statutes governing the particular land use allowed under the permit, then the Township Board shall have the authority to revoke the Special Land Use Permit based on a site inspection by the Ordinance Enforcement Officer and its own findings of fact. Prior to revoking the special land use permit, the Township shall:

   a. Have its Ordinance Enforcement Officer inspect the site and use under consideration and issue a written notice of the violations found to the current permit holder by Regular US Mail.
   b. Offer the permit holder thirty (30) days to correct all violations, without penalty.
   c. If all violations are not corrected within thirty (30) days, the Township Board shall hold a revocation hearing as follows:
   d. The Township Board shall notify the permit holder by Regular U.S. Mail of the date, time and place of a hearing concerning the proposed revocation of the special land use permit.
   e. Public notice of the revocation hearing shall be given in the same manner as required by Article 18, E.
   f. During the hearing, the permit holder shall be afforded an opportunity to present any reasons for why the standards of the permit and/or this Ordinance are not being met.
   g. Following the hearing, the Township Board may revoke the special land use permit, based upon findings made in the specific case and testimony received during the hearing, and shall notify the permit holder of the findings and decision in writing.

4. If at any point the original Special Land Use permit holder transfers the land and the use to another party, the Permit shall remain valid for the property subject to the conditions and requirements of Article 18.G and any conditions placed on the original special land use and permit by the Planning Commission. The new holder of the permit shall submit notification of the transfer and an affidavit agreeing to all conditions of the original approval to the Planning Commission within sixty (60) days of the transfer.

SECTION 1800. AIRPORTS

Airports, airfields, runways, hangers, beacons, and other facilities involved with aircraft operations are permitted uses in the AG Districts subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and following conditions:

A. Airports, airfields, runways, hangers, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Township. (land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be established after consultation with the appropriate aeronautical agencies).

B. Yard and Placement Requirements:

1. No building or structure or part thereof, shall be erected closer than sixty (60) feet from any property line.
2. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.

C. Performance Requirements:

All the standards cited in ARTICLE 20 Performance Standards shall be compiled with in relation to this use.

D. Prohibited Uses:

The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.

E. Off-street Parking Requirements:

1. One (1) parking space shall be required for every three airplanes stored on the site.
2. All off-street parking shall be paved and constructed to the standards shown in Article 3.

SECTION 1801. AUTO WASH

Auto wash or motor vehicle laundry are permitted uses in the CN and CG Districts subject to the approval of the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

A. Site Requirement:

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare except that it shall be permissible to allow vehicles to exit from the facility onto a public alley.
2. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space, and no vehicle shall be permitted to wait on the public right-of- way as part of the traffic approach.

B. Area, Height and Placement Requirements:

Same as for the District in which this use is requested.

C. Buffer and Sign Requirements:

Same as for the District in which this use is requested.

SECTION 1802. CEMETERIES

Cemeteries are a permitted use in the AG District subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

A. The area to be occupied by the cemetery shall not have more than fifty one (51) percent of its land area in recorded plots.

B. The continuity of all roads present or planned for adjacent areas shall be satisfactorily resolved to provide safe and prompt access and egress to and from such areas.

C. All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.

D. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall or fence, four feet eight inches (4'8") in height, measured from the surface of the ground. The Planning Commission may permit a "chain-link" type fence adequately screened with deciduous and evergreen material.

E. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer and the Macomb County Health Department.

SECTION 1803. PLACES OF WORSHIP

A. Neighborhood Places of Worship.

Neighborhood places of worship are a permitted use in the AG, RL, RH, RM, CC, CG, and OTW districts subject to site plan approval by the Planning Commission, upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

1. The minimum site shall be 5 acres on a contiguous parcel.
2. Access to and from the site shall be directly from a paved public roadway with a planned or existing right-of-way of not less than 86 feet.
3. Places of worship shall comply with the noise performance standards of Section 2008.
4. Off-street parking shall be screened from adjoining residential districts and uses in compliance with Section 300.
5. Off-street parking and access drives shall be paved.
6. Group Child Care Centers associated with places of worship shall be permitted as a special land use in the AG district, subject to the standards of Section 1812 Group Child Care Centers.

B. Large-Scale Places of Worship.

Large-scale places of worship are a permitted use in the CC, CG, and OTW districts, subject to site plan approval by the Planning Commission, and a special land use in the AG, RL, RM, and RH districts, upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

1. The minimum site shall be 10 acres on a contiguous parcel.
2. Access to and from the site shall be directly from a paved public roadway with a

planned or existing right-of-way of not less than 86 feet.

3. Places of worship shall comply with the noise performance standards of Section 2008.

4. Off-street parking shall be screened from adjoining residential districts and uses in compliance with Section 300.

5. Off-street parking and access drives shall be paved.

6. Ancillary uses such as group child care centers, classrooms, and accessory retail uses shall require site plan approval.

SECTION 1804. CLUSTER DEVELOPMENT

Cluster Development is a permitted use in the RL, RM and RH Districts and shall be reviewed in accordance with the appropriate procedure for the type of development (lot split, subdivision, site condominium, etc.) and must meet the intent and requirements of this Ordinance. The intent of this section is to permit residential developments to be planned as a comprehensive unit with an allowance for residential open space. Certain modifications to standards outlined in the "Area, Height, and Placement Requirements" section of Article 17 are therefore permitted when the following conditions are met:

A. Lot dimensions in the RL, RM and RH Districts may be reduced in accord with the following schedule, provided that the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas conventionally required for each district.

1. All calculations of density shall be predicated upon the maximum number of dwelling units per acre (including roads); as normally shown for each district. A yield plan (also known as a parallel plan) demonstrating the number of units feasible under conventional development must be submitted.

2. Lot widths and overall area reductions shall not be more than twenty-five (25) percent. Approved modifications to side yard setbacks for single family structures shall not result in side yards less than nine (9) feet. Side yards shall be oriented so that any detached single family structure shall be located at least twenty (20) feet from any other detached single family structure.

3. Rear yards may be reduced to thirty (30) feet when bordering on land dedicated to the common use of the development as indicated in the following paragraph B.

B. Open Space. The total area of open space shall equal or exceed the total area by which proposed lot areas are reduced below the district minimum requirements.

1. Open space shall be dedicated to the common use of the lot owners in the development in a manner approved by the Township, or may, if approved by the Township, be dedicated to the Township. If dedicated to the Township, no individual land areas shall be less than four (4) acres in size, except that said parcel may be divided by a road or stream.

2. One half (1/2) of the existing wetland, flood plain, open water bodies, and “wet” storm water detention/retention areas on the site may be counted toward the required open space under this section provided all other requirements of this section are met. Such areas shall be adjacent to other usable open space areas where possible for the benefit of the community. In order to qualify as required open space detention areas must be well designed and improved. Community wastewater treatment facilities may not be credited as dedicated open space.

3. The area to be dedicated for either public park or private open space shall be in a location and shape approved by the Planning Commission in reviewing the proposed Cluster Development. Said land shall be so graded and developed as to have natural drainage.

4. Under this cluster approach, the developer or subdivider shall dedicate the total open space area at the time of filing of the final plat on all or any portion of the plat, or final site plan unless otherwise agreed to by the Township.

5. Where the open space is dedicated to the land owners or their representative, such land area shall be maintained by the same. In the event of a default in maintenance, said open space shall either be conveyed to Lenox Township or in lieu thereof, the lots in the development shall be assessed equally as a tax lien to provide necessary maintenance.

C. The following objectives will be observed in reviewing a proposed Cluster Development:

1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, topography, and similar natural assets.

2. To encourage developers to use a more creative approach in the development of residential areas.

3. To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs, and by allowing the developer to bypass natural obstacles in the site.

4. To encourage the provision of open space so benefits may accrue directly to residents of the development and to further encourage the establishment of recreational facilities and linkages within the Township.

D. The Cluster Development shall contain the following in addition to the information required by other Sections of this Ordinance or the Subdivision Regulations.

1. A complete description of the land proposed to be dedicated to the Township or to the common use of lot owners (herein called open space) shall be provided, including the following as a minimum:

   a. Legal description of open space.

   b. Topographical survey of open space.

   c. Types of soil in open space as classified in "Soil Survey, Macomb County, Michigan.

   d. Description of natural features of open space (stands of trees or other vegetation, streams or other bodies of water, etc.).

   e. Other relevant information.

2. The proposed method of maintenance and use of open space shall be submitted with the Preliminary Plat for tentative approval or Preliminary Site Plan in the form of a recordable Master Deed and shall include the following as a minimum:

   a. The proposed manner in which the title to land and facilities is to be held by the owners of land in the development.

b. The proposed manner and collection of maintenance costs, financing costs or assessments so that nonpayment will constitute a lien on the property, thus avoiding Township responsibility in the future.

c. The proposed manner of regulating the use of the common facilities and open space areas so as to eliminate possible nuisance to property owners and cause for enforcement by the Township.

d. The proposed method of notifying the Township when any change is contemplated in plans that would affect the original specifications approved by the Township.

e. The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.

4. A statement of the benefits to be realized by the residents of the proposed cluster development and the Township upon approval of the proposed development with reference to the objectives noted in subsection 1804 E. 1-4 above.

5. Before any action is taken upon any Cluster Development application, copies of the Preliminary Plat or Site Plan and supporting data shall be submitted through the Clerk to the Township Planner, the Township Engineer, and the Township Attorney for review and recommendation.

a. The Township Planner shall review and render an opinion upon the proposed Cluster Development based on the materials furnished, from visits to the site, or such other information as he may deem necessary and render his opinion with respect to the following:

1) The suitability of the proposed open space for the purposes proposed.
2) The need for the proposed uses in the general area.
3) The location and layout of the open space with relation to the lots within the development.
4) The effect upon neighboring areas, which would result by the Cluster Development and the appropriateness of the proposed lot sizes in the development area involved
5) Any other factor related to the development and proper design of the proposed development.

b. The Township Engineer shall review and render an opinion upon the proposed Cluster Development as it relates to the following details:
   1) The development can be suitably provided with utilities as proposed.
   2) The development would not require any undue alteration of the natural grade.
   3) The development can be physically developed, as proposed, without injuring the abutting lands as to the capacity available in existing utility services.

c. The Township Attorney shall review the proposed Cluster Development and render his opinion with respect to the following:
   1) The proposed manner of holding title to the open space.
   2) The proposed manner of payment of taxes.
   3) The proposed method of regulating the use of the open space.
   4) The proposed method of maintenance of property and financing thereof.
   5) Any other factor related to the legal or practical concerns regarding ownership and the use and maintenance of open space.

E. If the Planning Commission is satisfied that the proposed Cluster Development meets the letter and spirit of the Zoning Ordinance and should be approved, it shall recommend approval to the Township Board for Subdivision Developments in accordance with the procedures of the Subdivision Ordinance. The Planning Commission shall be the final approving body for Cluster Developments applying for Site Condominium approval in accordance with Section 328.

F. If the Planning Commission is not satisfied that the proposed Cluster Development meets the letter and spirit of the Zoning Ordinance or finds that the approval of said development will be detrimental to existing development in the general area and should not be approved, the basis for such disapproval shall be recorded in the decision making motion in the Commission minutes and communicated to the Township Board for proposed Subdivisions. A subdivision proprietor shall be entitled to a hearing upon said proposal before the Township Board upon written request therefore filed with the Township Clerk.

G. Upon approval of a proposed Cluster Development the Township Attorney shall prepare a development agreement setting forth the conditions upon which such approval is based, which shall be entered into between the Township and the Proprietor. The Development Agreement shall be recorded with the plat, condominium, or land division deeds for the development.

SECTION 1805. CONVALESCENT OR REST HOME

A Convalescent or Rest Home, or a home for the aged, indigent or physically handicapped or an orphanage is a permitted use in the AG and RH Districts subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

A. Site Requirements:

1. All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of- way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
2. The maximum extent of development shall not exceed thirty (30) children or patients per acre.

SECTION 1806. DRIVE-IN BUSINESS

Drive-in business or open front store are permitted uses in the CG District subject to the approval of the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

A. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.

B. Ingress and egress points shall be located at least twenty five (25) feet from the intersection of any two (2) street right-of-way lines or abutting residential district.

SECTION 1807. KEEPING OR RAISING OF ANIMALS, INCLUDING KENNELS

KEEPING OF ANIMALS. THE KEEPING OF ANIMALS SHALL BE ALLOWED IN EVERY DISTRICT, SUBJECT TO THE FOLLOWING PROVISIONS:

1. Nothing in this ordinance shall be construed to prevent the keeping of domestic pets in any district. A commercial kennel, however, shall not constitute keeping of domestic pets.
2. The keeping of farm animals shall only be allowed on a minimum site of five (5) acres in the AG district and on a Hobby Farm in the RL district. The raising of animals for a school project, 4H project, or similar educational program shall be exempt from the five (5) acre requirement only for animals that will be sold at the agricultural fair. Horses being raised for a 4H or similar equestrian project shall be limited to one (1) horse on parcels less than five (5) acres, and one (1) additional horse per each acre over five (5) acres.
3. The keeping of animals on any property shall be in accord with Article VIII of the Macomb County Animal Control Ordinance.
4. It shall be unlawful to own, possess or harbor any dangerous, wild or exotic animals without proper Federal, State or Local permits.

RAISING OR KEEPING OF FUR BEARING ANIMALS.

1. The raising or keeping of fur bearing animals may be permitted on sites of at least five (5) acres.
2. Pens and runs shall be located no closer than one hundred fifty (150) feet to any property line.
3. All runs and breeding areas shall be enclosed.
4. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
5. All objectionable noise shall be controlled as required by Section 2008.
6. Any use permitted by the Township shall terminate immediately when the lot area requirements set forth herein are decreased in any manner or the provisions of this ordinance violated.

COMMERCIAL KENNELS

1. General Standards

A. In AG, IR, and IC districts, commercial kennels may be permitted on sites of at least five (5) acres.

B. All commercial kennels shall be licensed by Macomb County and shall comply with the regulations in Article V of the Macomb County Animal Control Ordinance. Where the standards of the Lenox Township Zoning Ordinance are stricter, the Lenox Township ordinance shall control.

C. The site shall abut either a public road shown as a major or secondary thoroughfare on the Township's adopted Master Plan or an internal industrial park street.

D. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.

E. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) animals that can be boarded. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time.

F. Between the hours of 10:00 p.m. and 6:00 a.m. all animals shall be confined in a sound and odor-proof kennel building that is completely enclosed and climate-controlled. During all other hours, the animals may be exercised as provided for in item G below.

G. All objectionable noise shall be controlled as required by Section 2008 and shall not be permitted to become a nuisance for adjoining residential properties.

H. Outdoor animal exercise shall be conducted within the confines of a fenced exercise yard on the property, and limited to:

i. Leashed animals under the direct supervision of their owners or commercial kennel staff;

ii. Small "play groups" of animals pre-selected for compatibility, supervised by kennel staff.

2. Exterior Standards

A. Exercise yards and kennel buildings shall be located no closer than one hundred fifty (150) feet to any abutting residential property line.

B. A dog kennel shall have at least the following two levels of outdoor exercise:

i. Individual outdoor pens separated by privacy panels to prevent the dogs from seeing one another;

ii. A yard completely enclosed by an obscuring fence.

C. A second yard enclosed by a 5-foot high chain link fence is optional and may be substituted for B(i) above.

D. Unsupervised outdoor dog runs and pens are not permitted.

3. Interior Standards

A. The number of dogs housed, boarded, or kept in a kennel building shall not exceed one (1) dog for every fifty (50) square feet of floor area.

B. All kennel buildings shall be fitted with sound-proofing on walls, windows, and doors.

C. The interior of the kennel building shall be capable of being hosed down and sanitized. Water supply shall be available and floor drains shall be connected to the septic system.

D. All kennels shall have an isolation pen for dogs that bark uncontrollably, in order to reduce their influence on other dogs.

E. Privacy panels are required between isolation pens.

F. A variety of pen sizes shall be provided to accommodate both individuals and "families" of dogs.

PRIVATE KENNELS

Private kennels for housing only those animals owned by the proprietor may be permitted as a use requiring Planning Commission approval, subject to the following:

1. A private kennel shall be accessory to a permitted single family residence.
2. No animal shall be allowed to run free. Outdoor exercise areas shall be properly fenced and located no closer than 100 feet to any abutting residential property line.
3. The minimum site size shall be five (5) acres with a minimum width of 300 feet.
4. No animal shall be housed that is not the personal property of the proprietor except for incidental breeding.
5. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
6. The maximum number of dogs over one (1) year in age permitted to be housed simultaneously in a private kennel is six (6). Private kennels housing more than six dogs shall comply with the standards for commercial kennels. Parking requirements for commercial kennels shall be waived for private kennels.
7. Breeding kennels shall be limited to two (2) litters per calendar year.

SECTION 1808. GAS AND SERVICE STATIONS

Gas and Service Stations are permitted use in the CN District subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

A. Must be located at the intersection of two public roads each having a proposed right-of-way of a major thoroughfare or one with a proposed right-of-way of a major thoroughfare and the other having a designation of a secondary thoroughfare on the Township's adopted Thoroughfare Plan.

B. Must have no more than one driveway to each public roadway. Said driveway(s) shall be located at least 100 feet from the centerline of the intersecting public street.

C. Must be determined to be appropriate to the neighborhood commercial development

proposed for the location as substantiated by an independent market analysis.

D. Must be located on at least one (1) acre.

SECTION 1809. LARGE SCALE RECREATION USES

The following uses may be permitted, subject to Special Land Use Approval by the Planning Commission in the AG, REC, IR, and RL Districts. (See Schedule of Districts to determine which uses are allowed in which districts.) Large scale recreation uses, whether operated privately or for profit, including golf courses, driving ranges, large sports / playfields, ice skating or similar indoor arenas, riding stables, gun clubs, overnight camper and/or tent parks (subject to the state law governing travel trailer parks), hay rides, snow mobile trails, picnic grounds, swimming facilities and water parks. (Amended 3-3-97)

Schedule of Districts

	Golf Course / Range	Sportsfield	Indoor Arena	Riding Stable	Gun Club	Camper Park	Hay Ride	Snow Mobile Trail	Picnic Area / Park	Swimming Facilities
AG	X	X		X		X	X	X	X	
REC	X	X	X	X	X	X	X	X	X	X
IR	X	X	X		X				X	X
RL	X			X			X		X	

Such uses and site plans must meet the requirements of this Ordinance and the following conditions:

A. Site Requirements:

1. A public park for outdoor recreation may be conducted on a site of ten (10) acres or more. All other approved uses shall be on a contiguous parcel of twenty (20) acres or more in area. (Amended 3-3-97)

2. All vehicular ingress and egress from the site shall be directly onto a major thoroughfare, having a designated right-of-way of 120 feet on the Township's adopted Thoroughfare Plan, or a secondary thoroughfare with an existing right- of-way of 86 feet.

3. Review of the proposed site plan shows that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.

B. Yard and Placement Requirements:

1. All development features including the principal building shall be designed and arranged to minimize the possibility of any adverse effect upon adjacent property. (Amended 3-97)

2. No activity shall take place within thirty (30) feet of the perimeter of the recreational area. All such activities shall be adequately screened from abutting residentially zoned property by means of protective wall or greenbelt as described in Section 300 of this Ordinance.

3. Related accessory commercial uses may be permitted in conjunction with recreation use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.

4. Permitted accessory uses which are generally of a commercial nature, shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in separate building.

5. No buildings shall be located in the Flood Plain area.

C. Other Requirements:

1. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate or turnstile.

2. When a gun club is proposed it shall be clearly established that the activities shall in no way endanger the health, safety or welfare of any persons and will not become a nuisance in any manner whatsoever.

Approval shall be for a specific designated use or uses as camping, snowmobiles, or the like, and approval under these provisions shall be subject to approval of the uses and site plan. The additions of other special approval uses must again be approved through the submission of an amended site plan.

SECTION 1810. GENERAL HOSPITAL

General Hospital is a permitted use in the RH District subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

A. Site Requirements:

1. All ingress and egress shall be directly to a public road having right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.

2. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.

3. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional twenty five (25) beds.

B. Yard and Placement Requirements:

1. All the development features including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

SECTION 1811. MIGRATORY LABOR CAMPS

Migratory Labor Camps uses for seasonal labor are a permitted use in the AG District subject to the approval by the Planning Commission upon a finding that the plan meets the requirements of this Ordinance and the following conditions:

A. Migratory labor camps shall only be used for seasonable labor, between April 1 and November 15.

B. All buildings or structures shall be maintained in a safe and sanitary condition and are furnished with a safe and sanitary water supply and with sewage disposal facilities which are no less than those required by the County and State of Michigan Health Department.

C. All buildings or structures shall be located so as to comply with regulations for structures in an AG, Agricultural District with the exception that no building shall be located nearer than fifty (50) feet to any side property line.

SECTION 1812. GROUP CHILD CARE CENTERS (NURSERY SCHOOLS)

Nursery schools, day nurseries and adult/child care centers are permitted uses in the AG, RH, MH and CN Districts subject to approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

A. All such uses shall provide adequate drop-off and waiting space so that parents' cars are not required to stand in a public right-of-way. At least one (1) drop-off space shall be provided for each five (5) persons or children enrolled or cared for at the facility.

B. Outdoor play space shall be provided in the ratio of one hundred (100) square feet per child cared for, to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than one thousand (1,000) square feet. An outdoor recreation area is recommended, but not required, for adult day-care facilities.

C. To insure child safety, all outdoor use areas shall be enclosed by a 4 foot 6 foot high fence of a non-climbable design. On those sides abutting a residential zoning district or use, a 6 foot high obscuring fence of masonry or other material approved by the Commission shall be required.

D. The site layout shall be designed to insure pedestrian safety by separating play areas from parking and driveways.

E. Overnight and night time care after 8 p.m. shall require evidence of compliance with Michigan Department of Social Services rules.

F. All day-care facilities shall provide fifty (50) square feet of indoor space for each adult or child in their care, based upon their current license and any conditions of their Special Land Use Permit. This space shall be exclusive of space for offices, restrooms, and kitchens.

G. Sufficient on-site parking shall be provided to satisfy the needs of the staff, visitors, and clients of all day-care facilities, but not less than one (1) space for each five (5) persons cared for shall be provided on site. All parking shall be paved and constructed to the standards of Article 3.

SECTION 1813. GROUP DAY CARE HOME

A group day care home shall be issued a special land use permit in the AG or RH District if the proposed home meets all of the following standards:

A. It is not located closer than 1,500 feet to any of the following:

1. Another licensed group day care home.

2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 P.A. 218, MCL 400.701 to 400.737.

3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 P.A. 368, MCL 333.6101 to 333.6523.

4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

B. Has appropriate fencing for the safety of the children in the group day-care home as determined by Lenox Township.

C. Maintains the property consistent with the characteristics of the neighborhood.

D. Does not exceed 16 hours of operation during a 24- hour period. The township may limit but not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.

E. Meets regulations, if any, governing signs used by a group day care home to identify itself.

F. Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodations for his or her employees.

SECTION 1814. PUBLIC AND PRIVATE COLLEGES AND UNIVERSITIES

Public and private colleges and universities and other similar institutions of higher learning beyond high school level are permitted uses in the AG, RL and RM Districts subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Ordinance and the following conditions:

A. Site Requirements:

1. All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of- way of a major thoroughfare on the Township's adopted Thoroughfare Plan.

B. Yard and Placement Requirements:

1. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.
2. Height of residential buildings in excess of the minimum requirements may be allowed provided minimum yard setbacks where yards abut land zoned for residential purposes, are increased by not less than thirty (30) feet for each yard, for each twelve (12) feet or fraction thereof by which said building exceeds the minimum height requirements of the zone.
3. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

SECTION 1815. UTILITY STRUCTURES, UTILITY TRANSMISSION SYSTEMS, WIRELESS TRANSMISSION / RECEPTION / RELAY TOWERS

A. Local Utility Structures

Local utility structures, such as but not limited to, electric transformer stations and sub- stations, gas regulator stations, sewer lift stations, and the like, shall be permitted in all districts subject to Site Plan and Special Land Use Approval by the Planning Commission and the following standards:

1. Operating requirements necessitate the proposed location in order to serve the residents of the Township.

2. All such uses shall be completely enclosed and without storage yards.

3. No structure shall exceed the height limit of the district in which it is to be located.

4. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.

5. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use.

6. A minimum fifteen (15) foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.

7. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.

B. Utility Transmission Systems

The Zoning Ordinance is subject to the Electric Transmission Certification Act, Public Act 30 of 1995 as amended which supersedes the Zoning Ordinance for any transmission line that has already received a certification of public convenience and necessity. Utility transmission systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines may be permitted in all districts after obtaining Special Land Use Approval by the Planning Commission, subject to the following requirements and standards:

1. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the Planning Commission.

2. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.

3. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the Township Board for its immediate restoration by replanting or similar techniques.

4. During construction or repair of any facilities approved hereunder, the following shall be required:

a. All internal roads shall be kept dust-free by chemical treatment.

b. Any damages to public or private roads, fences, structures, or facilities shall be repaired immediately.

c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.

d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Planning Commission.

5. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

C. Utility Transmission Structures

Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, oil well pumping/storage facilities, and wireless communications, receiving or transmitting towers, shall require site plan approval by the Planning Commission, subject to the following requirements and standards:

1. Special Land Use Approval required:

Use	Permitted District
Electric Stations	AG, IR, IC
Gas Compressor Stations	IR, IC
Oil Storage Facility	IC
Wireless Communications Tower Township or publicly owned property, recreation sites of at least 100 acres in size.	AG, IR, IC,
Commercial Television & Radio Towers	IR, IC

2. Wireless communication facilities shall be principal uses permitted in the following circumstances, subject to the provisions of Section 1815 and following site plan approval by the Planning Commission and Township Board in conformance with Section 305:

a. An existing structure will serve as a support structure for a Wireless Communication Facility within an AG, B-1, B-2, NB-O, I-1 or I-2 district or upon any publicly-owned land within the boundaries of the Township, where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed in appearance.

b. A proposed colocation upon an existing Wireless Communication Facility which had been previously-approved by the Township.

c. An existing utility pole located within a right-of-way or utility easement which will serve as a support structure for a Wireless Communication Facility, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests. This shall include DTE Energy extra high voltage towers and similar facilities.

3. Requirements for Colocation:

a. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

b. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.

c. The policy of the Township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use.

d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.

4. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection 5 below are followed, as approved by the Planning Commission.

5. All buildings and equipment permitted under this section shall be setback at least one hundred (100) feet from all adjoining property lines. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the Planning Commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:

    a. A landscaped earthen berm at least eight (8) feet high, along all sides of the equipment.

    b. A landscaped greenbelt at least twenty-five (25) feet in width, along all sides of the equipment.

    c. An obscuring fence or a masonry wall at least six (6) feet high, completely surrounding the equipment.

    d. Any combination of the above requirements approved by the Planning Commission.

6. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within one hundred (100) feet of an adjoining property line only after approval of the Zoning Board of Appeals and only when fully enclosed within a building.

7. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.

8. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.

9. New wireless communication facilities which do not meet the colocation criteria in Section 1513 C 2 above, may be authorized as special land uses within the AG, IR, and IC districts and upon any publicly-owned land within in the boundaries of the Township subject to Article 15 and the following standards and conditions:

a. The applicant shall demonstrate the need for the facility to be located as proposed based upon the presence of one or more of the following factors:
   1. Proximity to major thoroughfares
   2. Population concentrations
   3. Business centers
   4. Signal interference
   5. Topography
   6. Other specifically identified reason(s) creating facility need

b. The proposal shall demonstrate conformance with the colocation requirements of Section 1315 C 2 above.

10. Applications for new towers shall include a map showing existing and known proposed wireless communication facilities within the Township and areas surrounding the Township. If the information is on file with the Township, the applicant shall update as needed. Any such information which is trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.

11. Where the utility transmission structure proposed is a wireless transmission, receiving or relay tower, or a commercial television and/or radio tower which exceeds the height limit of the particular zoning district in question, it shall comply with the following special standards:

a. No wireless transmission tower in excess of one hundred (100) feet in height shall be located closer than 2,000 feet to any other such tower.

b. All wireless transmission towers not subject to the regulations of the Federal Aviation Administration shall be painted with a color designed to cause the tower to blend in with the surrounding landscape.

c. No new wireless transmission tower shall be constructed where there exists another tower that could reasonably be used to carry the transmission or receiving equipment proposed. The purpose of this section is to require the sharing of tower space by more than one company where broadcast and receiving frequencies do not prohibit such sharing of tower space.

d. The tower shall be located centrally on a parcel having a dimension equal to the height of the tower measured from the base of the tower to all points on each property line, or having construction characteristics which guarantee that tower collapse will occur within the property owned or being leased by the applicant.

12. A condition of every approval of a new wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

    a. When the facility has not been used for 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 nonuse.

    b. Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.

    c. The situations in which removal of a facility is required, as set forth above, may be applied and limited to portions of a facility.

    d. Upon the occurrence of one or more of the events requiring removal the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal.

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

    f. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township attorney and recordable at the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required in this ordinance. The applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal.

SECTION 1816. SOIL REMOVAL OPERATIONS.

All new soil, sand, clay, gravel, or similar removal operations, quarrying, and excavating, are permitted as a Special Land Use only on parcels of at least fifty (50) acres in the AG, Agriculture district subject to review and approval by the Planning Commission upon a finding that the use meets the requirements of this Ordinance and the Lenox Township Soil Removal Ordinance. Post-mining development shall be required as a condition of original approval.

A. Intent and Purpose

It is the intent and purpose of this Section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction of earth materials in locations where they have been naturally deposited, and to insure that mining of earth materials shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to insure that mining activities are consistent with the public health, safety and welfare of the Township.

B. Use Restriction

The mining of earth materials in the Township shall be prohibited unless first authorized by the grant of a special use application by the Planning Commission in accordance with this Section and Article. In all events, such use shall be prohibited in RL, RM, RH and MH Districts.

C. Exemption

Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinance and law, shall be exempted from the provisions of this Section.

D. Definitions

1. EARTH MATERIALS, shall mean any soil, topsoil, subsoil, sand, gravel, rock, clay, peat, minerals, or other similar materials.

2. MINING OPERATIONS, shall mean the excavation and/or removal from their existing site of any earth materials.

3. OPERATOR, shall mean the owner of the site and/or the person who is responsible for the day-to-day activities at the mining site and/or the person responsible for payment of all application fees, annual permit fees, and performance bonds.

E. General

The mining of earth materials may be permitted as a special land use only after proper notice has been given and after review and approval of the use and location by the Planning Commission, subject to the requirements and standards of the Lenox Township Soil Removal Ordinance. Earth material mining operators shall also be required to obtain an annual operating permit from the Township Board, subject to the Lenox Township Soil Removal Ordinance.

F. Uses Permitted

The following uses shall be permitted, each of which shall meet applicable performance standards and be subject to all limitations described herein.

1. Mining, or earth materials (hereinafter referred to as mining or mined).
2. Construction and maintenance of processing plants, be they temporary or permanent, for the processing of such earth materials, and to include necessary accessory uses, buildings, and equipment.
3. Storage and stockpiling of said earth materials.

G. Requirements for Mining Operations

In reviewing the application for special land use approval the Planning Commission shall be certain that the following characteristics of the use are present and complied with:

1. Processing and stockpiling of earth materials will be accomplished in a manner that minimizes the affect on adjacent properties.
2. Uses permitted herein shall be screened from view by one of the following:
   a. Construction of a raised earth berm, along the boundaries of the property, at least six (6) feet in height at its center above the actual elevation of the property along the property lines. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be seeded and mulched and planted with evergreen trees, and similar vegetation.
   b. Plantings of coniferous trees having a minimum diameter of three (3) inches along the boundaries of the property with two (2) rows five (5) feet apart, staggered 15 feet center to center, to guarantee effective screening.
3. Uses permitted shall comply with all applicable pollution control requirements of the State of Michigan, Macomb County and Township of Lenox.

4. Mining of earth materials shall not constitute a hazard to public health, safety, and welfare, and shall be conducive to and result in the reclamation of the land for another use of uses permitted in the district.

5. Uses permitted shall comply with all requirements of the Lenox Township Soil Removal Ordinance.

H. Application Procedures for Annual Mining Permit

All applicants for the Mining of Earth Materials special land use permit shall also concurrently apply for an annual permit under the Soil Removal Ordinance. Application procedures are explained in the Soil Removal Ordinance. The application procedure shall be complied with prior to the commencement of any new mining and/or the horizontal expansion of any mined area which exists as of the effective date of this ordinance. The application form shall be obtained from the Township Clerk.

I. Planning Commission Review

1. All applicants shall complete and submit to the Township Clerk eighteen (18) copies of a Community Impact Statement (CIS). The requirements of the CIS can be found in Section 330 of this Ordinance.

2. The Planning Commission shall approve the issuance of a Special Land Use permit only upon an affirmative finding to all of the following:

   a. The Community Impact Statement demonstrated minimal adverse impact on Township services, the immediate neighborhood, the areas of the Township affected by the haul route, and the natural environment.

   b. All of the general requirements of Section 1800 have been complied with.

   c. All specific requirements of subsection G above have been met.

   d. All application requirements of the Soil Removal Ordinance have been met.

SECTION 1817. TWO FAMILY RESIDENTIAL DWELLING

Two Family Residential dwelling use is a permitted use in the RM District subject to the approval by the Planning Commission upon a finding that the plans meet the requirement of this Ordinance and the following conditions:

A. Site Requirements:

1. The construction or placing of a two family structure in this district shall be on a single or a series of single platted or officially recorded lots, or on a larger tract where each structure will face on a public road. In the latter instance each structure shall be considered as occupying one lot for yard and placement requirements.

2. The character and quality of construction shall be such as to blend with existing homes in the district.

B. Yard and Placement Requirements:

1. Minimum floor area:

a. One bedroom unit: 600 square feet

b. Two or more bedroom units: an additional 200 square feet for each bedroom over one, added to the minimum floor area requirement of 600 square feet.

SECTION 1818. PONDS ASSOCIATED WITH COMMERCIAL OPERATIONS

Ponds associated with such commercial operations as pay-to-fish farms or for commercial fire protection are permitted in the AG Agriculture District subject to the approval of the Planning Commission upon a finding that the plans meet the requirements of this Ordinance, the following standards, and in no way endanger the health, safety, and general welfare of the residents of the Township or the users of this property.

A. Permit Requirements - all such ponds must obtain Special Land Use approval from the Planning Commission and a building permit from the Township Building Inspector.

B. Site Requirements:

1. All approved ponds shall be on a contiguous parcel of at least ten (10) acres. This requirement may be waived by the Planning Commission for ponds that are developed exclusively for fire protection.

2. Soils removed to create the pond must remain on the site. In the event the owner wants to sell or transport more than 1,000 cubic yards of the excavated material off the site, he shall conform with the requirements of Section 1816, A of this Ordinance.

3. All ponds shall be provided with adequate protection by the construction of a non-climbable fence at least five (5) feet high, complete with locked gates, around the entire pond. There shall also be a minimum of two (2) life stations placed on opposite sides of the pond.

4. Ponds shall only be of an excavation type as defined by the Soil Conservation Service engineering standards and all ponds shall be constructed to the SCS standards (See USDA Agriculture Handbook Number 590).

5. Only commercial activities of a clearly incidental nature shall be permitted on the site. A fish pond development shall not be changed to a swimming area for any recreational use permitted under Section 1809 of this Ordinance.

C. Yard and Placement Requirements:

1. A setback of at least one hundred (100) feet to the nearest edge of the pond from the right-of-way of any existing or proposed street or road shall be required. In the event the pond is greater than 200 feet long, the setback distance from the road shall be equal to one-half the length.

2. A setback of at least one hundred (100) feet shall be maintained from all adjoining property lines.

3. All buildings shall minimize the possibility of any adverse effect upon adjacent property. This shall mean a distance of one hundred (100) feet to the property line of abutting lands or public right-of-way; where topography conditions are such that the building would be screened from view, this requirement may be modified by the Planning Commission.

4. No activity shall take place within fifty (50) feet of the perimeter of the site. All such activities shall be adequately screened from abutting residentially zoned property.

5. No buildings shall be located in a Flood Plain area.

6. All off-street parking shall be constructed to the standards shown in ARTICLE 3.

D. Off-Street Parking:

1. There shall be one (1) parking space for each employee of a fish farm operation.

2. For public fishing operations, there shall be one (1) parking space for each two (2) persons at capacity use of the facility.

SECTION 1819. LANDFILLS, TRANSFER STATIONS, WASTE PROCESSING PLANTS, AND SIMILAR USES.

The Lenox Township Board recognizes the authority of the Michigan Department of Natural Resources with regard to the issuance of construction and operating permits for sanitary landfills and similar uses. The Township considers the requirements of Act 641 of 1978, as promulgated pursuant to authority of said Acts, as the minimum standards for approval of any landfill, transfer station, or similar use. As such, it shall also be necessary for all proposed landfills to obtain a permit from the Lenox Township Zoning Board of Appeals, and all transfer stations and similar uses to obtain special land use approval from the Township Board subject to the following requirements:

A. Landfills shall be regulated by Ordinance No. 83-3 the Lenox Township Landfill Ordinance, and shall be operated in conformance with a permit issued by the Zoning Board of Appeals. The Planning Commission shall review all proposed landfills in the same manner as a special land use and make findings and recommendations as to whether or not the granting of a permit as proposed would:

   1. Permanently impair the intended land use potential of the property in question;

   2. Detrimentally affect the adjoining properties;

   3. Be consistent with the planning and zoning of the area where the proposed operation is to be located.

B. Transfer stations, waste processing plants, incinerators and similar uses shall meet the following criteria for special land use approval:

   1. Must be located in an IC - Controlled Industrial District.

   2. Must be located on a paved, public road capable of carrying Class A loadings on a year-round basis.

   3. Shall not be located in a flood plain or wetland.

   4. Shall not be located within 1,500 feet of any occupied residences.

   5. All internal roads and drives shall be paved with asphalt, concrete, or similar hard surface material.

   6. All such uses shall be set back at least 200 feet from all property lines.

7. An 8 foot high, landscaped berm shall be constructed along all sides of the proposed use.

8. The active area of the transfer station, waste processing plant or incinerator shall be surrounded by a 6-foot high security fence of chain-link or similar non- climbable design.

SECTION 1821. RESIDENTIAL ACCESSORY OCCUPATION

Residential Accessory Occupations may be approved by the Planning Commission in AG, Agricultural and RL, Residential Low Density districts as a special land use, subject to a finding by the Planning Commission that the use complies with the following special standards, the general standards for all special land uses, and subject to any special conditions placed upon the use by the Planning Commission:

A. The occupation shall be carried on only by the occupant of the dwelling located on the same property, shall employ only those persons who reside in the dwelling, and shall not be visible or noticeable in any form or manner from outside the walls of the accessory building.

B. The floor area devoted to the Residential Accessory Occupation shall not exceed one-half (1/2) the area of the accessory building up to a maximum of one thousand (1,000) square feet.

C. No Residential Accessory Occupation shall be approved that produces noise, wastes, odors, vehicular traffic or similar side effects which, in the opinion of the Planning Commission, are not customary in a residential district.

D. Approval of one Residential Accessory Occupation shall not be grounds to establish any other accessory occupation on the same site. All changes in such occupations shall obtain prior approval of the Planning Commission.

E. Approval to transfer a Residential Accessory Occupation permit from a current owner-occupant to a new owner-occupant may be granted by the Planning Commission upon receipt of a request that demonstrates no changes in the use as originally approved. (Amended 11-4-96)

SECTION 1822. YARD WASTE COMPOSTING FACILITIES

Yard waste composting facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions, may be permitted in Agricultural districts only, subject to this issuance of a Special Land Use Permit by the Planning Commission and compliance with the following conditions and standards:

A. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. Material shall only be accepted in paper bags; or unbagged. (Amended 3/3/03)

B. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors.

C. Ponded water shall not be permitted to collect on a yard waste composting site. A plan for collection, retention and drainage of storm water shall be provided for review and approval. The Planning Commission shall require that the plan provide a settling basin/detention pond and vegetation filtration of runoff prior to discharge off- site. Vegetation filtration shall be accomplished by use of a 50 foot wide perimeter strip of grass, or a similar measure.

D. The operator shall provide sufficient equipment on-site to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading and unloading operations; a windrow machine for turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.

E. The site shall be level and well-drained. If the site abuts property shown as residential on the Township Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants.

F. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete.

G. The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.

H. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Township.

I. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for revocation of the permit by the Planning Commission.

J. Access to the site shall be controlled to prevent unauthorized dumping during non- business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.

K. Treated yard wastes shall be actively rotated, that is, they shall not be allowed to accumulate for longer than eighteen (18) months before being finished and removed from the site.

L. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product- tight containers for primary containment.

M. The operator shall submit a bond, in an amount established by resolution of the Township Board, to guarantee restoration in the event of abandonment, clean-up of chemical or other hazardous spills, and the like.

N. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Township Board.

O. Copies of all Michigan Department Natural Resources applications/permits, where required, shall be provided to the Planning Commission as part of the application package.

P. An annual inspection for rodents shall be performed by a license pest control company. Copies of the report shall be transmitted to the Township. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.

Q. An annual test shall be performed to insure that on site soils and surface waters leaving the site are not contaminated by a concentration of nitrogen, phosphorus, phenols, pesticides and/or herbicides. Soil samples shall be taken from the windrow area and the settling basin/detention pond and surface water samples shall be taken at the outlet from the detention pond. Tests shall be performed for concentrations of listed substances adopted by resolution of the Township Board.

SECTION 1823. HIGH VOLUME WATER WELL OR WELL SYSTEM

A High Volume Water Well or Well System, defined as a well or series of wells capable of producing over 100 gallons per minute peak capacity and intended to serve a use other than one single family home, may be permitted by the Planning Commission in the AG district subject to the following:

A. There must be a demonstrated need for the proposed High Volume Water Well or System.

B. All such uses shall be completely enclosed and without storage yards.

C. No structure shall exceed the height limit of the district and all storage tanks shall be set back from all property lines a distance equal to at least the height of the tank.

D. In order to protect surrounding property values, all buildings shall be designed to be compatible in style and materials with other uses and structures permitted in the district.

E. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use. No High Volume Well or Well System shall be located closer than 100 feet to any property line.

F. Adequate off-street parking, screened from public view, shall be provided for any service personnel and all drives and parking areas shall be built in accordance with Township requirements.

G. The applicant shall submit a site plan and hydrogeologic study prepared by a registered engineer, qualified by training and experience to prepare hydrogeological studies, showing the extent of the well cone of influence, the number and location of wells, the anticipated average and peak water flow on a daily and peak basis, and all other information required in Section 319. In addition, the study shall document the location and depth of existing wells within the maximum proposed cone of influence area or 2,000 feet, whichever is greater, and describe the anticipated impact on these wells. Furthermore, the study shall include a plan that provides, at a minimum, for the connection of any and all existing wells within the cone of influence to the proposed well or system free of charge in the event that the wells fail after the proposed well(s) is constructed. As an alternative, the plan may provide for the drilling of new or deeper wells for individuals. The plan shall also provide, at a minimum, for the future connection to the well or system (or drilling of new individual wells) to those properties within the cone of influence that are currently undeveloped or underdeveloped. In no way shall the construction and operation of a water well structure restrict or eliminate the availability of potable water to those residents, businesses, and property owners within the cone of influence of the well(s).

H. The applicant shall submit an application to the Planning Commission for approval to drill a test water well for the purpose of collecting data needed to complete a full application and to determine the feasibility of establishing a permanent well or well system. The drilling of a test well may be permitted as a temporary use not requiring special land use approval. The application shall include the following information:

1. Name, address, city, zip code and phone number of applicant

2. Location of proposed test well

3. Purpose of proposed test well

4. Anticipated depth and peak volume of well

5. A scale drawing showing the location of potential contaminants, industrial uses and industrial zoning districts within 2,000 feet of the proposed well

6. Proposed end users of the well or well system and location of end users

7. Number of days anticipated to complete drilling and number of days anticipated to complete testing

8. Signature of applicant

I. An application for a permanent High Volume Water Well or Well System shall include an application for special land use approval, all information required in Section 305 and Section 1823 [including Section 1823 (8)], and all other similar information as may be necessary to confirm compliance with the provisions of the Lenox Township Zoning Ordinance.

J. In order to protect the public health, safety and welfare and protect the public supply of drinking water, No High Volume Water Well or Well System shall be constructed within 2,000 feet of any known source of contamination (e.g., waste disposal site, land application of sanitary waste water or sludge, sanitary landfills, chemical or waste chemical storage or disposal facilities, etc.), existing industrial uses, or property zoned for industrial uses. The applicant shall provide a map, prepared by a registered engineer, land surveyor, architect, landscape architect or planner showing the existing uses and zoning within a minimum 2,000 foot radius of the site which shall include an inventory of all hazardous materials users, underground fuel tanks, and similar potential sources of groundwater contamination. This radius may be increased by the Township Board depending on the results of the hydrogeologic study. If other potential sources of contamination other than those listed above are identified within a minimum 2,000 foot radius of the proposed High Volume Water Well or Well System, the Planning Commission may deny the application or, if appropriate, require appropriate conditions to protect the public health, safety and welfare.

K. In addition to the above, the applicant shall address other potential negative impacts that may be caused by the construction and operation of a high volume water well system, and provide and establish a plan for mitigation of these negative impacts.

L. Because the supply of clean, safe drinking water is an important natural community resource, no High Volume Water Well or Well System may supply water to any property outside the limits of Lenox Township unless an agreement is reached between the Lenox Township Board and the Legislative Body of the other municipality.

M. An annual permit shall be required for all High Volume Water Wells or Well System. Prior to December 31 of each year, the owner-operator shall submit an application and appropriate application fee to the Township Clerk for renewal of the annual permit. The application shall include well log data including peak and average flow data on a monthly basis and water quality testing results.

N. A performance bond in an amount to be set by the Township Board shall be provided by the Applicant to ensure protection of adjacent property owners' water supply.

O. Well location, construction and operation shall be in conformance with the State of Michigan Public Health Standards and the standards in this ordinance. In the event of a conflict between the two, the standard(s) which is more restrictive shall apply.

SECTION 1824. CONCRETE AND ASPHALT PLANTS

Concrete and asphalt plants may be permitted in the IC Controlled Industrial District subject to issuance of a special land use permit. The Planning Commission may issue the permit only upon a finding that the following standards have been met:

A. The application shall demonstrate that the plant location is the closest possible to the source of sand and aggregate materials for the plant.

B. The application shall clearly demonstrate strict compliance with all requirements for air, ground water, and surface water quality. In particular, the Performance Standards of this Ordinance shall be strictly adhered to.

C. A Community Impact Study shall accompany the application, according to a format provided by the Township.

D. A Market Study, which demonstrates the need for the specific facilities proposed to serve the surrounding area, shall accompany the application.

E. The stated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.

F. The site shall have direct access to a paved thoroughfare.

G. The plant equipment shall maintain a minimum separation of 1,300 feet from a residential zoning district.

H. The plant itself should be screened from view from any adjoining residential zoning district or public street by a 20-foot wide greenbelt planted with vegetation at a sufficient height and opacity to screen at least 90 percent of the facility during the summer months and 70 percent during the winter months. At the discretion of the Planning Commission, a obscuring wall of poured concrete with a brick-like texture, brick, or decorative, pressure-treated wood may be constructed in place of a greenbelt.

I. The permit for a concrete or asphalt plant shall be renewed every 2 years. At least thirty (30) days prior to transferring a permit for a concrete or an asphalt plant, the operator shall notify the purchaser of all conditions of the permit and shall notify the Township of the name, address and phone number of the new owner/operator.

SECTION 1825. INCINERATORS, ENERGY RECOVERY PLANTS

Incinerators and energy recovery plants may be permitted by the Planning Commission in the IC districts, subject to the following:

A. All activities involving the receipt of incoming garbage or other wastes shall be conducted within an enclosed building.
B. Areas for storage of recycled materials shall be completely enclosed within a building.
C. All removal of ash for disposal shall occur in covered containers or covered trucks.
D. The plant shall be located in the interior of the M-1 district and shall maintain a minimum setback of 300 feet from all lot lines.
E. Blowing trash or debris shall not be permitted to leave the site and shall be collected daily.
F. The entire perimeter of the plant and all other buildings and active use areas on-site shall be enclosed by a chain link-type fence at least 6 feet in height.
G. All internal drives, parking areas, roadways and the like shall be designed and paved to handle the weight of anticipated heavy vehicles.
H. All access to and from the site shall be directly onto a paved major thoroughfare of at least 120 feet right-of-way capable of carrying Class A loadings on a year-round basis.

SECTION 1826.

(This Section has been Repealed.)

SECTION 1827. RETAIL USES WHICH HAVE AN INDUSTRIAL CHARACTER

A. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities such as, but not limited to: lumber yards, building materials outlets, garage sales, upholsterer, cabinet maker, outdoor boat or house trailer, automobile or agricultural implement sales, may be permitted by the Planning Commission in IR and IC districts.

B. Retail uses which serve convenience needs of the industrial district such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or hotel, trade or industrial schools, or medical or other offices serving the district, including an industrial clinic, may be permitted by the Planning Commission in IR and IC districts.

SECTION 1828. LUMBER & PLANING MILLS

Lumber and planing mills may be permitted by the Planning Commission in IR and IC districts, subject to the following:

A. The use shall be completely enclosed with no activities occurring outdoors except ancillary loading and unloading of raw materials and finished products.

B. The use shall be located in the interior of the industrial district so that no property line shall form to the exterior boundary of the IR or IC District.

SECTION 1829. METAL PLATING & SIMILAR USES

Metal plating, buffing, polishing, and similar uses may be permitted by the Planning Commission in IR and IC districts only, subject to the following:

A. Appropriate measures shall be taken to control the type of process in order to prevent noxious results and/or nuisances.

B. The use shall be completely enclosed with no activities occurring outdoors except ancillary loading and unloading of raw materials and finished products.

C. The use shall be located in the interior of the industrial district so that no property line shall form the exterior boundary of the IR or IC District.

SECTION 1830. COMMERCIAL RADIO & TELEVISION TOWERS

Commercial television and radio towers, long-distance telephone microwave towers, and similar public utility transmitting towers, and their attendant facilities may be permitted by the Planning Commission in IR and IC districts subject to the following:

A. The use shall be located centrally on a continuous parcel having a dimension equal to the height of the tower measured from the base of said tower to all points on each property line, or having construction characteristics which guarantee that should such tower collapse, it will occur within said property.

SECTION 1831. JUNK & SALVAGE YARDS

Junk yards and Salvage yards may be permitted by the Planning Commission in the IC districts only, subject to the following:

A. The premises shall be entirely enclosed within a minimum eight (8) foot high obscuring wall or pressure-treated wood fence, as determined by the Planning Commission.

B. There shall be no burning on the site.

C. All industrial processes including the use of equipment for compressing or packaging shall be conducted at least 200 feet from the exterior (fenced) property line; provided that occasional metal cutting shall be allowed anywhere behind the prescribed fence provided adequate measures are taken to insure against fire and adjacent properties are protected from glare.

D. Materials for processing or storage shall not be piled higher than the wall or fence for more than 60 consecutive days, each pile, and there shall be a free walkway around the fence area.

E. All junk or salvage yards shall be located within the interior of the IC Industrial District.

F. Junk or salvage yards shall have either direct access to a major thoroughfare or access to a major thoroughfare via an internal industrial service roadway, and shall be at least 1,000 feet from any Residential District including the Mobile Home Districts.

SECTION 1832. RETAIL AND PERSONAL SERVICE ESTABLISHMENTS

Certain retail and personal service establishments, including office supplies, florist shop, tailor, hair stylist, travel agent, dry cleaners drop-off without processing facilities, private mailing service, or group child day-care center, may be permitted by the Planning Commission in the OS, Office Service district. Similar uses not specifically listed may be approved by the Planning Commission subject to a finding that they are similar in character to the above. All uses shall be subject to the following standards:

A. The use shall provide goods and/or services necessary for the convenience of employees in the Office Service district.

B. Retail and personal service establishments shall not precede office development in the OS district.

C. Off-street parking shall be provided based upon the appropriate Business/Commercial category from Section 301 H.

D. This section is not intended to promote fast-food restaurants, or similar uses that derive most of their business from users outside the OS district.

SECTION 1833. LIMITED SOIL REMOVAL PERMITS (Amended 9-22-99)

Limited Soil Removal Permits may be granted as a Special Land Use in the AG-Agricultural, RL-Residential Low Density, RM-Residential Medium Density, and RH-Residential High Density zoning districts, subject to the following special standards:

A. Limited Soil Removal Permits may be issued only for an activity that is accessory to the actual and approved development of property in Lenox Township. As a prerequisite for the issuance of a Limited Soil Removal Permit, One of the following shall occur:

1. If the proposed development is a platted subdivision, the developer shall obtain Final Preliminary Plat Approval, or

2. If the proposed development is going to be a condominium, final approval of a condominium site plan shall be required, or

3. Land divisions on existing public roads that seek approval under the Land Division Act shall require the land divisions be approved and at least 25% of the divided lots be sold before issuance of a Limited Soil Removal Permit and commencement of the excavation, or

4. Any other use that requires Site Plan Approval shall submit a site plan for final approval prior to obtaining a Limited Soil Removal Permit.

B. The actual removal of soil materials under a Limited Soil Removal Permit shall only proceed in conformance with the approved site plan and an engineering plan that complies with all design, information, permit, fees, inspection, operation and reuse requirements of the Lenox Township Zoning Ordinance for Soil Removal Operations, Section 1816 and the following:

1. The purpose of the Limited Soil Removal Permit shall be the creation of a body of water that qualifies as a lake under permit rules and regulations of the Michigan Department of Environmental Quality (MDEQ), or the removal and sale of excess topsoil that is necessary in order to complete a development approved by the Planning Commission.

2. The minimum site size for a development that includes a request for a Limited Soil Removal Permit shall be twenty (20) acres.

3. The minimum size of any proposed body of water shall be five (5) acres.

4. The applicant shall submit application materials and copy of a MDEQ Lake Permit for the proposed body of water.

5. Actual construction of the lake shall occur within the time frames provided below, based upon the size of the proposed water body:

a.	5.0 - 7.0 acres	1 year
b.	7.1 - 10 acres	2 years
c.	10.1 - 15 acres	3 years
d.	15.1 - 20 acres	4 years

6. Notwithstanding the timetable referenced above for the completion of the lake, the applicant and his assigns shall, with the exception of November 15 through April 15, unless the frost laws dictate a longer period of time, diligently and continuously excavate the lake until completion.

7. Not more than thirty percent (30%) of the total area of the site shall be involved in the soil removal activities allowed under the Limited Soil Removal Permit. The maximum size of a lake under this provision shall be twenty (20) acres. The creation of a lake larger than twenty (20) acres shall not be permitted by means of a Limited Soil Removal Permit and shall require approval and permit under Section 1816.

8. In order to prevent all unnecessary dust and blowing of sand, there shall be no stockpiling of sand in piles in excess of one thousand (1000) cubic yards each and all stockpiles shall be restricted to a maximum height of fifteen (15) feet.

9. Refer to the Lenox Township Soil Removal Ordinance, Section 308, Specific Requirements for Stripping Operations, for performance standards on stripping operations.

C. A performance guarantee, acceptable to the Lenox Township Board, shall be required as a condition for the issuance of a Limited Soil Removal Permit.

D. A Limited Soil Removal Permit shall be issued only after findings of fact made by the Planning Commission and approved by the Township Board, demonstrating no adverse impacts on adjoining properties beyond the phase of the approved, permanent use to which the Limited Soil Removal Permit is accessory.

E. Any deviation from the approved plat, site plan and/or Limited Soil Removal Permit shall be grounds for immediate revocation of the Limited Soil Removal Permit and forfeiture of the performance guarantee.

SECTION 1834. SIMILAR USES COMPATIBLE WITH PRINCIPAL PERMITTED USES

In AG, Agricultural zoning districts the Planning Commission may permit, as special land uses, specific uses which are similar to the special land uses listed in Section 501 and compatible with the principal permitted uses of Section 500, subject to findings of fact based upon the General Requirements of Article 18 and the following special standards:

A. The use shall be consistent with the intent of the district and shall not change the basic uses allowed in the district.

B. The use shall be found to be compatible with the principal permitted uses allowed in the district at the specific location proposed.

C. The use shall cause no more traffic than other principal permitted or special land uses in the district.

D. The use shall not require permanent buildings, structures, or equipment that would be incompatible with the principal permitted uses allowed in the district.

E. The Planning Commission may place such conditions on the use as it finds necessary to ensure compatibility with the principal permitted uses allowed in the district, subject to the standards of Article 18 subsection F. In this regard, the Planning Commission shall identify standards for similar special land uses that it finds are appropriate for application to the use being considered.

SECTION 1835. BED AND BREAKFAST INNS (EFFECTIVE 11/21/2007)

A. Must be clearly incidental to the principal use of a dwelling unit as a single-family dwelling unit. Not more than twenty-five (25) percent of the total floor area of the dwelling unit, or five bedrooms whichever is less, shall be used for bed and breakfast guest rooms.

B. Bed and breakfast inns shall be confined to the dwelling unit, which is the principal dwelling unit on the property.

C. Rooms for sleeping shall have a minimum size of ninety (90) square feet for single occupancy rooms, one hundred (100) square feet for double occupancy rooms, one hundred fifty (150) square feet for triple occupancy rooms, and two hundred (200) square feet for four person rooms. There shall be a maximum of four (4) occupants per room. Each sleeping room shall have no wall dimension of less than nine (9) feet in length.

D. There shall be no separate cooking facilities used for the bed and breakfast stay. Food served will be done so in accordance with, and limited by, that permitted by applicable state law and subsequent guidelines published by the Michigan Department of Public Health.

E. The maximum consecutive length of stay for any guests of bed and breakfast operations shall be fourteen (14) days.

F. The dwelling unit which contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. Said owner/innkeeper shall reside on the premises when the bed and breakfast inn is in operation.

G. In the residential district one sign not to exceed six square feet in area shall be permitted in accordance with the requirements of Section 304.

H. Parking shall be provided as follows:

One (1) off-street parking space shall be provided for each guest room to be rented in addition to requirements for residential family vehicles. Front yard parking is prohibited. Parking lot lighting is prohibited in residential or multiple districts except for the use of porch lights or low voltage landscape lights. Low intensity bollards not over 36 inches in height may be approved by the Planning Commission based on catalog specifications, including illumination coverage details. In residential or multiple districts, parking shall not be permitted within a required rear yard setback unless the Planning Commission finds that adequate screening can be provided to ensure that there will not be a deterioration of the quality of life to the abutting residential property owners. In order to preserve the residential character of the area, the Planning Commission may permit stacking of the owners' vehicles.

I. The Planning Commission may limit the number of guest rooms permitted if it finds that proposed characteristics of the use will be excessive for the site or have the potential to negatively impact the residential character of the site and surrounding properties.

J. Screening for off street parking shall be provided for abutting residential uses. Such screening shall consist of a dense evergreen planting with shrubs not less than three and one-half (3 1/2) feet tall at the time of planting. Screening shall be maintained by the operator of a bed and breakfast.

K. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm and a fire extinguisher shall be kept on each floor in a location to be determined by the Building Inspector.

L. The owner/operator of the bed and breakfast inn shall install carbon monoxide monitors in each sleeping room and shall comply with all applicable adopted codes of the Township.

M. Special Land Use approval for bed and breakfast inns is not transferable to subsequent owners.

SECTION 1836. PAWNBROKERS AND PRECIOUS METAL DEALERS

Purpose:

The Township of Lenox recognizes that there are some uses which, by their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, and they can have a deleterious effect upon the use and enjoyment of adjacent areas. In connection with the adoption of this Ordinance, the Township has received information that certain types of skid-row businesses, including pawnbrokers, and used goods businesses have through studies in the City of Detroit been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight. Special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting or the downgrading of the surrounding neighborhoods. Further, Lenox Township finds that the use of services provided by pawnbrokers and precious metal dealers provides an opportunity for the commission of crimes notwithstanding State and Federal regulations. The purpose of this Ordinance amendment is to minimize the impact on surrounding neighborhoods, minimize the commission of crimes associated thereto, and to assure that such businesses comply with these requirements as well as State and Federal regulations, thereby protecting the public health, safety and general welfare of the citizens of Lenox Township.

Definitions:

1. Pawnbroker: Any person, partnership, or corporation, either as a principal, or agent, or employee thereof, who loans money on deposit or pledge of personal property or other valuable thing, and who deals in the purchasing of personal property, or other valuable thing on condition of selling the same back at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged, as further defined in MCLA 446.201.

2. Precious Metal Dealer: Any person, partnership, or corporation, either as a principal, or agent, or employee thereof, who purchases or sells any jewelry containing gold, silver or platinum, or any precious gem, as defined in MCLA 445.482.

Exemptions:

This section does not apply to, or include, the following:

A. The sale is held on property principally occupied as a dwelling by the seller, provided that the sale does not exceed a period of 72 consecutive hours.
B. None of the items offered for sale have been purchased for resale or received on consignment for the purpose of resale.
C. The sale of bona fide antiques or collectibles, including secondhand books, magazines and films.

Special Land Use Requirement:

A pawnbroker may be allowed by special land use permit in the IR (Restricted Industrial District) and the IC (Controlled Industrial District) zoning districts.
A precious metal dealer may be allowed by special land use permit in the CG (Commercial General District) zoning district.

Location Standards:

A. No pawnbroker or precious metal dealer shall be situated within 2000' of any church, park or school.
B. No pawnbroker or precious metal dealer shall be situated within 2000' of an existing pawnbroker or precious metal dealer.

SECTION 1837. ADULT ESTABLISHMENTS AND/OR ADULT ENTERTAINMENT

Purpose:

The Township of Lenox finds that adult establishments and adult entertainment businesses have adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. In connection with the adoption of this Ordinance, the Township has received information, including information associating blight and increased crime with sexually-oriented businesses, including studies in the City of Detroit, Michigan, in the early 1970s, the City of St. Paul, Minnesota in 1978, the City of Phoenix, Arizona in 1979, the City of Minneapolis, Minnesota in 1980, the City of Austin, Texas in the early 1980s, the City of Indianapolis, Indiana in 1987, Oklahoma City, 1986, 1992, the City of Los Angeles, California in 1984, Adams County, Colorado in 1988, the report of the Minnesota Attorney General issued in 1989, Times Square, New York 1974, Dallas, Texas 1994, 1997, and Newport News, Virginia 1996. In connection with the adoption of this Ordinance, the Township has received further information that certain types of skid-row businesses, including tattoo parlors, pawnbrokers, and used goods businesses have through studies in the City of Detroit been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight. Based on this, Lenox Township concludes as follows:

A. Adult establishments and/or adult entertainment businesses have adverse secondary impact of the types set forth above.

B. The adverse effects caused by adult establishments and/or adult entertainment businesses tend to diminish if they are governed by locational requirements as well as special land use requirements.

C. It is not the intent of Lenox Township to prohibit adult establishments and/or adult entertainment businesses from having a reasonable opportunity to locate within the Township.

D. The public health, safety, morals and general welfare will be promoted by the Township adopting regulations governing adult establishments and adult entertainment businesses.

E. Adult establishments and/or adult entertainment businesses can contribute to an increase of criminal activity in the area in which such businesses are located, taxing Township crime-prevention programs and law enforcement services.

F. Adult establishments and/or adult entertainment businesses can be used as fronts for prostitution and other criminal activity. The experience of other municipalities indicates that the proper management and operation of such businesses can, however, minimize this risk provided that the owners and operators of such businesses are regulated by strict special land use requirements.

G. Adult establishments and/or adult entertainment businesses can increase the risk of exposure to communicable diseases including, but not limited to, acquired immune deficiency syndrome (AIDS) for which there currently is no cure. Experiences of other municipalities indicate that such businesses can facilitate the spread of communicable diseases thereby endangering not only the patrons of such establishments but also the general public.

H. Adult establishments and/or adult entertainment businesses can contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.

I. The risk of criminal activity and/or public health problems can be minimized through this Ordinance and its special land use requirements.

J. By locating adult establishments and/or adult entertainment businesses away from residential areas, schools, churches, libraries, parks and playgrounds, and the Lenox Township Hall, it can prevent additional criminal activity in those areas and prevent deteriorations of neighborhoods and its consequent adverse affect on real estate values of properties within the neighborhood.

K. This is a content-neutral regulation, having neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment of the Constitution of the United States, or to deny access by distributors and exhibitors of adult-oriented entertainment to their intended market.

Definitions:

An adult establishment or adult entertainment business is any business engaged in any of the following activities or which utilizes any of the following business procedures or practices:

A. Any business that has at least 30% of its inventory, stock, or trade, or floor area devoted to items, merchandise or other materials distinguished or characterized by having an emphasis on material depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas;

B. Or any adult use as defined as follows:

1) Adult book store:

Any establishment or business used for the rental or sale of any printed material, pictures, slides, records, audio tape, video tape, or motion picture film at least of which 30% of the inventory, stock, trade, or 30% of the floor area, is devoted for items, merchandise or other material distinguished or characterized by having an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

2) Adult cabaret:

Any business or establishment that provides dancing, partial nudity, or other live entertainment to patrons if the dancing and live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction of matter that seeks to evoke, arouse or excite the patron's sexual or erotic feelings or desire.

3) Adult conversation and/or companionship establishment:

Any business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer if such discussions are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

4) Adult massage parlor:

A massage parlor or health club that provides the services of massage, if such services are distinguished or characterized by an emphasis of specified sexual activities or specified anatomical areas.

5) Adult motion picture theatre:

Any business or establishment used for presenting material if such material is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

6) Adult novelty business:

Any business that has at least 30% of its inventory, stock or trade, or at least 30% of the floor area of the business devoted to items, merchandise or other materials or devices which stimulate human genitals or devices which are designed for sexual stimulation.

C. Nudity, partial nudity, or specified anatomical areas:

1) Less than completely or opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola, and

2) Human male genitals in which the penis is discernibly erect, even if completely and opaquely covered.

D. Specified sexual activities:

1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, bestiality, direct physical stimulation of unclothed genitals, or any other sexual-oriented act or conduct.

2) Clearly depicted human genitals in the state of sexual stimulation or arousal.

3) Use of human ejaculation or masturbation.

4) Fondling or touching of nude human genitals, public region, buttocks, or female breast(s).

5) Situation involving a person or persons, any of whom are nude or partially nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving any specified sexual activity.

Zoning areas where adult establishments and/or adult entertainment business are permitted:

An adult establishment or adult entertainment business may be permitted by the Planning Commission in the IR (Restricted Industrial) or IC (Controlled Industrial) Zoning District subject to Special Land Use approval.

Restrictions on location:

No adult establishment may be located within 1000' of a residential zoning district, a school, a church, a library, a park, a commercial daycare center, or the Lenox Township Hall, nor within 1000' of another adult establishment and/or adult entertainment business. Distances shall be measured from the nearest point of the building where the adult establishment and/or adult entertainment business is located to the nearest boundary of the residential zoning district, or the property containing a park, school, church, library, commercial daycare center, or the Township Hall, or any other adult establishment and/or adult entertainment business.

Hours of operation:

No establishment shall exceed the following hours of operation: 12:00 p.m. until 2:00 a.m.

Additional conditions for adult cabarets:

The following additional conditions shall apply to adult cabarets:

A. No owner, operator or manager of an adult cabaret shall permit or allow any dancer or live entertainer to perform nude.

B. No dancer, live entertainer, or performer shall be under 18 years of age.

C. No dancer or performer shall fondle, touch or caress any patron, and no patron shall fondle, touch or caress any dancer or performer.

D. No dancer or performer shall solicit any pay, tip, or gratuity from any patron.

SECTION 1838. WIND ENERGY CONVERSION SYSTEMS:

A. Purpose.

The purpose of this Ordinance is to allow for wind energy facilities in Lenox Township, while controlling the structural integrity and safety of these devices and, at the same time, to attempt to minimize negative impacts associated with the appearance, aesthetics, and shadow flicker of such facilities as well as the noise that is created from them, while promoting the health, safety and welfare of Lenox Township residents and trying to minimize any negative effect that such facilities may have on surrounding properties.

B. Intent.

1. This Ordinance applies to an electrical generating facility, based upon a wind turbine, whose main purpose is to supply electricity to the property where the wind energy facility is located and to sell any excess electricity from that wind energy facility to utility companies for electrical use elsewhere.

2. This Ordinance applies to wind energy facilities that consist of a single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities wherein the power generated is used primarily for on-site consumption, consisting of a single wind turbine that has a rated capacity of not more than 30 kW. This Ordinance does not apply to any wind energy conversion systems consisting of more than one wind turbine whose primary purpose is to generate and sell electricity that will not be used on the subject property.

3. This Ordinance does not apply to agricultural windmills whose primary purpose is to use rotating wind blades to turn mechanical energy to do physical work, such as pumping water.

4. The temporary use of an anemometer for three (3) months or less for wind testing shall be exempt from the requirements of this Ordinance. Any proposed anemometer that occupies a site for greater than three (3) months shall not be considered exempt and shall be subject to all requirements of this Ordinance.

5. A wind energy facility may only be constructed in Lenox Township upon approval by the Lenox Township Planning Commission as a special land use. Such special land use permit, if granted, shall be for a period of one year only at which time the applicant/user must reappear before the Lenox Township Planning Commission and show cause as to why the special land use permit should be extended.

C. Definitions.

1. *Height (as applied to WECS):* The height is the distance measured from grade to the highest point of the wind rotor or tip of the turbine blade when it reaches its highest elevation.

2. *Wind Energy Conversion Systems (hereinafter referred to as WECS):* Any device that converts wind energy to mechanical or electrical energy.

3. *Wind Rotor*: The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.

4. *Wind Turbine.* A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator that may include a rotor, tower, and pad transformer.

5. *Survival Wind Speed:* The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.

D. Application Requirements.

1. The application shall demonstrate that the proposed wind energy facility will comply with this Ordinance and shall contain at a minimum the following:

   a. A narrative describing the proposed wind energy facility, including an overview of the project;

   b. Engineering drawings depicting the elevation view of the actual wind energy facility that is proposed;

   c. The approximate generating capacity of the wind energy facility; including a copy of the site assessment study to determine wind speeds and site feasibility.

   d. A site plan, with legal property description, showing the proposed location of the wind energy facility, property lines, setback lines, access drives and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures including permanent meteorological towers, location of transmission lines, topography, waterways, wetlands, proposed grading, and location of all structures and properties within the geographical boundaries of any applicable set back (provide dimensions for all).

e. Evidence of compliance with applicable Federal Aviation Administration Regulations, Michigan Airport Zoning Act, and Michigan Tall Structures Act.

f. Signed and approved copies of any negotiated power purchase agreement and the utility company's approved schematics;

g. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for insuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored;

h. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Lenox Township to insure compliance with this Ordinance;

i. Signature and identification of the property owners and the facility owner/operator of the wind energy facility.

j. Environmental impact and wildlife impact analysis report by a professional engineer.

k. Provide a complaint resolution process for addressing excessive noise, shadow flicker, or any other nuisance associated with the operation of the WECS.

l. The Planning Commission may waive any of the submission requirements based on the necessity for the information in relation to the installation type.

E. Applicable Zoning Districts.

WECS may be permitted in any zoning district subject to Special Land Use Approval Requirements and all applicable laws and ordinances of Lenox Township, the State and the Federal government.

F. Standards for and Regulation of WECS.

In addition to the requirements of the application for special land use in Lenox Township, the application for a wind energy facility special land use shall also contain the following:

1. *Construction:* Tower construction shall be in accordance with the latest edition of the Michigan Building Code, Fire Code, Electric Code and any future amendments thereof.

2. *Electric-Magnetic Interference (EMI):* Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.

3. *Setbacks:*

a. The wind energy tower and rotor must be set back from all property lines a distance equal to 1.5 linear feet for every foot of height. However, the Lenox Township Planning Commission may require additional setbacks to reduce noise and shadow flicker impact to any surrounding properties.

b. No tower shall be located within the front yard, unless it is setback a minimum of 660' of the front lot line.

c. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within ten (10') feet of utility lines.

4. *Maximum Height*: The maximum height of a wind energy conversion system facility shall not exceed twenty (20%) percent of the lot width. In no case shall the height of any WECS exceed fifty (50') feet. Roof mount structures shall not project higher than ten (10') above the highest point of the roof and shall be a vertical axis WECS only.

5. *Minimum Blade Height:* The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15') feet, as measured at the lowest point of the arc of the blades.

6. *Installation and design:*

a. The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute, and any applicable Building Codes.

b. All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.

c. No wind energy facility shall be used or operated until such time as it has received final approval from the Lenox Township Building Department.

d. The structural integrity of the foundation, tower, and turbine itself must be certified by a licensed structural engineer, registered in the State of Michigan, and further that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections herein.

e. Any on-site transmission or power lines associated with the WECS shall, to the maximum extent possible, be placed underground.

f. Guy wires shall not be permitted as part of any proposed WECS, excepting roof-mounted applications.

g. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot high decorative fence (aluminum simulated wrought-iron design). The supporting tower shall also be enclosed with the same fence as above unless the base of the tower is not climbable for a distance of twelve (12') feet.

h. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor twelve (12') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.

7. *Labeling Requirements:* A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.

a. The maximum power output of the system and the wind speed at which it is achieved.

b. Nominal voltage and maximum current.

c. Manufacturer's name and address, serial number and model number.

d. Maximum survival wind speed and the emergency and normal shut down procedures.

8. *Utility Company Notification:* The Detroit Edison Company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.

9. *Safety:*

a. The WECS' manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.

b. The WECS shall be kept in good repair and sound condition.

c. An automatic braking/governing system shall be installed to control rotor speed.

10. *Noise:* Noise generated by the WECS shall not exceed the Lenox Township Noise Ordinance maximum decibel level of 65 dbA at the closest property line. Provide a copy of the modeling and analysis report. Submit a sound analysis report by a 3rd party after 90 days of operation to Lenox Township.

11. *Appearance:*

    a. All WECS shall maintain a galvanized finish or be of a non-obtrusive color such as white, off-white, light gray;
    b. WECS shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
    c. WECS shall not display advertising, including the identification of the turbine manager, facility owner, or operator.

12. *Shadow Flicker:* The WECS shall be designed in such a manner as to minimize shadow flicker on a roadway and any existing structure. The Planning Commission shall require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. 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 sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

    a. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures.

G. Decommissioning.

1. The wind energy facility owner and/or operator and/or property owner shall have three months to complete decommissioning of the facility if no electricity is generated for a continuous period of 12 months.

2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads and other associated features. The site shall be restored to pre-construction conditions.

SECTION 1839. SEASONAL BUSINESS:

A. Overview:

The Township Board finds and declares that the interest of the public health, safety and welfare of the citizens of Lenox Township require the regulation, licensing and control of seasonal businesses within Lenox Township as defined in Article 24. This Section is intended to provide standards for those temporary seasonal businesses which are not specifically permitted in any district.

B. General Provisions:

1. The allowance of a temporary seasonal business shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary seasonal business is permitted.
2. Temporary seasonal business shall be in harmony with the general character of the district.
3. The allowance of the temporary seasonal business shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
4. No temporary seasonal attraction permit shall be granted without first giving notice to adjacent property owners and tenants of the time and place of a public hearing to be held as further provided in this ordinance.
5. All structures constructed on the property, even if they are temporary and seasonal, must comply with the Lenox Township Building Code in its entirety should those structures be occupied at any time by either employees of the seasonal business or persons attending the seasonal business. In addition, such structures, including tents with sides, must comply with the Lenox Township Fire Code in every respect including, but not limited to, safe ingress and egress by persons within the structure and emergency exit lighting. Likewise, all structures must have working fire extinguishers nearby and as approved by the Lenox Township Fire Chief.

C. Seasonal Outdoor Sales Requiring Site Plan Approval:

Seasonal Outdoor Sales establishments may be permitted in the CN, CC, CG, OS, IR, and IC districts subject to the following requirements:

1. A site plan meeting the requirements of Section 305 shall be submitted to the Planning Commission for approval. The application for site plan approval must be made in writing on such forms and in such manner as prescribed by the Clerk of the Township and shall be made at least sixty (60) days prior to the date of the opening of the proposed seasonal retail sales use.
2. Seasonal outdoor sales may take place not more than four (4) times per calendar year on a lot or parcel (i.e., four sales events per year per lot). The total duration of a sales event shall not exceed thirty (30) days. There shall be at least fifteen (15) days between any two seasonal sales events on a lot or parcel.

3. Seasonal outdoor sales may be conducted only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare.
4. Temporary outdoor sales areas and temporary structures such as tents shall comply with the setback requirements for buildings in the district.
5. If seasonal outdoor sales are proposed to be conducted in the parking lot of an active use, the applicant shall demonstrate that there is ample space for the seasonal outdoor sales, any principal uses, and parking for both the seasonal outdoor use and any other use on the subject site, without adverse impact on parking lot circulation.
6. The seasonal outdoor sales use shall have up to five (5) days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs.
7. Seasonal outdoor sales may include up to one (1) primary temporary tent plus one (1) additional temporary tent or temporary storage container or trailer. Sales and storage shall be limited to the approved tent(s) and, when provided, storage container. No tent shall exceed 2,400 square feet in area nor shall it be greater than twenty (20) feet in height.
8. If a seasonal outdoor sales use has a temporary storage container or trailer for the purpose of temporary storage of related merchandise, sales or a combination of storage and sales, the exterior design, appearance and color scheme of the container / trailer shall be in keeping with the general color scheme of the surrounding development or a neutral color. For example, a bright yellow or orange container / trailer located in a shopping center with a brick façade shall not be permitted. When both a container / trailer and tent are proposed, the container / trailer shall not be placed closer to public street than the tent.
9. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed fifty (50) square feet. For corner lots, one additional sign of up to fifty (50) square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Also, directional signs up to four (4) square feet in area and not greater than 3 feet in height may be permitted at driveways serving the site and up to 4 additional directional signs may be placed at locations within the site if necessary for wayfinding and/or traffic safety. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted. Temporary signs erected for Seasonal Retail Sales shall comply with the Lenox Township Sign Ordinance.
10. Provided that the seasonal outdoor sales use complies with all conditions of site plan approval and re-uses the approved site plan, without modification, re-approval of the seasonal use permit shall be automatic each year upon receipt of the fee.
11. Fireworks stands shall not be located within three hundred (300) feet of a residence.
12. Seasonal outdoor sales shall comply with all other applicable laws and ordinance regulations of the Township.

D. Seasonal Attractions Requiring Special Land Use Approval:

1. Site Plan and Special Land Use Requirement:

   A person who owns or operates a seasonal attraction as defined herein must adhere to all of the site plan requirements as set forth in this Zoning Ordinance. The Planning Commission, in its discretion, may waive certain technical parts of the site plan requirements, such as requiring stamp of a certified engineer or formal surveys, if good cause exists. A person shall not own or operate a seasonal attraction in Lenox Township unless and until that person has obtained special land use approval as defined in this Zoning Ordinance.

2. Application for Site Plan Approval:

   Any person desiring to own or operate a seasonal attraction within Lenox Township shall make a formal site plan application, pursuant to Lenox Township Zoning Ordinance and shall pay the requisite site plan review fee and the requisite special land use application fee.

   In addition to the other requirements set forth in Article 18 of the Zoning Ordinance regarding special land use approval, the application for the special land use approval shall also contain the following:

   a. The name, age, residence and mailing address of the person making the applications. (Where the person making the application, this information shall be provided for all partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the Articles of Incorporation shall be filed, and the means and addresses shall be provided of all shareholders having financial interest greater than Five Hundred and 00/100 ($500.00) Dollars.

   b. A statement of the kind, character and type of proposed assembly.

   c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, the licensee shall submit an affidavit from the owner indicating consent to the use of the site for the proposed assembly.

   d. The date or dates and hours during which the proposed assembly is to be conducted.

   e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

   The application for site plan approval must be made in writing on such forms and in such manner as prescribed by the Clerk of the Township and shall be made at least ninety (90) days prior to the date of the opening of the proposed seasonal attraction.

3. Additional Site Plan Review and Special Land Use Application Requirements:

   Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the seasonal attraction owner or operator's plans to provide for the following:

a. Police and fire protection;

b. Food and water supply and facilities;

c. Health and sanitation facilities;

d. Medical facilities and services, including emergency vehicles and equipment;

e. Vehicle access and parking facilities;

f. Camping and trailer facilities, if applicable;

g. All parking lot and exterior lighting, including controls to minimize glare and lighting on adjacent properties;

h. Communications facilities;

i. Noise control and abatements;

j. Facilities for clean-up and waste disposal;

k. Insurance and bonding requirements including, but not limited to, general liability insurance of no less than one million dollars ($1,000,000.00) per occurrence with Lenox Township being named as an additional named insured together with an agreement on the part of the seasonal attraction owner or operator to hold harmless and indemnify Lenox Township from and against any and all causes of action whatsoever arising out of the use and operation of the seasonal attraction.

4. Mandatory Review by the Lenox Township Building Department and Lenox Township Fire Department:

   On receipt by the Clerk, copies of the application and site plan shall be forwarded to the Lenox Township Building Department and the Lenox Township Fire Chief. The Building Department and Fire Department have the right to inspect the property, including all the attractions that are proposed on the property, and shall review and investigate matters relevant to the application within twenty (20) days of receipt thereof and shall report their findings and recommendations to the Township Board and Township attorney.

5. Mandatory Special Land Use Permit:

   If the application for special land use approval is approved at the public hearing, a signed special land use permit shall be a prerequisite to the opening of the seasonal attraction. The special land use permit shall contain all conditions imposed upon the approval. The special land use permit shall be valid for that year's seasonal attraction operation only.

6. Meaning of Special Land Use Permit:

   Approval of one seasonal use shall not be construed to constitute approval of a different seasonal use to occur separately or simultaneously.

7. Re-Approval of Seasonal Attraction Special Land Use Permits for Subsequent Years:

   If a seasonal attraction is granted special land use approval and desires re-approval for the following year, provided that all of the conditions for the initial special land use

approval have been strictly adhered to, the seasonal attraction does not have to submit a new site plan if the prior year's site plan is going to be used and adhered to. However, if the seasonal attraction changed the original site plan or adds any new structures, including temporary or seasonal structures or any new attractions, a new site plan is required. If there are no changes to the original site plan and the nature and extent of the attraction remains unchanged, the applicant may rely upon the original site plan and representations set forth in the original application for special land use approval and shall simply request re-approval in writing from the Township Clerk. If all of the conditions of special land use approval have been strictly adhered to in prior years and there have been no complaints or problems relating to the operation of the seasonal attraction, the Planning Commission may, in its discretion, waive the requirement for a new public hearing. However, if any of the prior requirements of the special land use approval were not adhered to, or if there were complaints or problems regarding the operation of the seasonal attraction, the Planning Commission shall schedule another public hearing. If all of the prior conditions of special land use approval were strictly adhered to, and there have been no complaints or problems regarding the operation of the seasonal attraction, the Planning Commission shall re-approve the special land use for a period of one (1) year.

8. Scope of Operations:

   Seasonal attraction operations may take place not more than four (4) times per calendar year on a lot or parcel (i.e., four events per year per lot). The total duration of a sales event shall not exceed thirty (30) days. There shall be at least fifteen (15) days between any two seasonal events on a lot or parcel. Businesses exceeding these standards shall not be considered seasonal businesses and shall be subject to the same regulations as other permanent businesses. This provision is intended to prevent situations in which approved seasonal attractions become permanent business with rotating operations.

9. Minimum Requirements:

   a. **Security Personnel.** The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the Township Board, in cooperation with the Law Enforcement Authority, is satisfied that proposed security is necessary and sufficient for the duration of the assembly.

   b. **Water Facilities**. The Licensee shall provide potable water sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of such demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located and approved in accordance with Act 368, Public Acts of 1978, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from source and delivered and stored in a manner approved by the Township Board.

c. **Restroom Facilities.** The licensee shall provide separate enclosed flush-type water toilets as defined in Act 733, Public Acts of 2002, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local ordinances. If such flush-type facilities are not available, the Township Board may permit the use of other facilities which are in compliance with Act 368, Public Acts of 1978, and rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.

d. The licensee shall provide lavatory and drinking water facilities constructed, installed and maintained in accordance with Act 733, Public Acts of 2002, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

e. The number and type of facilities required shall be determined, on the basis of the number of attendees in the following manner:

		i. **Male**	**Female**
ii.	Toilets	1:300	1:200
iii.	Urinals	1:100	
iv.	Lavatories	1:200	1:200
v.	Drinking Fountains	1:500	
vi.	Spouts or Faucets	1:500	

Where the assembly is to continue for more than twelve (12) hours and includes camping facilities, the licensee shall provide shower facilities on the basis of number of attendees, in the following manner:

		i. **Male**	**Female**
vii.	Shower Heads	1:100	1:100

All facilities shall be installed, connected and maintained free from obstructions and defects and shall at all times be in operable condition as determined by the Township Board.

f. **Food Service**. If food service is made available on the premises, it shall be covered only through concessions licensed and operated in accordance with the provisions of Act 368, Public Acts of 1978, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.

g. **Medical Facilities**. If the assembly attracts greater than 1,000 patrons at one time and is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be prescribed by the Township Board.

h. **Liquid Waste Disposal**. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Township Board. If such rules and regulations are not available or if they are

inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the Township Board with a true copy of an executed agreement in force and effect with a true copy of an executed agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

i. **Solid Waste Disposal**. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township Board with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

j. **Public Bathing Beaches**. The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 368, Public Acts of 1978 and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision of state or local law.

k. **Public Swimming Pools.** The licensee shall provide or make available public swimming pools only in accordance with Act 299, Public Acts of 1980, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision of state or local law.

l. **Access and Traffic Control**. The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes for access by ambulance, fire equipment, helicopter and other emergency vehicles.

m. **Parking**. The licensee shall provide a parking area sufficient to accommodate all motor vehicles but in no case shall be provide less than one (1) automobile space for every four (4) attendants.

n. **Camping and Trailer Parking**. A licensee who permits attendants to remain on the premises between the hours 2:00 A.M. and 6:00 A.M. shall provide for camping and trailer parking and facilities in accordance with Public Act 368 of 1978 Part 125, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law. Temporary campground permits are issued by the county health department.

o. **Illumination**. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting

plan shall be approved by the Township Board.

p. **Signs.** Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed fifty (50) square feet. For corner lots, one additional sign of up to fifty (50) square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Also, directional signs up to four (4) square feet in area and not greater than three (3) feet in height may be permitted at driveways serving the site. Additional directional signs may be placed at locations within the site if necessary for wayfinding and/or traffic safety. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted. Signs shall not be posted more than ten (10) days prior to the opening of the attraction and must be removed within five (5) days of the attraction's closing. Temporary signs erected for Seasonal Retail Sales shall comply with the Lenox Township Sign Ordinance.

q. **Other Conditions.** The Planning Commission may impose other conditions for the special land use approval based upon the uniqueness of the seasonal attraction and/or special consideration regarding the uniqueness of the location of the proposed seasonal attraction.

SECTION 1840. CREMATORIUMS:

Crematoriums may be approved as a permitted use in the Controlled Industrial (IC) Zoning District and as special land use in the Restricted Industrial (IR) Zoning District. When reviewing the application for a crematorium, the Planning Commission shall determine that the application complies with the following factors for approval:

1. Definition:
    A. An enclosed facility wherein human remains are cremated in a cremation retort.
    B. As applied to pets: A dedicated area within a building approved for animal cremation service or an accessory building of an approved animal cremation service wherein animal remains are cremated in a cremation retort.
2. No crematorium shall be located within three hundred (300') feet of any adjacent residentially zoned or used parcel or within one hundred (100') from a parcel zoned or utilized for office or commercial.
3. The crematorium shall emit no visible emissions or odors.
4. Noise emitted from the crematorium shall not exceed maximum sound levels set forth in this Zoning Ordinance.
5. All activity relating to the dead shall be handled discretely and be screened from public view to the maximum extent possible, including delivery and storage of the remains.
6. The crematorium shall not be used for the disposal of any waste materials.
7. Prior to the issuance of a certificate of occupancy for any crematorium, the operator shall provide documentation to the Township that all applicable federal, state and local permits have been obtained and provide to the Township all of the equipment manufacturers' specifications for construction, installation, operation, and maintenance.
8. Crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers' specifications and all applicable federal, state and local permits, as amended. The Township shall have the right to enter and inspect the operations of a crematorium to determine compliance with this provision.

SECTION 1841. FRATERNAL ORGANIZATIONS, LODGE HALLS, AND CLUBS

Non-profit clubs are permitted as a special land use in the AG district, subject to the following standards:

1. The facility shall not be rented for commercial purposes, including, but not limited to receptions, banquets, or parties.
2. No residential facilities of any kind shall be a part of the premises.
3. Off-street parking shall be screened from adjacent residential properties and uses, in compliance with Section 300.
4. Off-street parking and access drives shall be paved.
5. All activities shall be located entirely within a fully enclosed structure, unless otherwise authorized by the Planning Commission as part of the special land use approval.
6. The facility shall not have a liquor license, except that the Planning Commission may approve a facility with an LCC "Club" license provided it shall not be used in violation of item 1 above.

ARTICLE 19
BOARD OF APPEALS

SECTION 1900. BOARD OF APPEALS ESTABLISHED

A Board of Appeals is hereby established in accordance with and pursuant to the provisions of the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended (M.C.L.125.3101 et seq.).

SECTION 1901. MEMBERSHIP OF BOARD OF APPEALS

Said Board shall consist of five members. The first member shall be a member of the Township Planning Commission whose term shall coincide with his appointment to the Planning Commission. One regular member may be a member of the Township Board, whose term shall coincide with his elected term of office. A Township Board member may not serve as the chairperson of the Board of Appeals. The remaining members of the Board shall be selected from the electors of the Township residing outside of incorporated cities and villages, and each shall serve a 3-year term. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so constitutes malfeasance in office.

SECTION 1902. MEETINGS AND RECORDS

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals in its rules of procedure may specify. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. Upon a written request seeking an interpretation of the Zoning Ordinance, an appeal of an administrative decision, or a variance, the Board of Zoning Appeals shall select a reasonable time and place for a hearing of the request. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). For requests for a variance or an interpretation or appeal of an administrative decision which involves a specific parcel, written notice shall also be given by mail or personal delivery to the applicant and owners of the subject property, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Lenox Township. The notice shall describe the nature of the proposed request, state the time and place of the public hearing, indicate when and where written comments will be received, and indicate the property that is subject of the request including a listing of all existing street addresses within the subject property. The Board of Appeals shall maintain a record of its proceedings which shall be filed at the office of the Township Clerk and shall be a public record.

SECTION 1903. POWERS AND DUTIES

The Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps and text, and may fix rules and regulations to govern its procedures sitting as such Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to pass, under the provisions of this Ordinance. The concurring vote of a majority of the members of the said Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. The decision of the Board of Appeals shall set forth specifically the grounds upon which its decision is based. The Board of Appeals shall have the power to permit the erection of a building, or an addition to an existing building, or a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board of Appeals shall find use, height, area, building or structure reasonably necessary for the public convenience and service. The Board of Appeals in deciding on any matter-which they are requested to pass under this Ordinance may establish such reasonable requirements for the development of a structure on such site as will assure reasonable protection to abutting properties and adjacent districts.

SECTION 1904. WHO MAY APPEAL

An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County, or State.

SECTION 1905. TIME AND NOTICE OF APPEAL AND PROCEDURE, FEES

Such appeal shall be taken within, thirty (30) days of the decision by the filing of a notice of appeal with the officer or administrative commission from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof and payment of such fee as may be established by resolution of the Lenox Township Board in those cases thereinafter described. The officer or administrative commission from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the records upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of the Board of Appeals and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

A. The Township Board may by resolution establish a fee to be paid by the person appealing under this Article in all cases, except those cases where a particular use under this Ordinance may be permitted only after approval of the Board of Appeals.

B. The Township Board may, by resolution establish such additional fees as it may deem reasonable to be paid by any person appealing under this Article in the event such appellant shall request a special meeting of the Board of Appeals.

SECTION 1906. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certified to the Board of Appeals, after the Notice of Appeal shall have been filed with him by reason of fact 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. Such restraining order may be granted by the Board of Appeals or by the Circuit Court, on application, on due notice to the officer from whom the appeal is taken and on due cause shown.

SECTION 1907. JURISDICTION

The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done. Nothing herein contained shall be construed to give or grant to the Board of Appeals the authority to make changes in the zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner herein provided by law.

SECTION 1908. RE-REFERRED TO PLANNING COMMISSION

Any matters acted upon by the Zoning Board of Appeals which requires the recommendation of the Planning Commission hereunder, shall be re-referred to the Planning Commission, for informational purposes.

SECTION 1909. APPROVAL OF TEMPORARY STRUCTURES OR USES

The Zoning Board of Appeals may permit temporary structures, signs and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in development sections. The Zoning Board of Appeals may also permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible; uses which do not require the erection of any capital improvement of a structural nature. The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

A. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

B. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

C. All setbacks, land coverage, off-street parking. lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Lenox Township shall be made at the discretion of the Board of Appeals.

D. The use shall be in harmony with the general character of the district.

E. No temporary use permit shall be granted without first giving notice to others of the adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

SECTION 1910. VARIANCES

A. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties, within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provision of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done.

B. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears by the preponderance of the evidence that all the following facts and conditions exist:

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water or topography and is not due to the applicant's personal or economic difficulty.

2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

3. That strict compliance with the regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

6. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.

7. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

8. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

9. That the granting of such variance will not adversely affect the purpose or objectives of the Lenox Township Master Plan.

10. That the granting of such variance or modification will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonable diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

SECTION 1911. ORDINANCE INTERPRETATION

The Zoning Board of Appeals shall be responsible to interpret the provisions or meaning of standards of this Ordinance, upon appeal, in such a way as to carry out the stated intent and the goals of the Zoning Ordinance and Township Master Plan; and to interpret boundaries of the Zoning Map where the actual alignment of streets or natural features used to separate zoning districts varies from the alignment shown on the Zoning Map, or where the zoning district boundary does not follow exact property lines (see Section 202).

SECTION 1912. MISCELLANEOUS

A. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The applicant may petition the Zoning Board of Appeals for a six (6) month extension.

B. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

C. Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court for Macomb County. An appeal shall be filed within 30 days after the Board of Appeals certifies its decision in writing or approves the minutes of its decision.

ARTICLE 20
PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

SECTION 2000. SMOKE

It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to an opacity greater than 20 percent, such measurement being taken as the average over a period of six minutes, as measured by U.S. EPA Method #9.

SECTION 2001. DUST, DIRT AND FLY ASH

No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, methods, device or contrivance to reduce the quantity of gas-borne or air-borne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.

For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

SECTION 2002. ODOR

The emission of obnoxious odors shall be prohibited.

SECTION 2003. GASES

SO^2 gas, as measured at the property line, shall not exceed an average of .3 p.p.m. over a twenty-four (24) hour period; provided however, that a maximum concentration of .5 p.p.m., will be allowed for a one (1) hour period out of a twenty-four (24) hour period: H^2O shall not exceed .1 p.p.m.; fluorine shall not exceed .1 p.p.m.; nitrous fumes shall not exceed .1 p.p.m.; CO shall not exceed 15 p.p.m.

SECTION 2004. AIRBORNE MATTER, GENERAL

In addition to Section 1800 through Section 1803 above, 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 the comfort, repose, health, or safety of persons or which cause injury or damage to business or property.

SECTION 2005. OPEN STORAGE

The open storage of any commercial or industrial equipment, vehicles and all materials including wastes, shall be screened from public view, from adjoining Residential Districts and public streets by an enclosure consisting of a masonry wall or pressure-treated wood fence not less than the height of the equipment, vehicles and all materials to be stored, except as otherwise permitted in this Ordinance.

SECTION 2006. GLARE AND RADIOACTIVE MATERIALS

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste, and including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

SECTION 2007. FIRE AND EXPLOSIVE HAZARDS

A. In the IR and IC Districts the storage, utilization or manufacture of materials or products ranging from noncombustible to moderate burning, as determined by the Fire Chief, is permitted, subject to compliance with all performance standards above mentioned.

B. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:

1. Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having non-combustible exterior walls, which meet the requirements of the Building Code.

2. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures, shall be protected throughout by an automatic sprinkler system complying -with installation standards prescribed by the National Fire Association.

3. The storage and handling of flammable liquids, liquified petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207, of 1941, as amended.

SECTION 2008. NOISE

The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. Within IR Districts sound levels not exceeding 70 decibels may be permitted. Within IC Districts sound levels not exceeding 75 decibels may be permitted.

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

SECTION 2009. VIBRATION

Machines or operations which cause vibration shall be permitted in Industrial Districts, but no operations shall cause a displacement exceeding .003 of one (1) inch as measured at the property line.

SECTION 2010. WATER SUPPLY AND SEWAGE

A. Provision for Safe Supply - Every building hereafter erected, altered, or moved upon any premises and used in whole or in part for human habitation, including buildings to be used for dwelling, business, recreational, commercial, office, industrial or other purposes, shall be provided with a safe, sanitary, and potable water supply. Where a private water supply is proposed, a report on the water quality shall be obtained from the Macomb County Health Department and submitted to Lenox Township. All private water supply wells shall be located on the premises they are intended to serve.

B. Public Water Supply - Where a public water supply is available, every fixture from which water for human consumption can be obtained shall be supplied with water from such supply system, except where private water supply meets the requirements of paragraph A. above.

C. Location of Well - Where a public water supply system is not available, each well utilized for human consumption shall be so located that the area within 50 feet of the casing or suction pipe shall be free from sources of contamination such as soakage pits, seepage pits, cesspools, outhouses, barn yards, septic tanks, drainage fields, and other sources of contamination. (See Section 1823 for High Volume Wells)

D. Macomb County Health Department Certification of Water Supply Well - Prior to the issuance of a building permit for any residence, business, or other occupied structure requiring a water supply facility for human consumption, the applicant shall submit to the Building Inspector evidence that the water supply well meets the water well standards of the Michigan Department of Public Health. Such evidence shall be on the appropriate forms of the Macomb County Health Department. When a water supply is to be installed where the existence of any structure or condition prior to the effective date of this Ordinance prevents full compliance with the provisions thereof, the Macomb County Health Department may approve exceptions in writing which, in its opinion, will not constitute a potential menace to public health.

E. Sewage Disposal - Sewage disposal must meet the requirements and regulations of the Macomb County Health Department. When an approved public sewer becomes available, existing dwelling and habitable buildings shall be connected to same within twelve (12) months after such sewer becomes available for use.

F. Sewage Wastes - All commercial or industrial wastes discharged into the public sewer system must conform with Standards and Regulations controlling such discharges as issued by the City of Detroit and approved or modified by the Macomb County Agent.

SECTION 2011. WASTE AND RUBBISH DUMPING

No garbage, sewage, filth, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored or dumped on any land within Lenox Township in such manner as to constitute a nuisance or create a hazard to health, safety, morals, and general welfare of the citizens of the Township. All waste material, trash and rubbish must be disposed of at least once in each month and in accordance with the laws and ordinances of Lenox Township and provided further, that nothing contained in this Ordinance shall prevent the reasonable use of garbage, fertilizer, manure and similar material for the improvement of land situated within a zone which is being utilized for farming purposes, where such use us not carried on in an unhealthy or unsanitary manner or does not constitute a menace to the health and welfare of the public or a nuisance to the surrounding area; provided, however, that the storing, piling, placing, or dumping of the first above mentioned materials from other than one household shall be deemed to be a commercial operation, whether such operations be carried on for- a profit or not, and in such case shall adhere to the appropriate regulations. (SECTION 1817)

ARTICLE 21
NONCONFORMING LOTS, USES, AND STRUCTURES

SECTION 2100. INTENT

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the 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 diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until the completion of the building involved.

SECTION 2101. NONCONFORMING LOTS

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customarily accessory building may be erected on any single lot conveyed or contracted to be conveyed of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or 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. Yard requirement variances may be applied for through the Board of Appeals.

SECTION 2102. NONCONFORMING USES OF LAND

When, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;

C. If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located; provided that in the case of Mobile Homes not located in a licensed Mobile Home Park this provision shall be applicable only to existing Mobile Homes and their replacement by a different Mobile Home, whether the same owner or not, shall be expressly prohibited.

SECTION 2103. NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its reasonable market value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

C. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 2104. NONCONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, which would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure or structures and premises, may be changed to another nonconforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six consecutive months or for 18 months during any three year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by successive constant seasonal uses shall be excepted from this provision.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 2105. REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty-five (25) percent of the market value at the date of repair, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 2106. USES SUBJECT TO SPECIAL CONDITIONS NOT NONCONFORMING USES

Any use for which a special condition approval is required is permitted as provided in this Ordinance and shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

SECTION 2107. CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

SECTION 2108. CLASSIFICATION OF NONCONFORMING USES

A. Class A and Class B Nonconforming Uses

1. Class A nonconforming uses and structures are those which have been designated by the Zoning Board of Appeals after application by any interested person or the Building Inspector upon findings that (1) continuance thereof would not be contrary to the public health, safety or welfare, (2) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (3) that the use or structure was lawful at the time of its inception, and (4) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

2. All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures.

B. Procedures for Obtaining Class A Designation, Conditions

1. A written application shall be filed with the Township Clerk including the name and address of the applicant, a legal description of the property to which the application pertains and any other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

2. Conditions may be attached, including any time limits, where necessary to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.

3. No vested interest shall arise out of a Class A designation.

C. Revocation of Class A Designation

1. Any Class A designation shall be revoked, following the same procedure required for designation upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

D. Regulations Pertaining to Class A Nonconforming Uses and Structures

1. No Class A nonconforming use of land, buildings or structures shall be resumed if it has been, for any reason discontinued for a continuous period of at least twelve (12) months or if it has been changed to a conforming use for any period.

2. An individual Class A use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the Board of Appeals at the time of its designation.

3. The expansion of all Class A nonconforming uses, except those used as single family dwellings, shall require site plan approval by the Planning Commission prior to the issuance of a building permit. Refer to Section 305 of this Ordinance for site plan review regulations.

E. Regulations Pertaining to Class B Nonconforming Uses and Structures

1. Intent – It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.

2. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least (12) months or if it has been changed to a conforming use for any period.

3. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.

4. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.

5. In the case of soil removal operations, existing holes or open pits may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or open pits shall be established.

6. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

SECTION 2109. RECORD OF NONCONFORMITY

Within six (6) months after the adoption of Section 2108 of this Ordinance, the Building Inspector shall compile a record of all known nonconforming uses and structures existing at the time of adoption of Section 2108 of this Ordinance. Such record shall contain then names and addresses of the owners of record of the nonconforming use, the legal description of the land as contained in the latest assessment roll, and nature and extent of the nonconforming use. Such record shall also contain any information regarding action by the Zoning Board of Appeals for designation of Class A status. The official record of nonconforming uses shall be kept in the office of the Township Clerk.

ARTICLE 22
ADMINISTRATION AND ENFORCEMENT

SECTION 2200. ENFORCEMENT

This Ordinance shall be administered and enforced by the Township Building Inspector, including any of his duly authorized assistants. He is hereby authorized and empowered to issue a stop order and/or revoke the license or permit of any person whom he finds in violation of this Ordinance in any case he may find necessary, where there is imminent peril to the public health, safety, welfare, or morals. Any person aggrieved by such action may appeal to the Township Board in accordance with the following procedure:

A. File a written claim of appeal fifteen (15) days after receipt of such order or revocation with the Township Clerk setting forth therein in reasonable detail the claimed grounds of appeal.

B. The Township Clerk shall when cause the appeal to be placed on the agenda of a regular or special Township Board meeting within thirty-five (35) days after receipt of such claim of appeal.

C. The Township shall conduct a hearing on the claim of appeal at which time the applicant and his attorney, if any, may appear to present his case.

D. The Board shall render its decision on the appeal within fifteen (15) days after the aforesaid hearing.

SECTION 2201. NON-EXCLUSIVENESS OF APPLICATION

No provision of this Ordinance shall in any way relieve any person, firm or corporation of compliance with or adherence to any other Ordinance, regulation or requirement of Lenox Township relative to the use, occupancy, construction, or improvement of lands, buildings, dwellings or structures within the Township not in conflict with provisions of this Ordinance.

SECTION 2202. PLANNING COMMISSION

The Lenox Township Planning Commission as established under Act 168 of the Michigan Public Acts of 1959, as amended, shall perform all of the duties of such commission in accordance with the law in such case made and provided, relating to amendments of this Ordinance, and such other duties as are established in this Ordinance.

In cases where the Planning Commission is required to recommend or approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be effected thereby, of the time and place of any hearing which may be held relative thereto as required under its rule of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance. Where site plan review is required by the Planning Commission under the terms of the Ordinance, a site plan fee may be required to cover the cost of such reviews including planners, engineers and other such professional services in accordance with a schedule of fees as determined by the Township Board.

Any approval given by the Planning Commission, under which premises are not used or work is not started within six (6) months, or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.

SECTION 2203. TOWNSHIP BOARD

The Lenox Township Board as provided by law shall have final authority and responsibility of decision on each and every matter arising under this Ordinance including any amendments hereto.

SECTION 2204. AMENDMENTS

The Township Board may, upon recommendation from the Township Planning Commission amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the sum established by resolution of the Township Board with the Township Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for said change. An owner of land may voluntarily offer in writing and the Township may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

A. Application Procedure

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:

1. Completed application form and fee as established by resolution of the Township Board.

2. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.

3. The name and address of the owner of the subject property and a statement of the applicant's interest in the subject property if not the owner in fee simple title.

4. The existing and proposed zoning district designation of the subject property.

5. A written description of how the requested rezoning meets 2204.D. "Criteria for Amendment of the Official Zoning Map".

6. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form. Conditional rezoning requests shall include the applicant's proposed offer of conditions.

B. Amendment Procedure; Public Hearing and Notice

1. A mandatory Pre-application conference with Planning Commission officials and or staff or consultants designated by the Township for that purpose is required prior to the formal submission of a request for a conditional rezoning. The conference provides an opportunity to informally discuss the rezoning and voluntary conditions proposed as well as other applicable Township development procedures such as site plan review, special land use review and variances. The pre-application conference will allow the applicant and the Township to identify key issues associated with the request at the earliest possible stage.

2. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district affected, that registers its name and mailing address with the Township Clerk for the purpose of receiving such public notice. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.) and shall describe the nature of the proposed amendment, state the time and place of the public hearing, and indicate when and where written comments will be received. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, notice shall also be given by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Lenox Township. The notice shall indicate the property that is the subject of the request including a listing of all existing street addresses within the subject property.

3. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map, the Planning Commission shall consider the criteria contained in 2204.D in making its finding(s) and recommendation.

4. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in 2204.D, below.

5. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An owner may withdraw all or part of its offer of conditions at 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 to the Planning Commission for a new public hearing with appropriate notice and a new recommendation. The applicant may offer to add more restrictive conditions prior to Township Board consideration without requiring a new public hearing.

C. Amendments Required to Conform 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 published, without necessity of a public hearing or referral thereof to any other board or agency.

D. Criteria for Amendment of the Official Zoning Map

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

1. Consistency with the goals, policies and future land use map of the Lenox Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

3. Information that the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

5. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

7. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.

8. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.

9. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the township's perspective than another zoning district.

10. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?

11. The requested rezoning will not create an isolated and unplanned spot zone.

12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

13. An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.

14. Other factors deemed appropriate by the Planning Commission and Township Board.

E. Criteria for Amendments to Zoning Ordinance Text

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

1. The proposed amendment would correct an error in the Ordinance.
2. The proposed amendment would clarify the intent of the Ordinance.
3. Documentation has been provided from Township Staff or the Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
4. The proposed amendment would address changes to State legislation.
5. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
6. The proposed amendment would promote compliance with changes in other Township Ordinances and County, State or Federal regulations.
7. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

8. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan and Sub-Area Plans, and enhance the overall quality of life in Lenox Township.

F. Approval of Zoning Amendments

Approved amendments shall require the following:

1. Publication of a notice of adoption in a newspaper of general circulation in the Township within fifteen (15) days of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). The notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. The notice shall also include the effective date of the amendment and the place and time when a copy of the amendment may be purchased or inspected. All zoning amendments, text or district changes (rezoning) shall take effect 7 days after publication of the notice of adoption.

2. The Zoning Text and or Map shall be amended to reflect the new zoning classification or language. Map amendments for conditional rezonings should include a designation identifying that the property is subject to a Statement of Conditions.

3. Conditional rezonings shall require the submittal of a formal written Statement of Conditions which shall be incorporated by attachment as an inseparable part of the ordinance adopted by the Township Board. The Statement of Conditions shall:

   a. Be in a form recordable with the Macomb County Register of Deeds and include a statement acknowledging that it is recorded.

   b. Contain a legal description of the land to which it pertains.

   c. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.

   d. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions.

e. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

f. Specify that failure to comply with any of the conditions set forth in the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly.

g. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.

4. The approved Statement of Conditions shall be filed by the Township Clerk with the Macomb County Register of Deeds. The Township Board shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

G. Effect of Conditional Rezoning

The following provisions shall apply to approved conditional rezonings:

1. Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and / or use of land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and or use of will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

2. Reversion of Zoning

If approved development and / or use of the rezoned land does not occur within the time frame specified under 2204.G.1 above, then the land shall revert to its former zoning classification as set forth in Section 405(2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.

3. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 2204.G.2 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Macomb County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

4. Amendment of Conditions

a. During the time period for commencement of an approved development or use specified pursuant to Section 2204.G.1 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

b. The Statement of Conditions may be amended thereafter in the same manner as set forth in Section 2204.B.5 of this Ordinance.

5. Township Right to Rezone

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.).

SECTION 2205. DUTIES OF BUILDING INSPECTOR

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail, to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Ordinance:

A. The actual, shape, location, and dimensions of the lot.

B. The shape, size, and location of all building or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.

C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

D. The signature of the fee holder owner of the premises concerned.

E. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application is in conformity with the provisions of this Ordinance, the Building Inspector shall issue a zoning compliance permit.

Whenever an application for a building permit and/or zoning compliance permit indicates the necessity for construction of a sewage disposal system and/or water well system on the premises, the Building Inspector shall not issue such permit unless the Macomb County Health Department has approved a septic system permit for the proposed on-site facilities and has tested the quality of the on-site water supply well as required by this Ordinance.

The Building Inspector is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use either buildings, structures or land within the Township.

The Building Inspector shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

SECTION 2206. PERMITS.

The following shall apply in the issuance of any permit:

A. Permits Required. It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Zoning Compliance Permit and a Building Permit from the Building Inspector. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code.

No plumbing, electrical, drainage or other permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance. "Alteration" or "repair" of an existing building or structure, shall not include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, of this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

B. Permits for New Use of Land. A Zoning Compliance Permit shall also be obtained for the new use of land, whether presently vacant or a change in said use is proposed.

C. Permits for New Use of Buildings or Structures. A Zoning Compliance Permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

D. The Building Inspector may issue a permit for the temporary placement of a travel trailer or similar recreational vehicle, licensable under the Michigan Motor Vehicle Code, for use as temporary living quarters during the actual construction of a single family dwelling, subject to the following:

1. The initial permit period shall not exceed six (6) months and shall be concurrent with a valid building permit. Not more than two (2) extensions not to exceed three (3) months each, may be granted where substantial progress toward completion of the permanent dwelling is being demonstrated.
2. The maximum length of any trailer or similar unit permitted hereunder shall be thirty- five (35) feet.
3. A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to insure removal of the trailer unit upon expiration of the temporary permit.

E. In the event of total loss of a dwelling due to fire, tornado, or similar natural disaster, the Building Inspector may approve the temporary placement of a mobile home on the owner's property for use as a residence while the dwelling is being rebuilt or replaced, subject to the following:

1. A building permit for repair or replacement of the permanent residence must be obtained prior to placement of the temporary unit.

2. The initial permit period for the temporary residence shall not exceed six (6) months and not more than two (2) extensions of three (3) months each may be granted by the Building Inspector

3. A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to insure removal of the temporary dwelling unit upon expiration of the temporary permit.

F. Wetlands Permit for All Land Uses. "The owner of land affected by wetlands intending to use the same for any purpose authorized by this Ordinance shall furnish the Township Building Department with a wetlands permit issued by the Michigan Department of Natural Resources pursuant to Act 203, Public Acts of 1979, as amended, as a precondition for said use."

G. Expiration of Building Permit

1. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire, except as otherwise provided herein; it shall be canceled by the Building Inspector; and written notice thereof shall be given to the persons affected at the address provided on the permit application.

2. Once begun, if the work described in any building permit has not been completed within one (1) year from the date of issuance thereof, said permit shall expire unless it is renewed. The Building Inspector may reissue said permit for a second period of one (1) year at the cost of 1/2 the original permit fee. The renewal permit will expire at the end of one (1) year having allowed a total of two (2) years for final construction of the work described in the original permit.

3. At the end of two (2) years from the date of issuance of the original building permit, the reissued permit shall expire and the Building Inspector will notify the permit holder in writing of said expiration at the address provided on the permit application. No further work may be undertaken and all monies (financial guarantees, performance bonds, plan review fees, and permit fees) shall be forfeited. To undertake any additional work after this period, a new application, permit, and fees shall be required.

SECTION 2207. CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, building, or structure for which a Building Permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

A. Certificate Validity. The Certificate of Occupancy, as required for new construction of, or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.

B. Temporary Certificates. Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy, and provided further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.

C. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector, and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

D. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather, may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

E. Application for Certificates. Certificates of Occupancy shall be applied for in writing to the Building Inspector coincidentally with application for building permits and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the Provisions of this Ordinance. If such Certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

SECTION 2208. FINAL INSPECTION

The recipient of any Building Permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 2209. FEES

Fees for Inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Treasurer in advance of the issuance of such permits or certificates. Before any permit shall be issued under this Ordinance, an inspection fee shall be paid in an amount fixed by a schedule established by resolution of the Township Board.

SECTION 2210. VIOLATIONS AND PENALTIES

Any violations of any of the provisions of this Ordinance shall constitute a misdemeanor. Each day that a violation is permitted to exist or does in fact exist, shall constitute a separate offense. Any person, first or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding five hundred ($500.00) dollars or ninety (90) days in jail, or both, in the discretion of the court.

SECTION 2211. NUISANCE AND ABATEMENT THEREOF

Use of land and dwellings, buildings or structures, including tents and mobile homes, used, erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se and may be abated by order of a court of competent jurisdiction.

ARTICLE 23
RESERVED FOR FUTURE USE

ARTICLE 24. DEFINITIONS

SECTION 2400. DEFINITIONS

For the purpose of this Ordinance certain terms, words and phrases shall, whenever used in this Ordinance, have the meaning herewith defined as follows:

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended, "designed," or "arranged to be used or occupied", the word "building" includes the word "structure," and the word "dwelling" includes the word "residence," the word "lot" includes the words "plot" or "parcel".

Terms not herein defined shall have the meaning customarily assigned to them.

Accessory Building: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

Accessory Sign: See Sign.

Accessory Use: A use subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.

Agricultural Land: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Agriculture: Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry; and other similar enterprises, or uses, but no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for landfills or yard waste composting; or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of persons residing on the premises.

Airport: An airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under section 151 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151.

Airport Approach or Layout Plan: A plan or amendment to a plan, filed with the Zoning Commission under section 151 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151.

Airport Manager: That term as defined in section 10 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151.

Airport Zoning Regulations: Means airport zoning regulations under the Airport Zoning Act, 1950 (Ex Sess) PA 23 MCL 259.431 to 259.465, for an airport hazard area that lies in whole or in part in the area affected by a zoning ordinance under this act.

Alley: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns. beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Animal Definitions:

Domestic Pet. Animals which are ordinary household pets such as dogs or cats and which are kept for pleasure.

Exotic or Wild Animal. Any animal not defined as a farm animal or domestic pet which is not native to Southeast Michigan nor commonly found in the wild in Southeast Michigan.

Farm Animal. Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals, including but not limited to mink.

Hobby Farm. A farm which is limited in scale, operated on a part time basis primarily for pleasure.

Kennel, Commercial. Any lot or premises on which three (3) or more dogs or domesticated animals, not owned by the proprietor, are either permanently or temporarily boarded.

Kennel, Private. Any lot or premises on which four (4) or more dogs or domesticated animals over the age of one (1) year, owned by the proprietor, are housed.

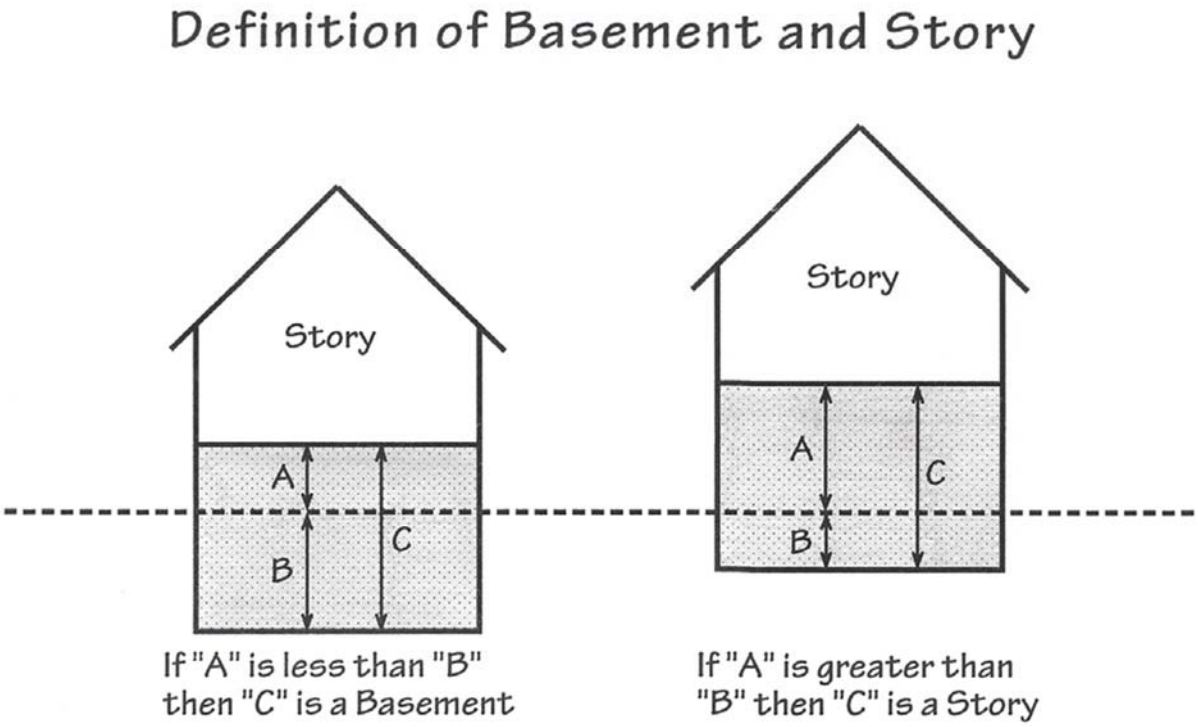
Apartments: The term "Apartments" shall mean the dwelling units in a multiple dwelling as defined herein.

Automobile Repair Garage: A place where, along with the normal activities of an automobile service station. The following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile Service Center: A place where gasoline (stored in underground tanks only), kerosene, motor oil and lubricants and -grease are retailed directly to the public on the premises. Also minor accessories and services such as shock absorbers, brake lining, muffler installations and the like are a principal part of the operation. Quick oil change stations shall be defined under this classification.

Automobile Gas and Service Station: A place where gasoline (stored only in underground tanks) kerosene or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to public on premises, including sale of minor accessories and services for automobiles.

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.



Bed & Breakfast Inn: An owner-occupied, single-family dwelling with not more than five (5) guest rooms in which the owner/operator provides overnight accommodations to guests in return for payment, and without kitchen facilities for serving or preparing meals for the overnight guests which are separate from those for the residence.

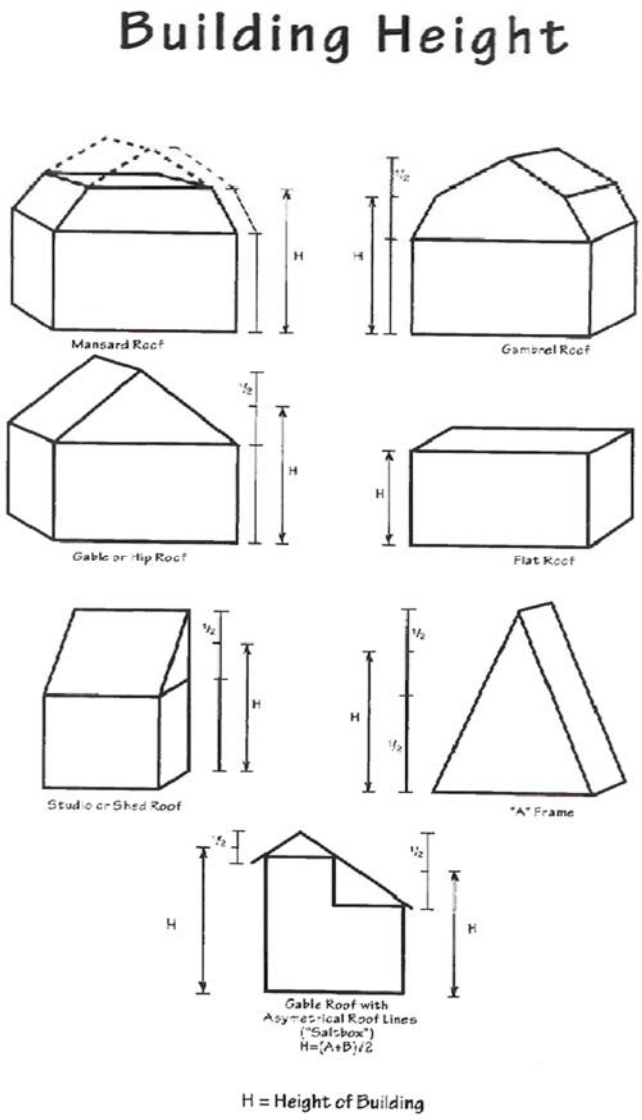
Billboard: See sign, non-accessory

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barriers to the continuity of development.

Board: The Lenox Township Board of Trustees.

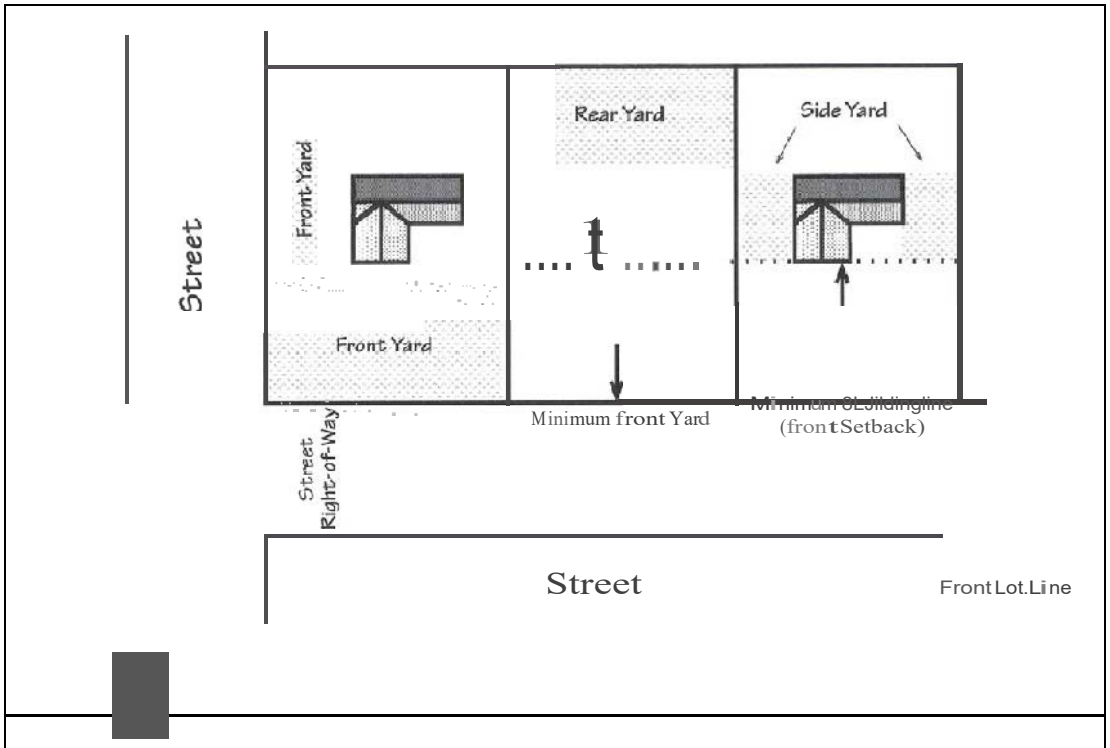
Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

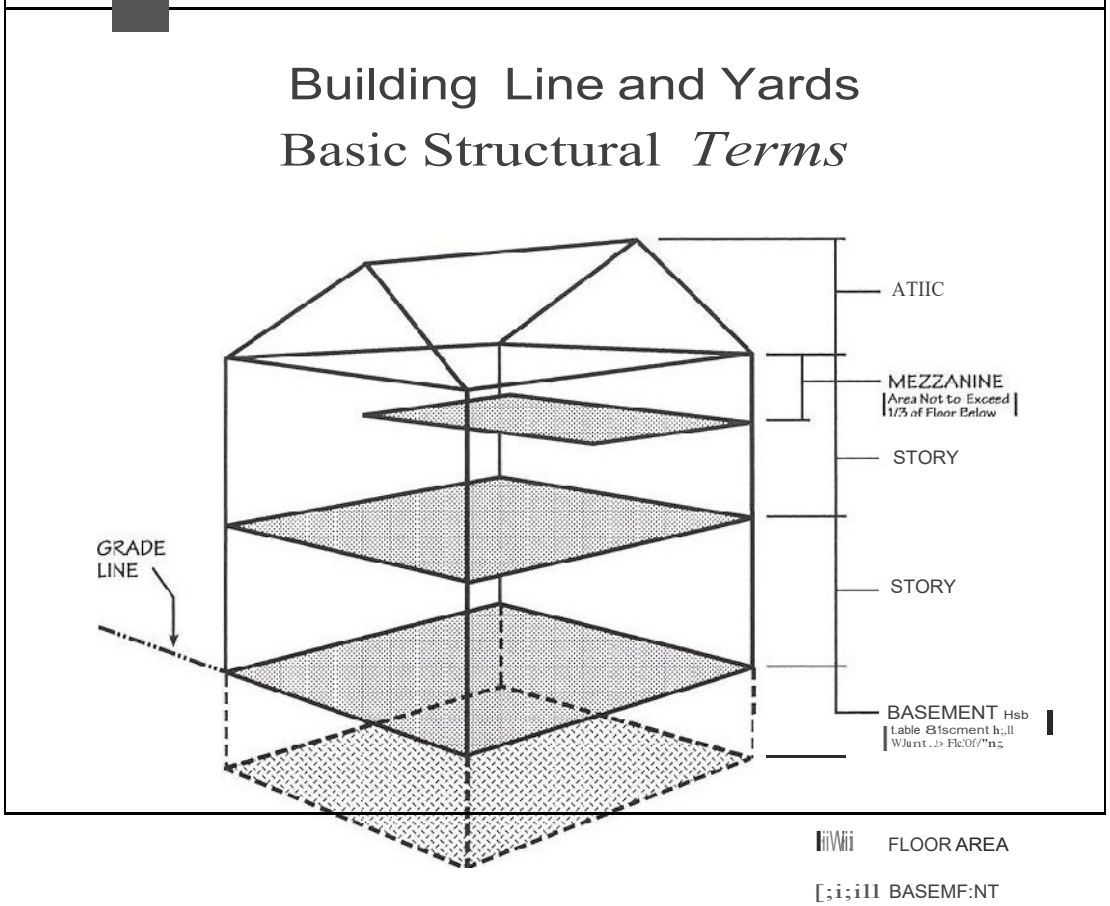
Building Height: The vertical distance measured from the grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs, or to a point equivalent to the foregoing on any other roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



Building Inspector: The Building Official of Lenox Township and any of his inspectors or assistants.

Building Line: A line formed by the face of the building, and for the purpose of this Ordinance, a minimum building line is the same as a front setback line.





Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

Canopy: A structure other than an awning made of cloth, metal, or material frames affixed to a building and carried by a frame which is supported by the ground.

Changeable Copy Sign (automatic): A permanently-installed sign on which the copy changes automatically on a lamp bank or through mechanical means, e. g., electrical or electronic time units.

Changeable Copy Sign (manual): A permanently- installed sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Clinic: An institution providing diagnostic, therapeutic, or -preventive out-patient treatment by a group of doctors in the same building.

Condominium Subdivision (Site Condominium) building site: That area containing the limited common elements together with its condominium unit and together shall equate to the requirements of a lot and a lot's required elements as contained in the Township's Zoning Ordinance.

Condominium Project: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of 1978) A condominium project may consist of multi-family structures (traditional) or single family homes (site condominium), or non-residential structures (non-residential site condominium).

Convalescent or Nursing Home: A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under State Law even though State Law has different size regulations.

Density: The number of families residing on, or dwelling units developed on, an acre of land. As used in this Ordinance, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, school yards, or other public lands and open spaces.

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Display Surface Area, Sign: The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and definitions; provided, however, "display surface area" shall not include the structural supports for free standing signs; provided further, that only one face of a double-faced sign as defined shall be considered in determining the display surface area.

District: A portion of the Township within which certain regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, regardless of whether self-servicing is involved.

Dwelling Unit: A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, Multiple-Family: A building, or portion thereof, designed for occupancy be three (3) or more families living independently of each other.

Dwelling, One-Family: A building designed exclusively for occupancy by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, living independently of each other.

Dwelling, Pre-manufactured or Modular Homes: A detached one-family dwelling constructed according to special rules promulgated by the state construction code commission exclusively designed for placement on a permanent foundation and assembled at other than the final location by a repetitive process generally recognized as systems or component building and under circumstances intended to insure uniformity of quality and material content. The term does not include a mobile home although a pre-manufactured or modular home commonly arrives at final location by some method of transport from location of assembly.

Earth-Sheltered Building: A building where a significant portion of the walls and for roof are covered with earth, that is specifically designed and constructed to meet the requirements of this Ordinance and the building code for minimum floor area, light and ventilation, emergency egress, waterproofing, and similar requirements, and approved by the Building Inspector.

Efficiency Unit: An efficiency unit is a dwelling unit consisting of one room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and twenty (320) square feet of floor area.

Erected: Build, constructed, altered, reconstructed, moved upon, or any-physical operation on the premises which are required for the construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Any breaking of ground except common household gardening and ground care incidental to maintaining and improving residential landscaping.

Exception: A use specified in this Ordinance which may be permitted in a specific use district provided that special conditions are met. The exceptions are generally found as "Principal Uses permitted Subject to Special Conditions" and "Uses Not Otherwise Allowed within a Specific Use District." Such uses are generally characterized by one or more of the following: infrequency, require large areas, generate large traffic volumes, obnoxious or hazardous.

Family: An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration.

Family Day Care Home: Family Day Care Home: A private residence licensed in accordance with the Child Care Organizations Act, MCLA 722.111 et seq., to provide care, protection, and supervision for six or fewer unrelated minor children under the age of 18. Children receive care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian for more than 4 weeks during a calendar year.

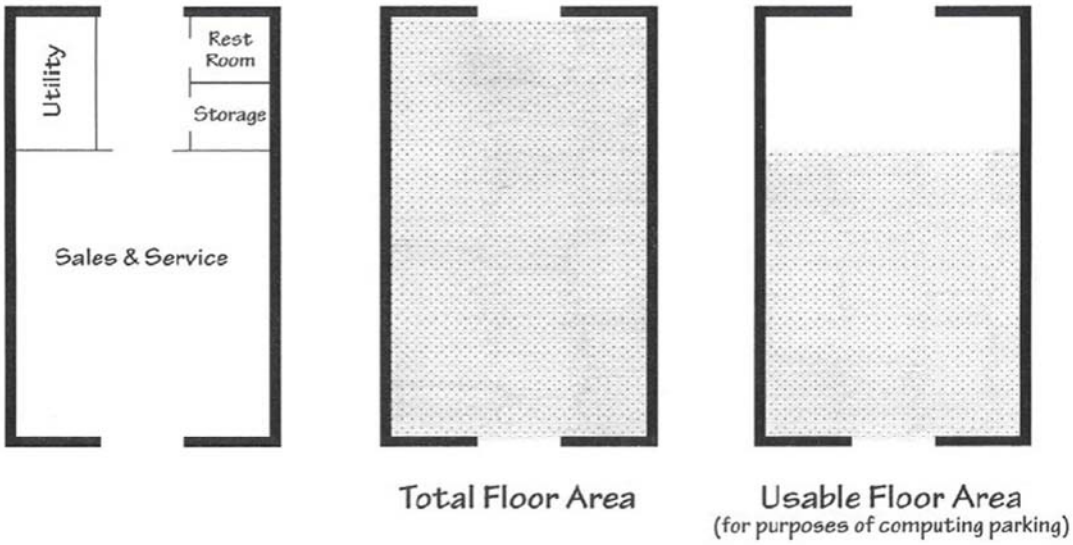
Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, riding or boarding stables, commercial dog kennels, stone quarries or gravel or sand pits, shall not be considered a farm hereunder unless combined with bona fide farm operation on the same continuous tract of land of not less than twenty (20) acres. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for landfill or yard waste composting, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.

Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities, but shall not include buildings for landfills or yard waste composting operations.

Filling: Is the depositing or dumping of any matter onto, or into the ground, except common household gardening and ground care.

Flashing Sign: An illumination sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by the intermittent lighting shall be deemed to be a flashing sign.

Floor Area: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, is the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, utility rooms, and enclosed and unenclosed porches.



Floor Area

Garage, Commercial: Any premises except those described as a - private, community or storage garage, available to the public used principally for the storage of automobiles, or motor-driven vehicles, for remuneration, hire or sale. Where any such vehicle or engines may also be equipped for operation, repaired, rebuilt or reconstructed, and where vehicles may be greased, washed or serviced.

Garage, Private: An accessory building, attached or detached for parking or storage of not more than that number of vehicles as may be required in connection with the permitted use of the principal building.

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 entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt: A strip of land of definite width and location reserved for planting of shrubs and/or trees to serve as an obscuring screen or buffer in carrying out the requirements of this Ordinance.

Group Child Care Center: A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice a week to more than 12 children, including children of the adult provider.

Group Day Care Home: Private residential homes in which between 7 and 12 minor children are given care and supervision. There must be 1 adult for every 6 children present. Such facilities must be licensed in accordance with the Child Care Organizations Act MCLA 722.111 et seq.

Hazardous Materials: See Hazardous Substance

Hazardous Substance: Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance as hazardous substances.

Home Occupation: Any occupation, business, personal or professional service customarily engaged in by residents in their dwelling, (not including breezeway or garage, attached or detached, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, is not offensive and does not change the residential character thereof. (See Section 329 for Regulations Pertaining To Home Occupations). (Amended 11-4-96)

Lot: A parcel of land.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and tangents to the curve, at the two points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than one hundred thirty five (135) degrees. All sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

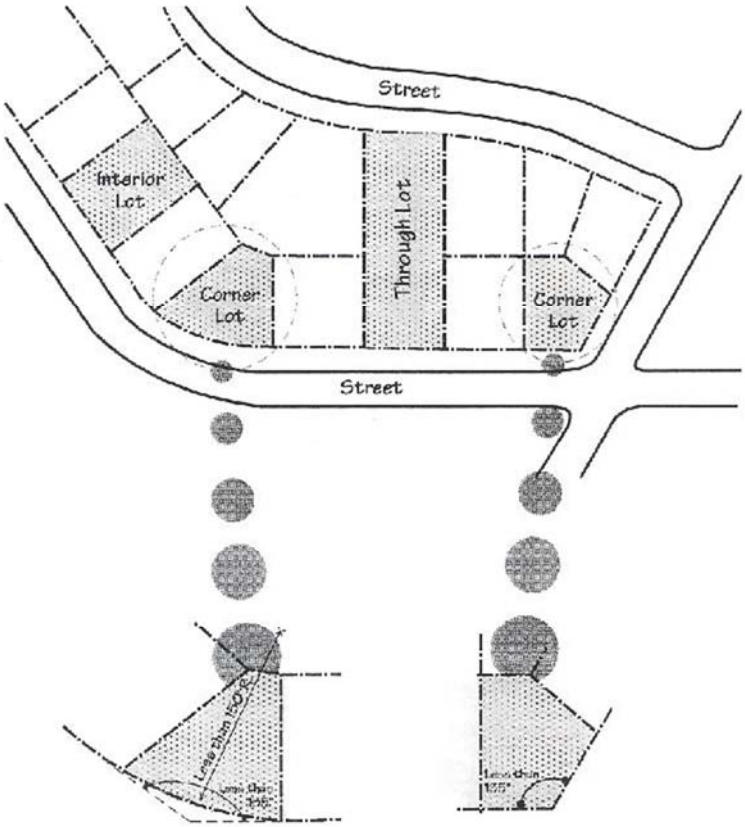
Lot, Coverage: That part or percent of the lot occupied by buildings, including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Double Frontage: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to street shall be considered frontage, and front yards shall be provided as required.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein:



Interior, Through and Corner Lots

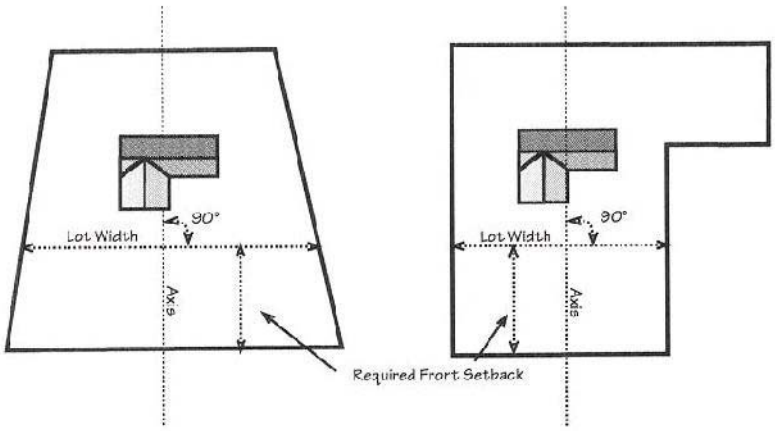
A. Front Lot Line: In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, both lot lines abutting on streets shall be treated as front lot lines. In the case of a double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a building permit.

B. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

C. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds, or any parcel which has been separated there from in accordance with the provisions of the Subdivision Control Act and which exists as described. A lot of record must front a public street which is dedicated for access as a public street, or upon an approved private road.

Lot Width: If the side property lines are parallel, the width of the lot shall be the shortest distance between these side lines. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. If the lot is a flag lot or has some other abrupt change in side lot lines, the axis shall be determined by the Planning Commission following the concepts in the two sketches below. (Amended 2-6-95)



Lot Width

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major Thoroughfare: An arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond, and may be designated as a major thoroughfare parkway, freeway, expressway, or equivalent terms to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of one hundred twenty (120) feet or greater shall be considered a major thoroughfare.

Marginal Access Road: A service roadway parallel to a major thoroughfare which provides access to abutting properties and protection from through traffic.

Master Plan: The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and amendments to such plan or parts thereof. Such plan or part thereof may or may not be adopted by the Planning Commission and/or Township Board.

Medical Marijuana Dispensary Compassion Center or similar operation for the consumption of medicinal marijuana is: any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at the location where the medical marijuana is grown, cultivated or possessed or any facility or location where medical marijuana is grown, processed, or possessed or where a means is provided for the purpose of distributing or facilitating the distribution of medical marijuana to more than five (5) qualified patients.

Mezzanine: An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one third (1/3) of the floor area of such main story.

Mobile Home - (including house trailer): Any vehicle designed, used or so constructed and licensed as a conveyances upon the public streets or highways and so constructed as to permit its occupancy as a dwelling or sleeping place for one or more persons, and having no foundations other than wheels, jacks, or skirting, so arranged as to be integral with, or portable by, said house trailer. This shall also include any enclosure which may be placed on a vehicle, uses said vehicle as its foundation, and which has no wheels as an integral part of said mobile home dwelling unit.

Mobile Home Park - (including trailer camp or park): Any premises designed to be occupied by more than one mobile home or house trailer to serve for dwelling or sleeping purposes of families.

Motel: A series of attached, semi-detached or detached rental units containing bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Municipality: Lenox Township.

Nonconforming Building: A building or portion thereof existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of this Ordinance relative to height, bulk, area, or yards for the district in which it is located.

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nursing or Convalescent Home: See Convalescent Home.

Nursery, Plant Materials: 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 or preclude, any space, building or structures used for the sale of fruits, vegetables or Christmas trees.

Off-Street Parking Lot and/or Parking Area: A facility other than for single family dwellings 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) vehicles.

Open Front Store: A business establishment so developed that service to the patron may extend beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

Parking Space: An area of definite length and width, exclusive of drives, aisles or entrances giving access then accessible for the storage or parking of permitted vehicles.

Place of Worship, Large-Scale. A use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities. Large places of worship have planned capacity greater than 400 individuals and may include ancillary facilities such as day cares.

Place of Worship, Neighborhood. A use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities. Neighborhood places of worship have planned capacities of 400 individuals or fewer.

Planned Shopping Center: A business development of three (3) acres or more characterized by a unified grouping of retail outlets served by a common circulation and parking system.

Planning Commission: The Lenox Township Planning Commission.

Public Utility: Any persons, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Portable Sign: Any sign that is designed to be transported, including but not limited to sign: with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to "A" or "T" frame signs; attached temporarily or permanently to the ground, a structure, or other signs; mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business;. menu and sandwich board signs; search light stands; and inflatable balloons or umbrellas used for advertising.

Premises: An area of land within the care, custody and control of an owner or tenant.

Quarry: Any tract or parcel of land or part thereof used for the purpose of searching for, or the extraction

of, stone, gravel, marl, sand, peat, topsoil or similar materials, including stripping and pit operations.

Residential Accessory Occupation: Any occupation, business, personal or professional service customarily engaged in by residents at their place of residence for dwelling purposes, that cannot be conducted within the dwelling itself but occupies a portion of an accessory building.(See Section 1821 for regulations pertaining to Res. Accessory. Occupation.). (Amended 11-4-96)

Seasonal Outdoor Sales – For the purposes of this ordinance, seasonal outdoor sales are small seasonal establishments, including but not limited to Christmas tree sales, pumpkin patches, and fireworks tents. Seasonal outdoor sales establishments may include:

1. Temporary structures that do not require foundations, heating systems, sanitary connections, or other structural capital improvements to the property.
2. Outdoor display of goods for sale.

Seasonal Attractions – For the purposes of this ordinance, seasonal attractions are large seasonal businesses that draw visitors to the area, including but not limited to haunted houses, corn mazes, outdoor concerts, fairs, carnivals and the like.

Secondary Thoroughfare: A road similar to a major thoroughfare in that it may carry large volumes of traffic except that it functions as a feeder route to or between major thoroughfares.

Setback: The distance required to comply with front, side, or rear yard open space provisions of this Ordinance.

Sign: The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed outdoors in view of the general public; in addition, any of the above which is not placed outdoors, but which is placed near or attached to a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to the general public shall be considered a sign within the meaning of this ordinance.

A. Accessory Signs: A sign which is accessory to the principal use of the premises.

B. Non-accessory Sign: A sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the non-accessory sign is located.

C. Temporary Sign: A non-permanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time.

Sign, Off-site: See non-accessory sign.

Solar Energy System, Large: “Large solar energy system” shall mean a utility-scale solar energy conversion system consisting of many ground–mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 10 acres of land, and that will be used to produce utility power to off-site customers.

Solar Energy System, Medium: "Medium solar energy system" shall mean a private on-site or utility-scale solar energy conversion system consisting of many ground–mounted solar arrays in rows or roof-panels, and associated control or conversion electronics, occupying more than one-half acre and no more than 10 acres of land, and that will be used to produce utility power to on-site uses and off-site customers.

Solar Energy System, Small: "Small solar energy system" shall mean a single residential or small business-scale solar energy conversion system consisting of roof panels, ground–mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than one-half acre of land, and that will be used to produce utility power primarily to on-site users or customers.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, or Act No. 116 of the Public Acts of 1973, which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care. This shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below and the height above at least two hundred (200) square feet of floor space is seven feet six inches (7'-6").

Street: A public thoroughfare which affords the principal means of access to abutting property. Access to property by means of private drive, private roadways or other vehicular access ways (such as private drives in multiple family developments) and where maintenance is provided by other than the public at large shall not be considered streets under this definition.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Swimming Pool: Any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than thirty-six (36) inches.

Temporary Use or Building: A use or building permitted to exist for a limited period of time.

Usable Floor Area: For the purposes of computing parking requirements, that area used, or intended to be used, for the sale of merchandise, services, or to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. For those uses not enclosed within a building, the area used for sales, display, or service shall be measured to determine equivalent usable floor area.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Wall: An obscuring structure of definite height and location to serve as an obscuring or protective screen in carrying out the requirements of this Ordinance.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

A. contiguous to an inland lake or pond, or a river or stream; or

B. not contiguous to an inland lake or pond or a river or stream and more than 5 acres in size; or

C. not contiguous to an inland lake or pond or a river or stream and 5 acres of less in area if the Michigan Department of Natural Resources has determined that protection of the area is essential to the preservation of the natural resources of the State from pollution, impairment, or destruction, and the Department has so notified the owner; or

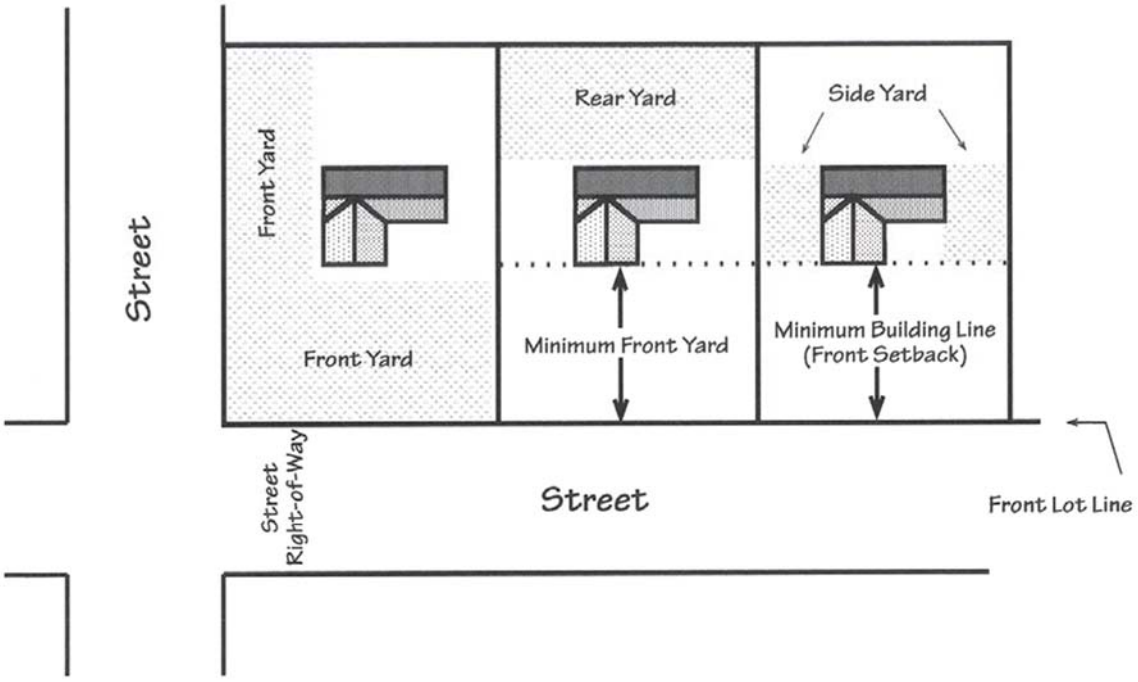
D. all lands identified as 'wetland' as part of the National Wetlands Inventory Maps, United States Department of Interior, Fish and Wildlife Service, prepared by the Office of Biological Services, for the Richmond, Adair, New Haven and New Baltimore quadrangles, Macomb County, Michigan.

Yard: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

B. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.

C. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



Building Line and Yards

Yard, Non-required: Yard in excess of the yard required herein.

Yard, Required: The minimum yard as required herein.

Zoning Board: Shall mean the Lenox Township Zoning Board of Appeals.