

Special Use Provisions

Sec. 38-36 Special use authorization.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

- (a) Where special use authorization is required by a provision of this chapter, a site plan, which is in accordance with the requirements of Division 3 of this chapter, ~~may~~ **shall** be required by the ~~body or official charged with~~ **Planning Commission when** reviewing ~~and approving~~ the special use.
- (b) Application for special use authorization shall be made on forms therefor provided by the Township and shall include such supporting materials as are reasonably necessary to evaluate the application. Notification of receipt of a request for special use authorization shall be given as required by the **Michigan Zoning Enabling Act, PA 110 of 2006, as amended**. A public hearing, with notice thereon as required by the **Michigan Zoning Enabling Act**, shall be held ~~at by the initiative of the body or official charged with approving the special use~~ **Planning Commission**, ~~or when such a hearing is requested by the applicant for special use authorization, or a property owner, or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.~~
- (c) The ~~body or official charged with reviewing and approving the special use~~ **Planning Commission** may deny, approve, or approve with conditions the special use request. The decision on a special use shall be incorporated in a written statement containing the conclusions relative to the special use under consideration that specifies the basis of the decision and any conditions imposed in conformance with the provisions of the **Michigan Zoning Enabling Act** that are determined to be necessary or appropriate.
- (d) ~~Where the provisions of this chapter require that an application for special use authorization be submitted to the Zoning Administrator for review and approval, the Zoning Administrator may, in his discretion, decline to decide such matter and refer decision thereon to the Planning Commission. When the Zoning Administrator does not refer the decision but denies the special use request, the applicant may resubmit his application for special use authorization without prejudice to the Planning Commission.~~

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and with respect to any additional standards set forth in the zoning districts and general provisions herein. The Planning Commission shall find adequate evidence showing that the proposed use on the proposed lot generally satisfies the following:

1. Will be harmonious, and in accordance with objectives, intent, and purposes of this Ordinance;
2. Will be compatible with the natural environment and existing and future land uses in the vicinity;

3. Will be compatible with the Township Master Plan;
4. Will be served adequately by essential public facilities and services, such as but not limited to highways, streets, police and fire protection, drainageways and structures, and refuse disposal, unless the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service;
5. Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare; and
6. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Special Use References to the Zoning Administrator

Sec. 38-66 Jurisdiction and powers.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-56, eff. 8-22-2006]

The Zoning Board of Appeals shall have all powers and jurisdiction granted by the Zoning Act, all powers and jurisdiction prescribed in other articles of this chapter and the following specific powers and jurisdiction:

- (1) The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official or body charged with enforcement of this division, excluding, however, decisions regarding the authorization of special uses and planned unit developments which are made by the ~~Zoning Administrator~~, Township Board or Planning Commission.

Site Plan (Division 3) Provisions

Sec. 38-103 Standards.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

In addition to any standards or requirements specified in other sections of this chapter which are relevant to the project for which site plan approval is sought, the following standards shall be considered in reviewing and approving site plans:

- (1) The applicant may legally apply for site plan review.
- (2) All required information has been provided.
- (3) The proposed development conforms to all regulations of the zoning district in which it is located.
- (4) The adequacy of streets, alleys, parking areas, loading zones, sidewalks, drainage, water and sewer lines, and traffic control for the proposed use, building, or structure; and
- (5) The adequacy of protection afforded lands and the surrounding neighborhood from adverse impact.
- (6) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- (7) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- (8) Natural resources will be preserved to and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.
- (9) The proposed development will not cause soil erosion or sedimentation problems.
- (10) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (11) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
- (12) The plan meets the specifications of Park Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
- (13) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.

- (14) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township Fire Department.
- (15) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- (16) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- (17) All lighting shall meet the requirements of Section 38-488(b) and be shielded from any public right-of-way.
- (18) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- (19) Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted.

Sec. 38-107 Expiration of approval.

Approval of a final site plan will expire and be of no effect unless a building permit has been issued within one (1) year of the date of the site plan approval. Extensions beyond the expiration date may be permitted by the Planning Commission provided the total extended time does not exceed one (1) year.

Sec. 38-108 Amendments to approved site plan.

A site plan may be amended upon application and in accordance with the procedures and requirements provided in Section 38-102 herein. Minor changes to a site plan may be made without following the procedures of Section 38-102 at the discretion of the Zoning Administrator. Minor changes include, but are not necessarily limited to, the reorientation of landscaping, modifications to dumpster enclosure materials and/or location, an increase in the number of parking spaces not requiring an alteration to the parking surface, the reduction of the size of any building, or other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to not adversely affect the initial basis for granting approval. In the event the Zoning Administrator determines a change is major or cannot reasonably conclude that the changes will not adversely affect the initial basis for granting approval, the request for change shall be forwarded to the

Planning Commission. The Zoning Administrator or Planning Commission may require, in case of minor changes to an approved site plan, that a revised site plan drawing(s) be submitted showing such minor changes for purposes of record.

Sec. 38-109 through Sec. 38-125. (Reserved)

Special Use References to the Zoning Administrator

Sec. 38-214 Use regulations.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-6, eff. 9-7-1978; Ord. No. Z-12, eff. 12-4-1980; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-23, eff. 7-17-1989; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-61, eff. 7-9-2009]

Land, buildings or structures in the R-1 rural estate district may be used for the following purposes only:

- (7) Roadside stands when authorized as a special use ~~by the Zoning Administrator. The Zoning Administrator may, in his discretion, decline to decide such matter and refer the decision thereon to the Planning Commission.~~ The same standards as are provided in 38-184(10) shall be considered.

Floodplain Setback Removal

Division 5

R-3 Low Density Single-Family Residence District

Sec. 38-276. Area regulations.

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements:

- (1) Front yard. There shall be a front yard of not less than 40 feet.
- (2) Side yard. No side yard shall be less than 10 feet.
- (3) Rear yard. There shall be a rear yard of not less than 50 feet.; ~~provided, however, that in the case of lakefront lots, the distance will be measured to the 100 year elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency.~~

- (4) Lot area and width. The minimum lot area and width for residential uses shall be 15,000 square feet and 90 feet respectively. The minimum lot area for all other permitted uses shall be 15,000 square feet.

Division 6

R-4 Medium Density Single- and Two-Family Residence District

Sec. 38-306. Area regulations.

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements.

- (1) Front yard. There shall be a front yard of not less than 40 feet.
- (2) Side yard. There shall be total side yards of not less than 20 feet; provided, however, that no yard shall be less than seven feet.
- (3) Rear yard. There shall be a rear yard of not less than 25 feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than 50 feet. ~~to the 100 year elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency.~~
- (4) Lot area and width (single-family). The minimum lot area and width for a single-family dwelling shall be 8,500 square feet and 85 feet respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 15,000 square feet and 90 feet respectively and that the minimum lot area for lots served with public water but not served with public sewer shall be 10,000 square feet.
- (5) Lot area and width (two-family). The minimum lot area and width for a two-family dwelling shall be 15,000 square feet and 100 feet respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 30,000 square feet and 100 feet respectively and that the minimum lot area for lots served with public water but not served with public sewer shall be 20,000 square feet.

Division 7

R-5 Low Density Multifamily Residence District

Sec. 38-336. Area regulations.

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements:

- (1) Front yard. There shall be a front yard of not less than 40 feet.
- (2) Side yard. There shall be total side yards as follows:
 - a. For single- and two-family dwellings, the total side yards shall be not less than 20 feet; provided, however, that no side yard shall be less than seven feet.
 - b. For multifamily dwellings and all other permitted uses, each side yard shall be not less than 20 feet.
- (3) Rear yard. There shall be a rear yard of not less than 25 feet; provided, however, that in the case of lake front lots, the rear yard shall be not less than 50 feet. ~~to the 100 year elevation as depicted in the December 2011 Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency.~~
- (4) Lot area and width (single-family). The minimum lot area and width for a single-family dwelling shall be 8,500 square feet and 85 feet respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 15,000 square feet and 90 feet respectively, and that the minimum lot area for lots served with public water but not served with public sewer shall be 10,000 square feet.
- (5) Lot area and width (two-family). The minimum lot area and width for a two-family dwelling shall be 15,000 square feet and 100 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 30,000 square feet and 100 feet, respectively and that the minimum lot area for lots served with public water but not served with public sewer shall be 20,000 square feet.
- (6) Lot area and width (other than one-and two-family). The minimum lot width shall be 100 feet. The minimum lot area for multifamily dwellings shall be 4,500 square feet per dwelling unit; provided, however, that the minimum lot area for multifamily dwellings not served with public sewer shall be 10,000 square feet per dwelling unit. The minimum lot area for all other permitted uses shall be 15,000 square feet.

Commercial Uses

Sec. 38-423 Use regulations.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-58, eff. 12-13-2007]

Land, buildings or structures in the C-1 neighborhood business district may be used for the following purposes only:

- (1) Those nonresidential uses which are permitted in the residential zoning districts, subject, except as specifically provided otherwise in this chapter, to the same conditions, restrictions and requirements as are provided in the residential zoning districts.
- (2) Bakery goods store.
- (3) Banks, loan and/or finance offices.
- (4) Barbershop or beauty shop.
- (5) Book, stationery or gift store.
- (6) Candy, store, soda foundation and/or ice cream store.
- (7) Clothes cleaning and/or laundry pick-up station.
- (8) Clothing and dry goods store.
- (9) Delicatessen store.
- (10) Dress shop.
- (11) Drug store.
- (12) Florist and gift shop without nursery.
- (13) Funeral home.
- (14) Grocery store and meat market.
- (15) Hardware store.
- (16) Household appliance store.
- (17) Jewelry store.
- (18) Nursery school and day nurseries.
- (19) Paint and wall paper store.

(20) Parking lots.

(21) Photographer.

(22) Radio and television store.

(23) Restaurants and/or cafes without dancing, floor shows or drive-in service.

(24) Laundromats.

(25) Service stations, including minor auto repairs, if all repair work is conducted wholly within a completely enclosed building, when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, nature and character of the gas station;
- b. The proposed location of the gas station.
- c. The location of entrance drives and access to the gas station with respect to potential traffic congestion or hazards;
- d. How well the gas station harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
- e. The need and necessity for the products and services of the gas station at the proposed location; and
- f. The effect of the gas station on adjoining properties and the surrounding neighborhood.

(26) Shoe repair shop.

(27) Tailor and/or dress maker.

(28) Variety store including notions and "five and 10" stores.

(29) Other similar retail business or service establishments when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, nature and character of the proposed use;
- b. The proximity of the proposed use to adjoining properties;
- c. The parking facilities provided for the proposed use;
- d. How well the proposed use harmonizes, blends with and enhances adjoining properties and

the surrounding neighborhood; and

- e. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

(30) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, character and nature of the church building;
- b. The proximity of the church to adjoining properties;
- c. The off-street parking that is to be provided for the church;
- d. The potential traffic congestion and hazards that will be caused by the church use;
- e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
- f. The effect of the church on adjoining properties and the surrounding neighborhood.

(31) Offices for businesses that are consistent with a neighborhood business district.

(32) Single family dwelling units combined with non-residential units in the same building, if the building conforms to Chapter 10.

Setback Exceptions

Sec. 38-483 Area, height and use conditions and exceptions.

- (e) Building setback exceptions. ~~Any building or structure which includes a main wall built to a legally established building setback line before July 1, 2016 including any legally authorized projections or structural components, shall be considered as meeting the required setback from the adjacent lot line existing at that time, provided that any additional projection or component to the existing main wall shall only be allowed if approved by the Zoning Board of Appeals as a matter for zoning board of appeals decision pursuant to section 603 of the zoning act (MCL 125.3603). In granting such authorization, the following standards shall be considered by the zoning board of appeals:~~

- (1) The following projections **are exempt from setback requirements** ~~dimensions~~:
 - a. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not house or enclose habitable floor area ~~nor~~ and project not more than three (3) feet into the required setback.

- b. Roof overhangs that do not project more than two (2) feet into the required setback.
 - c. Steps and small entrance landings or porches, including porticos corresponding to the area of the porch, provided that such porches and porticos do not project more than four (4) feet into the required setback.
- (2) Any building or structure built to a legally established building setback line before July 1, 2016, shall be considered as meeting the required setback from the adjacent lot line existing at that time. Additions or enlargements along or within existing setbacks shall only be allowed if approved by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act (MCLA § 125.3603). In granting such authorization, the following standards shall be considered by the Zoning Board of Appeals:
- (a) The proportion of the main wall which has been altered by the addition ~~projection;~~
~~and~~
 - (b) The overall effect of the proposed addition on adjoining properties and the **character of the** surrounding neighborhood; **and**
- (c) The addition shall not be less than five (5) feet from the side ~~or~~ and rear lot line, and shall not be less than ten (10) feet from the front lot line.

Special Use References to the Zoning Administrator

Sec. 38-483 Area, height and use conditions and exceptions.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-3, eff. 2-3-1977; Ord. No. Z-9, eff. 4-3-1980; Ord. No. Z-14, eff. 4-191982; Ord. No. Z-20, eff. 7-8-1988; Ord. No. Z-27, eff. 1-15-1990; Ord. No. Z-56, eff. 8-22-2006]

- (h) Transition zoning. When first authorized by the ~~Zoning Administrator~~ **Planning Commission** as a special use, the first lot in an R-3 or R-4 zoning district, which has a side yard adjacent to a lot in a commercial zoning district, without any street or private road intervening, may be used for transition zoning as is hereinafter provided. This transition zoning for such first lot shall not extend more than 150 feet from the commercial zoning district. If this first lot is in the R-3 zoning district, it may be used for the uses permitted and as regulated in the R-4 zoning district. If this first lot is in the R-4 zoning district, it may be used for the uses permitted and as regulated in the R-5 zoning district. ~~The Zoning Administrator may, in the Zoning Administrator's discretion, decline to decide such matter and refer decision thereon to the Planning Commission.~~ In considering such authorization, the following standards shall be considered:

- (1) The intended use of the lot;
- (2) Ingress and egress to the lot and the proposed buildings or structures to be located thereon;
- (3) Potential traffic congestion;
- (4) The nature and character of buildings and structures or properties in the surrounding neighborhood;
- (5) Effect of the intended use on light and air circulation for properties which are both adjoining and in the surrounding neighborhood; and
- (6) Effect of any increased density of the intended use on the surrounding neighborhood.

Division 10
C-2 Resort Service District

Sec. 38-452 Use regulations.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-51, eff. 9-5-2003; Ord. No. Z-58, eff. 12-13-2007]

Land, buildings, or structures in the C-2 resort service district may be used for the following purposes only:

- (1) Amusement enterprises.
- (2) Bakery goods store.
- (3) Barbershop or beauty shop.
- (4) Book, stationery or gift store.
- (5) Campgrounds when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The proposed location for the campground;
 - b. The size, nature and character of the campground and any buildings or structures to be utilized with the campground;
 - c. The proximity of the campground to adjoining properties;
 - d. The parking facilities provided for the campground;

- e. The location of entrances and access to the campground in terms of any traffic congestion or hazards which will be occasioned by the campground; and
 - f. The effect of the campground on adjoining properties and the surrounding neighborhood.
- (6) Candy store, soda fountain, ice cream store.
 - (7) Delicatessen store.
 - (8) Drive-in car eating places when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The proposed location for the drive-in;
 - b. The size, nature and character of the buildings and structures to be utilized for the drive-in;
 - c. The proximity of the drive-in to adjoining properties;
 - d. The parking facilities provided for the drive-in;
 - e. The location of entrances and drives in terms of any traffic congestion or hazards which will be occasioned by the drive-in;
 - f. How well the drive-in harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
 - g. The hours of drive-in operation and any potential disturbance or nuisance of the drive-in, operation for adjoining properties and the surrounding neighborhood; and
 - h. The effect of the drive-in on adjoining properties and the surrounding neighborhood.
 - (9) Drug store.
 - (10) Florist, gift and antique shop, but not including nursery.
 - (11) Grocery store and meat market.
 - (12) Hotels and motels.
 - (13) Laundromats.
 - (14) Liquor store including beer and wine sales.
 - (15) Lodge hall, private clubs, **and banquet facilities.**
 - (16) **Single-family, Two-family, or Multifamily dwellings combined with non-residential units in the**

same building if the building conforms to Chapter 10, (Building and Building Regulations). Multifamily dwellings—units that comply with Division 7 of this Article (R-5 Multi-family Residence District) if the development is five acres or less. Multifamily dwellings must comply with Division 7 of this article.

- (17) Parking lots.
- (18) Photographer.
- (19) Resorts. If the development is four acres minimum.
- (20) Restaurants, cafes, cocktail lounges.
- (21) Service stations when authorized as a special use by the Planning Commission including minor auto repairs provided all repair work is conducted wholly within a completely enclosed building. In considering such authorization, the Planning Commission shall consider the same standards as are provided in Section 38-423(25).
- (22) Theater, except drive-in theater.
- (23) Marinas when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the marina;
 - b. The proposed location of the marina;
 - c. The location of entrances and drives leading to the marina with respect to potential traffic congestion or hazards;
 - d. The parking facilities to be provided for the marina;
 - e. The location and character of the storage areas and facilities to be provided by the marina for boats, cradles, and other boat accessories;
 - f. The facilities to be provided by the marina for the display of new and used boats for sale;
 - g. How well the marina harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
 - h. Any potential disturbance or nuisance from the marina operation for adjoining properties and the surrounding neighborhood; and
 - i. The effect of the marina on adjoining properties and the surrounding neighborhood.
- (24) Other similar retail business, offices, or service establishments when authorized by the Planning Commission as a special use. In considering such authorization, the Planning

Commission shall consider the following standards:

- a. The size, nature and character of the proposed use;
- b. The proximity of the proposed use to adjoining properties;
- c. The parking facilities provided for the proposed use;
- d. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
- e. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

(25) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- a. The size, character and nature of the church building;
- b. The proximity of the church to adjoining properties;
- c. The off-street parking that is to be provided for the church;
- d. The potential traffic congestion and hazards that will be caused by the church use;
- e. The degree with which the church harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; and
- f. The effect of the church on adjoining properties and the surrounding neighborhood.

Special Use References to the Zoning Administrator

Sec. 38-500 Moving of building.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982]

- (a) No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless authorization therefor as a special use is obtained from the ~~Zoning Administrator, the Zoning Administrator may, in his discretion, decline to decide such matter and refer decision thereon to the~~ Planning Commission. In considering the granting of such authorization, the following standards shall be considered:
 - (1) The type and kind of construction of the existing structure or building in relation to its strength and whether or not said structure or building might be a fire hazard;

- (2) The type and kind of buildings and structures adjoining and in the neighborhood surrounding the lot to which the structure or building is to be moved and whether or not the type and age of the building or structure to be moved is in keeping with the type and age of such buildings and structures which are adjoining and in the surrounding neighborhood; and
- (3) The type and kind of materials used in the construction of the structure or building desired to be moved as such construction materials relate and compare to the type and kind of materials used in the construction of other buildings and structures adjoining and in the neighborhood surrounding the lot to which the building or structure is to be moved.

Sec. 38-506 Home occupations.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-16, eff. 9-7-1983; Ord. No. Z-56, eff. 8-22-2006; Ord. No. Z-58, eff. 12-13-2007; amended by Ord. No. ZA-63, eff. 7-1-2013]

The Township is committed to creating a community environment that sustains and promotes the health, safety and welfare of its residents. The Township recognizes the growth of the community and the need to have regulations that reflect the current needs and realities of the residents' lives, including economic lives. This section is designed to permit home occupations as an accessory use to a residential dwelling while helping to regulate and control traffic, parking, noise, advertising, diminished community aesthetics, and noxious odors that could otherwise negatively affect our residential neighborhoods.

- (3) For a proposed home occupation that is not authorized as a special use permit elsewhere in this zoning chapter or does not meet the requirements, regulations and restrictions contained in Subsection (2) of this section, the home occupation will be permitted only if approved as a special use by ~~the Zoning Administrator or~~ the Planning Commission. When deciding an application for a home occupation as a special use, ~~the Zoning Administrator or~~ the Planning Commission shall consider the following standards.
 - a. The nature of the home occupation, including whether it is of a type that has traditionally and historically been carried on as a home occupation;
 - b. The nature of the surrounding neighborhood;
 - c. The effect of the home occupation on the surrounding neighborhood;
 - d. The environmental effects of the home occupation;
 - e. Whether customers conduct business on the premises;
 - f. Potential traffic congestion as a result of the home occupation; and
 - g. Provision for parking for traffic or clientele that may result from the operation of the home

occupation (for those home occupations where customers or clientele are permitted on the premises).

Single Family Dwelling Construction Standards

Sec. 38-507 Single-family dwellings.

[Ord. No. Z, eff. 2-7-1974; Ord. No. Z-14, eff. 4-19-1982; Ord. No. Z-18, eff. 2-13-1986; Ord. No. Z-30, eff. 11-1-1990]

Any single-family dwelling erected on site, a ~~mobile~~ **modular** home, or a ~~pre~~manufactured **dwelling** or precut structure shall be permitted in the agricultural and residential zoning districts only if in conformance with all of the following requirements:

- (1) ~~In cases of a mobile home, the mobile~~ **A modular home or manufactured dwelling** must either be:
 - a. New and certified by the manufacturer and/or appropriate inspection agency as meeting the ~~mobile~~ **manufactured** home construction and safety standards of the ~~department of housing and urban development~~ **Manufactured Housing Commission**, as amended, or any similar successor or replacement standards which may be promulgated; or
 - b. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection (1)a of this section, and found, on inspection by the Zoning Administrator or his designee, to be in excellent condition and safe and fit for residential occupancy.
- (2) The dwelling shall comply with all Township building, electrical, plumbing, fire, energy and other similar codes; provided, however, that where a dwelling is required by law to comply with any federal or state standards or regulations for constructions, ~~and where such standards or regulations for construction are different than those imposed by Township codes~~, then ~~and in such event such~~ the federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Township Zoning Administrator.
- (3) The dwelling shall comply with all restrictions and requirements of this article including, without limitation, floor area, yard requirements and lot area for the zoning district within which it is located.
- (4) ~~In the event that the dwelling is a mobile home, the mobile home~~ **A manufactured dwelling** shall be installed with the wheels removed.
- (5) The dwelling shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall to be constructed of such materials and

type as required by the state construction code for on-site constructed single-family dwellings. If the dwelling is a ~~mobile home~~ **manufactured dwelling**, its foundation shall hide the chassis, undercarriage and towing mechanism.

- (6) ~~If the dwelling is a mobile home, the mobile home~~ **A manufactured dwelling** shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the ~~state mobile home~~ **Manufactured Housing Commission**, or any similar or successor agency having regulatory responsibility for ~~mobile home parks~~ **manufactured housing communities**.
- (7) The dwelling shall have a minimum width across any front, side or rear elevation of **twenty (20)** feet.
- ~~(8) Storage areas totaling no less than 120 square feet shall be provided. These storage areas may consist of a basement, closet area, attic and/or a separate accessory building whose construction is of equal or better quality to that of the dwelling and which is in compliance with all other applicable provisions of this article pertaining to accessory buildings.~~
- ~~(9) The dwelling shall be constructed with construction materials of consistent quality. Hybrid construction combining on site constructed with off site constructed dwellings or two or more different off site constructed dwellings is prohibited.~~
- (10) Permanently attached steps or porch areas at least three **(3)** feet in width shall be provided where there is an elevation differential greater than eight **(8)** inches between the dwelling first floor and ground level.
- ~~(11) The pitch of the main roof of the dwelling shall not be less than one foot of rise for each four feet of horizontal run.~~
- ~~(12) The exterior finish of the dwelling shall not cause a reflection that is greater than that from siding coated with clean, white, gloss, exterior enamel.~~
- ~~(13) If the dwelling is a mobile home, the dwelling shall be so located on the lot on which it is placed that the portions nearest the principal street frontage area at least 34 feet in total dimension parallel to the street.~~
- (14) The dwelling shall have no less than two exterior doors, with the second one being in either the rear or the side of the dwelling.
- ~~(15) The dwelling is aesthetically compatible in design and appearance with other single family dwellings in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by the applicant to the Zoning Board of Appeals within a period of 15 days of the receipt of notice of the Zoning Administrator's decision. In determining compatibility, the following standards shall apply:~~

- a. ~~The type and kind of architectural design and appearance of the dwelling as compared with the type and kind of architectural design and appearance of one or more residential dwellings located outside a mobile home park or mobile home subdivision within 2,000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than 20% of the lots situated within such area or, where such area is not so developed, by the type and kind of architectural design and appearance of one or more residential dwellings located outside a mobile home park or mobile home subdivision throughout the Township.~~
- b. ~~The exterior appearance (exterior wall covering, roof style, roof overhang, door arrangements, and other similar items) of buildings in the neighborhood as compared to the exterior appearance of the dwelling.~~
- c. ~~The quality and durability of construction and the probable useful life of buildings in the neighborhood as compared to the quality and durability of construction and probable useful life of the dwelling.~~
- d. ~~The general appearance of the buildings in the neighborhood as it compares with the general appearance of the dwelling.~~