

CHAPTER 4
GENERAL PROVISIONS RELATING TO ALL DISTRICTS

Section 4.1. Zoning Affects Every Structure and Use. Except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied, and no structure or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located.

Section 4.2. Required Lot Area and Required Lot Width. No existing lot, or existing adjacent lots in common ownership, shall be so divided or reduced so as to make the area thereof or the width thereof less than the minimum lot area or minimum lot width required under the terms of this Ordinance. If an existing lot, or existing adjacent lots in common ownership, already have less than the minimum lot area and/or the minimum lot width required under the terms of this Ordinance, the lot area thereof and/or the lot width thereof shall not be further divided or reduced for the purpose of building construction.

Section 4.3. Existing Parcels of Land.

1. If a lot or other parcel of land in single ownership in the R-1 or RR District was described in an instrument recorded in the county register of deeds records at the time the minimum lot area and minimum lot width requirements of the zone district became effective and such lot or parcel does not comply with the minimum lot area and/or minimum lot width requirement of the district in which the lot or parcel is located, the lot or parcel may nevertheless be used for a single family, detached dwelling if the lot or parcel has an area of at least 90 percent of the minimum lot area requirement and a width of at least 90 percent of the minimum lot width requirement, so long as the single family detached dwelling is located on the lot or parcel in such a manner that all minimum yard requirements and bulk limitations are complied with; provided, however, that subsection 3 of this section shall apply with respect to certain lots or parcels of land as to which development approval has been granted by the Township prior to the effective date of this subsection.

2. If a lot or other parcel of land in single ownership in the SR District was described in an instrument recorded in the county register of deeds records at the time the minimum lot area and minimum lot width requirements of the SR District became effective, and if such lot or parcel does not comply with the minimum lot area and/or minimum lot width requirement of the SR District, the lot or parcel may nevertheless be used for a single family, detached dwelling if the lot or parcel has an area of at least 8,400 square feet and a width of at least 70 feet, if such lot or parcel is served by a public or community water supply system and a public or community sanitary sewer system; provided, however, that if the lot or parcel is not served by such public or community systems, then the provisions of subsection 1 of this section shall apply; and further provided, however, that subsection 3 of this section shall apply with respect to certain lots or parcels of land as to which development approval has been granted by the Township prior to the effective date of this subsection.

3. Notwithstanding the provisions in subsections 1 and 2 of this section, lots, building sites or other parcels of land to which the Township has granted development approval prior to October 15, 2003, shall have such rights of use and development as are provided in the Township action approving them. Township approval shall mean, as a minimum, inclusion within an approval planned unit development project having an effective date prior to October 15, 2003 and/or inclusion within a final preliminary plat or a site condominium project plan having been granted final approval by the Township Board. With respect to exempt land divisions regulated under the state Land Division Act, approval shall mean written authorization by a township official having the authority to approve exempt land divisions and evidence that such lot or proposed lot as approved met the requirements for building development under the zoning provisions in effect prior to October 15, 2003.

Section 4.4. Infill Development in Existing Plats of Record or Site Condominiums of Record. A review of existing platted subdivision and site condominium developments in the Township had demonstrated that the average width and area of the lots or units in these developments are generally substantially in excess of the minimum width and/or area requirements of the zoning district in which the developments are located. Although many of these developments have been substantially built over with homes, there are many vacant lots still existing in several of the developments. As a result, there exists the potential that larger vacant lots or units in these developments could be further divided into smaller lots or units that meet the minimum requirements of the zoning district, yet be much smaller and/or narrower than surrounding lots or units. To prevent this type of out-of character infill development, the Township has adopted these infill development provisions to ensure that infill development is compatible with existing and established patterns of residential development.

1. **Infill Development Within Existing Platted Subdivisions or Site Condominiums of Record.** The following infill development provisions shall apply to all platted lots or site condominium units in all residential districts that were of record as of the effective date of the Zoning Ordinance amendment adding this section:
 - a. **Minimum Lot Width for Infill Development.** Notwithstanding the minimum lot width requirement of the zoning district in which a lot or unit is located, if the minimum lot width of that zoning district is less than the average lot width of all existing lots or units abutting the lot and those located on both sides of the street on which the lot or unit fronts, extending 500 feet in both directions (the “average width”), then the average width shall be the minimum lot width for that lot or unit.
 - i. For the purpose of calculating the minimum width of an infill development lot or unit that will be served by both public water and public sewer, only the first 139 feet of width of such existing lots or units shall be used when calculating the average width.
 - ii. For the purposes of calculating the minimum width of an infill development lot or unit that will be served only by public water or

only by public sewer, only the first 159 feet of width of such existing lots or units shall be used when calculating the average width.

iii. For the purpose of calculating the minimum width of an infill development lot or unit that will be served neither by public water nor public sewer, the entire width of such existing lots or units shall be used when calculating the average width.

b. **Minimum Lot Area for Infill Development.** Notwithstanding the minimum lot area requirement of the zoning district in which a lot or unit is located, if the minimum lot area of that zoning district is less than 90 percent of the average lot or average unit area of all lots or units abutting that lot or unit (the “average area”), then 90 percent of the average area shall be the minimum lot area for that lot or unit.

i. For the purpose of calculating the minimum area of an infill development lot or unit that will be served by both public water and sewer, only the first 16,799 square feet of area of such abutting lots or units shall be used when calculating the average area.

ii. For the purpose of calculating the minimum area of an infill development lot or unit that will be served only by public water or only public sewer, only the first 23,999 square feet of area of such abutting lots or units shall be used when calculating the average area.

iii. For the purpose of calculating the minimum area of an infill development lot or unit that will be served neither by public water nor public sewer, the entire lot area of such abutting lots or units shall be used when calculating the average area.

Section 4.5. Fences, Walls and Screens.

1. **Applicability.** This section shall apply to all residential, commercial, office and planned unit development zoning districts except as otherwise noted. These regulations do not apply to temporary fences to enclose construction sites.

2. Location and Height Requirements.

a. **Front Yard.** Within the required front yard, only the following fences and walls are permitted.

i. A substantially open decorative fence such as picket, split rail, wrought iron, or similar type fence with a maximum height of 36 inches and with posts not exceeding 42 inches. A substantially open decorative fence shall mean a fence which is at least 40 percent open when viewed perpendicular to the fence. Chain link and woven wire fences are prohibited in the required front yard.

- ii. Any solid decorative fence or wall not exceeding 30 inches in height.
 - b. **Side and Rear Yard.** A maximum height of six feet is permitted in all residential or residential PUD zones. In commercial and office zones the maximum height shall be eight feet, except as otherwise permitted.
 - c. A fence, wall or any planting shall not be erected, planted or maintained in such a way as to create a sight obstruction for persons using street intersections.
 - d. Fences or walls shall not be erected within any public right-of-way.
3. **Materials, Maintenances and Height Exceptions.**
- a. Any fence or wall shall be of uniform design, construction and appearance and sturdily constructed to withstand normal weather conditions.
 - b. All fences and walls shall be erected and maintained so as not pose a safety hazard.
 - c. Fences which exceed the maximum height otherwise permitted by the zoning district may be allowed if it is demonstrated that such fence is necessary for a special purpose such as swimming pools, tennis courts or athletic fields.
 - d. Fences and walls included as part of special land uses shall comply with such fence requirements as determined by the Planning Commission.
 - e. Barbed-wire fences and above ground electrically charged fences are prohibited in all zoning districts except that they may be permitted for approved farm uses and for the keeping of horses as approved by the Zoning Board of Appeals.
 - f. The height of a fence shall be measured as the vertical distance from the highest point of the fence to the finished grade of the ground immediately beneath the fence excluding any artificially constructed earthen berms.

Section 4.6. Height Exceptions. In all districts the measured height limitation may be exceeded by the following structures: Church steeples and church buildings, parapet walls not exceeding four feet in height, chimneys and water towers. In addition, botanical conservatory buildings may be 75 feet in height, provided that such buildings are located on a parcel at least 50 acres in size, school buildings not exceeding 90 feet in height provided the front, side and rear yards shall not be less than the height of the building wall abutting on such yard.

Section 4.7. Essential Services. The provision of essential services shall be permitted in every district; provided that installation, alteration or maintenance of essential service buildings and other major essential service structures shall be subject to review and approval as special land uses under Chapter 24.

Section 4.8. House Trailers, Mobile Homes and Motor Homes.

1. Except as provided in subsection 2 hereof, a house trailer, mobile home, or motor home shall not be considered to be a building or accessory to permitted uses hereunder, nor used as a dwelling unit and shall only be allowed in the manner and the area designated in Chapter 9.
2. All other provisions of this Ordinance to the contrary notwithstanding, mobile homes shall be permitted as dwelling units and may be located outside licensed mobile home parks in any RR, SR, R-1 and R-2 Residential Zone District, subject to compliance with the requirements of this Ordinance applicable to all dwelling units set forth in Section 4.13, all specific requirements applicable to dwelling units located within the specific zone district and the following:
 - a. The mobile home shall be located so that no wheels, towing mechanisms nor any part of the undercarriage are exposed.
 - b. The mobile home shall meet all standards of the United States Department of Housing and Urban Development Mobile Home Construction & Safety Standards in effect at the time the mobile home is located in the Township.

Section 4.9. Incomplete Buildings. No basement, cellar, garage, damaged or incomplete structure shall be used as a dwelling.

Section 4.10. Nuisances. No property, premise, structure, or use shall be used, erected, or conducted in such a manner as to cause a nuisance to adjacent property or uses.

Section 4.11. Surety and Performance Bonds. For any project under its jurisdiction for which zoning approval is sought, the Planning Commission may require the posting of a performance bond or bank letter of credit. The amount of surety shall cover the estimated cost of specified improvements associated with the project and shall be used to insure faithful completion of the improvements. The form and substance of the surety shall be acceptable to the Township and shall be deposited with the Township Clerk.

Section 4.12. Maps, Drawings, and Renderings. Whenever this Ordinance requires the Township Board, Planning Commission, Site Plan Review Committee, or Zoning Board of Appeals to review or approve a proposed use or activity, the Boards, commission or committee may require the submission of maps, drawings, renderings, and such other information as will assist them in their review or approval of the proposed use or activity.

Section 4.13. Requirements for All Dwelling Units Outside of Manufactured Housing Communities.

1. There shall be a foundation of material approved under the Township Building Code around the entire exterior perimeter of all dwellings or additions thereto. Said foundation shall have a minimum depth of 42 inches below grade and shall provide a

maximum exposed foundation above grade of 16 inches and a minimum exposed foundation above grade of eight inches.

2. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four feet in depth with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
3. All dwelling units shall provide a minimum height between the floor and ceiling of 7.5 feet.
4. All dwelling units shall provide storage areas (either within a basement or in an attic, or in a separate, fully enclosed structure, of not less than 15 percent of the living area of the dwelling unit, exclusive of storage space for automobiles). Said storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this Ordinance.
5. The minimum width of any dwelling unit shall be 22 feet for at least 67 percent of its length.
6. All dwelling units shall provide a minimum of two separate points of ingress and egress.
7. All dwelling units shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one foot between a door and the surrounding grade.
8. All dwelling units shall be connected to a sanitary sewer system and water supply system approved by the county health department.

Section 4.14. Wireless Communication Facilities/towers and Antennas.

1. Communication antennas and towers exceeding 35 feet in height shall be regulated as special land uses and are subject to the procedures, general standards and specific requirements for such uses as contained in Chapter 24.
2. The construction, use, maintenance, operation, repair and removal of antennas and towers not exceeding 35 feet in height shall comply with the following requirements:
 - a. The antenna or tower shall be permanently secured to a stable foundation.
 - b. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation.

- c. An antenna or tower shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or depth of the required rear or side yard setback, whichever is the greater.
- d. An antenna may be mounted on the roof of a principal or accessory building, but it shall not exceed a height of ten feet, as measured from its foundation.
- e. All antennas and towers must be grounded to protect against damage from lightning.
- f. An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
- g. Amateur radio antennas operating under a license issued by the Federal Communications Commission shall be subject to the provisions of this section, unless such provisions would preclude or prevent the operation of the antenna, then such provisions shall not apply.
- h. Satellite dish antenna less than one meter across (39.37 inches) shall be exempt from these regulations.

Section 4.15. Resubmission of Matters to the Planning Commission. Unless otherwise specified in this Ordinance, for a period of 90 days following a decision by the Planning Commission, no reconsideration of that decision shall be given unless the Planning Commission, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

Section 4.16. Reserved.

Section 4.17. Home Occupations. Home occupations are permitted in residential dwellings in the RR District, SR District, R-1 District, PUD-1 District, PUD-2 District, and the PUD-5 District, subject to all of the following requirements:

1. A home occupation shall be conducted only within the principal dwelling unit, and shall not be conducted in any other building.
2. A home occupation shall be conducted only by persons who are occupants of the dwelling unit and not more than one other person.
3. Not more than 500 square feet or 20 percent of the floor area of a dwelling unit, whichever is the lesser amount, may be used for a home occupation.
4. There shall be no exterior alteration in the residential character of the dwelling as a result of a home occupation.

5. A home occupation shall not result in an adverse or disrupting effect on other properties or on the residential character of the neighborhood by way of noise, odor, vibration, dust, electronic interference, traffic, safety or other attribute or emission.
6. Not more than two motor vehicles attributable to the home occupation are permitted on the premises where a home occupation is conducted. All vehicles attributed to the home occupation and otherwise associated with the premises shall be parked off street either in a garage or on an improved driveway or apron surfaces.
7. A home occupation shall not result in a greater volume or type of traffic than is normally experienced in a residential neighborhood.
8. Mechanical equipment used in a home occupation shall be only that which is similar in power and type to mechanical equipment normally used for household purposes and hobbies.
9. There shall be no sign pertaining to the home occupation, but there may be one non-illuminated name plate, of an area not greater than two square feet, stating only the name of the person engaged in the home occupation.
10. If articles or materials used in the home occupation are stored, they shall be stored only within the dwelling unit. No outdoor storage or storage within detached accessory buildings shall be permitted.
11. Orders for goods, merchandise, supplies or products made electronically or at off the premises sales events may be filled on the premises provided that delivery and pickup activities do not adversely impact traffic, safety, parking, the general residential character of the premises and adjoining property.
12. Such uses as medical clinics, dental clinics, barber shops and beauty shops with more than one chair, animal hospitals, kennels, real estate offices, group day care homes and motor vehicle servicing, repair and maintenance businesses shall not be permitted as home occupations.

Section 4.18. Parking and Storage of Unlicensed Vehicles, Commercial Vehicles, Recreation Vehicles and Equipment and Trailers.

1. **Parking and Storage of Unlicensed Vehicles.** Automotive vehicles and trailers of any kind or type without current license plates may not be stored on residentially zoned property unless it is within an enclosed building. In residential districts vehicles shall be owned by the owner or occupant of the lot where the vehicle is parked or stored.
2. **Parking of Commercial Vehicles.** In residential districts the parking of commercial vehicles is prohibited unless it is compliance with the following.
 - a. No more than one commercial vehicle is permitted.

- b. Regularly manufactured vehicles such as pickup trucks, cargo vans stake trucks, or utility body trucks may not exceed a rated capacity of one ton. All other commercial vehicles are prohibited.
 - c. The vehicle must be owned by a person residing at the address where the vehicle is being parked or the vehicle must be driven by such person as a function of his or her employment.
 - d. Parking of commercial vehicles on vacant parcels is prohibited.
3. **Parking of Recreational Vehicles.** Not more than one recreational vehicle owned by the occupant of the dwelling may be stored (but not occupied) on the lot where the owner's dwelling is located. The recreational vehicle may be stored in the side or rear yard of the dwelling, but not within any portion of the minimum side yard or the rear yard required for an accessory building on the lot. The recreational vehicle may not be stored in the front yard. A recreational vehicle that is parked in the driveway for more than 48 consecutive hours shall be deemed to be stored on the lot for the purposes of this subsection.

Section 4.19. Frontage. All lots or parcels created after the effective date of this section (January 19, 2000) shall have a minimum frontage of 60 feet on a public road or an approved private road as regulated by Chapter 27 and shall meet the minimum lot width required for the district in which the lot or parcel is located; except lots or parcels located on a cul-de-sac may have less frontage if they meet the minimum lot width required for the district in which the lot or parcel is located.

Section 4.20. Corner Lots.

- 1. General provisions for residential uses on residential corner lots are as follows:
 - a. Corner lots have more than one required front yard, and the front setback shall be measured from all front lot lines.
 - b. For corner lots with two front yards, the remaining setbacks shall be a rear and a side setback as determined by the Zoning Administrator. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
 - c. If the width of the lot is less than 100 feet, the secondary front yard may be reduced one foot for each increment of two feet that the lot is lesser than 100 feet wide. Notwithstanding the foregoing, no secondary front yard shall be less than 25 feet.
 - d. The width of a corner lot shall be determined by the entire length of that front line which is opposite the rear lot line.
- 2. General provisions for non-residential corner lots or for permitted non-residential uses on residential corner lots are as follows:

- a. Corner lots have more than one required front yard, and the front setback shall be measured from all front lot lines.
- b. For corner lots with two front yards, the remaining setbacks shall be a rear and a side setback as determined by the site plan review committee prior to final site plan approval. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
- c. The width of a corner lot shall be determined by the entire length of that front line which is opposite the rear lot line.

Section 4.21. Double Fronting Lots. A building on a lot having frontage on two non-intersecting streets shall maintain applicable front yard setbacks from both streets.

Section 4.22. Outdoor Lighting. Outdoor lighting located on privately owned property shall be so arranged that it will not be intrusive on nearby dwellings or interfere with the vision of driver on adjacent streets.

Section 4.23. Temporary Use Permit for Patio/Al Fresco Dining (12 Patrons or Fewer). The Zoning Administrator may approve a temporary use permit for patio/al fresco dining for 12 patrons or fewer in the C, C-1 and C-2 Districts and in an existing development approved under the terms of the PUD-3, PUD-4, PUD-5, TC-PUD, NC-PUD, LC-PUD and HC-PUD Districts, in accordance with this section.

- 1. The temporary use permit shall be approved only for a patio/al fresco dining area that will accommodate only 12 patrons or fewer and which is an accessory or incidental use to a permitted restaurant, coffee shop, ice cream shop or other permitted establishment that offers food for consumption on the premises.
- 2. The temporary use, if approved, shall be located only in an area owned, leased or otherwise under the legal control of the owner or operator of the restaurant or other establishment, and shall be under its operational control.
- 3. The temporary use permit shall be applied for on a form provided by the Township, and the application or renewal fee, if any, shall be paid. The application shall include the following:
 - a. A written summary of the current restaurant use and the proposed patio/al fresco dining use.
 - b. A detailed description and drawing to scale of the outdoor area to be used for patio/al fresco dining.
 - c. Other specific information regarding the number of dining tables and chairs and other outdoor furniture or equipment.

- d. Measures to be taken, if any, to assure adequate separation between the dining area and motor vehicle and pedestrian circulation.
 - e. If alcoholic beverages are to be consumed in the dining area, proof of the necessary state license for such purpose.
 - f. Other information necessary for the administrator to make an informed decision as to the requested temporary permit.
4. After receiving and evaluating a complete application, the Zoning Administrator shall approve the temporary use permit, shall deny it or approve it with conditions. If the application for the permit is denied, the Administrator shall state the reasons for the denial in writing.
 5. The temporary use permit shall be for a duration of not longer than one year and may be renewed for subsequent periods of one year or less, if such renewals are approved by the Administrator. The temporary use permit may include terms and conditions, which may include the following:
 - a. The permitted number of patrons who may be accommodated and who will at any time be utilizing the patio/al fresco dining area, not to exceed 12 such patrons.
 - b. A limitation on the days and hours of operation of the dining area.
 - c. Limitation or prohibition on amplified recorded music or other sound amplification or live musical or other performance in or for the patio/al fresco dining area.
 - d. Limitations or prohibition on outdoor lighting.
 - e. Measures to be taken to avoid conflicts with motor vehicle and pedestrian circulation and other safety measures, if needed.
 - f. Measures to be taken for control and removal of trash and debris; details on removal and storage of dining tables and chairs when not in use during the cold-weather months.
 - g. Measures to be taken to avoid other serious adverse effects on adjacent or nearby lands, by reason of excessive noise or other effects.
 - h. Other terms and conditions.
 6. In determining whether to approve an application for the temporary use permit, the Zoning Administrator shall consider the following:
 - a. Whether the patio/al fresco dining would be harmonious and generally compatible with adjacent and nearby land uses.

- b. Whether the dining area and the tables, chairs and other aspects of the use will be established, arranged and operated in an orderly and safe manner, such as to avoid conflicts with motor vehicle and pedestrian circulation on or near the site of the establishment.
 - c. Whether the use would result in serious adverse effects on adjacent or nearby land uses, by reason of excessive sound, outdoor lighting, smoke, fumes or other adverse effects.
 - d. Whether the use would interfere with or discourage the orderly development and use of adjacent and nearby commercial buildings and other lands and approved uses.
 - e. Whether any required state and county licenses for the restaurant use and the patio/al fresco dining have been obtained and are in force.
 - f. Other considerations as to the reasonable establishment and operation of the proposed use.
7. An applicant may apply for a renewal of a previously-approved temporary use permit. The renewal may be for a duration of up to one year.
- a. In considering whether to approve the application for renewal, the Zoning Administrator shall consider whether and to what extent the applicant has complied with the previous permit, whether complaints have been received by the Township as to operations under the previous permit and other factors bearing on whether the permit should be renewed.
 - b. A renewal may be denied or limited if, based on previous performance, the Administrator determines that serious adverse effects would result if the use continues under a renewed permit.
 - c. In approving a renewal, the Administrator may impose the same conditions as approved previously, or revised or additional conditions, or any of them.
8. With respect to applications for the temporary use permit for patio/al fresco dining as a part of an approved dining establishment in a planned unit development, any such temporary use permit may be granted and may be renewed by the Zoning Administrator in accordance with the terms of this section; no amendment of the planned unit development ordinance shall be required, nor shall the issuance of the permit be deemed a major or minor amendment in the planned unit development, except that the approved patio/al fresco dining shall be deemed permitted in the planned unit development, to the extent and according to the terms approved by the Administrator.
9. The Zoning Administrator may refer to the Planning Commission an original or renewal application for the temporary use permit, for consideration and decision by

the Commission. In such a case, the application shall be approved, denied or approved with conditions by the Planning Commission at a public meeting, but a public hearing or special public notice shall not be required. In the consideration and decision of such an application, the Planning Commission shall consider the criteria stated in subsection 6 of this Section 4.23.

Section 4.24. Limited and Temporary Outdoor Displays and Sales; Outdoor Vending Machines.

1. **Limited Outdoor Displays and Sales.** In the C and C-1 Districts, and in a development approved under the terms of the PUD 5, TC-PUD, NC-PUD, LC-PUD and HC-PUD Zoning Districts, the outdoor display and sale of goods is permitted upon obtaining a zoning compliance permit from the Zoning Administrator and complying with the following:
 - a. The goods shall be offered for sale as part of the business of the occupant of the building at which the limited outdoor displays are taking place, and shall be goods permitted for sale in the zoning district.
 - b. The display of goods shall occupy an area extending not more than eight feet in front of a building wall, located on not more than two sides of the building, and occupying an area not greater than one-third of the length of any side of the building, or 50 linear feet in total for all sides of the building so used, whichever is less; provided, however, that in approving the requested zoning compliance permit, the Zoning Administrator may permit the display of goods to occupy an area on the business property other or greater than as stated above.
 - c. All sales transactions shall take place inside the building.
 - d. Materials so displayed shall be brought indoors when the business is closed, except for heavy materials such as bagged landscape materials, softener salt, and similar bulk materials which cannot be readily moved.
2. **Outdoor Vending Machines.** In the C and C-1 Districts, and in an existing development approved under the terms of the PUD 5, TC-PUD, NC-PUD, LC-PUD and HC-PUD Zoning Districts, outdoor vending machines are permitted upon obtaining a zoning compliance permit from the Zoning Administrator and complying with the following:
 - a. The machine shall be located on a lot upon which a business is being conducted from a permanent structure.
 - b. Not more than four newspaper vending machines which are not electrically operated and which are not greater than five feet in height may be permitted on a lot.

- c. Not more than two electrically operated vending machines (or such greater number as may be permitted by the Zoning Administrator) may be permitted on the lot, for the sale of food, beverages, ice or other items or objects commonly purveyed by means of vending machines may be permitted on the lot. Vending machines shall have a width and depth not greater than four feet, and a height not greater than seven feet and ice machines may have a width not greater than six feet, or such greater width, depth and/or height as may be permitted by the Zoning Administrator.
 - d. Electrically operated vending machines shall be located such that the backs of the machines shall be placed against a building wall, if practicable, and they shall be otherwise located as determined by the Zoning Administrator, but not to interfere with pedestrian or vehicular traffic or emergency access vehicles and personnel.
 - e. Advertising on outdoor vending machines shall be limited to advertising the products sold in the machines.
3. **Temporary Seasonal Outdoor Sales; Special Sales Event.** In addition to outdoor sales and displays as permitted in subsections 1 and 2 above, the Zoning Administrator may approve a temporary use permit for temporary seasonal outdoor sales or special sales events in the C-1 and C-2 Districts, and in an existing development approved under the terms of the PUD 5, TC-PUD, NC-PUD, LC-PUD and HC-PUD Districts, in accordance with this section.
- a. A temporary use permit may be approved for seasonal outdoor sales being conducted as part of a business operated in a structure located on the same lot for a period of up to six months during any calendar year (“seasonal outdoor sales”). The area devoted to such sales shall be fenced or otherwise conducted within a confined location, which occupies an area not greater than 50 percent of the indoor sales area of the associated business, but not greater than 3,000 square feet, unless a greater area is permitted by the Zoning Administrator under the terms of the temporary use permit.
 - b. In addition to outdoor sales and displays as permitted in subsections 1, 2, and 3.a above, an outdoor sales event may be conducted on an occupied or unoccupied parcel of land, without regard to whether the sales event is being conducted by a business located on the parcel. The outdoor sales event may be held not more than twice during any calendar year, for periods not to exceed ten days each on the parcel of land (“special sales event”). Merchandise sold or activities conducted at a special sales event shall be of the nature and type permitted to be sold or carried out in the zoning district.
 - c. A temporary use permit for seasonal outdoor sales or special sales events under subsection 3 shall be applied for on a form provided by the Township,

and the application and renewal fee, if any, shall be paid. The application shall include the following:

- i. A written summary of the current use of the property and the proposed seasonal outdoor or special event sales area.
 - ii. A detailed description and drawing to scale of the outdoor area to be used for outdoor sales.
 - iii. An identification of the location and number of parking spaces available for such use, and identification of the entry and exit points for vehicles.
 - iv. Measures to be taken to assure adequate separation between the outdoor sales area, parking areas and pedestrian circulation.
 - v. Proposed dates and hours of operation.
 - vi. Identification of any signage or any display intended to call attention to the use.
- d. After receiving and evaluating a complete application, the Zoning Administrator shall approve the temporary use permit, shall deny it, or approve it with conditions. If the application for the permit is denied, the Administrator shall state the reasons for the denial in writing.
- e. In determining whether to approve an application for the temporary use permit, the Zoning Administrator shall consider the following:
- i. Whether there is sufficient parking to serve the temporary outdoor seasonal sales or special sales event, in addition to parking requirements for existing buildings and structures.
 - ii. Whether the outdoor sales would be harmonious and generally compatible with adjacent and nearby land uses.
 - iii. Whether the outdoor sales area, parking and pedestrian access, and other aspects of the use will be established, arranged and operated in an orderly and safe manner, such as to avoid conflicts with motor vehicles and pedestrian circulation on or near the site of the outdoor sales.
 - iv. Whether the use would result in serious adverse affects on adjacent or nearby land uses, by reason of excessive sound, outdoor lighting, smoke, fumes or other adverse effects.

- v. Whether the use would interfere with or discourage the orderly development and use of adjacent and nearby commercial buildings, and other lands and approved uses.
 - vi. Other considerations as to the reasonable establishment and operation of the proposed use.
- f. The temporary use permit may include terms and conditions, which may include the following:
- i. A requirement that the sales area for seasonal outdoor sales be located at the side or rear of the building to the extent feasible, and comply with setbacks applicable to a building in the district.
 - ii. Limitations on the days and hours of operation.
 - iii. Limitation or prohibition of amplified recorded music or other sound amplification in connection with the outdoor sales.
 - iv. Limitation or prohibition of additional outdoor lighting.
 - v. In the case of seasonal outdoor sales, no additional signage shall be permitted on the property or elsewhere for or as a result of the outdoor sales; provided, however, that for a special sales event, additional signage may be approved up to the extent that would be available for a permitted business use in the zone district, except that portable or temporary signs may be permitted.
 - vi. Measures to be taken to avoid conflicts with motor vehicle and pedestrian circulation and other safety measures, if necessary.
 - vii. Measures to be taken for the control and removal of trash and debris, and for storage of display racks, tables and other sales equipment and materials during periods when the outdoor sales are not occurring.
 - viii. Measures to be taken to avoid other serious adverse affects on adjacent or nearby lands, by reason of excessive noise or other affects.
 - ix. Other terms and conditions, to carry out the intent of this section and the Zoning Ordinance.
4. **Duration; Renewal.** A temporary use permit for seasonal outdoor sales or up to two identified special sales events shall be for a duration of not longer than one year, and may be renewed for subsequent periods of one year or less, if approved by the Zoning Administrator. An applicant seeking renewal shall submit an application for

the renewal of a previously-approved temporary use permit. The renewal may be for a duration of up to one year.

- a. In considering whether to approve the application for renewal, the Zoning Administrator shall consider whether and to what extent the applicant has complied with the previous permit, whether complaints have been received by the Township as to operations under the previous permit and other factors bearing on whether the permit should be renewed.
 - b. A renewal may be denied or limited if, based on previous performance, the Administrator determines that serious adverse effects would result if the use continues under a renewed permit.
 - c. In approving a renewal, the Administrator may impose the same conditions as approved previously, or revised or additional conditions, or any of them.
5. **Planned Unit Development.** A temporary use permit may be granted and may be renewed by the Zoning Administrator for outdoor sales in a planned unit development in accordance with the terms of this section; no amendment of the Planned Unit Development Ordinance shall be required, nor shall the issuance of the permit be deemed a major or minor amendment in the planned unit development, except that the approved outdoor sales shall be deemed permitted in the planned unit development, to the extent and according to the terms approved by the Administrator.
 6. **Referral to Planning Commission.** The Zoning Administrator may refer to the Planning Commission or to the Site Plan Review Committee an original or renewal application for the temporary use permit, for consideration and decision by the Commission. In such a case, the application shall be approved, denied or approved with conditions by the Planning Commission or by the Site Plan Review Committee at a public meeting, but a public hearing or special public notice shall not be required. In the consideration and decision of such an application, the Planning Commission or the Site Plan Review Committee shall consider the criteria stated in subsection 3 of this Section 4.24.
 7. **Multi-Tenant Buildings.** The provisions of this Section 4.24 shall be available only for a tenant space which has at least 50 feet of linear frontage, or frontage of such lesser distance as may be permitted by the Zoning Administrator, and such provisions shall be applied separately to each tenant space having such minimum or otherwise approved frontage.
 8. **Outdoor Dining.** Outdoor dining shall be regulated by provisions made in this ordinance for patio/al fresco dining.