PIERSON TOWNSHIP ZONING ORDINANCE

(Including Amendments adopted through October 24, 2026)

Table of Contents

Chapter 1 – Title, Purpose and Interpretation 1-1

Section 1.01 Title 1-1

Section 1.02 Purpose 1-1

Section 1.03 The Effect of Zoning 1-1

Section 1.04 Scope 1-1

Section 1.05 Legal Basis 1-1

Chapter 2 – Definitions 2-1

Section 2.01 Rules of Construction 2-1

Section 2.02 Definitions – A through E 2-1

Section 2.03 Definitions – F through L 2-4

Section 2.04 Definitions – M through R 2-6

Section 2.05 Definitions – S through Z 2-9

Chapter 3 – Zoning District and Zoning Map 3-1

Section 3.01 Zoning Districts 3-1

Section 3.02 Zoning Map 3-1

Section 3.03 Lands Not Included Within a District 3-1

Section 3.04 Official Zoning Map 3-2

Chapter 4 – General Provisions 4-1

Section 4.01 Scope 4-1

Section 4.02 Effect of Zoning 4-1

Section 4.03 Effect of Other Regulations 4-1

Section 4.04 Restoration of Unsafe Buildings 4-1

Section 4.05 Required Area or Space 4-1

Section 4.06 Existing Lots of Record 4-1

Section 4.07 Unlawful Buildings and Uses 4-2

Section 4.08 Height Exceptions 4-2

Section 4.09 Required Yards or Lots 4-2

Section 4.10 Principal Use or Principal Building 4-2

Section 4.11 Minimum Street Frontage 4-2

Section 4.12 Double Frontage Lots 4-3

Section 4.13 Cul-de-sac Lots 4-3

Section 4.14	Essential Services	4-3
Section 4.15	Accessory Uses	4-3
Section 4.16	Accessory Buildings	4-3
Section 4.17	Accessory Dwelling Units (ADU)	4-3
Section 4.18	Control of Heat	4-9
Section 4.19	Moving of Buildings	4-10
Section 4.20	Razing of Buildings	4-10
Section 4.21	Swimming Pools	4-10
Section 4.22	Outdoor Storage and Waste Disposal	4-10
Section 4.23	Clear Vision Corners	4-10
Section 4.24	Fences	4-10
Section 4.25	Street Access	4-11
Section 4.26	Private Streets, Driveways	4-11
Section 4.27	Natural Buffer Strip Required	4-18
Section 4.28	Access to Lakes and Streams	4-19
Section 4.29	Antennas and Towers Not Exceeding 30 Feet in Height	4-19
Section 4.30	Maximum Lot Width to Depth Ratio	4-20
Section 4.31	Recreational Vehicle Parking	4-20
Section 4.32	Minimum Requirements for Dwellings Outside Mobile Home Parks	4-21
Section 4.33	Temporary Dwellings	4-22
Section 4.34	Projections into Required Setbacks	4-22
Section 4.35	Health Department Approval	4-23
Section 4.36	Home Occupations	4-25
Section 4.37	Keeping and Raising of Animals for Non-Farm Related Purposes	4-25
Section 4.38	Home Based Business	4-28
Section 4.39	Outdoor Lighting	4-32
Section 4.40	Medical Marijuana Regulations	4-33
Section 4.41	General Stormwater Provisions	4-39
Section 4.42	Solar Energy Systems (SES)	4-39
Section 4.43	Roof-Mounted and Building-Integrated Solar Energy Systems (SES)	4-39
Section 4.44	Stationary Fuel Cells	4-40
Section 4.45	Marihuana Facilities/Establishments Prohibited	4-41

Chapter 5 – AG Agricultural District 5-1
Section 5.01 Description and Purpose 5-1
Section 5.02 Permitted Uses 5-1
Section 5.03 Special Land Uses 5-1
Section 5.04 District Regulations 5-2
Section 5.05 Minimum Floor Area 5-2
Chapter 6 – R-R Rural Residential District 6-1
Section 6.01 Description and Purpose 6-1
Section 6.02 Permitted Uses 6-1
Section 6.03 Special Land Uses 6-1
Section 6.04 District Regulations 6-2
Section 6.05 Minimum Floor Area 6-2
Chapter 7 – R-1 Single Family Residential District 7-1
Section 7.01 Description and Purpose 7-1
Section 7.02 Permitted Uses 7-1
Section 7.03 Special Land Uses 7-1
Section 7.04 District Regulations 7-1
Section 7.05 Minimum Floor Area 7-2
Chapter 8 – LR Lake Residential District 8-1
Section 8.01 Description and Purpose 8-1
Section 8.02 Permitted Uses 8-1
Section 8.03 Special Land Uses 8-1
Section 8.04 District Regulations 8-1
Section 8.05 Minimum Floor Area 8-2
Section 8.06 Other Regulations 8-2
Chapter 9 – R-2 Two-Family Residential District 9-1
Section 9.01 Description and Purpose 9-1
Section 9.02 Permitted Uses 9-1
Section 9.03 Special Land Uses 9-1
Section 9.04 Other Uses 9-1
Section 9.05 District Regulations 9-1
Section 9.06 Minimum Floor Area 9-2
Chapter 10 – R-3 Manufactured Housing Community District 10-1

Section 10.01 Description and Purpose 10-1
Section 10.02 Permitted Uses 10-1
Section 10.03 Special Land Uses 10-1
Section 10.04 Other Uses 10-1
Section 10.05 Manufactured Housing Community Requirements 10-1
Section 10.06 Manufactured Homes Within Manufactured Housing Communities 10-9
Section 10.07 Review and Approval of Preliminary Manufactured Housing Community Plans 10-11
Chapter 11 – Open Space Planned Unit Development 11-1
Section 11.01 Description and Purpose 11-1
Section 11.02 Authorization 11-1
Section 11.03 Eligibility for PUD Rezoning 11-1
Section 11.04 Development Standards 11-2
Section 11.05 Procedures 11-8
Section 11.06 Standards for Approval 11-13
Section 11.07 Performance Guarantee 11-13
Section 11.08 Phasing 11-14
Section 11.09 Time Limits 11-14
Section 11.10 Amendments 11-14
Section 11.11 Appeals/Variances 11-15
Section 11.12 Other Required Procedures and Approvals 11-15
Chapter 12 – C-1 Neighborhood Business District 12-1
Section 12.01 Description and Purpose 12-1
Section 12.02 Permitted Uses 12-1
Section 12.03 Special Land Uses 12-2
Section 12.04 Other Uses 12-3
Section 12.05 District Regulations 12-3
Section 12.06 Minimum Floor Area 12-3
Chapter 13 – C-2 General Commercial District 13-1
Section 13.01 Description and Purpose 13-1
Section 13.02 Permitted Uses 13-1
Section 13.03 Special Land Uses 13-2
Section 13.04 Other Uses 13-2

Section 13.05 District Regulations 13-2
Section 13.06 Minimum Floor Area 13-3
Section 13.07 Site Development Requirements..... 13-3
Chapter 13A – Family Recreation Planned Unit Development..... **13A-1**
Section 13A.01 Description and Purpose.....13A-1
Section 13A.02 Authorization 13A-1
Section 13A.03 Permitted Uses 13A-1
Section 13A.04 Eligibility for Family Entertainment Planned Unit Development Zoning.....13A-2

Chapter 14 – I Industrial District 14-1
Section 14.01 Description and Purpose 14-1
Section 14.02 Permitted Uses..... 14-1
Section 14.03 Special Land Uses 14-1
Section 14.04 Other Uses..... 14-2
Section 14.05 District Regulations 14-2
Section 14.06 Minimum Floor Area 14-2
Section 14.07 Site Development Requirements..... 14-2
Chapter 15 – Special Land Uses..... 15-1
Section 15.01 Purpose of Special Land Uses 15-1
Section 15.02 Procedures for Special Land Uses..... 15-1
Section 15.03 General Standards..... 15-2
Section 15.04 Decision..... 15-3
Section 15.05 Conditions of Approval..... 15-3
Section 15.06 Expiration of Special Land Uses 15-4
Section 15.07 Revocation of Special Land Uses 15-4
Section 15.08 Performance Standards..... 15-4
Section 15.09 Churches..... 15-4
Section 15.10 Schools 15-5
Section 15.11 Libraries and Museums 15-5
Section 15.12 Parks, Playgrounds and Community Centers..... 15-5
Section 15.13 Golf Courses, Country Clubs and Riding Stables 15-6
Section 15.14 Campgrounds 15-6
Section 15.15 Bed and Breakfast Establishments 15-7

Section 15.16	Family Daycare Homes	15-8
Section 15.17	Adult Foster Care Family Homes	15-8
Section 15.18	Junkyards, Salvage Yards and Recycling Stations	15-8
Section 15.19	Roadside Stands	15-9
Section 15.20	Farm Markets	15-9
Section 15.21	Intensive Livestock Operations	15-9
Section 15.22	Airfields and Landing Strips	15-10
Section 15.23	Utility and Public Service Buildings	15-10
Section 15.24	Removal and Processing of Sand, Gravel and Other Mineral Resources	15-10
Section 15.25	Antennas and Towers of a Height Greater than 30 Feet	15-14
Section 15.26	[Reserved for future use]	15-17
Section 15.27	Restaurants with Drive-Up or Drive-Through Facilities	15-17
Section 15.28	Motor Vehicle Service Stations	15-17
Section 15.29	Motor Vehicle Repair or Body Shops	15-17
Section 15.30	Mini Warehouses and Self-Storage Facilities in the C-1 and C-2 Districts	15-18
Section 15.31	Mini Warehouses and Self-Storage Facilities in the Rural Residential Zoning District	15-18
Section 15.32	Taverns or Bars Serving Beer, Wine and Spirits	15-20
Section 15.33	Open-Air Businesses	15-20
Section 15.34	Contractor Yards and Construction Equipment	15-20
Section 15.35	Commercial Kennels	15-21
Section 15.36	Automatic and Self-Serve Vehicle Wash Facilities	15-21
Section 15.37	Motels and Hotels	15-21
Section 15.38	Theaters	15-22
Section 15.39	Commercial Storage Warehouses	15-22
Section 15.40	Warehousing, Storage and Transport of Fuels	15-22
Section 15.41	Dismantling or Disassembly of Used Motor Vehicles	15-23
Section 15.42	Bottling Plants and Dairies	15-23
Section 15.43	Machine Shops	15-23
Section 15.44	Light Industrial Uses Not Otherwise Permitted in District	15-23
Section 15.45	Billboards	15-24
Section 15.46	Solid Waste Disposal	15-25
Section 15.47	Seasonal Retail Sales in Certain Existing Buildings in the R-1 District	15-29

Section 15.48 Rental Storage in Certain Existing Buildings in the R-1 District 15-30
Section 15.49 Alternative Energy Facilities and Equipment in I District 15-30
Section 15.50 Sexually Oriented Business 15-30
Section 15.51 Nursing and Convalescent Homes; Homes for the Elderly and Retired 15-45
Section 15.52 Wind Energy Harvest Site 15-45
Section 15.53 Accessory Ground-Mounted Solar Energy Systems (SES) - Large 15-51
Section 15.54 Accessory Ground-Mounted Solar Energy System (SES) - Small 15-53
Section 15.55 Principal-Use Solar Energy System (SES) 15-54
Section 15.56 Biomass Facilities 15-59
Section 15.57 Geothermal Energy Systems 15-61
Section 15.58 Agricultural Event Barns 15-62
Chapter 16 – Site Condominiums 16-1
Section 16.01 Purpose 16-1
Section 16.02 Commencement of Construction, Issuance of Permits 16-1
Section 16.03 Definitions 16-1
Section 16.04 Application for Site Condominium Approval 16-4
Section 16.05 Review of Preliminary Plans by the Planning Commission 16-5
Section 16.06 Review and Approval of Final Plans by Township Board 16-5
Section 16.07 Standards for Approval 16-7
Section 16.08 Construction in Compliance with Approved Plans 16-8
Section 16.09 Completion of Improvements 16-8
Section 16.10 Expandable or Convertible Condominium Projects 16-8
Section 16.11 Revisions of Approved Final Site Condominium Project Plan 16-8
Section 16.12 Incorporation of Approved Provisions in Master Deed 16-9
Section 16.13 Approval Effective for One Year 16-9
Chapter 17 – Site Plan Review 17-1
Section 17.01 Review Required 17-1
Section 17.02 Informal Preapplication Review 17-1
Section 17.03 Contents of Site Plan 17-1
Section 17.04 Standards of Review 17-2
Section 17.05 Conditions 17-4
Section 17.06 Improvements; Financial Guarantees 17-4
Section 17.07 Procedures 17-5

Section 17.08 Changes in Approved Site Plans 17-5
Section 17.09 Appeal 17-6
Section 17.10 Principal-Use Solar Energy System Site Pland Requirements 17-6
Chapter 18 - Signs 18-1
Section 18.01 Description and Purpose 18-1
Section 18.02 Definitions 18-1
Section 18.03 Prohibited Signs 18-2
Section 18.04 Exempt Signs 18-2
Section 18.05 Signs Not Requiring a Permit 18-2
Section 18.06 Sign Permits and Application 18-3
Section 18.07 Design, Construction and Location Standards 18-3
Section 18.08 Sign Regulations Applicable to All Districts 18-4
Section 18.09 Billboards 18-4
Section 18.10 Nonconforming Signs Illegal Signs, and Signs Accessory to Nonconforming Uses 18-5
Section 18.11 Measurement of Signs 18-5
Section 18.12 Signs in the Ag and R-R Districts 18-5
Section 18.13 Signs in the R-1 District, LR District, R-2 District, R-3 District and Residential PUD District 18-6
Section 18.14 Signs in the C-1 and C-2 District 18-6
Section 18.15 Signs in the I District 18-7
Section 18.16 Special Land Use Signs 18-8
Chapter 19 – Off-Street Parking and Loading 19-1
Section 19.01 Purpose 19-1
Section 19.02 Scope 19-1
Section 19.03 Location of Parking Areas 19-1
Section 19.04 General Requirements 19-1
Section 19.05 Design, Location and Construction Requirements 19-2
Section 19.06 Schedule of Off-Street Parking Requirements 19-3
Section 19.07 Off-Street Loading Requirements 19-5
Chapter 20 – Nonconforming Uses 20-1
Section 20.01 Intent and Purpose 20-1
Section 20.02 Lawfully Nonconforming Buildings and Structures 20-1

Section 20.03 Lawfully Nonconforming Uses of Buildings, Structures and Land 20-3
Section 20.04 Other Requirements 20-4
Chapter 21 – Board of Zoning Appeals 21-1
Section 21.01 Members, Appointment and Tenure 21-1
Section 21.02 Officers 21-1
Section 21.03 Meeting and Voting 21-1
Section 21.04 Jurisdiction 21-1
Section 21.05 Powers of the Board 21-1
Section 21.06 Variances 21-2
Section 21.07 Conditions of Approval 21-2
Section 21.08 Time Limitations on Variances 21-2
Section 21.09 Procedure 21-2
Section 21.10 Decisions of the Board 21-3
Section 21.11 Alternate Members 21-3
Chapter 22 – Administration and Enforcement 22-1
Section 22.01 Zoning Administrator 22-1
Section 22.02 Zoning Permit Required 22-1
Section 22.03 Occupancy 22-1
Section 22.04 Fees 22-1
Section 22.05 Performance Guarantees 22-2
Section 22.06 Violations and Penalties 22-2
Chapter 23 - Amendments 23-1
Section 23.01 Amendments in Zoning Ordinance 23-1
Section 23.02 Procedures 23-1
Section 23.03 Resubmission of Applications 23-1
Chapter 24 - Miscellaneous 24-1
Section 24.01 Severability 24-1
Section 24.02 Effective Date 24-1
Section 24.03 Prior Zoning Ordinance 24-1

CHAPTER 1
TITLE, PURPOSE AND INTERPRETATION

Section 1.01. Title. This Ordinance shall be known and may be cited as the Pierson Township Zoning Ordinance.

Section 1.02. Purpose. This Ordinance has the purpose and is intended to promote the public health, safety and general welfare; to encourage the use of land in accordance with the character and adaptability of the land and also to limit the improper use of land; to conserve natural resources and energy to meet the needs of the public for food, fibre and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for transportation uses, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and other property interests.

Section 1.03. The Effect of Zoning. Except as stated in this Ordinance, no land, building, structure or premises within the Township shall be used or occupied, and no building, structure or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered.

Section 1.04. Scope.

(a) The provisions of this Ordinance shall be in addition to all other ordinances and regulations in effect within the Township. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other ordinances or regulations, except as specifically stated herein, nor shall this Ordinance repeal or affect private restrictions or restrictive covenants, all of which shall continue to have whatever effect may be imparted to them by law.

(b) Where this Ordinance imposes greater restrictions, limitations or requirements upon the use of lands, buildings and structures than are imposed or required by other laws, ordinance, regulations, private restrictions or restrictive covenants, the provisions of this Ordinance shall control.

Section 1.05. Legal Basis. This Ordinance is adopted pursuant to the Township Rural Zoning Act, being Act 184 of the Public Acts of Michigan of 1943, as amended.

CHAPTER 2
DEFINITIONS

Section 2.01. Rules of Construction. The following rules of construction shall apply to the interpretation of this Ordinance.

(a) If in a particular circumstance, the meaning of a word, phrase, section or other portion of this Ordinance is unclear, then the person, board or commission charged with interpreting or applying the ordinance shall construe the provision so as to carry out the intent and purpose of the ordinance, if such intent and purpose can be discerned from other provisions of the ordinance or from applicable law.

(b) All words and phrases shall be construed and understood according to the common and preferred use of the language; technical words and technical or specialized phrases, such as may have acquired a peculiar and appropriate meaning and the law shall, however, be construed and understood according to such peculiar and appropriate meaning.

(c) Unless the context clearly requires otherwise, every word or phrase denoting the singular may extend the plural, and every word or phrase denoting the plural may extend to the singular.

(d) The word "shall" is mandatory and not discretionary. The word "may" is permissive.

(e) The particular shall control the general.

(f) The word "person" includes an individual, a corporation, a partnership, an association, a limited liability company, an agent or any other similar person or entity.

(g) Words and phrases not defined herein shall have the meaning customarily attributed to them.

(h) A "building" or "structure" includes any part thereof, unless the context indicates otherwise.

In computing a period of days, the first day is excluded and the last day is included.

Section 2.02. Definitions - A through E.

(a) **Accessory Building (ABU).** A detached structure or building, on the same lot or parcel of land as the principal building or buildings, the use of which is of a nature customarily or clearly incidental and subordinate to that of the main building or structure.

(b) **Accessory Dwelling Unit (ADU).** An attached or detached residential living unit or dwelling on the same lot or parcel on which a lawful single-family dwelling is located that provides independent living facilities, including basic requirements for living, sleeping, eating, cooking, bathing and sanitation, for one (1) or more person(s).

(c) **Accessory Use.** A use naturally and normally incidental and subordinate to a principal use on the same premises.

(d) **Accessory Ground-Mounted Solar Energy System – Large:** A ground-mounted solar energy system with the primary purpose of generating electricity for the principal use on the site; covering more than 10% of the lot area, but no more than 20% of the lot.

(e) **Accessory Ground-Mounted Solar Energy System – Small:** A ground-mounted solar energy system with the primary purpose primarily of generating electricity for the principal use on the site; covering 10% or less of the lot area.

(f) **Basement**. That portion of a building which is partly or wholly below the grade of the land, but is so constructed that the vertical distance from the average grade of the land down to the floor of the basement is greater than the vertical distance from the average grade of the land to the ceiling of the basement. A basement shall not be counted as a story.

(g) **Bed and Breakfast Establishment.** A private residence that offers overnight accommodations to lodgers in the innkeeper's (owner or operator) principal residence and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed and breakfast establishment for fewer than 30 consecutive days.

(h) **Building.** Any enclosed structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing of persons, animals, or property, or carrying out of business activities, or similar uses.

(i) **Building Height.** The vertical distance measured from the lowest point of elevation of the surface of the ground or finished material anywhere around the perimeter of a building, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to a point which is half way between the eaves and the ridge of gable, hip, or gambrel roofs.

(j) **Building-Integrated Solar Energy System:** A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to,

photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

(k) **Cluster Housing.** An arrangement of single family detached dwellings in a land development in which the dwellings are generally located on smaller lots than might otherwise be expected, and in which the dwellings are placed in separate or particular areas of the land, with the result that a significant portion of the overall land area of the development remains in open space, without buildings or other improvements.

(l) **Commercial Storage Warehouse.** Any building or buildings used primarily as a commercial business for the storage of goods and materials.

(m) **Driveway.** An improved or unimproved path or road extending from a public or private street or other right-of-way to not more than two buildings, dwellings or parcels of land, and which is intended to provide the primary means of access to not more than two buildings, dwellings· or parcels of land. Driveways, as defined herein, are not subject to the private street requirements of Chapter 4 of this Ordinance.

(n) **Drive-in or Drive-through Facilities**. Any facility used to serve patrons of a business while in their motor vehicles, either exclusively or in addition to service within a building or structure.

(o) **Dual Use:** A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- Pollinator Habitat: Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

- Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

- Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

- Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

(p) **Dwelling, Multiple Family.** A building designed for occupancy by three or more families living independently of each other.

(q) **Dwelling, Single Family Detached.** A detached building designed exclusively for and occupied exclusively by one family.

(r) **Dwelling, Two-Family.** A building used for occupancy by two families living independently of each other.

(s) **Dwelling Unit.** A building, or portion of a building, designed for use and occupancy by one family for living and sleeping purposes, with housekeeping facilities.

(t) **Earth-Bermed Dwelling.** A dwelling in which the ground floor is partly below grade so as to provide climatic protection, noise control or for other reasons.

(u) **Essential Public Service Structures or Buildings.** Buildings or structures owned and operated by public utilities or municipal departments and used for gas, electrical, steam, fuel, water or sewage treatment or disposal, electrical substations, sewage lift stations which are not located entirely underground, and similar structures or buildings necessary to furnish adequate service within the Township, but not including Essential Public Service Equipment.

(v) **Essential Public Equipment.** Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, post office boxes, street lights, or similar equipment, but not including Essential Public Service Structures or Buildings.

Section 2.03. Definitions - F through L.

(a) **Family**.

(1) 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 who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

(2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

(b) **Family Day Care Homes**. A private residence in which less than seven minor children are given care and supervision for periods less than 24 hours per day,

operated by a person who permanently resides as a member of the household, which is registered with the Michigan Department of Social Services.

(c) **Farm**. A parcel of land of not less than ten acres in area within which land area, buildings and other facilities and property are used for the commercial cultivation, growing and harvesting of crops and/or the commercial raising of livestock.

(d) **Floor Area, Gross**. The sum of the total horizontal areas of all floors of the building in question, measured from the interior faces of exterior walls.

(e) **Greenbelts**. A planting strip or landscaped buffer strip.

(f) **Ground-Mounted Solar Energy System:** A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

(g) **Home Occupation**. An occupation or profession customarily or traditionally carried on in the home, or, where permitted, in an accessory building, and that is incidental and secondary to the use of the home as a dwelling place.

(h) **Intensive Livestock Operations**. An agricultural operation entailing the feeding and production of livestock with (a) 30 or more cattle, 600 or more swine, goats . or sheep, or 30,000 or more fowl.

(i) **Invasive Plant:** Non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

(j) **Junkyards, or Salvage Yards**. An open area where waste, used, or second hand materials are bought and sold·, exchanged, stored, bailed, packed, disassembled, crushed, melted, otherwise handled. Scrap materials include but are not limited to: scrap iron and other metals, paper, rags, tires, bottles, automobiles and automobile parts, wood and construction materials.

(k) **Kennel, Commercial**. Any lot or premises on which three or more dogs, cats, or other household pets, six months of age or older, are either permanently or temporarily boarded for commercial purposes.

(l) **Loading Space**. Off-street space intended for the temporary parking of a vehicle while loading and unloading materials.

(m) **Lot**. A parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds

description, as part of a platted subdivision, condominium unit intended for individual ownership and use, or otherwise.

(n) **Lot Area**. The total horizontal area defined by a flat plane intersecting vertical extensions of the lot comers so that area created by contour is not included.

(o) **Lot Depth**. The horizontal distance between the front and rear lot lines of interior and comer lots, or the two front lines of a through lot, measured along the median line between the side lot lines.

(p) **Lot Lines**. The lines bounding a lot as defined herein:

(1) Front Lot Line. In the case of an interior lot, the line separating the lot from the adjacent public or private street or access easement. Through and corner lots shall be considered to have two front lot lines, consisting of the lines separating said lot from each of the streets abutting the lot. In the case of a waterfront lot, the front lot line is the lot line on the waterfront.

(2) Rear Lot Line. That lot line opposite and most distant from the front lot line. In the case of a corner lot, the property owner may treat one of the lot lines opposite either of the two front lot lines as the rear lot line. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line or wholly within the lot. A through lot has no rear lot line.

(3) Side Lot Line. The lot lines connecting the front and real lot lines of an interior lot or connecting the front lot lines of a through lot; and the one lot line connecting the front and designated rear lot line of a corner lot.

(q) **Lot of Record**. A parcel of land which is separately described on a plat, condominium document, or metes and bounds description, recorded in the office of the County Register of Deeds as of a specified date.

(r) **Lot Width**. The horizontal straight line distance between the side lot lines of an interior lot or through lot, or designated side and opposite front lot line of a comer lot, measured at the minimum required front yard setback.

Section 2.04. Definitions - M through R.

(a) **Manufactured Home.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding,

however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a "mobile home" in this Ordinance.

(b) **Master Plan.** The long range land use plan currently adopted by the Township Planning Commission and any amendment to such plan.

(c) **Manufactured Housing Community.** A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Also referred to as a "mobile home park" in this Ordinance.

(d) **Maximum Tilt:** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

(e) **Minimum Tilt:** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

(f) **Motel/Hotel.** A building or group of buildings on the same lot, containing sleeping or dwelling units, in which lodging is provided for compensation on a transient basis.

(g) **Nonconforming Building.** A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, but not conforming to the current provisions of the Zoning Ordinance.

(h) **Nonconforming Use.** A use or activity lawfully existing on the effective date of this Ordinance or amendments thereto but not conforming with the current provisions of the Zoning Ordinance.

(i) **Non-Participating Lot(s):** One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.

(j) **Off-Street Parking Lot.** A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three vehicles, other than in connection with a single family dwelling.

(k) **Open Air Business.** A business, a substantial part of which involves activities or the display and sale of goods outside of a building, including motor vehicle and boat

sales, mobile home sales, lawn and garden centers, golf driving ranges, and similar uses.

(l) **Participating Lot(s):** One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.

(m) **Planned Unit Development.** A land development project that is under unified control and is planned and developed as a whole, either in a single land development project or in a series of stages of development, over a period of time. A planned unit development (PUD) may take place only if approved under the PUD District provided for in Chapter 11. A planned unit development is developed in accordance with a specifically-approved plan for the development, and it may include buildings and other improvements, streets, walkways, utilities, storm water drainage areas, landscaping, outdoor lighting, signage, open spaces and other site features and improvements.

(n) **Point-of-Use Electric Power Generation:** The non-commercial generation of electric power for direct use on and for the location or site of a permitted use or a special land use, including the sale to a regulated public utility of electric power generated on the site of a permitted use or a special land use, but only to the extent of that amount of electric power in excess of the electric power used at such site or location; provided, however, that the maximum quantity of electric power that may be generated by a point-of-use electric power generating facility shall not exceed 250 percent of the usual and customary amount of electric power consumed annually for the permitted use or special land use located on the site.

(o) **Principal Building.** The building in which the principal use is located.

(p) **Principal Use.** The primary use to which the premises are devoted.

(q) **Principal-Use Solar Energy System:** A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

(r) **Private Garage.** A detached accessory building or portion of a main building used primarily for the parking or storage of passenger motor vehicles and/or trucks.

(s) **Recreational Vehicle.** Vehicles used primarily for recreational purposes, including but not limited to camper trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies, and trailers used to transport them, and similar vehicles.

(t) **Repowering:** Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.

(u) **Roof-Mounted Solar Energy System:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

Section 2.05. Definitions - S through Z.

(a) **Site Condominium**. A land development project which is owned in the condominium form of land ownership, under the Michigan Condominium Act. A site condominium unit is a dwelling unit established under the condominium act and which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed for separate ownership and use as described in the master deed for the site condominium project, and within which a building may be constructed by the condominium unit owner. See other condominium- related definitions in Chapter 16 of this Ordinance. Condominium and site condominium are a form of land ownership, not a type of zoning.

(b) **Solar Array:** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

(c) **Solar Carport:** A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

(d) **Solar Energy System (SES):** A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

(e) **Solar Thermal System:** A system of equipment that converts sunlight into heat.

(f) **Story**. That part of a building included between the surface of any floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

(g) **Street, Public**. A public, dedicated right-of-way or public dedicated easement which provides the principal means of access to a parcel or parcels of land. A public street may be conveyed or dedicated to the County, the County Road Commission, the Township or other public body having jurisdiction over public streets. A public street

may be dedicated by means of a recorded plat or by means of a separate recorded easement or other properly recorded document.

(h) **Street, Private**. A path, trail, road, driveway or street which provides or is intended to provide the primary means of access to more than two buildings, dwellings or parcels of land. A private street may be established by easement, right-of-way agreement or other written instrument, or by prescription or other rights of use. A private street is established or conveyed to a person or persons, a legal entity or other party that is authorized to hold title to land, but it is not conveyed or dedicated to the County, the County Road Commission, the Township or other public agency having jurisdiction over roads.

(i) **Structure**. Anything constructed or erected in or upon the ground and having a permanent location in or upon the ground, including, though not limited to, buildings, accessory buildings, sheds, gazebos, radio and television towers, decks and platforms.

(j) **Vehicle Service Stations**. Buildings and premises where the principal use is supplying and dispensing at retail of motor fuels, lubricants, batteries, tires, or other motor vehicle accessories.

(k) **Yards**. The open spaces on the same lot located between a building and a lot line, as defined herein. The term "required yard" shall refer to that portion of the yard lying within the minimum required setback.

(1) **Front Yard**. The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the front lot line and the building line of the main building. In the case of a lot having frontage on a body of water, the front yard shall be considered that area between the shoreline and the building line of the main building.

(2) **Rear Yard**. The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the rear lot line and the nearest building line of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage.

(3) **Side Yard**. The 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 furthest horizontal distance from the side lot line to the nearest building line of the principal building.

CHAPTER 3
ZONING DISTRICTS AND ZONING MAP

Section 3.01. Zoning Districts. For purposes of this Zoning Ordinance, the Township of Pierson is hereby divided into the following zoning districts:

AG	Agricultural District
R-R	Rural Residential District
R-1	Single Family Residential District
LR	Lake Residential District
R-2	Two-Family and Multiple Family Residential District
R-3	Manufactured Housing Community District
PUD	Planned Unit Development District
C-1	Neighborhood Commercial District
C-2	General Commercial District
I	Industrial District

Section 3.02. Zoning Map. The locations and boundaries of the zoning districts are hereby established as shown on a map, as amended from time to time, entitled "Zoning Map of the Township of Pierson, Montcalm County, Michigan," which is hereby made a part of this Ordinance. When amendments are made in the zoning map, they shall be accomplished by means of an amendment in this section of the Zoning Ordinance. Where uncertainty exists as to the boundaries of any zoning district as shown on the zoning map, the following rules of construction and interpretation shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.

(d) Boundaries indicated as approximately following the centerline of creeks, streams or rivers shall be construed as following such creeks, streams or rivers, or in the event of change in the location of creeks, streams or rivers, shall be construed as moving with the creek, stream or river.

(e) Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, sections lines or other lines of government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

Section 3.03. Lands Not Included Within a District. In any case where, for whatever reason, lands have not been included within a zoning district on the zoning map, such lands shall be deemed to be included in the AG Agricultural District.

Section 3.04. Official Zoning Map. The official zoning map of the Township shall be maintained in the Township offices. Whenever an amendment in the zoning map is duly adopted by Township ordinance, such amendment shall be shown on the zoning map, following the effective date of any such amendment.

CHAPTER 4
GENERAL PROVISIONS

Section 4.01. Scope. These general provisions shall apply to all zoning districts unless stated otherwise. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and general welfare in the Township.

Section 4.02. Effect of Zoning. Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

Section 4.03. Effect of Other Regulations. The regulations of this Ordinance shall be in addition to any other regulations in effect in the Township. All building, subdividing and uses within any district shall satisfy all building, planning, platting, zoning and other applicable regulations.

Section 4.04. Restoration of Unsafe Buildings. Subject to the prov1s1ons of the nonconforming uses chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

Section 4.05. Required Area or Space. A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

Section 4.06. Existing Lots of Record.

(a) A lot which is platted, or a lot or other parcel of land which is otherwise lawfully of record as of the effective date of this Ordinance, may be used as stated in the district in which the lot or parcel is located, provided that the lot or parcel complies with all requirements of the County Health Department with regard to on-site sanitary sewage disposal. The principal building on such lot or parcel shall, however, be located such that the side yard setbacks on the lot or parcel are at least 80 percent as wide as the side yard requirements of this Ordinance for the district in which the lot or parcel is located. In all cases, the minimum front and rear yard setback requirements of this Ordinance shall be complied with.

(b) If two or more lots of record or a combination of lots and portions of lots of record, in existence at the time of adoption of this Ordinance are held in common ownership and individually do not comply with the minimum lot width or minimum lot area requirements of the district in which they are located, the lands involved shall be considered to be a single, undivided parcel for the purposes of this Ordinance. Such parcels shall be combined into a lot or parcel complying with the minimum lot width

and minimum lot area requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with the minimum lot width and minimum lot area requirements of this Ordinance.

Section 4.07. Unlawful Buildings and Uses. Any building, use or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this Ordinance shall continue to be unlawful, unless expressly permitted by this Ordinance. Such unlawful buildings, uses or lots shall not be considered to be nonconforming buildings, uses or lots under the terms of this Ordinance.

Section 4.08. Height Exceptions. The maximum height requirements of buildings and structures may be exceeded by parapet walls, chimneys, silos, stacks, monuments, cupolas, mechanical appurtenances, television and radio antennas attached to buildings, fire towers, grain elevators and elevated water towers.

Section 4.09. Required Yards or Lots.

(a) All lots, yards, parking areas or other spaces created after the effective date of this Ordinance, or any relevant amendment thereof, shall comply with the minimum requirements of the zoning district in which they are located.

(b) Computations for minimum lot area and minimum lot width shall not include lands used for private easements that are granted to other properties for the purpose of establishing and maintaining private streets.

(c) Required yard setbacks shall be measured from the lot lines, except for lots which derive access from a private street, or which have an easement for a private street on the property, in which case the setbacks shall be measured from the easement line.

Section 4.10. Principal Use or Principal Building. In all districts not more than one principal use or main building shall be placed on a lot, except for groups of related commercial or industrial buildings or multiple family dwellings, contained within a single, unified complex or grouping, that shares parking, access and other site features.

Section 4.11. Minimum Street Frontage.

(a) A building, dwelling unit or structure shall be erected only on a lot or parcel which has frontage on a public street or Township-approved private street. The length of such frontage shall be equal to at least the minimum lot width in the zoning district in which the lot or parcel is located; provided, however, that buildings and structures that are accessory to farm operations in the AG District shall be exempt from this requirement.

(b) Any lot created after the effective date of this Ordinance shall have frontage upon a public street or Township-approved private street equal in lineal distance to at least the minimum lot width in the district in which the lot or parcel is located.

Section 4.12. Double Frontage Lots. Buildings on lots having frontage on two intersecting or non-intersecting streets shall comply with the front yard requirements on both such streets.

Section 4.13. Cul-de-sac Lots. In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the minimum required front setback distance for buildings and structures. Such cul-de-sac lots shall have a minimum lot width of 40 feet at the front lot line. A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required frontage on the cul-de-sac. The cul-de-sac shall be deemed to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.

Section 4.14. Essential Services. The erection, construction, alteration or maintenance by public utilities or governmental units of overhead or underground gas, electrical, communication, steam, water, sanitary sewer or storm sewer, distribution, transmission or collection systems and other similar equipment and structures in connection therewith, and which are reasonably necessary for the furnishing of adequate service, are permitted in any zoning district. The erection and use of buildings for such purposes shall take place only if approved by the Planning Commission as a special land use.

Section 4.15. Accessory Uses.

(a) In any zoning district, accessory uses, incidental to a permitted use or other approved use, shall be permitted when located on the same lot or parcel of land; provided that such accessory uses shall not involve the conduct of any business, trade or industry.

(b) Point-of-use electric power generation shall be a permitted accessory use in the AG, R-R, R-1, LR, R-2, R-PUD, FR-PUD, C-1, C-2 and I Districts if and to the extent permitted by the terms of this Ordinance.

Section 4.16. Accessory Buildings.

(a) In any zoning district accessory buildings are permitted, the architectural character, roof lines, materials, and siding of accessory buildings used as private garages shall be generally compatible with those of the principal building.

(b) In any zoning district accessory buildings are permitted, one (1) private garage not to exceed 30 percent of the floor area of the principal building, attached or detached, will not count towards the total number of allowed Accessory Buildings.

(c) No accessory building shall be built upon any parcel on which there is no principal building, except accessory buildings to a principal structure located on a nearby lot shall be permitted in the LR District with the following conditions:

(1) Not more than one such building, or structure may be located on a lot across a public or private street which is either directly across or substantially adjacent and across from a lot improved with a principal dwelling, if both lots are under common ownership.

(2) A restrictive deed covenant shall be imposed against both such lots, prohibiting their separate sale unless the accessory building or structure is removed, or the lot on which it is located is improved by a principal dwelling, in compliance with the Zoning Ordinance.

(d) In the case of a proposed accessory building to be constructed on a parcel of land on which the principal building is being or will be constructed, a building permit for any such accessory building shall not be issued until the construction of the principal building has proceeded to the point at which the Township Building Official has inspected and approved the building-foundation stage of construction.

(e) No accessory building shall include residential, habitation or living quarters facilities or areas (and shall not be used for habitation or any overnight stays), unless the accessory building and living quarters meet all of the Accessory Dwelling Unit requirements of Section 4.17 of this Ordinance.

(f) The distance between an accessory building and any principal building shall not be less than ten (10) feet.

(g) No mobile home, trailer, shipping container, vehicle, tank, junk object or salvage materials or similar items shall be utilized as an accessory building or storage structure unless it has been approved as a Special Land Use; provided, however, that this requirement shall not apply to agricultural storage or other agricultural activities on bona fide farms, nor shall it apply to temporary tool sheds or similar temporary storage structures used during the construction of buildings or other structures on the land where such temporary tool sheds or other temporary storage structures are located.

(h) The roof overhang on any side of an accessory building shall not exceed twelve (12) feet in width, as measured from the building wall to the roof supports, if any; provided however, that a roof overhang exceeding twelve (12) feet in width may be permitted if the portion of the overhang that extends beyond, a point twelve (12) feet away from the building wall is counted in determining the total area of the accessory building.

(i) Yard Restrictions.

(1) Accessory buildings shall meet the minimum required building setbacks for a principal building as required by the zoning district in which it is located, except for the following;

(i) In the AG, R-R, R-1, and R-2 Zoning Districts, an accessory building that has an area of 200 square feet or less may be located within five (5) feet of a rear or side lot line.

(ii) In the LR Zoning District, an accessory building that has an area of 200 square feet or less may be located within five (5) feet of a side lot line.

(2) Private garages shall be considered as an integral part of the principal building when the structures are solidly covered and connected by a breezeway, portico, covered colonnade, or similar architectural device; and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

(i) The connected distance between a principal building and a Private Garage shall not exceed 30 feet.

(3) An Accessory Building shall not occupy more than thirty (30) percent of the area of the yard in which it is located.

(4) An Accessory Building may be constructed, erected, or placed in the front yard of any lot if it meets one of the following criteria:

(i) The Accessory Building is setback at least 200 feet from the front lot line and meets all other setback requirements.

(ii) The Accessory building is located not less than the required setbacks for a principal building in the zoning district within which the property is located. No portion of the detached accessory building facing the street, measured drip line to drip line, may be located in the area between the principal building and the street, where the area is formed by lines drawn from the opposite ends of the principal building facing the street, when the lines form right angles with the front lot line adjacent to the street right-of-way.

(j) Size and Dimensional Requirements.

(1) An accessory building in R-1, R-2 and LR Districts which is larger than 200 square feet in area may be erected only if the Zoning Administrator or other designated official finds:

(i) That the intended use of the building is consistent with the nature of the permitted uses.

(ii) That the size, proposed location, type and kind of construction, and general architectural character of the building is consistent with existing permitted uses.

(iii) That the type and kind of the accessory building is similar in nature to structures located on the adjoining properties and in the same neighborhood.

(iv) That the building will not adversely affect the light and air circulation of any adjoining properties.

(v) That the reason the applicant has requested a larger accessory building is consistent with the intent of this Ordinance.

(vi) That the building will not adversely affect the view of any adjoining property.

(2) In addition to the requirements of Section 4.16(F)(1) accessory buildings in AG, R-R, R-1, R-2, and LR Districts shall comply with the following:

Lot Size	Number of ABU allowed	Max area of an ABU	Max area of combined ABUs	Max Door Height	Max Eave Height	Max ABU Height	Length to Width
Less than one (1) acre	2	896 sqft	1200 sqft	13 ft	15 ft	24 ft	no more than 2x
More than one (1) acre, less than two (2) acres	2	1200 sqft	1200 sqft	14 ft	16 ft	24 ft	no more than 2x
More than two (2) acres, less than four (4) acres	2	1600 sqft	1600 sqft	14 ft	16 ft	25 ft	no more than 2x
More than four (4) acres, less than eight (8) acres	2	2400 sqft	2400 sqft	14 ft	16 ft	25 ft	no more than 2x
More than eight (8) acres, less than twenty (20) acres	2	3000 sqft	5000 sqft	14 ft	16 ft	25 ft	no more than 2x
Twenty (20) acres or more	2	6000 sqft	12000 sqft	14 ft	16 ft	25 ft	no more than 2x

(3) Accessory buildings larger than permitted by Section 4.16(F)(1) and (2) may be permitted by the Planning Commission as a special land use if the Planning Commission finds all of the following:

(i) That the parcel is an unplatted parcel.

(ii) That the parcel contains at least four (4) acres in area.

(iii) That the parcel is at least 330 feet wide, as measured at the front main wall of the accessory building located on the parcel.

(iv) That the conditions of Section 4.16(f)(1)(iii)(I) through (VI) are satisfied.

(v) That the accessory building will comply with the applicable yard and height regulations of the zoning district.

(vi) That no commercial use shall be conducted within the accessory building.

(vii) That the accessory building will be consistent with the character of the area and the existing accessory buildings within one-quarter mile of the proposed building site.

(viii) The provisions of Chapter 19 – Special Land Uses have been met.

(k) Certain Existing Accessory Buildings; Conditions for Lawful Nonconformity.

(1) A formerly lawful accessory building in existence at the effective date of this subsection but which no longer complies with this Ordinance as a result of an approved land division and conveyance which causes the accessory building to be located on a lawful parcel of land on which there is no principal building, shall nevertheless be and remain a lawful nonconforming accessory building if all of the conditions stated in this subsection below are satisfied.

(2) The accessory building shall be used only for a lawful accessory use under the terms of the zoning district in which it is located.

(3) The accessory building shall not be expanded or enlarged, but it may be maintained, repaired, restored and modernized to such extent as may be necessary or convenient for a lawful accessory use of the building.

(4) The accessory building shall comply with all current minimum required accessory building setbacks and separation distances for the zoning district in which it is located.

(5) The nonconformity of the accessory building by reason of the absence of a principal building on the same parcel of land shall be lawful for only one year from the date of the conveyance of the parcel; provided, however, that if a lawful principal building has not been constructed and completed within one year from the date of such conveyance, by reason of extenuating and unavoidable circumstances specified in writing by the property owner, the Zoning Administrator may grant an additional period, of up to one additional year, for the construction and completion of a lawful principal building. In addition:

(i) The owner of the resulting parcel that includes the accessory building shall submit to the Township, within 30 days after the conveyance, cash or an acceptable irrevocable letter of credit conditioned upon the construction and completion of a lawful principal building on the resulting parcel, within one year (or within such greater period of time as permitted under (5) above) after the above-stated conveyance.

(ii) The irrevocable letter of credit shall name the Township as the obligee or other benefitted party, and shall be in that amount, determined by the Zoning Administrator, which would be sufficient to defray the entire cost of the tearing down and removal of the accessory building and the restoration of the land by the Township, if a principal building is not constructed and completed within the time period permitted.

(iii) The owner of the resulting parcel that includes the accessory building shall prepare and record, within 30 days after the above-stated conveyance, a restrictive covenant, in form and content satisfactory to the Township, whereby there shall be imposed as a covenant running with the land, (1) the owner's obligation to construct and complete a principal building on the resulting parcel within the time-period as stated above, and (2) the right of the Township under the terms hereof to tear down and remove the accessory building and restore the land if a principal building is not constructed and completed on the resulting parcel within the above-stated time-period.

(1) The restrictive covenant shall include the consent of the owner of the resulting parcel to the Township obtaining an order of a court having jurisdiction, whereby the Township is authorized to enter upon the land, tear down and remove the accessory building and restore the land, upon the failure of construction and completion of a principal building within the time specified herein; but the Township shall not be obliged to seek such an order, nor shall the same be necessary to the exercise of the rights granted to the Township in the circumstances described herein.

(2) The restrictive covenant shall be subject to the approval of the Township Attorney prior to recording, as to compliance with this subsection (g)(5) and as to its legal effectiveness in imposing the above-stated restrictions on the land and in binding all subsequent owners thereof.

(3) If required by the Township, the owner shall submit for Township review a last owner of record search covering the resulting parcel and prepared by a land title insurance company, for the purpose of assuring to the Township that the restrictive covenant is executed by all of the parties in interest in the land, including mortgagees and other lien holders of record.

(4) Upon the failure of construction and completion of a principal building on the resulting parcel, as required in subparagraph (g)(5), the Township may execute upon the cash or irrevocable letter of credit, enter upon the land without notice and tear down and remove the accessory building and restore the land thereafter; the Township may expend the proceeds of the cash or irrevocable letter of credit for such purpose. Prior thereto, the Township may seek other available legal relief in the circumstances with the cash or irrevocable letter of credit but shall not be required to do so. No person shall split a lawful parcel of land which causes an existing accessory building or buildings to become nonconforming by way of setback, area, or other dimensional requirements.

Section 4.17. Accessory Dwelling Units

(a) Purpose and Intent.

The purpose of this section is to provide regulations concerning Accessory Dwelling Units (ADUs) in a manner that is consistent with the Township's goals of providing affordable housing options for multi-generational family living arrangements.

The provisions of this section are intended to accomplish all of the following:

(1) Provide flexibility in housing choices to accommodate different family sizes, life stages, and financial needs.

(2) Allow smaller ADUs as a subordinate and complimentary use to a lawful principal single-family residential dwelling on the same lot or parcel, while ensuring that the description and purpose of the zoning district the ADU is in is maintained.

(3) Establish clear and objective standards for the design, size, location, and occupancy of ADUs to ensure that they are well-integrated into the community and do not adversely impact the privacy, light, or views of single-family residential neighboring properties.

(b) Requirements Applicable to all Accessory Dwelling Units (ADUs)
An Accessory Dwelling Unit shall comply with all of the following requirements:

(1) Accessory Dwelling Units shall be allowed as a Permitted Use only within the AG, LR, R-R, R-1, and R-2 Zoning Districts.

(2) Only one (1) Accessory Dwelling Unit per lot is allowed.

(3) At least one (1) owner of record of the lot involved shall occupy either the primary dwelling unit or the Accessory Dwelling Unit. The owner occupant shall meet the requirements for a principal residence tax exemption at all times.

(4) Persons occupying an Accessory Dwelling Unit must be a family member of the persons occupying the principal single-family dwelling on the lot.

(5) ADUs shall have their own kitchens, sleeping areas, and full bathroom facilities.

(6) ADUs shall comply with all of the requirements of Section 4.34 – Health Department Approval or appropriate governing agency of this Ordinance and must supply proof of Health Department approval to the Zoning Administrator prior to the issuance of a zoning permit for the ADU.

(7) Annual Affidavit. The property owner shall file an annual affidavit with the Zoning Administrator confirming that the designated family member remains in residence.

(8) Occupancy of an ADU shall comply with the minimum square footage requirements per occupant set forth in the local Building Code. Baseline adult occupancy shall not exceed two (2) adults unless approved as a special land use by the Planning Commission.

(9) Conversion of ADU. The right to maintain an ADU is non-transferable and contingent upon occupancy by a family member. Upon the cessation of said occupancy:

i. The ADU shall no longer be used as a separate dwelling unit.

ii. The property owner shall remove all kitchen appliances to ensure the unit no longer meets the definition of a dwelling unit. Alternative conversion measures may be approved by the Zoning Administrator.

iii. After inspection by the Zoning Administrator, or other designated officials, the unit may continue to be used as an accessory building provided it meets all other requirements applicable to accessory buildings.

(10) The Zoning Administrator may defer a decision on an ADU application to the Planning Commission for any reason. A decision by the Zoning Administrator on an ADU application may be appealed to the Planning Commission.

(c) Requirements Applicable to Attached Accessory Dwelling Units (ADUs)

(1) Attached ADUs shall only be permitted on legally conforming lots of record that meet or exceed the minimum lot area requirements of the underlying zoning district in which they are located.

(2) Attached ADUs shall comply with minimum yard setbacks required for a principal dwelling.

(3) A separate exterior entrance for the attached ADU shall be provided.

(4) Attached ADUs shall be structurally integrated with, and share a common wall with, the primary residential structure. Incidental architectural features, including but not limited to breezeways, decks, patios, or carports, shall not be used to establish structural attachment. An attached garage may be used to establish structural attachment.

(5) Attached ADUs shall have a minimum floor area of 400 square feet.

(6) Attached ADUs shall have a maximum floor area that is no greater than the habitable floor area of the principal dwelling.

(d) Requirements Applicable to Detached Accessory Dwelling Units (ADUs)

(1) Accessory Dwelling Units shall only be allowed on lots containing the following minimum Lot Areas:

i. AG Zoning District: Five (5) Acres

ii. LR Zoning District: 40,000 square feet

iii. R-R Zoning District: Two (2) Acres

iv. R-1 Zoning District: Two (2) Acres

v. R-2 Zoning District: One (1) Acre

(2) Detached Accessory Dwelling Units shall only be allowed as an accessory use to a larger lawful primary single-family residential dwelling on the same lot.

(3) Detached ADUs shall comply with all of the minimum setback requirements for a principal building for the Zoning District within which they are located.

(4) Detached ADUs shall comply with all of the requirements of Section 4.16 – Accessory Buildings of this Ordinance.

(5) Detached ADUs shall count towards the maximum number and maximum square footage for Accessory Buildings on a lot.

(6) ADUs shall comply with all of the requirements of Section 4.31 – Minimum Requirements for Dwellings Outside Mobile Home Parks of this Ordinance.

(7) Detached ADUs shall comply with the minimum floor area requirements for a single-family residential dwelling for the Zoning District within which they are located.

(8) Detached ADUs shall not exceed a maximum floor are 1,200 square feet.

Section 4.18. Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors. Every use shall be so conducted and operated that it does not result in serious adverse effects by reason of heat, glare, fumes, odors, dust, noise, vibration or the presence of large quantities of insects, rodents, vermin, bats or birds beyond the lands on which the use is located.

Section 4.19. Moving of Buildings. The moving of a building to a new location shall be considered as the erection of a new building, and all provisions and requirements relating to the erection of a new building shall apply.

Section 4.20. Razing of Buildings. No building shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in any amount not to exceed $1,000 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within a period not to exceed six months and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

Section 4.21. Swimming Pools.

(a) Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than 24 inches deep.

(b) Pools shall meet all setback requirements. No pool shall be located under any electrical wiring or in a front yard.

(c) Each pool shall be entirely enclosed by a fence or wall with a height of at least four feet above the ground. In the case of an above-ground pool, the fence shall fully enclose the stairs or other means of access to the pool. All gates and fences enclosing pools shall be self-latching.

(d) All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

(e) Pools may not occupy more than 40 percent of the yard area.

(f) If a public water supply system is available, only public water shall be used to supply water for such pool.

Section 4.22. Outdoor Storage and Waste Disposal.

(a) All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.

(b) All materials or wastes which might cause fumes, odors or dust which constitute a fire hazard or which may be edible by rodents or insects shall be stored outdoors only in closed containers and screened from the street or adjacent property.

(c) No materials or wastes shall be deposited on the premises in such form or manner that they may be moved off the premises by natural causes or forces.

(d) Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

Section 4.23. Clear Vision Corners. On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points 25 feet from the intersection of the right-of-way lines.

Section 4.24. Fences.

(a) Fences not more than three feet in height and retaining walls are permitted in the front yards of all zones, provided, however, that such fences shall not be more than 25 percent solid.

(b) Solid fences and solid non-retaining walls of not more than six feet in height are permitted only in the side yards or rear yards in any district, but in lakefront lots in

the LR District, such fences shall not exceed three feet in height and they shall not be more than 25 percent solid.

(c) A well-maintained wire protective fence shall be permitted in the front yard of the C-2 and I-1 Districts.

(d) Special purpose fences, such as tennis court fences and baseball diamond backstops may be permitted if approved by the Planning Commission as a special land use. Such special purpose fences shall not be installed on boundary lines.

(e) Fences enclosing swimming pools shall be an exception from the provisions of this section, but shall be regulated by the terms of Section 4.20.

(f) Fences shall not be erected within any public right-of-way.

(g) Fences shall not be erected or maintained in such a way as to obstruct the clear vision of vehicle drivers at intersections.

(h) Fences located in a side yard shall not extend beyond the front line of the dwelling or the front line of other principal building, except as permitted in subsection (a) of this section.

(i) Fences shall at all times be maintained in good condition and repair.

Section 4.25. Street Access. Every principal building or principal structure erected, used, occupied, enlarged or maintained shall be on a lot or parcel adjacent to a public street or adjacent to an approved private street. The lot or parcel shall have the minimum street frontage as stated in Section 4.11. An approved private street shall mean a private street complying with Section 4.25. All structures shall be located on lots or parcels so as to provide safe and convenient access for motor vehicles, including fire, law enforcement and other emergency vehicles and safe and convenient access to approved off-street parking areas.

Section 4.26. Private Streets, Driveways.

(a) The Township has determined that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private streets, so as to assure the following matters:

(1) That private streets are designed with adequate width, surface, grade and drainage facilities, so as to assure safe passage and maneuverability of private and emergency vehicles, and as required by the Township Engineer and, with regard to drainage, by the County Drain Commissioner.

(2) That private streets are constructed of suitable materials so as to ensure minimal maintenance and safe passage of vehicles.

(3) That private streets will be constructed so as to protect against or minimize soil erosion and to prevent damage to the lakes, streams, wetlands and other significant natural features of the Township.

(b) For purposes of this section, and where applicable, elsewhere in this Ordinance, driveways and private streets shall be defined as follows:

(1) A private street is a road or street which provides or is intended to provide the primary means of access to more than two buildings, dwellings or parcels of land. A private street may be established by deed, easement, right-of-way agreement or other written instrument.

(2) An existing private street is a private road or street which is being used to provide access to existing buildings, existing dwellings or existing parcels of land, as of the effective date of this Ordinance.

(3) A driveway is an improved or unimproved road or other route of access extending from a public street or a private street to not more than two buildings, dwellings or parcels of land, and which is intended to provide the primary means of access to not more than two buildings, dwellings or parcels of land.

(c) All private streets shall be designed and constructed in accordance with the following minimum design, construction, inspection, approval and maintenance requirements:

(1) The private street right-of-way shall be at least 66 feet in width.

(2) The area in which the private street is located shall have a minimum cleared width of 28 feet.

(3) The private street serving five or fewer parcels shall have a minimum roadbed width of 16 feet; private roads serving six or more parcels shall have a minimum roadbed width of 22 feet.

(4) Unpaved private streets shall have a minimum sub-base of 12 inches of sand and six inches of gravel; all gravel used shall comply Road Commission of Montcalm County specifications.

(5) Private streets which are paved shall be paved with a total of two inches of bituminous aggregate pavement complying with Road Commission of Montcalm County specifications.

(6) Private streets serving 16 or more parcels shall be paved.

(7) Any private street which terminates at a dead end shall have a cul-de-sac with a minimum radius of 40 feet.

(8) No private street shall extend for a distance of more than 2,000 feet in length from the nearest public street right-of-way as measured along the centerline of the private street, unless direct access is provided thereto from another public street.

(9) The private street surface shall have minimum grade of .2 feet from the centerline of the private road to the outside edge thereof.

(10) A street shoulder shall be provided on each side of the private street surface with a minimum width of two feet, containing a slope of .22 feet from the outside edge of the street surface to the toe of the slope.

(11) The maximum longitudinal street grade shall not exceed 6 percent, provided the Township may allow up to a 10 percent grade provided the Township is satisfied that such increase in street grade will not adversely public safety or cause undue erosion.

(d) All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the district in which the parcel is located.

(e) All private streets shall have direct access to a public street.

(f) All private streets shall have a recorded permanent right-of-way or easement. The right-of-way or easement shall expressly permit public or private utilities to be installed within the right-of-way.

(g) The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is reasonably assured. The minimum distance between intersections of public and/or private street rights-of- way shall not be less than 150 feet, as measured along the right-of-way lines thereof.

(h) All private streets shall be named and identified by use of appropriately located street name signs. Street names shall not duplicate any existing street name in Montcalm County, except in the case of the continuation of an existing street. All lots fronting on a private street shall have an address on the private street. A stop sign conforming to the requirements of the County Road Commission shall be provided at the exit point from the private street to the public street, if required by the County Road Commission.

(i) The provisions of this section shall not apply to existing private streets, except that if an existing private street is extended, so as to serve one or more additional buildings, dwellings or parcels of land, the extended portion of such private street shall comply with the provisions of this section. Such extended portion of an existing private street shall include an additional turnaround area or cul-de-sac, as well as an additional length of private street.

(j) All private roads shall be maintained, repaired, improved and snowplowed in such a manner and to such extent that the private road shall be safe and convenient for travel in all weather conditions and, in particular, such maintenance, repair and improvement shall be sufficient to assure that the private road shall be safe and convenient for the travel of emergency vehicles in all weather conditions.

(k) All owners or parties in interest in a proposed private street shall submit to the Township a recordable private street maintenance agreement, signed by all owners of

the easement or right-of-way for the private street and by all other parties having any interest therein. Such agreement shall provide that the private street shall be regularly maintained, repaired and snowplowed so as to assure that the street shall be safe and convenient for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.

(1) All buildings constructed or parcels of land established along or at the end of the private street shall be subject to the private street maintenance agreement.

(2) The agreement shall run with the land and shall be recorded with the county register of deeds. A copy of the agreement as recorded shall be promptly furnished to the Township office after recording.

(3) The agreement shall be in a form and shall have such content as is satisfactory to the Township. A copy of the agreement shall be submitted to the Township for review prior to recording.

(4) The private street maintenance agreement shall be so prepared as to legally constitute a restrictive covenant, binding upon all current and future owners and other parties in interest as to the lands occupied by the private street and any right-of-way or easement therefor, and also as to all lots and other parcels of land served or to be served by the private street.

(l) Procedures for approval of an application for a private street shall be prepared and submitted to the Township office, on a form provided by the Township. The applicant shall pay, with the filing of the application, such application fee as may be required by resolution of the Township Board. The applicant shall also make the required cash deposit under the Township zoning escrow fee resolution, and shall make any required subsequent deposits in accordance with the terms of that resolution.

(1) An application for a private street shall be considered by the Zoning Administrator, after the application and other required materials are complete, and the application shall be subject to the approval of the Zoning Administrator. In the Administrator's discretion, the application may be referred to the Planning Commission for review and comment.

(2) If a private street is included in a proposed planned unit development, special land use, site condominium or other land development that requires Planning Commission consideration and approval, then approval of the private street shall be accomplished by action of the Planning Commission, as a part of its approval of the land development, if it approves such development.

(3) The Zoning Administrator or, in the circumstances noted above, the Planning Commission, shall review the application for the private street, and shall make the following findings, if appropriate in the facts and circumstances:

(i) That the private street complies with all requirements of this section and

other applicable provisions of this Ordinance.

(ii) That the private street would not create conditions which may be detrimental to the health, safety or welfare of persons or property, through the creation of hazardous or potentially hazardous situations.

(4) In approving an application for a private street, the Zoning Administrator (or, in the circumstances described above, the Planning Commission) may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction and use of a private street, consistent with the terms of this section and other applicable provisions of this Ordinance.

(5) The review and approval of a proposed private street shall be in the form of a construction permit for the private street, to be issued by the Zoning Administrator.

(i) No private street shall be constructed until the construction permit has been issued.

(ii) The construction permit shall include any special terms and conditions relating to the placement, design, construction and use of the private street. If such terms and conditions were determined by the Planning Commission in its consideration of a land development requiring Planning Commission approval, then such terms and conditions may be included in the construction permit by means of attaching to the permit the minutes of the relevant Planning Commission meeting or an excerpt from the ordinance, resolution or other written form of approval of the land development.

(iii) In issuing a private street construction permit, the Zoning Administrator may also include or attach other terms and conditions relating to inspection of a private street, any required escrow account deposits, contact with the Township Engineer or other matters pertaining to procedures and inspections with respect to the private street.

(6) Certificate of Compliance.

(i) At a particular stage or stages during construction of a private street, the Zoning Administrator or the Administrator's designee (including the Township Engineer) may inspect the construction of the private street, as it has progressed to that point, to determine whether the construction complies with this section. If the construction permit specifies Township inspection of the street at particular construction stages, the applicant shall notify the Zoning Administrator (or if directed, the Township Engineer) when the work is ready for inspection, and the applicant shall not proceed further until the work has been inspected and until Township approval has been given for the work to proceed further.

(ii) Upon completion of construction of a private street, the Zoning Administrator, or the Administrator's designee (including the Township Engineer) shall inspect the completed construction to determine whether it complies with the approved plans for the street, the construction permit, any written comments or requirements made as a result of prior inspections, the terms of this section and other applicable provisions of this Ordinance.

(iii) Following inspection of the completed private street, and the approval thereof, the Zoning Administrator shall prepare and issue to the applicant a certificate of compliance, stating that based upon the inspection of the construction, the private street complies with this section, the construction permit, previously inspection requirements and other applicable provisions of this Ordinance. Upon receiving such certificate of compliance, the applicant may proceed to open and use the private street.

(iv) In the Zoning Administrator's discretion, the certificate of compliance may be given prior to the application of the final surface material for the street, if the Administrator concludes that such final surfacing may be deferred to a later time, so as to avoid interim damage to the final surface by construction vehicles, or because of inclement weather or for other reasons. In such event, however, the certificate of compliance shall include as a condition the time or stage at which the final surface shall be applied to the street, and inspection thereof shall be required after the final surface has been applied. The final surface shall then be inspected by the Administrator or the Administrator's designee, and if it is satisfactory under the terms of this section, the Administrator shall issue a supplemental certificate of compliance, specifying that the completed surface and other aspects of the private street are in compliance with this section, all previous inspections and other applicable provisions of this Ordinance.

(v) If upon final inspection, the private street does not satisfy the requirements of this section, the requirements of previous approvals or other applicable provisions of this Ordinance, the Administrator shall notify the applicant in writing of such noncompliance (or such notification shall be given by the Township Engineer), and the applicant shall then have a reasonable period of time in which to correct the stated deficiencies.

(7) Building Permits.

(i) No building permits or other permits shall be issued for any dwelling, or other building, structure or use, the primary access to which would be provided by a private street, until the private street has been approved in accordance with this section and until a certificate of compliance has been

issued, except as stated in subparagraph (ii) of this subsection (7).

(ii) If a private street has not yet been completed and approved in accordance with this section, but the applicant has submitted to the Township a performance bond, with a surety acceptable to the Township, or a letter of credit, conditioned upon the timely and full completion of the private street in accordance with this section, and all required inspections of this street, then a building permit may nevertheless be issued for a dwelling or for other building, structure or use to be served by the private street; provided, however, that no such permit shall be issued unless the Zoning Administrator also determines that persons and vehicles, including emergency vehicles, may traverse the incomplete private street in sufficient safety.

In accepting a performance bond or letter of credit, the Township may impose requirements as to the completion date of the private street, or other terms and conditions, and if so, such terms, requirements and conditions shall be set forth in a letter or other writing prepared by the Administrator, accepting the bond or letter of credit upon the terms there stated.

In all cases where a performance bond or letter of credit has been given and accepted by the Township, the further construction of the private street shall nevertheless be pursued diligently until completion.

(8) An occupancy permit for a dwelling or other building to be served by a private street shall not be issued until the private street has been laid out and constructed with sufficient width, surface and grade so as to assure the safe passage and maneuverability of fire, law enforcement, ambulance and other emergency service vehicles.

(9) If the private street is proposed as a part of a planned unit development or a special land use, the provisions of this section may be modified by the Planning Commission (and the Township Board, where Township Board approval is also required), in the approval of the planned unit development or a special land use, upon a determination that modifications in the provisions of this section are justified and appropriate, based upon the design, layout, construction or other aspects of the planned unit development or special land use, or the land use objectives to be achieved thereby.

(10) As a condition of approval of a private street and the issuance of a construction permit therefor, the Township may require that the applicant provide a performance bond, with a surety acceptable to the Township, or a letter of credit, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given by the Zoning Administrator. Such conditions of approval may include a required period of time for the construction and proper completion of the

private street, and may also include a provision stating that the Township may enforce the performance bond or letter of credit in the event that any such deadline for completion is not complied with.

Section 4.27. Natural Buffer Strip Required. A buffer or green belt of natural vegetation measuring 25 feet in width shall be maintained along the bank or border of every natural stream or natural creek. Clear cutting of trees, shrubs and weeds in the buffer area shall be prohibited, except if found to be dead, diseased, unsafe, fallen or noxious. This does not apply to minor pruning of trees and shrubs. This section shall not apply to governmentally-established drains.

Section 4.28. Access to Lakes and Streams.

(a) Definitions. For purposes of this section:

(1) "Access property" means a property, parcel of land or lot abutting a lake, stream or other body of water either natural or man-made and used or intended to be used for the providing of access to a lake or other body of water by pedestrian or vehicular traffic to and from off-shore land, regardless of whether access to such body of water is gained by easement, fee ownership of land by one or more owners, lease, license, gift, business invitation or any other form of conveyance, dedication, approval or consent.

(2) "Dwelling unit" means a dwelling structure designed for use by one family or other occupancy, whether for seasonal, all-season, temporary or other use, and it shall include, but not be limited to single family dwellings, mobile homes, recreational units, hotels and motels, apartments, condominium units, cooperative units, attached residential unit or other residence unit, however located. Each separate dwelling unit within a multiple family dwelling structure shall be a separate dwelling unit for purposes of this section.

(b) Limitation on Waterfront Access. No land shall be used or provided for use as access property from off-shore lands to or for a lake, stream or other body of water, either natural or artificial, unless there shall be provided access property that has

(1) A water frontage of not less than 50 feet for each dwelling unit using such access property, or as to which the right or privilege of access is granted, approved, extended, conveyed or dedicated, with such water frontage to be measured along the water's edge of the normal high water mark of the lake, stream or other body of water.

(2) A minimum land area of 5,000 square feet for each dwelling unit using such access property, or as to which the right or privilege of access is granted, approved, extended, conveyed or dedicated.

(i) The minimum depth for an access property shall be 100 feet.

(ii) No access property shall have less than 200 feet of water frontage as measured along the water's edge of the normal high water mark of the lake, stream or other body of water.

(iii) Water frontage of an access property shall not include a swamp, wetland, marsh or bog. No swamp, wetland, marsh or bog shall be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of altering or increasing the length of water frontage required by this section, or for the purpose of otherwise attempting to comply with this section.

(iv) An access property shall not abut an artificially-made canal or channel. No canal or channel shall be constructed, dredged or excavated for the purpose of altering or increasing the length of water frontage required by this section, or for the purpose of otherwise attempting compliance with this section.

(v) An access property, irrespective of its total area, shall not be used for residential, commercial or other purposes.

(3) The provisions of this section shall not apply to existing actual access occurring from non-frontage lands, to lakes, streams and other bodies of water, where such existing access is occurring at the effective date of this section, from non-frontage lands that are platted or otherwise of record at the effective date of this section.

Section 4.29. Antennas and Towers Not Exceeding 30 Feet in Height. Freestanding radio, television or communications antennas or towers (including satellite dish antennas) not exceeding 30 feet in height, are permitted in all districts upon compliance with the following requirements:

(a) The antenna shall be permanently secured to a stable foundation.

(b) No portion of the antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.

(c) No freestanding antenna shall exceed a height of 30 feet above grade, or have any dimension exceeding 30 feet, including its mounting structure, except that freestanding antennas or towers exceeding such height or other dimension may be permitted by the Planning Commission as a special land use under Chapter 15.

(d) Except in the AG and the R-R Districts, an antenna or tower (including a satellite dish antenna) 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 the depth of the required rear or side yard setback, whichever is the greater.

(e) An antenna may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of 20 feet, as measured from its foundation.

(f) All antennas must be grounded to protect against damage from lightning.

(g) An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.

(h) Amateur radio antennas (being antennas operated for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and operated under a license issued by the Federal Communications Commission shall be subject to the provisions of this section, but if the effect of any such provision upon the operation of an amateur radio antenna would be to preclude or prevent the operation of such an antenna, then such provisions shall not apply.

Section 4.30. Maximum Lot Width to Depth Ratio.

(a) In all zoning districts, a building shall not be constructed or occupied on a lot or parcel if the depth of the lot or parcel exceeds four times its width.

(b) The Planning Commission may permit the creation of a lot or parcel to be used for the construction of a building which does not comply with this section, through the granting of a special land use under the terms of Chapter 15 or within a planned unit development. In determining whether to grant such special land use, or to approve such lot or parcel within a planned unit development, the Planning Commission shall find that the greater depth is necessitated by conditions of the land, such as topography, road access, soils, wetlands, or flood plain, and that the creation or use of the lot will not conflict with other Township ordinances, unless appropriate variance or waiver from such other ordinances is obtained.

Section 4.31. Recreational Vehic1e Parking.

(a) The use, parking and storage of recreational vehicles that are located outside of approved or otherwise lawful campgrounds shall be regulated by the terms of this section.

(b) It shall be unlawful for any person to park or cause to be parked any recreational vehicle on any street, alley, highway or other public place in the Township and to use the same as a dwelling while so located.

(c) In the R-1 District, a recreational vehicle shall not be parked in the front yard, except on a temporary basis, not exceeding seven days, except as provided in subsection (d).

(d) In the R-1 District, no boat, boat trailer, snowmobile, snowmobile trailer, jet ski or other motorized watercraft or utility trailer shall be parked in the front yard, except on a temporary basis, not exceeding seven days.

(e) During the construction of a dwelling, one, but not more than one, recreational vehicle or mobile home not complying with the definition of a dwelling as stated in this Ordinance, may be temporarily located, used and occupied on the premises, during the actual construction of a principal dwelling; provided, however, that written approval of the same, issued by the Zoning Administrator, shall be obtained prior to the placement of the recreational vehicle or mobile home, for such purpose. In such a case, the recreational vehicle or mobile home shall be removed from the premises within six months of the effective date of the written approval, except that an

additional extension of time, not exceeding six months, may be granted by the Zoning Administrator, upon proof that such additional time is needed for the completion of the principal dwelling.

(f) No recreational vehicle shall be parked at such location or in such manner as to be a traffic hazard or otherwise to create an unsafe situation by interference with the view of pedestrians or the drivers of vehicles on public or private streets or otherwise within street rights-of-way.

Section 4.32. Minimum Requirements for Dwellings Outside Mobile Home Parks. All dwelling units located outside of mobile home parks shall comply with the following requirements:

(a) All dwelling units shall provide a minimum height between the interior floor and ceiling of seven and one-half feet or if a mobile home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.

(b) The minimum width of any single family dwelling unit shall be 16 feet, measured between the exterior part of the walls having the greatest length.

(c) All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the Township or, if a mobile home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."

(d) The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.

(e) All dwellings shall be connected to a sewage disposal system and water supply system approved by the Township and the County Health Department.

(f) All additions to dwellings shall meet all the requirements of this Ordinance.

(g) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of mobile home parks within 500 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(h) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.

(i) All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.

(j) A minimum of 100 square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the Zoning Administrator.

Section 4.33. Temporary Dwellings. No cabin, garage, basement, tent, recreational vehicle, or other temporary structure shall be used in whole or in part for dwelling purposes in any district provided that such structure may be used for a temporary dwelling for a period not to exceed six months upon application to and approval of a permit for such occupancy by the Zoning Administrator upon determination that the following conditions exist and are met:

(a) The permanent dwelling of the resident applicant has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.

(b) Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.

(c) The structure is constructed so as to meet the minimum requirements for the health, safety and welfare of the occupants and the surrounding neighborhood.

Section 4.34. Projections into Required Setbacks. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, unenclosed porches and similar features may project no further than ten feet into a required front or rear setback, but may not project into a required side setback.

Section 4.35. Health Department Approval.

(a) No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations of the state and county health departments governing waste and sewage disposal.

(b) No permit shall be issued for the construction of a building with sanitary facilities and

not served by public sewer, unless there has been obtained from the county health department and submitted to the Township a permit for two separate locations for private drainfield or other private sewage disposal facility on such lot or parcel.

(c) No building or structure shall be erected, constructed or placed on any designated location for a private drainfield or other private sewage disposal facility.

Section 4.36. Home Occupations.

(a) For purposes of this section, a home occupation is a gainful occupation traditionally or customarily carried on in the home or in a building accessory to the home, as a use incidental to the use of the home as a dwelling place and conducted entirely within a residential building used as a dwelling or in a building that is accessory to a residential building being used as a dwelling.

(b) A home occupation may be permitted in the AG, R-R, R-1, LR, R-2, R-3, and PUD Districts in accordance with this section.

(c) All home occupations shall be subject to the following restrictions and regulations:

(1) Home occupations may be conducted only by a person resident in the home, except that not more than one person may be employed who is not a resident of the home.

(2) The home occupation may employ only mechanical equipment which is similar in power and type to that use for household purposes and which does not cause radio or television interference.

(3) There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than 25 percent of the living area of the dwelling shall be devoted to such home occupation.

(4) A home occupation shall have no sign other than one stating the name of the occupant and the home occupation. Any such sign shall not be lighted and shall not be more than 16 square feet in area.

(5) All articles or materials used in connection with such home occupation shall be stored in the main and accessory buildings. No outside storage is permitted.

(6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and for parking generated by the conduct of such home occupation shall be provided off the street and not within the required front yard.

Section 4.37. Keeping and Raising of Animals for Non-Farm Related Purposes. The keeping and raising of animals for any purpose other than as a part of a bona fide farm operation shall be permitted in the Township only as stated in this section.

For purposes of this section, a bone fide farm operation is defined as a land use or activity consisting of the commercial production of farm products, where such activity is engaged in as

an occupation or for a livelihood. Farm operations may include the raising of livestock, dairying, the cultivation, growing and harvesting of crops, turf and tree fanning, the raising of other animals generally regarding as farm animals and other activities associated with the commercial production of farm products, but not including such activities when engaged in as a leisure-time activity, an avocation or for hobby purposes.

(a) The keeping and raising of animals customarily kept as household pets, such as dogs, cats, guinea pigs and hamsters, is permitted in all zone districts; provided, however, that the caretaker of such animals is an occupant of the premises; and provided further that the keeping and raising of dogs in accordance with the terms of this section or otherwise shall not preclude the requirement for the property owner or other responsible party to obtain a kennel license issued by the appropriate county agency, if such a kennel license is required under the terms of state law or county regulations.

(b) The keeping and raising of animals other than household pets is prohibited in the L-R, R-2, R-3, C-1, C-2 and I Districts.

(c) Keeping of Poultry. Notwithstanding the provisions of Section 4.37(b), the keeping of poultry shall be permitted within the R-1, L-R, R-2, and R-3 Districts if kept in compliance with the following requirements:

(1) The property on which the poultry is kept shall contain a single-family detached dwelling.

(2) Number of Poultry Allowed:

(i) L-R, R-2, and R-3 Districts:

(1) No more than six (6) hens may be kept at any time.

(2) Roosters and crowing chickens shall be prohibited.

(ii) R-1 District:

(1) On a property one acre or less in area:
(a) No more than six (6) hens may be kept at any time.
(b) Roosters and crowing chickens shall be prohibited.

(2) On a property more than one (1) acre but less than three (3) acres in area, no more than twenty (20) poultry may be kept at any time.

(3) On a property more than three (3) acres but less than ten (10) acres in area, no limit to number of poultry kept as long as it is in compliance with all other regulations contained within this Section.

(4) On a property ten (10) acres or more, see Section 4.37.d

(3) Poultry shall be provided and kept within an enclosure that includes both a

coop and connected fenced run at all times. The total size of the enclosure shall meet all Township ordinances pertaining to accessory buildings. The enclosure shall not be constructed of tarps, plastic, fabric, rubber, paper, cardboard or other non-traditional building materials.

(4) Poultry shall be kept in the rear yard and setback a minimum of ten (10) feet from any side or rear lot line and 40 feet from any residential structure on adjacent property.

(5) The enclosure shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored.

(6) Appropriate feeder containers shall be used for all feeding and watering. All feed and other items associated with the keeping of poultry shall be secured and protected in sealed metal containers to prevent access by rats, mice or other rodents or vermin.

(7) Sanitary conditions shall be maintained. Any person keeping poultry shall keep or cause to be kept all manure, or offal therefrom, deposited or accumulated from such animals securely and closely confined to or buried upon their premises and in such a manner as will prevent it from being scattered from such place or deposited into or upon any street, sidewalk, alley, gutter, storm drain, ditch, lake, wetland, or waterway, and such person shall so cover and care for the animal manure, offal and waste as to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise therefrom, except that persons shall be permitted to use chicken manure as compost on their property provided that such composting is done in a manner that does not create an offensive or malodorous condition.

(8) Any person keeping poultry shall remain subject to public nuisance and other associated codes and ordinances, including, but not limited to, noise, odor and blight.

(9) Poultry shall be kept in compliance with the Michigan Department of Agriculture & Rural Development Generally Accepted Agriculture and Management Practices for the Care of Farm Animals, as it related to laying chickens, as amended except as otherwise provided in this section.

(d) In the R-1 District the keeping and raising of domesticated animals not customarily kept as household pets, such as horses, cattle, goats, poultry and pigs, is permitted on parcels of ten (10) acres or more in area.

(e) The keeping and raising of domesticated animals not customarily kept as household pets, such as horses, cattle, goats and pigs, is permitted in the AG District and the R-R District; provided, however, that on parcels of ten acres or less in area, the number of domesticated animals (other than household pets) shall not exceed one animal for the first two acres of land area plus one additional animal for each additional acre of land area.

(f) Any building or confined feeding area in which domesticated animals other than household pets are confined or fed (not including feeding by grazing) shall be at least 100 feet away from the nearest property line or street right-of-way line, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.

(g) All animals kept and raised within the Township shall be kept under sanitary conditions and, where enclosed, in sanitary buildings or enclosures.

Section 4.38. Home Based Business.

(a) A home based business may be permitted in the AG, R-R, R-1, R-2 and R-3 Districts, in accordance with this section.

(b) A home based business shall be carried on by one or more members of a family residing on the premises, plus not more than one additional non-resident employee.

(c) No mechanical equipment shall be installed on the premises, except such as is normally used for domestic and household purposes.

(d) Not more than 25 percent of the total floor area of any story of the dwelling, or not more than 50 percent of an on-site accessory building shall be used in the operation of the home based business.

(e) No outdoor storage shall be permitted in connection with a home based business.

(f) No goods or commodity other than those customarily associated with the home based business shall be sold on the premises.

(g) There shall be no change in the outside appearance of the dwelling or any accessory building, or other part of the premises, as a result of the conducting of the home based business, except that limited outdoor signage may be permitted, but such signage shall comply with the applicable sign requirements of the zone district in which the use is located.

(h) An accessory building used in a home based business shall not be larger in area than as follows: in the AG District, 1,200 square feet; in the R-R District, 1,200 square feet; in the R-1 District, 576 square feet; in the R-2 and R-3 Districts, as determined by the Planning Commission.

(i) There shall be only incidental or occasional sale of goods, merchandise, supplies or products on the premises.

(j) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements concerning the use, handling, storage, transport and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted if otherwise lawful.

(k) There shall be no activity that would interfere with radio or television transmission in

the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare resulting in an adverse effect beyond the property where the home based business is located.

(l) Any motor vehicle traffic generated by the home based business shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impacts shall have no serious adverse effects on adjacent or nearby lands.

(m) If the parking of motor vehicles will result from the home based business, an adequate off-street parking area shall be provided on the parcel of land where the home occupation is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home based business may be parked in a driveway that is used to provide vehicle access to the dwelling.

(n) Permitted home based businesses include, but are not limited to the following:

(1) Beauty salons and barber shops.

(2) Photography Studios.

(3) Furniture upholstery.

(4) Small engine repair.

(5) Cabinet making and carpentry work.

(6) Television and other appliance repair.

(7) Organized classes with not more than six students at one time.

(8) Catering business.

(9) Indoor storage of boats and recreational vehicles, not to exceed a total of ten stored boats and/or recreational vehicles, except that no such storage shall take place in the R-2 and R-3 Districts.

(10) Turf services and landscaping enterprises, except that they shall not be permitted in the R-2 and R-3 Districts.

(11) The indoor or outdoor convenience parking of a business-related truck or other business-related motor vehicle, with a capacity less than that of a semi-trailer truck, owned by a resident of the dwelling. The truck or other business-related motor vehicle shall be parked in a safe and adequate off- street parking area, but such vehicle shall not be parked within any required side yard.

(12) The occasional, temporary convenience storage of inventory, supplies and minor equipment used in an occupation, whether or not the occupation is a home-based business conducted on the premises, where such storage takes place only in a dwelling or in a permitted accessory building and where the

delivery, storage and removal of such inventory, supplies and minor equipment do not have serious adverse effects upon adjacent or nearby lands.

(13) Garage and yard sales, consignment sales and auctions lasting not more than three consecutive days, but not longer than ten days in total (whether or not consecutively) in any 12-month period.

(o) No home based business shall be permitted without the prior issuance of a home based business permit, in accordance with this subsection.

(1) A person shall apply for a home based business permit on a form provided by the Township and shall pay the required application fee or other charge, if any. The application shall be submitted to the Zoning Administrator.

(2) If requested by the Zoning Administrator, the application shall include a site plan, drawings or other additional information showing the location of buildings, driveways, parking areas and other features of the home based business and the buildings and land devoted thereto.

(3) A home based business permit shall be issued for a proposed home based business if the business complies with the requirements of this section, based upon the application and the materials and other information provided. No public hearing shall be required. Once the application is complete, the Zoning Administrator shall issue, or shall decline to issue, the permit within a reasonable time. If the Administrator declines to issue the permit, the reasons therefor shall be stated in writing.

(4) In determining whether a proposed home based business not listed in this section nevertheless qualifies as a home-based business under this section, the Zoning Administrator shall consider the following:

(i) The extent to which the proposed home based business is reasonably similar to those listed in this section.

(ii) Whether the major features and characteristics of the proposed home based business cause the proposed business to qualify under the requirements stated in this section.

(iii) Whether the home based business is reasonably included within the definition of home based business, as stated in this Ordinance.

(iv) The extent to which the proposed home based business involves only limited business activity, would have no serious adverse effects on adjacent or nearby lands and would be of such nature that its commercial aspects would not seriously impinge upon the residential character of adjacent and nearby lands.

(5) In issuing a home based business permit, the Zoning Administrator may include reasonable terms and conditions, pertaining to the following matters, among others:

(i) The size and location of any accessory building to be used in the home based business

(ii) The means of access to the home based business and the expected frequency of vehicle trips to and from the home based business, by customers, delivery vehicles, and others.

(iii) The distance between the location of the home based business and dwellings on adjacent or nearby lands; any landscaping or screening proposed to be installed for the purpose of shielding the view of the home based business from other lands.

(iv) The number of persons to be engaged in the home based business.

(v) The area and location of any off-street parking area and any off- street loading area.

(vi) Proposed signage, if any, and proposed outdoor lighting, if any.

(vii) The expected hours of operation of the home based business.

(viii) The nature and type of the equipment, materials and processes to be used in the home based business, and the likelihood that any such equipment, materials or processes may generate noise, vibration, fumes, odors, glare or electrical interference.

(ix) Other aspects of the home based business, in relation to adjacent and nearby land uses and the adjacent and nearby streets.

(6) A home based business permit shall remain in effect for a period of three years, so long as the terms of the permit and of this section are complied with and so long as the permit is not revoked. The permit may be revoked by the Township for non-compliance, by the issuance of a stop work order and an order revoking the permit, issued by the Zoning Administrator or other Township representative having responsibility for enforcement of Township ordinances.

(7) A home based business permit may be renewed for unlimited successive periods of three years each. A permit holder need not apply for renewal, but shall cooperate with the Township in providing pertinent requested information sufficient-for the Township to determine compliance with the permit and with this section, and otherwise to ascertain the scope, nature and impact of the home based business at the time of renewal. The failure of a permit holder to cooperate on a timely basis with the Township in the renewal process shall be grounds for non-renewal of the permit.

(8) Upon the cessation of a home based business for a period of 90 days, the home based business permit shall be of no further effect.

(9) A home based business shall at all times comply with the minimum requirements of this section and all other applicable requirements. The expansion or enlargement of a home based business, or its departure from any required conditions or limitations, shall be grounds for the revoking of the home based business permit. Upon the revoking of the permit, the applicant shall no longer engage in the home based business.

(p) A home based business lawfully in existence at the time of adoption of this section may continue in the same manner and to the same extent as was the case at the time of adoption of this section, but the persons engaged in the existing lawful home based business shall nevertheless cooperate with the Township in providing requested, non-proprietary information about the home based business, for purposes of Township records.

(q) A lawful home based business in existence at the time of adoption of this section may not be enlarged, expanded or increased in use intensity except in compliance with this section, including the permit provisions hereof.

Section 4.39. Outdoor Lighting.

(a) All outdoor light fixtures shall be shielded, except those specified below as exempt from this section. Such shielding shall be sufficient so that light is not directed off the property and so that light sources are not directly visible from beyond the boundaries of a property.

(b) The use of search lights, except by law enforcement agencies and civil authorities, is prohibited.

(c) The lighting of signs shall be subject to applicable provisions of the sign chapter of this Ordinance.

(d) Lighting intensity shall not be greater than ten foot-candles at the property boundary line closest to the directed path of any light source.

(e) There shall be no blinking or flashing outdoor lights, including changes in light intensity, brightness or color; provided, however, that time and temperature signs shall be permitted, if lawful under the terms of the sign chapter of this Ordinance.

(f) Outdoor light poles, including the light fixture at the top of the pole, shall not exceed a height of 23 feet.

(g) In the case of buildings or developments requiring site plan approval under the terms of Chapter 17, the site plan shall include an outdoor lighting plan that includes, at a minimum, the following:

(1) The location of outdoor lights on the premises and detail concerning the type of lights, fixtures, lamps, supports, reflectors and other lighting elements and devices.

(2) A description of the outdoor lights and associated equipment.

(h) Photometric data, such as that furnished by manufacturers, showing the angle of cut off of light emissions, or other information indicating that light will not produce glare or otherwise spill onto adjacent or nearby properties or streets.The provisions of this section shall not apply to the following:

(1) Decorative residential lighting, such as porch lights or low level lawn or sidewalk lights.

(2) Outdoor light fixtures installed prior to the effective date of this section; provided, however, that when there is a change in the use of the property, or any replacement or substantial alteration of the outdoor light fixture, then the fixture shall thereafter conform to the provisions of this section.

(3) Street lights located within a public street or private street right-of-way.

(4) Outdoor light fixtures which use a light bulb of 150 watts or less, except where such fixtures create a hazard or nuisance from glare or spillage of light.

(5) Outdoor lighting necessary for road or utility construction or for emergencies.

(i) Outdoor light fixtures for off street parking lots shall be turned off no later than one hour after the ending of the use on the site, except for lights which are necessary for security purposes, and except for off street parking lots that provide parking for uses that are open 24 hours per day.

(j) Any application for a building or electrical permit for a commercial or industrial use which includes the installation of one or more outdoor lighting fixtures shall, as a part of the application for such permit, include evidence that the proposed outdoor lighting fixtures and the work relating thereto will comply with this section.

(k) No colored lights shall be used at any location or in any manner if there is a likelihood of such lights being confused with traffic control devices.

Section 4.40. Medical Marijuana Regulations.

(a) Purpose and Intent.

(1) The voters of Michigan adopted the Medical Marijuana Act, Initiated Law 1 of 2008, which become effective December 4, 2008. The Act does not regulate or even address many important matters associated with the possession and use of marijuana for medical purposes, including but not limited to the cultivation, distribution, sale and use of medical marijuana. The Township Board finds that there are many adverse effects associated with the cultivation, sale, distribution and use of marijuana, including medical marijuana, which can include illegal sales of marijuana, burglaries, increased vandalism, the use of marijuana by minors and other persons without medical need and other adverse impacts. Moreover, the unregulated cultivation, sale,

distribution and use of medical marijuana can result in adverse land use impacts on lands adjacent to and near the locations of medical marijuana cultivation, processing, distribution and use, including threats to the public peace and interference with important Township efforts to safeguard the health, safety and welfare of the residents and property owners of the Township and the public at large.

(2) It is not the purpose or intent of this section to prohibit any use or activity permitted by the Michigan Medical Marijuana Act, but rather to adopt regulations which may prevent or avoid the possible adverse secondary effects of facilities and locations used for the cultivation, processing, sale, distribution and use of medical marijuana; to ensure that such facilities and locations are not covertly used for unlawful purposes not authorized by the Act; and to ensure that such facilities and locations do not cause adverse effects that may contribute to the blighting of surrounding or nearby lands.

(b) Scope of this Section. The cultivation, acquisition, possession, use and distribution of marijuana and paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the condition, as defined by the Act, shall take place only in accordance with this section. No provision of this section shall permit, or shall be construed to permit, a violation of any state or federal law.

(c) Definitions. The following words, terms and phrases shall have the following meanings respectively stated in this subsection.

(1) "Act" means the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, and any amendments thereto and including other laws enacted to implement the Act.

(2) "Medical use of marijuana," "medical marijuana" or "medical marijuana use" means the acquisition, possession, cultivation, use, delivery, transfer or transportation of marijuana, or paraphernalia relating to the administration of marijuana, to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the Act.

(3) "Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana, who has not been convicted of a felony involving illegal drugs and who has been issued a registry identification card.

(4) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the Act and who has been issued a registry identification card.

(5) "Registry identification card" means a document issued by the State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.

(6) "Usable marijuana" means the dried leaves and flowers of the marijuana plant, including any mixture or preparation thereof.

(d) Medical Use of Marijuana in the AG, R-R, R-1, LR, R-2, R-3, PUD, C-1, C-2 and I Districts.

(1) The medical use of marijuana in the AG, R-R, R-1, LR, R-2, R-3, PUD, C-1, C-2 and I Districts shall be permitted as stated in this subsection (d).

(2) Medical marijuana use shall be permitted only by a qualifying patient or primary caregiver, neither of whom shall possess usable marijuana in any quantity greater than that permitted by the Act. A qualifying patient shall possess marijuana plants only if the qualifying patient has not specified a primary caregiver to cultivate marijuana for the qualifying patient. Neither a qualifying patient nor a primary caregiver shall cultivate that number of marijuana plants in excess of the number permitted by the Act. A primary caregiver may assist not more than five qualifying patients with their medical use of marijuana, but subject to the following requirements:

(i) In the AG, R-R, R-1, LR, R-2, R-3 and PUD Districts, a primary caregiver may assist a qualifying patient with the patient's medical marijuana use, including the cultivation of marijuana for medical purposes, but the primary caregiver may do so only in the single- family, detached dwelling of the qualifying patient, and may not transport or deliver medical marijuana to the qualifying patient's dwelling from some other location.

(ii) In the C-1, C-2 and I Districts, a primary caregiver may assist a qualifying patient with the patient's medical marijuana use, including the cultivation thereof, in a principal building, subject to other applicable requirements of this subsection (d).

(3) Marijuana plants in the possession or under the control of a qualifying patient or primary caregiver shall be kept in an enclosed, locked facility consisting of a closet, room or other fully enclosed area equipped with locks or other security devices that permit access only by the qualifying patient or the primary caregiver; provided, however, that in the AG, R-R, R-1, LR, R-2, R-3 and PUD Districts, such enclosed, locked facility shall consist of or be located entirely within the single-family, detached dwelling of the qualifying patient, not in any accessory building or other structure or location outside or apart from such dwelling nor in the dwelling or other premises of the primary caregiver in the above-stated zone districts.

(4) A primary caregiver shall engage in medical marijuana use only to assist the qualifying patients who have specified that primary caregiver to assist them with medical marijuana use.

(5) Medical marijuana use by a qualifying patient and a primary caregiver shall be subject to the issuance of a medical marijuana use permit issued by the Township under the provisions of subsection (e) of this section.

(6) Medical use of marijuana in the C-1, C-2 and I Districts shall take place only in the principal building, and not in any accessory building or other structure or place located outside of or apart from the principal building. Marijuana plants, up to the maximum number permitted by the Act, shall be kept in an enclosed, locked facility consisting of a closet, room or other fully enclosed area within the principal building and equipped with locks or other security devices that permit access only by the qualifying patient or the primary caregiver.

(7) Only one primary caregiver shall engage in medical marijuana use in or associated with a dwelling or other principal building, as permitted by the terms of this section, and subject to the restrictions thereof.

(8) A qualifying patient and a primary caregiver shall engage in medical marijuana use only to the extent permitted by the Act and this section. Any dwelling or other principal building shall be the location of medical marijuana use only to the extent permitted by the Act and this section. Medical marijuana use shall not take place in a social setting or occasion, or among a group of persons or otherwise m a group or social environment.

(9) Medical marijuana use as permitted in this section in the C-1 and C-2 Districts shall be subject to site plan review and approval under the terms of Chapter 17.

(i) In considering a site plan for a medical marijuana use, the Planning Commission shall consider the standards for site plan review and approval stated in Section 17.04.

(ii) In approving a site plan, the Planning Commission may impose stricter terms, conditions and requirements than those specified in the applicable district, for the purpose of preventing or avoiding potential adverse effects as a result of the use. Such stricter requirements may include terms and conditions as to screening, signage, outdoor lighting, prohibition of exterior uses, off-street parking, separation from other principal uses and other land use matters.

(iii) In addition to the standards of site plan review stated in Section 17.04, the Planning Commission shall consider whether the site plan and the proposed use would comply with the requirements of this Section and the Act and, among other matters, shall consider the proximity of the

proposed medical marijuana use to an existing medical marijuana use, a school, a place of religious worship, a park or other recreation area or a residential zone or residential use.

(10) Neither a qualifying patient nor a primary caregiver shall engage in offering to sell, or the sale, of medical marijuana paraphernalia as a business or commercial activity or as a part of any other business or commercial activity; a qualifying patient or a primary caregiver shall not distribute or provide, as a business or commercial activity, written or graphic information or material about medical marijuana use.

(11) Medical marijuana use in a dwelling in the districts in which such use is permitted by the terms of this section shall take place only in a single- family, detached dwelling.

(12) In the agricultural and residential districts, not more than 25 percent of the finished floor area of a dwelling shall be occupied or used for medical marijuana use. There shall be no visible changes to the outside appearance of a dwelling of a qualifying patient or primary caregiver, as a result of medical marijuana use therein, nor other visible evidence of medical marijuana use occurring on the premises.

(13) In all districts, no marijuana, marijuana plants, marijuana paraphernalia or plant-growing apparatus shall be visible from the exterior of the dwelling or other principal building, as the case may be.

(14) In the agricultural and residential districts, no sale or distribution of merchandise or products associated with medical marijuana shall be conducted on, within or from the authorized dwelling of a qualifying patient or primary caregiver.

(15) No equipment or process shall be used in growing, processing or handling medical marijuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside a dwelling unit or other principal building. In the case of electrical interference, no equipment or process shall be used which created visual or audible interference with any radio, television or similar receiver off the premises or causes fluctuation of electric line voltage off the premises. The dwelling or other principal building of the qualifying patient or primary caregiver, if used for a purpose authorized by this section, shall comply with all building, housing and fire code requirements and applicable state laws.

(16) In the case of an authorized dwelling in which medical marijuana use takes place, no sign identifying the dwelling as a place of such use or activity shall be visible outside of the dwelling or within or through any of the windows of the dwelling.

(e) Medical Marijuana Use Permit. A medical marijuana use permit (the "permit") issued by the Township shall be required for medical marijuana use in the Township.

(1) The permit shall be issued only to a qualified patient or a primary caregiver.

(2) A qualified patient or primary caregiver shall apply for the permit by completing and submitting an application on a form provided by the Township. The applicant shall pay any application fee established by the Township Board. The application shall include a true copy of the applicant's registry identification card.

(3) The permit shall be issued by the Township Clerk, upon the Clerk's determination that the application form is complete and in compliance with this subsection and that the proposed medical marijuana use would comply with this section and the Act. The Clerk shall have a reasonable time in which to review and consider the application. If necessary to determine compliance with this section, the Clerk may request further information from the applicant; the providing of such additional information shall be required for the issuance of the permit. If the permit is denied, the Clerk shall set forth the reason or reasons for the denial in a letter or other writing given to the applicant.

(4) The permit shall authorize medical marijuana use for one year from its date of issuance, but not thereafter. The permit may be renewed annually. An applicant seeking an annual renewal shall complete and submit the Township form provided for that purpose, and shall pay any established fee. The application for renewal shall be submitted to the Township not later than ten days after expiration of the previous permit. The application shall include a true copy of the applicant's registry identification card. Annual renewals of the permit shall be issued by the Township Clerk, after completing the same review and evaluation as is required for an original permit. If an application for a renewed permit is denied, the reason or reasons for such denial shall be set forth in a letter or other writing given to the applicant.

(5) A qualifying patient, a primary caregiver and any other person shall comply at all times with the Act and the medical marijuana rules of the Michigan Department of Community Health, and as they may be amended.

(6) It shall be unlawful to give, sell, dispense or otherwise distribute medical marijuana (or any marijuana) to any person other than a qualifying patient or primary caregiver.

(7) It shall be unlawful to purchase or otherwise obtain medical marijuana (or any marijuana) from any person or source other than a primary caregiver who is authorized under the Act to dispense or provide medical marijuana to a specified person.

(f) No provision in this section is intended to grant, nor shall any such provision be construed as granting, immunity from prosecution for the cultivation, sale, consumption, use, distribution or possession of marijuana which is not in compliance with the Act and the applicable rules of the Michigan Department of Community Health.

(g) Inasmuch as federal laws are not affected by the Act or this section, no provision of this section is intended to grant, nor shall any such provision be construed as granting, immunity from prosecution under the laws of the United States. The Act and this section do not protect qualifying patients, primary caregivers or others from federal prosecution or from seizure of their property by federal authorities under the Federal Controlled Substances Act, in cases in which such statute may apply.

Section 4.41. General Stormwater Provisions

Storm water detention, retention or any drainage system shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems.

Section 4.42. Solar Energy Systems (SES)

The following requirements apply to all SES:

(a) Any connection to the public utility grid must be inspected by the appropriate public utility.

(b) If battery storage is included as part of the SES approval, they must be placed in a secure container or enclosure meeting the requirements of the State of Michigan Building Code, currently in effect, when in use. Any solar storage batteries that are no longer used shall be disposed of in accordance with the laws, regulations and ordinances of the State of Michigan and the Township or any other applicable enforcing agency.

Section 4.43. Roof-Mounted and Building-Integrated Solar Energy Systems (SES)

Roof-Mounted SES and Building-Integrated SES are permitted in all zoning districts where structures of any sort are allowed, and shall meet the following requirements:

(a) ROOF-MOUNTED SES

(1) Height: Roof-Mounted SES shall not exceed four (4) feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

(2) Nonconformities: A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.

(3) Application: All SES applications must include a site plan. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.

(b) BUILDING-INTEGRATED SES

(1) Building-Integrated SES are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or roof-mounted SES permits.

Section 4.44. Stationary Fuel Cells.

(a) Stationary fuel cells for the purpose of Point-of-Use Electric Power Generation through chemical processes are a permitted accessory use; provided, however, that such fuel cells shall have zero emissions, except for only limited amounts of carbon dioxide emissions.

(1) Such fuel cells shall comply with the Township Construction Code. All required construction permits shall be obtained.

(2) Emissions resulting from the operation of such fuel cells shall comply with applicable air-pollution regulations of the Michigan Air Pollution Control Commission. An air quality permit shall be obtained, if required by law.

(3) All equipment and facilities shall not be located in any required front, side or rear yard building setback.

(4) All such fuel cells, whether roof-mounted or ground-mounted, shall comply with the maximum building and structure height limitation of the zone district in which the fuel cells are located, but in any event a roof- mounted or ground-mounted system shall not have a height above grade that is greater than the lineal distance from the solar energy system to the nearest property line.

(5) Any noise resulting from the operation of the fuel cells shall comply with the noise regulations stated in Township Ordinance No. 93-2.

(6) The installation, operation, maintenance and removal of such fuel cells shall be carried out so as to have no serious adverse effect on adjacent or other lands.

Section 4.45 Marihuana Facilities/Establishments Prohibited

(a) The following uses are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance:

(1) Any and all types of a "marihuana establishment," as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act.

(2) Any and all types of a "marihuana facility," as that term is defined and used in the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*

(b) This Section 4.45 does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.,* or as reflected in Section 4.41 of this Ordinance.

CHAPTER 5
AG AGRICULTURAL DISTRICT

Section 5.01. Description and Purpose. This district is intended primarily for farming, animal husbandry, dairying, and other agricultural activities.

Section 5.02. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Farms and farming activities, on parcels of land not less than ten acres in area, conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.

(b) Single family dwellings.

(c) Orchards, vineyards, apiaries, kennels, and the processing and sale of livestock and farm produce produced on the premises.

(d) Greenhouses and nurseries, including the outdoor display and sale of products grown on the premises.

(e) Seasonal roadside stands not exceeding 200 square feet for produce grown on the premises.

(f) Accessory buildings, structures and uses customarily incidental to any permitted use or special land use.

(g) Family daycare homes for not more than six minor children.

(h) State licensed adult foster care family homes for not more than six adults.

(i) Private, non-commercial riding stables

Section 5.03. Special Land Uses. The following uses may be permitted as special land uses subject to the requirements of Chapter 15:

(a) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or nonprofit organization.

(b) Parks, camps, campgrounds, playgrounds, publicly owned athletic grounds, community centers, churches, governmental, administration, or service buildings which are owned and operated by a governmental agency or a nonprofit organization.

(c) Commercial Riding Stables

(d) Bed and breakfast establishments.

(e) Family daycare homes for more than six minor children.

(f) State licensed adult foster care family homes for more than six adults.

(g) Junk yards; recycling stations; salvage yards; and solid waste disposal.

(h) Roadside stands with more than 200 square feet of sales area for the sale of produce grown on the premises and for the limited sale of other related and incidental items.

(i) Removal and processing of sand, gravel and other mineral resources.

(j) Utility and public service buildings, but essential public services such as poles, wires and underground utility systems shall not require special land use approval.

(k) Farm markets which have an area greater than 800 square feet.

(l) Intensive livestock operations complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.

(m) Private airfields and private landing strips.

(n) Wind energy systems

(o) Geothermal energy systems

(p) Agricultural Event Barns

Section 5.04. District Regulations. Buildings and structures shall not be erected or enlarged unless the following requirements are satisfied:

(a) Minimum Lot Area and Minimum Lot Width. Two and one-half acres with 200 feet of lot width, except that the minimum lot area for a farm shall be ten acres.

(b) Minimum Required Building Setbacks.

(1) Front Yard. Fifty feet.

(2) Side Yard. A total of 20 feet, provided that no side yard shall be less than ten feet.

(3) Rear Yard. Twenty five feet.

(4) No building shall exceed a height of 35 feet, except that barns, silos, windmills and other agriculturally-related buildings and structures shall not exceed 100 feet in height; provided, however, that windmills and wind-generating towers may exceed 100 feet in height if approved as a special land use under Section 15.52.

Section 5.05. Minimum Floor Area. Each dwelling shall have a minimum of 980 square feet of usable floor area.

CHAPTER 6
R-R RURAL RESIDENTIAL DISTRICT

Section 6.01. Description and Purpose. This district is intended primarily for agricultural activities and single family residences.

Section 6.02. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Farms and farming activities, on parcels of land not less than ten acres in area, conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.

(b) Single family dwellings.

(c) Family daycare homes for not more than six minor children.

(d) State-licensed adult foster care family homes for not more than six adults.

(e) Accessory buildings, structures and uses customarily incidental to any permitted use or special land use.

(f) Private, non-commercial riding stables

Section 6.03. Special Land Uses. The following uses may be permitted as special land uses subject to the requirements of Chapter 15:

(a) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or nonprofit organization.

(b) Parks, camps, campgrounds, playgrounds, publicly owned athletic grounds, community centers, churches, governmental, administration, or service buildings which are owned and operated by a governmental agency or a nonprofit organization.

(c) Bed and breakfast establishments.

(d) Family daycare homes for more than six minor children.

(e) State-licensed adult foster care family homes for more than six adults.

(f) Removal and processing of sand, gravel and other mineral resources.

(g) Wind energy systems

(h) Geothermal energy systems

(i) Nursing homes and convalescent homes; homes for the elderly and retired.

(j) Commercial Riding Stables

(k) Golf courses, country clubs, and private recreation areas.

(l) Mini-warehouses and self-storage facilities

Section 6.04. District Regulations. Buildings and structures shall not be erected or enlarged unless the following requirements are satisfied:

(a) Minimum Lot Area and Minimum Lot Width. One acre with 125 feet of lot width.

(b) Minimum Required Building Setbacks.

(1) Front Yard. Thirty five feet.

(2) Side Yard. A total of 20 feet, provided that each side yard shall be not less than ten feet.

(3) Rear Yard. Twenty five feet.

(c) Maximum Building Height. Thirty five feet.

Section 6.05. Minimum Floor Area. Each dwelling shall have a minimum of 980 square feet of usable floor area.

CHAPTER 7
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 7.01. Description and Purpose. This district is intended primarily for single family dwellings, established at a building density greater than that permitted in the R-R District. Certain related non-residential uses are also provided.

Section 7.02. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Single family dwellings.

(b) Family daycare homes with not more than six minor children.

(c) State licensed adult foster care family homes for not more than six adults.

(d) Accessory buildings, structures and uses customarily incidental to any permitted use or special land use.

Section 7.03. Special Land Uses. The following uses may be permitted as a special land use subject to the requirements of Chapter 15:

(a) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or nonprofit organization.

(b) Parks, playgrounds, publicly owned athletic grounds, community centers, churches, governmental, administration, or service buildings which are owned and operated by a governmental agency or a nonprofit organization.

(c) Bed and breakfast establishments.

(d) Family daycare homes for more than six minor children.

(e) State licensed adult foster care family homes for more than six adults.

(f) Wind energy systems

(g) Reserved.

(h) Rental storage of personal goods, furniture, equipment and vehicles in existing buildings only, but not including any outdoor storage or commercial warehouse storage.

(i) Geothermal energy systems

Section 7.04. District Regulations. Buildings and structures shall not be erected or enlarged unless the following requirements are satisfied:

(a) Where no public or community sewer system is provided, there shall be a minimum lot area of not less than one acre and a minimum lot width of not less than 125 feet.

(b) Where a public or community sewer system is provided, there shall be a minimum lot area of not less than 20,000 square feet and a minimum lot width of not less than 100 feet.

(c) Minimum Required Building Setbacks.

(1) Front Yard. Thirty five feet.

(2) Side Yard. A total of 20 feet, provided that each side yard shall be not less than ten feet.

(3) Rear Yard. Twenty five feet.

(d) Maximum Building Height. Thirty five feet.

Section 7.05. Minimum Floor Area. Each dwelling shall have a minimum of 980 square feet of usable floor area.

CHAPTER 8
LR LAKE RESIDENTIAL DISTRICT

Section 8.01. Description and Purpose. This district is intended to promote and encourage the proper use and development of lands abutting lakes and waterways and to avoid land development at building densities which could lead to the unnecessary degradation of the quality of surface waters and associate lake and waterway environment.

Section 8.02. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Single family dwellings.

(b) Family daycare homes with no more than six minor children.

(c) State licensed adult foster care family homes with no more than six adults.

(d) Accessory buildings, structures and uses customarily incidental to any permitted use or special land use.

Section 8.03. Special Land Uses. The following uses may be permitted as a special land use subject to the requirements of Chapter 15:

(a) Public and private non-commercial parks, play grounds, athletic fields and community center buildings.

(b) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or nonprofit organization.

(c) Bed and breakfast establishments.

(d) Family daycare homes for more than six minor children.

(e) State licensed adult foster care family homes for more than six adults.

Section 8.04. District Regulations.

(a) Where no public or community sewer system is provided, there shall be a minimum lot area of at least 20,000 square feet and a minimum lot width of not less than 100 feet.

(b) Where a public or community sewer system is provided, there shall be a minimum lot area of at least 5,000 square feet and a minimum lot width of not less than 50 feet.

(c) Minimum Required Building Setbacks.

(1) Front Yard. Fifty feet.

(2) Side Yard. A total of 20 feet, provided that no side yard shall be less than ten feet.

(3) Rear Yard. Fifteen feet.

(d) Maximum Building Height. Thirty five feet.

Section 8.05. Minimum Floor Area. Each dwelling shall have a minimum of 980 square feet of usable floor area.

Section 8.06. Other Regulations. The following additional regulations shall be complied with:

(a) No private sewage disposal system, drainfield, septic tank or similar device for the disposal of household or human wastes shall be located in any side yard or between the principal structure and the waterfront unless a completely enclosed water tight container permitting no discharge into surrounding soil or water seepage into said container is used.

(b) Accessory structures located between the waterfront and the principal dwelling shall comply with the side yard requirements for the principal building. Docks, wharves, boat houses, boat landings and similar structures shall be considered accessory structures and shall not extend into any lake or other body of water further than a distance equal to the distance of such structures from the nearest side lot line, and shall not extend more than 10 percent of the width of a stream or river into said stream or river, measured horizontally from the water line. Seasonal docks, boat houses, boat landings and similar structures in lakes or other bodies of water shall not be longer than is required to reach a water depth of four and one-half feet. Seasonal accessory structures located in rivers or streams shall not be longer than 10 percent of the width of the river or stream, as measured at the point of location of such structures.

(c) Site plan approval is required for all non-residential uses and structures, and for all parking areas with more than four parking spaces.

(d) Any use or structure which singly or in combination with neighboring uses or structures pollutes or otherwise adversely affects the water quality, cleanliness or safe and healthy use of lakes, streams, or other bodies of water or water supply within the Township is hereby declared a violation of this Ordinance.

CHAPTER 9
R-2 TWO-FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 9.01. Description and Purpose. This district is intended primarily for residential uses and compatible non-residential uses. Among other uses, the district provides for housing opportunities in addition to single family dwellings, while preserving the generally rural residential character of the Township.

Section 9.02. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Single family dwellings

(b) Two-family dwellings.

(c) Family daycare homes for not more than six minor children.

(d) State licensed adult foster care family homes for not more than six adults.

Section 9.03. Special Land Uses. The following uses may be permitted as special land uses subject to the requirements of Chapter 15:

(a) Multiple family dwellings.

(b) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or nonprofit organization.

(c) Parks, playgrounds, publicly owned athletic grounds, community centers, churches, governmental, administration, or service buildings which are owned and operated by a governmental agency or a nonprofit organization.

(d) Bed and breakfast establishments.

(e) Family daycare homes for more than six minor children.

(f) State licensed adult foster care family homes for more than six adults.

Section 9.04. Other Uses. The following other uses are permitted as provided in this Ordinance:

(a) Accessory buildings and other accessory uses as regulated under Section 4.16.

(b) Signs as regulated under Chapter 18.

(c) Off-street parking and loading as regulated by Chapter 19.

Section 9.05. District Regulations. Buildings and structures shall not be erected or enlarged unless the following requirements are satisfied:

(a) Where no public or community sewer system is provided, there shall be a minimum lot area of not less than one acre and a minimum lot width of not less than 125 feet.

(b) Where a public or community sewer system is provided, there shall be a minimum lot area of not less than 20,000 square feet and a minimum lot width of not less than 100 feet.

(c) Minimum Lot Area and Minimum Lot Width for Two-Family Dwellings. One acre with 125 feet of lot width.

(d) Minimum Lot Area and Minimum Lot Width for Multiple Family Dwellings. Two acres for the first four dwelling units plus 2,500 square feet for each dwelling unit in excess of four, with 200 feet minimum lot width. Overall net density shall not exceed four units per acre.

(e) Minimum Required Building Setbacks for All Uses Except Multiple Family Dwellings.

(1) Front Yard. Thirty five feet

(2) Side Yard. A total of 20 feet, provided that each side yard shall be not less than ten feet.

(3) Rear Yard. Twenty five feet.

(f) Minimum Required Building Setbacks for Multiple Family Dwellings.

(1) Front Yard. Forty five feet.

(2) Side Yard. Thirty feet.

(3) Rear Yard. Thirty five feet.

(g) Maximum Building Height. Thirty five feet.

Section 9.06. Minimum Floor Area. Each single family dwelling shall have a minimum of 980 square feet of usable floor area. Each dwelling unit in a two-family dwelling shall have a minimum of 980 square feet of usable floor area. Each dwelling unit in a multiple family dwelling building shall have a minimum of 720 square feet of usable floor area.

CHAPTER 10
R-3 MANUFACTURED HOUSING COMMUNITY DISTRICT

Section 10.01. Description and Purpose. This district is intended to provide regulations for mobile home and manufactured home residential developments, so as to provide for additional variety in housing opportunities and choices.

Section 10.02. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Mobile homes located in a state-licensed mobile home park.

(b) State-licensed mobile home parks.

(c) Family daycare homes

(d) State-licensed adult foster care homes

Section 10.03. Special Land Uses. The following use may be permitted as a special land use subject to the requirements of Chapter 15:

(a) Utility and public service buildings, without storage yards.

Section 10.04. Other Uses. Except in state-licensed manufactured housing communities, the following other uses may be permitted as provided in this Ordinance:

(a) Accessory buildings and other accessory uses as regulated under Section 4.16.

(b) Signs as regulated under Chapter 18.

(c) Off-street parking and loading as-regulated by Chapter 19.

Accessory buildings, accessory uses, signs, and off-street parking and loading are permitted in a state-licensed manufactured housing community only if permitted by and as regulated by Sections 10.05 through 10.07 of this Ordinance.

Section 10.05. Manufactured Housing Community Requirements. All manufactured housing communities shall comply with the following design requirements:

(a) Access and Roads.

(1) The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.

(2) Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.

(3) All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials ("AASHTO").

(4) An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.

(5) Safe-sight distance shall be provided at intersections.

(6) An offset at an intersection or an intersection of more than two internal roads is prohibited.

(7) The following types of internal roads shall have driving surfaces that are not less than the following widths:

(i) One-way, no parking	16 feet
(ii) Two-way, no parking	21 feet
(iii) One-way, parallel parking, one side	23 feet
(iv) One-way, parallel parking, two sides	33 feet
(v) Two-way, parallel parking, one side	31 feet
(vi) Two-way, parallel parking, two sides	41 feet

(8) All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:

(i) All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.

(ii) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.

(iii) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared comers.

(9) An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker,

throughout the community, and street names shall be adequately marked at all internal road intersections.

(10) Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

(b) Driveways.

(1) Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.

(2) The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

(c) Resident Vehicle Parking.

(1) All home sites shall be provided with two parking spaces.

(2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:

(i) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.

(ii) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.

(3) If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of 20 feet.

(4) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(d) Visitor Parking Facilities.

(1) A minimum of one parking space for every three home sites shall be provided for visitor parking.

(2) Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.

(3) If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(e) Sidewalks.

(1) Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of- way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.

(2) All sidewalks shall be constructed in compliance with all of the following requirements:

(i) Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.

(ii) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.

(3) An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

(f) Lighting.

(1) Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.

(2) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.

(3) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.

(4) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

(g) Utilities.

(1) All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.

(2) All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.

(3) Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.

(4) All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.

(5) All storm sewers shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Montcalm County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

(h) Site Size, Spacing and Setback Requirements.

(1) **Home Site Area**. The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by 20 percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 10.05(j) of this chapter.

(2) **Required Distances Between Homes and Other Structures**.

(i) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

(I) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.

(II) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.

(III) Ten feet from either of the following:

(aa) The parking space on an adjacent home site.

(bb) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.

(IV) Fifty feet from permanent community-owned structures, such as either of the following:

(aa) Club houses.

(bb) Maintenance and storage facilities.

(V) One hundred feet from a baseball or softball field.

(VI) Twenty five feet from the fence of a swimming pool.

(ii) Attached or detached structures or accessories that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.

(iii) Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:

(I) Ten feet from the edge of an internal road.

(II) Seven feet from a parking bay off a home site.

(III) Seven feet from a common sidewalk.

(IV) Twenty five feet from a natural or man-made lake or waterway.

(iv) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:

(I) Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.

(II) Roof overhangs shall be set back two feet or more from the edge of the internal road.

(v) Steps and their attachments shall not encroach into parking areas more than three and one-half feet.

(3) Setbacks From Property Boundary Lines.

(i) Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.

(ii) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

(i) Screening/Landscaping. Manufactured housing communities shall be landscaped as follows:

(1) If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.

(2) If the community abuts a non-residential development, it need not provide screening.

(3) In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.

(4) The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.

(5) Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the

community shall be graded and equipped to drain all surface water in a safe and efficient manner.

(j) Open Space Requirements.

(1) A community that contains 50 or more sites shall have not less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.

(2) Required setbacks may not be used in the calculation of open space area.

(k) Site Constructed Buildings and Dwellings.

(1) Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.

(2) The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.

(3) Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single family residential purposes.

(4) Site-built single family dwellings may be located m a community as follows:

(i) One single family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.

(ii) Two single family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.

(iii) Any such single family dwellings permitted under this section shall comply in all respects with the requirements of single family dwellings in the R-1 Single Family Residential District.

(l) Signs. There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance

provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be double- faced, but each side of the sign shall have identical copy and be flush with the other side.

(m) **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.

(n) **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

Section 10.06. Manufactured Homes Within Manufactured Housing Communities, Operation of Communities.

(a) **Home Size.** Manufactured homes within a community shall not contain less than 760 square feet of area, as measured by the outside dimensions, nor have an outside width of less than 13 feet.

(b) **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.

(c) Skirting shall be installed around all manufactured housing units and meet all of the following requirements:

(1) Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.

(2) Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured

of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

(d) Storage of Personal Property.

(1) Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any mobile home, or within carports which are open on any side.

(2) Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.

(3) Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site for the storage of personal property.

(e) Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

(f) A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.

(g) No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.

(h) New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.

(i) The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.

(j) Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.

(k) Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.

(l) Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.

(m) Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

Section 10.07. Review and Approval of Preliminary Manufactured Housing Community Plans.

(a) Review. Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.

(b) Application. All plans submitted to the Planning Commission for review under this section shall contain the following information:

(1) The date, north arrow and scale. The scale shall not be less than one inch equals 50 feet for property under three acres and at least one inch equals 100 feet for those three acres or more.

(2) All site and/or property lines are to be shown in dimension.

(3) The location and height of all existing and proposed structures on and within the subject property, and existing within 100 feet of the subject property.

(4) The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.

(5) The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.

(6) The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.

(7) The name and address of the property owner and developer.

(8) The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.

(9) Location of all fire hydrants, if applicable.

(10) The number of manufactured housing sites proposed.

(11) The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.

(12) Utility and other easements.

(13) [Reserved.]

(14) Existing wetlands.

(15) Proposed sign locations.

(16) All required setbacks and separation distances.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

(c) **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

(d) **Decision.**

(1) The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the ordinance and regulations, it shall be approved.

(2) The plan shall be approved, approved with conditions, or denied within 60 days after received by the Township, unless the applicant consents to allow a longer period of review.

CHAPTER 11
OPEN SPACE PLANNED UNIT DEVELOPMENT (OS-PUD)
(Chapter 11 amended by Ord. No. 2025-01)

Section 11.01. Description and Purpose. This chapter is intended to allow for a variation in lot size and orientation and to make allowances for natural features such as slopes, wetlands, lakes, and streams. This chapter is also intended to provide a mechanism for density bonuses to encourage creative and innovative design which preserves natural features or the appearance of open and rural character.

Section 11.02. Authorization. An Open Space Planned Unit Development ("OS-PUD") requires an amendment to the zoning map, with an accompanying ordinance specifying the terms and conditions of approval of the OS-PUD. Approval under this chapter, including all aspects of the final plan and conditions imposed, shall be considered as part of the Zoning Ordinance, although it need not be incorporated into the codified ordinances of general application. Violation of any provision of a planned unit development ordinance as provided in this section shall be deemed a violation of the Zoning Ordinance.

Section 11.03. Eligibility for PUD Rezoning.

(a) Lands for which an OS-PUD application is made must be under single ownership or under common control, and all owners shall join in the application. The Township may require proof of such ownership or joint control.

(b) The lands proposed for OS-PUD rezoning must contain a minimum of five contiguous acres.

(c) The lands must be located, at the time of application, within the R-R Rural Residential or the R-1 Single Family Residential. (The zoning district at the time of the application is referred to as the "underlying district" in this chapter.)

Section 11.04. Development Standards.

(a) Density. The maximum number of dwelling units and development density allowed within an OS-PUD project shall be determined by the Township Board after review and recommendation by the Planning Commission. Such determination shall be guided by the Master Plan, the standards contained in this Ordinance, and the impact such density would have upon the water supply and sanitary sewer service, storm drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area. However, in no case shall the density of dwelling units or other uses exceed the base density as established in this Section.

(b) Base Density. The maximum base density for residential uses shall be determined through the completion and submission of a parallel plan.

(1) The parallel plan shall satisfy the following requirements.

(i) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot or building area and each dwelling unit in the OS-PUD.

(ii) The parallel plan shall be drawn to comply with the requirements of the underlying zoning district, particularly with respect to access, lot area,

lot width, lot coverage, setbacks, dwelling unit sizes and other applicable provisions of the underlying zoning district.

(iii) The parallel plan shall comply with the density of the underlying zoning district of the property in the proposed OS-PUD. Alternatively, with the Township's approval, the parallel plan shall comply with the density of the Future Land Use Map in the Master Plan and the recommendations set forth within the Master Plan text.

(iv) All lots or building areas shown on the parallel plan shall be buildable, which, for the purposes of this section, shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed principal building, required driveways, streets, or other means of permitted access. Areas of wetlands, water bodies and other such areas shall be considered unbuildable but may be included in the lot or building area calculations if the lot or building area has sufficient other areas to accommodate any proposed improvements.

(c) Density Bonus

(1) To preserve the maximum amount of open space, the regulation of OS-PUDs provides a means to increase in the number of dwelling units above the base density established with the parallel plan. All OS-PUDs shall meet the minimum open space requirements of this section.

(2) The density bonus shall be based on a total of one or more of the following elements, provided that no lot shall be less than one-half (1/2) acre in area and not less than one-half (1/2) of the minimum lot width of the underlying district.

(i) 20% open space: 20% density bonus

(ii) 25% open space: 25% density bonus

(iii) 30% open space: 30% density bonus

(iv) 35% open space or more: 35% density bonus

(v) Construction and availability of public water supply system or public sanitary sewer system: five percent (5%) density bonus.

(vi) Construction and availability of public water supply system and public sanitary sewer system: fifteen percent (15%) density bonus.

(d) Minimum Open Space Requirements

(1) An OS-PUD shall provide and maintain a minimum of 20% of the gross area of the site as dedicated open space. The dedicated open space shall consist of conservation areas as defined in this section and may include Active Recreational Facilities.

(2) Area Considered Dedicated Open Spaces. The Following areas and uses shall be classified as Dedicated Open Space:

(i) Conservation Areas such as, but not limited to,

a. Wetlands

b. Creeks, Streams, Ponds, Lakes, or soils that will not sustain buildings

c. Steep Slopes (20% or over)

d. Habitats for unique or endangered species

e. Woodlands

f. Farmland

g. Meadows and Hedgerows

h. Farm Buildings and fences

i. Historical, Cultural, and Archaeological Features

j. Non-Motorized Trails included as part of a Primary or Secondary Conservation Area.

k. Views into and out of the site

(ii) Active Recreational Facilities such as, but not limited to,

a. Ball Fields

b. Tennis Courts

c. Swimming Pools and related buildings

d. Community Buildings

e. Golf Courses

(3) Areas Not Considered Dedicated Open Space. The following land areas shall not be classified as Dedicated Open Space for the purposes of this section:

(i) The area within any public street right-of-way.

(ii) The area within private road access easements.

(iii) Any easement for overhead utility lines unless adjacent to qualified open space.

(iv) The area within a platted lot or site condominium lot.

(v) Parking areas.

(4) Only open space areas meeting the standards in this section shall be included in the calculations for the minimum Dedicated Open Space area.

(5) All land within a development not devoted to a residential unit, an accessory structure or use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as open space for recreation, conservation, or preservation in an undeveloped state. Connections with adjacent open space and bike paths is encouraged.

(6) If an Active Recreational Facility is included as open space, it shall not account for more that 50% of the minimum required Dedicated Open Space.

(7) Standards for Dedicated Open Space. The following standards shall apply to the dedicated open space provided in the development:

(i) Dedicated open space shall be for use by all residents of the OS-PUD.

(ii) The dedicated open space may either be centrally located, along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.

(iii) If the site contains a lake, stream or other body of water, a portion of the Dedicated Open Space shall abut the body of water.

(iv) A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to help reduce the view of houses on site from the adjacent roadway and preserve the rural view.

(v) A Dedicated Open Space area shall be configured such that the open space is reasonably usable by residents of OS-PUD. The minimum size of a Dedicated Open Space area shall be 20,000 square feet; provided,

however, that the required open space abutting a public street may be less than 20,000 square feet; and, further provided, that the Planning Commission may approve other Dedicated Open Space areas of less than 20,000 square feet if such areas are designed and established as pedestrian or bicycle paths or are otherwise determined by the Planning Commission to be open space reasonably usable by residents of the OS-PUD.

(vi) Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.

(vii) Open space areas shall be located so as to be reasonably accessible to the residents using them. Pedestrian access points to the Dedicated Open Space areas shall be provided and shall be clearly identified by signs or a visible improved path for safe and convenient access.

(viii) Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practical except for permitted Active Recreational Facilities.

(8) Allowable Accessory Structures and Uses in the Dedicated Open Space. A structure or building accessory to a recreation or conservation use or an entryway may be erected within the Dedicated Open Space, subject to the approved open space plan. These accessory structure(s) and building(s) shall not exceed, in the aggregate, 1% of the dedicated open space area. Accessory structures or uses of a significantly different scale or character than any abutting residential districts shall not be located near the boundary of the development if it may negatively

impact the residential use of adjacent lands as determined by the Planning Commission and Township Board.

Section 11.05. Procedures

(a) Optional Preapplication Conference. Before submitting an application for an OS-PUD, the applicant may request to meet with the Planning Commission to submit information regarding the proposed OS-PUD and to confer with the Planning Commission about the proposed application and the OS-PUD. The substance of any such discussions or meetings as provided for in this subsection shall not be binding upon the Township.

(b) Preliminary Development Plan.

(1) An applicant for OS-PUD rezoning shall submit a site plan of the development which contains the information required for site plans according to Chapter 17 of this Ordinance, and which contains the following additional information:

(i) A narrative describing the OS-PUD.

(ii) Proposed restrictive covenants for the development.

(iii) Wooded areas, wetlands, ponds, streams, or other bodies of water.

(iv) Proposed building envelopes and areas for drain fields and set aside drain fields.

(v) Description of means proposed to dispose of sanitary sewage and supply potable water.

(vi) Areas proposed to be left in a natural state, and areas proposed for open space uses.

(2) If required by the Planning Commission, the preliminary development plan shall include additional information reasonably necessary to determine and consider the environmental impact of the development, impact on services to be provided by governmental units and school districts and traffic. The Planning Commission may, in addition, request that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, and other governmental units regarding impacts on matters within their jurisdiction.

(c) Review of Preliminary Development Plan. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the OS-PUD, together with any recommended change or modification thereof. The recommendations shall be based upon consideration of the requirements of this Ordinance and, in particular, the requirements of this chapter.

(d) Advisory Public Hearing. In the course of its consideration of the preliminary development plan, the Planning Commission may, but is not required to, schedule and hold an advisory public hearing to receive public comments concerning the preliminary development plan. Informal notice of such advisory hearing shall be given by one publication and by mail to all persons to whom any real property is assessed within 300 feet of the lands included in the OS-PUD, not less than seven

days prior to the date of the advisory public hearing. Failure to give notice of such an advisory public hearing shall not affect the validity of the proceedings.

(e) Final Development Plan. After receiving the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit a final development plan to the Township, which contains the information required for a preliminary development plan, and which addresses other matters requested by the Planning Commission. Copies of the final development plan and an application for OS-PUD rezoning, shall be forwarded to the Planning Commission. The plan shall also state the projected time for completion of the OS-PUD, any proposed phasing of the OS-PUD, and the projected time for completion of each phase.

(f) Public Hearing on Final Development Plan. The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning. Notice of the hearing shall be given in the manner required by the Michigan Zoning Enabling Act, Act 110 of 2006, as amended ("Act 110").

(g) Recommendation by Planning Commission. After the public hearing, the Planning Commission shall make recommendations to the Township Board regarding the final development plan and associated approvals. The Planning Commission may recommend in favor of rezoning the lands in accordance with the final development plan; it may recommend against rezoning of the lands in accordance with the final development plan; or it may recommend such rezoning only if certain changes or modifications in the OS-PUD as proposed are made or if certain specific conditions are imposed.

(h) Consideration by Township Board.

(1) The Planning Commission shall forward the final development plan of the OS-PUD to the Township Board, together with its report and recommendations thereon.

(2) The Township Board shall review the final OS-PUD development plan, the record of the Planning Commission proceedings and the recommendations submitted by the Planning Commission.

(3) The Township Board shall schedule and hold a public hearing on the OS-PUD final development plan and the proposed ordinance to rezone the land to the OS-PUD district.

(4) Notice of the public hearing shall be provided consistent with the requirements of Act 110.

(5) In making a decision on the OS-PUD final development plan and the application for OS-PUD rezoning, the Township Board shall determine whether the OS-PUD zoning and the OS-PUD final development plan:

(i) Comply with the requirements for the preliminary development plan of the OS-PUD as stated in Section 11.O5(b) and the requirements for the final development plan of the OS-PUD as stated in Section 11.05(e);

(ii) Comply with the conditions for eligibility for OS-PUD rezoning as stated in Section 11.03;

(iii) Comply with the other standards, conditions and requirements for OS-PUDs as stated in this chapter;

(iv) Promote the intent and purposes of this Ordinance;

(v) Ensure that the proposed OS-PUD will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed OS-PUD; and

(vi) Ensure that the proposed OS-PUD will be consistent with the public health, safety, and welfare needs of the Township.

(6) After the public hearing and after its review and consideration of the OS-PUD final development plan and the proposed OS-PUD ordinance, the Township Board shall approve, approve with conditions, or deny the OS-PUD final development plan and the OS-PUD ordinance. The OS-PUD ordinance, if adopted, shall be deemed an amendment to the zoning map.

(7) The design, development, construction, and use of the lands comprising the OS-PUD, and all elements and features thereof, shall comply with the OS-PUD ordinance as adopted by the Township Board.

(i) Conditions of Approval. The Township Board may impose reasonable conditions upon approval to protect the environment and conserve natural resources and energy, to ensure compatibility with adjacent use of lands, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1) Shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed project, residence and landowners immediately adjacent to the project, and the community as a whole.

(2) Shall be related to the valid exercise of the police power, and the purposes of which are affected by the proposed project.

(3) Shall be necessary to meet the intended purpose of this Ordinance, be related to the standards established in the ordinance for the proposed OS-PUD under consideration, and be necessary to ensure compliance with those standards.

Section 11.06. Standards for Approval

A PUD shall be approved only if it complies with each of the following standards as applicable.

(a) The PUD complies with all qualifying conditions of this PUD ordinance.

(b) The uses to be conducted within the PUD are substantially consistent with the Pierson Township Master Plan or based on the design of the PUD and the conditions imposed, the proposed uses are appropriate for the proposed location and are not likely to affect the recommendations of the Master Plan for the larger area where the PUD is to be located.

Section 11.07. Performance Guarantee

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the OS-PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percentage or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

Section 11.08. Phasing

If a development is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the OS-PUD and the residents and owners of the surrounding area.

Section 11.09. Time Limits

Each OS-PUD must be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. The Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the OS-PUD applicant, prior to the expiration of the initial approval, submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the OS-PUD. If the OS-PUD has not been commenced within the above stated period of time, or within any authorized extension thereof, any building permits issued for the OS-PUD or any part thereof shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

Section 11.10. Amendments

(a) General Revisions. An approved final development plan for an OS-PUD may be revised with major changes in accordance with the procedures set forth in Section 11.05. Major changes include, but are not limited to, increases in density, land area, or building size;

the addition of uses not authorized by the original OS-PUD approval; the rearrangement of lots, blocks, or building tracts; changes in the character or function of a street; and changes in the concept of the development.

(b) Minor Changes. Notwithstanding subsection (a) above, minor changes may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Ordinance and all other Township regulations and State law, and subject to the Planning Commission finding that:

(1) The minor changes will not adversely affect the initial basis for granting approval.

(2) The minor changes will not adversely affect the overall OS-PUD in light of the description and purpose of the development as set forth in Section 11.01.

Section 11.11. Appeals/Variances

The Board of Appeals is without jurisdiction to accept appeals or grant variances to decisions by the Township Board to deny, approve, or approve with conditions proposed OS-PUDs; to conditions placed upon OS-PUDs; or to the requirements placed upon OS-PUDs by this Chapter of the Ordinance.

Section 11.12. Other Required Procedures and Approvals

(a) Where provisions of Michigan Public Act 288 of 1967, as amended, the Land Division Act; or the provisions of any State law regarding condominiums or land divisions; or the provisions of any applicable Township ordinances concerning land divisions or platting, apply to OS-PUD projects, the applicant shall be required to comply with all requirements of applicable State law and Township ordinances.

(b) Issuance of a Building Permit. To ensure conformance to an approved final development plan, each principal structure or use indicated in an approved OS-PUD shall be subject to review and approval under the provisions of Chapter 22 of this Ordinance, prior to the issuance of a building permit.

CHAPTER 12
C-1 NEIGHBORHOOD BUSINESS DISTRICT

Section 12.01. Description and Purpose. This district is intended for certain commercial uses designed to offer convenience shopping and service opportunities for neighborhood areas. In general, these areas will be limited in size and number of locations. The regulations of the district are designed to ensure that the permitted and specially-approved commercial uses are reasonably compatible with surrounding land uses.

Section 12.02. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Antique shop.

(b) Automotive parts and accessories.

(c) Bakery.

(d) Banks and other financial institutions.

(e) Barber shop.

(f) Beauty salon.

(g) Book store.

(h) Card shop.

(i) Child care center.

(j) Clothing store.

(k) Consumer electronics store.

(l) Dry cleaning.

(m) Florist.

(n) Grocery store.

(o) Hardware store.

(p) Health and physical fitness establishments.

(q) Ice cream store.

(r) Jewelry store.

(s) Meat market.

(t) Medical and dental clinics.

(u) Musical instrument store.

(v) Offices.

(w) Pharmacy.

(x) Photocopy and printing shop.

(y) Photographic studio.

(z) Restaurants and delicatessens, but excluding those with drive-in or drive-through facilities.

(aa) Retail stores.

(bb) Self-service laundry facility.

(cc) Shoe repair shop.

(dd) Tailor.

(ee) Video rental and sales.

(ff) Governmental and administrative offices.

(gg) Mailing and packaging service.

(hh) Computer sales and service.

(ii) Other similar retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood when authorized by th-ePlanning Commission. In considering such authorization, the Planning Commission shall consider the following standards:

(1) The size, nature and character of the proposed use.

(2) The proximity of the use to adjoining properties.

(3) The parking facilities provided for the use.

(4) Any likely traffic congestion or traffic hazard.

(5) How well the use harmonizes with and enhances adjoining properties in the surrounding neighborhood.

(6) The need for the proposed use to serve the surrounding neighborhood.

(7) The effect of the use on adjoining properties and the surrounding neighborhood.

Section 12.03. Special Land Uses. The following uses may be permitted as a special land use subject to the requirements of Chapter 15:

(a) Restaurants which have drive-up or drive-through facilities.

(b) Motor vehicle service stations.

(c) Vehicle repair or body shops.

(d) Essential public service structures and buildings.

(e) Mini-warehouses and self-storage facilities.

(f) Taverns or bars serving beer, wine and spirits, if licensed as required by law.

Section 12.04. Other Uses. The following other uses are permitted as provided in this Ordinance:

(a) Accessory buildings and other accessory uses as regulated under Section 4.16.

(b) Signs as regulated under Chapter 18.

(c) Off-street parking and loading as regulated by Chapter 19.

Section 12.05. District Regulations. Buildings and structures shall not be erected or enlarged unless the following requirements are satisfied:

(a) Minimum Lot Area. None required.

(b) Minimum Lot Width. One hundred fifty feet.

(c) Minimum Required Building Setbacks. Forty feet.

(d) Maximum Building Height. Thirty five feet.

(e) All business activity shall be conducted entirely within a completely enclosed building except for motor vehicle parking, off-street loading, drive-through or drive-up facilities, limited temporary outdoor display of merchandise and repair of vehicles at service stations or body shops.

(f) Site plan review and approval under Chapter 17.

Section 12.06. Minimum Floor Area. No minimum building floor area shall be required.

CHAPTER 13
C-2 GENERAL COMMERCIAL DISTRICT

Section 13.01. Description and Purpose. This district is intended to accommodate land uses which can provide commercial goods and services to residents of and visitors to the Township, including commercial uses which by reason of traffic or other impacts would ordinarily not be compatible with nearby residential areas or with a neighborhood commercial district. The permitted and specially-approved uses are intended to serve the community in general, including travelers on the major highways in and around the Township.

Section 13.02. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Any use permitted in the C-1 District.

(b) Department or discount stores.

(c) Retail building supply and equipment stores.

(d) Retail nurseries and garden centers.

(e) Funeral homes.

(f) Indoor or outdoor commercial recreation facilities.

(g) Utility and public service buildings, without storage yards.

(h) Restaurants, including drive-up and drive-through facilities.

(i) Taverns or bars serving beer, wine and spirits, if licensed as required by law.

(j) Private clubs, fraternal organizations and lodge halls.

(k) Computer and data processing centers.

(l) Mailing and packaging service.

(m) Internet-related offices and services.

(n) Other similar retail business or service establish1-nents which supply convenience commodities or perform services primarily for the motoring public and area residents when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:

(1) The size, nature and character of the proposed use.

(2) The proximity of the use to adjoining properties.

(3) The parking facilities provided for the use.

(4) Any likely traffic congestion or traffic hazard.

(5) How well the use harmonizes with and enhances adjoining properties in the surrounding neighborhood.

(6) The need for the proposed use to serve the surrounding neighborhood.

(7) The effect of the use on adjoining properties and the surrounding neighborhood.

Section 13.03. Special Land Uses. The following uses may be permitted as a special land use subject to the requirements of Chapter 15:

(a) Open air businesses.

(b) Contractor yards for construction equipment.

(c) Commercial kennels.

(d) Automatic and self-serve vehicle wash facilities.

(e) Motels and hotels.

(f) Theaters.

(g) Commercial storage warehouses.

(h) Warehousing, bulk storage and transport of propane, liquid petroleum, fuel oil and similar fuels, but not including gasoline.

(i) Sexually oriented business.

(j) Pawn shop.

Section 13.04. Other Uses. The following other uses are permitted as provided in this Ordinance:

(a) Accessory buildings and other accessory uses as regulated under Section 4.16.

(b) Signs as regulated under Chapter 18.

(c) Off-street parking and loading as regulated by Chapter 19.

Section 13.05. District Regulations. Buildings and structures shall not be erected or enlarged unless the following requirements are satisfied:

(a) Minimum Lot Area. None required.

(b) Minimum Lot Width. One hundred twenty five feet.

(c) Minimum Required Building Setbacks. Fifty feet.

(d) Maximum Building Height. Thirty five feet.

(e) Site plan review and approval under Chapter 17.

Section 13.06. Minimum Floor Area. No minimum building floor area shall be required.

Section 13.07. Site Development Requirements. The following site development requirements shall be complied with:

(a) The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in a side yard or rear yard shall be screened from view from the street or from adjacent lands.

(b) Not more than one driveway per street shall be permitted for each principal use, except that the Planning Commission, in connection with site plan review, may permit or require additional driveways, if justified by the need therefor and if the same can be accommodated without adverse effect upon the use of the adjacent street.

(c) Parking areas may be required to be screened from the adjacent streets, m connection with site plan review under Chapter 17.

(d) Lighting fixtures for parking lots shall be not higher than 20 feet and shall be provided with cut-off light fixtures so as to minimize the amount of light extending into areas outside of the parking lot.

(e) The Planning Commission, in considering site plan approval under Chapter 17, may require the design and installation of service drives for motor vehicles, or other interior streets and drives, as a means of avoiding traffic congestion or improving traffic circulation, and for other purposes.

CHAPTER 13A
FAMILY RECREATION PLANNED UNIT DEVELOPMENT

Section 13A.01. Description and Purpose. This chapter is intended to allow for a wide- range of outdoor and indoor recreational and entertainment activities during all seasons. Commercial uses are permitted to enhance the recreational and entertainment uses within the district, but the primary focus of the district is to provide and foster recreational and entertainment activities.

Section 13A.02. Authorization. A Family Recreation Planned Unit Development ("FR- PUD" or "PUD") shall be approved by amendment to the zoning map, approval of preliminary and final development plans in accordance with this chapter, with an accompanying ordinance specifying the terms and conditions of approval of the PUD. Approval under this chapter, including all aspects of the final plan and conditions imposed thereon shall be considered as part of the Zoning Ordinance, although it need not be incorporated into the codified ordinances of general application. An applicant may submit an application for rezoning of property to FR- PUD, and the Township Board may approve the rezoning of property to FR-PUD, with or without the submittal and approval of a preliminary or final development plan.

Violation of any provision of a planned unit development ordinance and the final plan and conditions imposed thereon shall in all respects be considered a violation of the Zoning Ordinance.

Section 13A.03. Permitted Uses. Land, buildings and structures in this district may be used for the following purposes only:

(a) Antique shows, arts and crafts sales, auctions, farmers' markets, flea markets, outdoor festivals and other similar uses.

(b) Banquet halls.

(c) Governmental, administration or service buildings which are owned and operated by a governmental body or agency.

(d) Health and physical fitness establishments.

(e) Ice cream parlors, fudge shops.

(f) Indoor or outdoor commercial recreation facilities including, but not limited to, ice or roller skating, tennis, swimming, bowling, rock climbing, miniature golf.

(g) Indoor cinema.

(h) Outdoor amphitheaters or other outdoor concert or performance venues.

(i) Professional, semi-professional or amateur sporting teams and events (either conducted within an enclosed facility or outdoors).

(j) Publicly-owned athletic grounds.

(k) Publicly-owned swimming pools.

(l) Public parks, public walking, hiking, biking and cross-country skiing trails.

(m) Restaurants and delicatessens (but not including drive-in or drive-through restaurants).

(n) Theaters or auditoriums (but not including drive-in theaters).

(o) Other similar recreational or entertainment uses when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following:

(1) The size, nature and character of the proposed use.

(2) The proximity of the use to adjoining properties.

(3) The parking facilities provided for the use.

(4) Any likely traffic congestion or traffic hazard.

(5) The likelihood of adverse effects on adjoining and nearby lands.

(6) How well the use harmonizes with and enhances the other uses existing or approved for the FR-PUD and the adjacent and nearby lands.

Section 13A.04. Eligibility for Family Entertainment Planned Unit Development Zoning.

(a) Lands for which a FR-PUD application is made shall be under single ownership or under the control of a single entity, but if not, then all parties in interest shall join in the application, unless the applicant is the Township. The Township may require proof of such ownership or joint control.

(b) The Township itself may apply for the rezoning of lands to the FR-PUD District, but if it does so, at least eight days' written notice of the Planning Commission public hearing on the rezoning shall be sent by first-class regular mail to the owners of the lands, as such ownership is shown in the current tax assessment roll.

(c) The lands proposed for FR-PUD rezoning shall contain a minimum of five contiguous acres.

(d) Applications for Rezoning and Approval of Development Plan.

(1) A property owner or the Township may submit an application for rezoning of property to the Family Recreation Planned Unit Development with or without the submittal of a preliminary development plan as described in this chapter. If an applicant does not submit a preliminary development plan for review by the Planning Commission with the application for rezoning, the Planning Commission and Township Board shall proceed to consider the application for rezoning in accordance with this Ordinance; provided, however, that if the

applicant's property is rezoned to the Family Recreation Planned Unit Development district in accordance with this chapter, no building permit or other approval for any use within the PUD shall be issued unless and until the applicant submits a preliminary development plan and the preliminary plan and final development plan are reviewed and approved in accordance with this chapter.

(2) If rezoning of the property is approved by the Township Board, the applicant may submit a preliminary plan for all or a portion of the PUD. If a preliminary plan and final development plan for a portion of the PUD are submitted and approved in accordance with this chapter, the applicant may only develop that portion of the approved PUD. The applicant shall submit and obtain approval of preliminary and final development plans for any remaining portions of the FR-PUD.

(3) In the case of a proposed preliminary and final development plan for only a portion of the PUD, the Township may in its discretion require the simultaneous submission of a plan for the development for all or part of the remaining lands in the PUD, if reasonably necessary to assure eventual, satisfactory development of the entire PUD. The Township may impose conditions on the final development plan for a portion of the PUD that restrict or otherwise regulate the use and development of the other lands in the PUD, in order that the entire PUD shall, over time, be developed and used in a manner consistent with the requirements and objectives of this chapter.

(e) Review Procedures.

(1) **Optional Preapplication Conference**. Before submitting an application for rezoning to a PUD and/or an application for preliminary development plan approval for all or a portion of a FR-PUD, the applicant may meet with the Planning Commission to submit information regarding the proposed development and to confer with the Planning Commission about the proposed application and the FR-PUD.

(f) Preliminary Development Plan.

(1) An applicant for FR-PUD rezoning or an applicant for approval of a development plan for all or a portion of the PUD in accordance with the Family Recreation PUD shall submit a site plan of the development which contains the information required for site plans according to Chapter 17 of this Ordinance, and which contains the following additional information:

(i) A narrative describing the PUD including the proposed uses, likely hours of operation for the uses within the PUD and any proposed phasing of the PUD.

(ii) Proposed building envelopes and areas for drainfields and set aside drainfields, if required.

(iii) If required by the Planning Commission, the preliminary development plan shall include an environmental impact analysis, traffic impact study, economic analysis, and/or other information on the impact of the uses within the PUD on governmental services, roads and highways, and the local schools and school district. The Planning Commission may, in addition, request that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, and other governmental units regarding impacts on matters within their jurisdiction.

(2) **Review of Preliminary Development Plan**. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended change or modification thereof. The recommendations shall be based upon consideration of the requirements of this Ordinance and, in particular, the requirements of this chapter.

(3) **Advisory Public Hearing**. In the course of its consideration of the preliminary development plan, the Planning Commission may, but is not required to, convene an advisory public hearing to receive public comments concerning the preliminary development plan. Informal notice of such advisory hearing shall be given by one publication and by mail to all persons to whom any real property is assessed within 300 feet of the lands included in the PUD, not less than seven days prior to the date of the advisory public hearing. Failure to give notice of such an advisory public hearing shall not affect the validity of the proceedings.

(g) Final Development Plan. After receiving the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit a final development plan to the Township for all or a portion of the PUD, which contains the information required for a preliminary development plan, and which addresses other matters requested by the Planning Commission. Copies of the final development plan shall be forwarded to the Planning Commission. The plan shall also state the projected time for completion of the PUD, any proposed phasing of the PUD, and the projected time for completion of each phase.

(h) Public Hearing on Final Development Plan. The Planning Commission shall hold a public hearing on the final development plan. Notice of the hearing shall be given by two publications in a newspaper of general circulation within the Township. The first publication shall be printed not more than 30 days and not less than 20 days, and the second publication not more than eight days, before the date of the hearing.

(i) Recommendation by Planning Commission. After public hearing, the Planning Commission shall make recommendations to the Township Board regarding the final development plan. The Planning Commission may recommend that the final development plan be approved; it may recommend that the final development plan not be approved; or it may recommend conditional approval of the final development plan only if certain changes or modifications in the final development plan are made or if certain specific conditions are imposed.

(j) Consideration by Township Board.

(1) The Planning Commission shall forward to the Township Board the PUD final development plan, the application for the rezoning of lands to the PUD district and other relevant materials.

(2) The Township Board shall review the PUD final development plan, the record of the Planning Commission proceedings and the recommendations submitted by the Planning Commission.

(3) The Township Board shall convene a public hearing on the PUD final development plan and the proposed ordinance to rezone the land to the PUD district.

(4) Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.

(5) In making a decision on the PUD final development plan and the application for PUD rezoning, the Township Board shall determine whether the PUD zoning and the PUD final development plan:

(i) Comply with the standards and requirements for eligibility for family recreation planned unit development zoning as stated in Section 13A.04(a) and (c);

(ii) Comply with the permitted uses for the family recreation PUD as stated in Section 13A.03;

(iii) Comply with the other standards, conditions and requirements for family recreation PUDs as stated in this chapter;

(iv) Promote the intent and purposes of this Ordinance;

(v) Ensure that the proposed PUD will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed PUD; and

(vi) Ensure that the proposed PUD will be consistent with the public health, safety, and welfare needs of the Township.

(6) After the public hearing and after its review and consideration of the PUD plan and the proposed PUD ordinance, the Township Board shall approve, approve with conditions or deny the PUD plan and the PUD ordinance. The PUD ordinance, if adopted, shall be an amendment in the zoning map.

(7) The design, development, construction and use of the lands comprising the PUD, and all elements and features thereof, shall comply with the PUD ordinance as adopted by the Township Board.

(k) Conditions of Approval. The Township Board may impose reasonable conditions upon approval to protect the environment and conserve natural resources and energy, to ensure compatibility with adjacent use of lands, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1) Shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed project, residence and landowners immediately adjacent to the project, and the community as a whole.

(2) Shall be related to the valid exercise of the police power, and the purposes of which are affected by the proposed project.

(3) Shall be necessary to meet the intended purpose of this Ordinance, be related to the standards established in the ordinance for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.

CHAPTER 14
I-INDUSTRIAL DISTRICT

Section 14.01. Description and Purpose. This zoning district permits the compounding, assembling, or treatment of articles or materials, but does not permit heavy manufacturing or the processing of raw materials. The district also provides for certain other services and uses that are compatible with light industrial uses.

Section 14.02. Permitted Uses. Land, buildings and structures in this zoning district may be used for the following purposes only:

(a) The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.

(b) The compounding, assembly or treatment of articles from the following previously-prepared materials: canvas, cloth, cork, felt, fibers, glass, leather, paper, plastics, rubber, tin, wood, yarn and metals (excluding mercury).

(c) Auto repair shops.

(d) Contractor yards.

(e) Crating and packing service.

(f) Printing shops.

(g) Sign painting and servicing shops.

(h) Public utility service or storage yard.

(i) Warehouses and storage.

(j) Wholesale sales.

(k) Off-site parking lots not associated with another principal use.

(l) Other similar light industrial uses that involve the compounding, assembly or treatment of goods, articles or materials, but which do not involve heavy manufacturing or the processing of raw materials.

Section 14.03. Special Land Uses. The following uses may be permitted as a special land use subject to the requirements of Chapter 15.

(a) Petroleum or natural gas storage located at least 500 feet from any residentially-zoned lands.

(b) Dismantling or disassembling of used motor vehicles or parts thereof.

(c) Bottling plants and dairies.

(d) Machine shop.

(e) Biomass gasification plants

(f) Wind energy systems

Section 14.04. Other Uses. The following other uses are permitted as provided in this Ordinance:

(a) Accessory buildings and other accessory uses as regulated under Section 4.16.

(b) Signs as regulated under Chapter 18.

(c) Off-street parking and loading as regulated by Chapter 19.

Section 14.05. District Regulations. Buildings and structures shall not be erected or enlarged unless the following requirements are satisfied:

(a) Minimum Lot Area. Two acres.

(b) Minimum Lot Width. Two hundred fifty feet.

(c) Minimum Required Building Setbacks.

(1) Front Yard. There shall be a front setback of not less than 50 feet.

(2) Side Yards. There shall be total side yards of not less than 50 feet; provided, however, that no side yard shall be less than 25 feet. Where an industrial zone abuts an R-1 Single Family Residential District, or an R-2 Two-Family and Multiple Family Residential District, a side yard setback of at least 50 feet shall be maintained.

(3) Rear Yard. There shall be a rear yard of not less than 25 feet. Where an industrial zone abuts an R-1 Single Family Residential District, or an R-2 Two-Family and Multiple Family Residential District, a rear yard setback of at least 100 feet shall be maintained.

(d) Maximum Building Height. Forty five feet, as measured from the natural grade at the front of the building or structure to the highest point of the building or structure.

(e) Site plan review and approval under Chapter 17.

Section 14.06. Minimum Floor Area. No minimum building floor area shall be required.

Section 14.07. Site Development Requirements. The following site development requirements shall be complied with:

(a) Any side yard or rear yard adjoining any lot or parcel of land in the R-1 or R-2 District shall be screened by a compact hedge of deciduous or evergreen trees, having such minimum height as determined by the Planning Commission in its review and approval of the site plan under the terms of Chapter 17.

(b) Ingress to and egress from any lot or parcel of land shall be designed and used so as to maximize pedestrian safety, ease of traffic flow and control and ready access by emergency vehicles and personnel.

(c) Off-street parking and loading areas shall be designed and used so as to avoid significant adverse impact on adjacent and nearby lands.

(d) Refuse and service areas shall be designed and used so as to maximize motor vehicle and pedestrian safety and convenience, promote ease of traffic flow and to minimize the effects, if any, of smoke, noise, dust, vibration or odor on adjacent or nearby lands.

CHAPTER 15
SPECIAL LAND USES

Section 15.01. Purpose of Special Land Uses. Uses allowed as special land uses are those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests for special land uses, and for imposing conditions upon such uses.

Section 15.02. Procedures for Special Land Uses. For the consideration of a special land use, an applicant shall do the following:

(a) File a completed application with the Township Clerk for submission to the Planning Commission, together with a site plan in compliance with Chapter 17, and other materials and information necessary to demonstrate that all requirements for the applicable special land use have been met. Each such application shall be accompanied by the filing fee as specified by Township Board resolution.

(b) Upon receipt of such application, one notice that a request for a special land use has been received shall be published in a newspaper which circulates within the Township, and shall be personally delivered or mailed to the applicant and to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the boundaries of the subject property. Such notice shall be given not less than five days nor more than 15 days before the date the application will be considered.

(c) The notice shall state the following:

(1) The nature of the special land use requested.

(2) The property which is the subject of the special land use request.

(3) When and where a public hearing will be held to consider the special land use application.

(4) When and where written comments will be received concerning the application.

(5) The notice shall indicate that a public hearing on the special land use application shall be held by the Planning Commission, or in the case of special land uses requiring approval by the Township Board, the notice shall refer to a public hearing by the Township Board, if a hearing is being held under subsection (d).

(d) In the case of special land uses requiring the approval of the Township Board, upon the request of the applicant or a property owner or occupant of a structure located within 300 feet of the boundaries of the subject property, a Township Board public hearing shall be held on the special land use application. The type and extent of notice for such hearing requested by the applicant or a property owner or an occupant shall be the same as that required for a Planning Commission public hearing on a special land use application.

(e) All aspects of the special land use, including the location thereof, storm water control measures and public utility services shall be subject to the approval of the Township Engineer and the Montcalm County Drain Commissioner.

(f) In its discretion, the Planning Commission or Township Board may require submission of an environmental impact assessment, traffic impact study, utility system plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the special land use.

(g) In its review of a special land use application, the Planning Commission (or the Township Board, in the case of special land uses requiring Township Board approval) may submit the application, site plan and other materials and information bearing on the proposed special land use to its consulting engineer and other professional consultants and advisors, including the Township attorney, land use planning consultants, traffic engineers, governmental officials and other persons whose advice may be of assistance to the Planning Commission or Township Board in the consideration of a special land use application.

Section 15.03. General Standards. To approve a special land use, the Planning Commission (or the Township Board, if the Township Board is the approving body) must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this Ordinance for particular special land uses:

(a) The special land use shall be established, laid out and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof.

(b) The special land use must not have an adverse effect on water and sewer services, storm water drainage, road capacity and volume of traffic and traffic safety and circulation.

(c) The special land use must not have an adverse effect on police and fire services and other public safety and emergency services.

(d) The special land use must not have an adverse effect on the need and demand for public services and the protection and preservation of natural features and natural resources.

(e) The special land use shall not have an adverse impact upon other pertinent land use factors including but not limited to the view from adjacent and nearby lands; off-street parking and loading; refuse removal and similar services; control of noise, glare and vibration; signs; outdoor lighting.

(f) The special land use shall have safe and reliable facilities for the collection and disposal of sanitary sewage and the providing and distribution of water supply. In the discretion of the Planning Commission, water supply and sewage disposal plans shall be submitted for review by the Township's consulting engineer. The special land use shall be consistent with the intent and purposes of this Ordinance and the Master Plan.

Section 15.04. Decision.

(a) The Planning Commission (or the Township Board with respect to any uses for which the Board is the approving body) shall deny, approve or approve with conditions a request for a special land use. The decision shall be incorporated in the minutes or in a separate statement containing the conclusions relative to the special land use under consideration, specifying the basis for the decision and any conditions imposed.

(b) As to those special land uses which, according to this Ordinance, shall be approved through action of both the Planning Commission and the Township Board, the action taken by the Planning Commission shall be a recommendation on whether the proposed special land use shall or shall not be granted and, if granted, upon what conditions it shall be granted. Such recommendation shall be forwarded to the Township Board, and the final decision on the special land use shall be made by the Township Board, at a public meeting, and after considering the Planning Commission recommendation. In considering a recommended special land use, the Township Board need not convene a public hearing, nor give notice other than that otherwise required for a Township Board meeting, unless required to do so by other provisions in this Ordinance. In making its decision on a proposed special land use, the Township Board may adopt the recommendation of the Planning Commission or it may depart from the recommendation, either in whole or in part.

Section 15.05. Conditions of Approval. The Planning Commission may impose reasonable conditions on the approval of a special land use. Said conditions shall meet the following requirements:

(a) Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.

(b) Be designed to insure that said use is compatible with adjacent land uses and activities.

(c) Be designed to protect natural resources, the health, safety, and welfare and 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.

(d) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(e) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(f) The conditions imposed with respect to the approval of a special land use shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

Section 15.06. Expiration of Special Land Use. A special land use shall expire one year after it is granted, unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request by the applicant, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.

Section 15.07. Revocation of Special Land Use. If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the special land use will be revoked within 15 days of such notification. If said violation is not corrected within 15 days, the Planning Commission shall revoke the special land use. Furthermore, such a violation is hereby declared to be a violation of the Zoning Ordinance, subject to .all of the remedies and penalties provided for in this Ordinance.

Section 15.08. Performance Standards. The following provisions are standards for specific special land uses which must be satisfied to qualify for a special land use, in addition to the general standards set forth in this chapter.

Section 15.09. Churches.

(a) Churches shall be located on a parcel of land of at least two acres in area, unless the Planning Commission allows a lesser area, in accordance with the general standards for special land uses.

(b) Playgrounds, athletic grounds or similar recreational areas associated with a church may be permitted if approved by the Planning Commission.

(c) Steeples, spires and roof ornamentation in excess of the height permitted in the zoning district in which a church is located may be approved by the Planning Commission as a special land use.

(d) A nursery school or child care center may be operated on church property if approved by the Planning Commission as an additional special land use. Any such nursery school or child care center shall be located in the church building or in an accessory building located on the church property. There shall be appropriate and sufficient off-street parking areas, outdoor play areas, appropriate fencing and other design elements and features for the safety of the children attending and the appropriate operation of the child care facility. The Planning Commission may require appropriate registration or licensing as may be required by law.

Section 15.10. Schools.

(a) The area of associated playgrounds, athletic grounds and other recreational areas shall be subject to approval of the Planning Commission.

(b) Provision shall be made for adequate off-street parking area, proper vehicle circulation routes within the school building site and appropriate routes and parking area for school buses shall be provided on the site.

(c) The location of public and private schools, in relation to public streets and other land uses, shall be such as to provide for convenient ingress to and egress from school buildings and other school facilities and so as to avoid serious adverse effects upon adjacent and nearby lands.

(d) Suitable arrangements for domestic and fire protection water supply, sanitary sewage disposal and the handling and management of storm water drainage shall be provided for.

Section 15.11. Libraries and Museums.

(a) Libraries, museums and similar special land uses, owned and operated by a governmental agency or nonprofit organization, shall have direct and adequate access to and from a public street.

(b) In considering the approval of a special land use for such purposes, the Planning Commission shall consider among other matters, the location of the facility, adequacy of access, sufficient off-street parking area and such other matters as will assure the design and operation of the facility in such a manner as to have no serious adverse effects upon adjacent or nearby lands.

Section 15.12. Parks, Playgrounds and Community Centers.

(a) Parks, playgrounds and community centers shall have direct access from and to a public street. Adequate off-street parking shall be provided.

(b) Outdoor lighting shall not be brighter than necessary to provide for the safe use of the facility, and any such lighting shall be directed away from adjoining properties and public rights-of-way.

(c) The Planning Commission may require adequate screening of the use from adjacent and nearby lands or may require specified setbacks from property lines, so as to avoid serious adverse effects upon other lands and land uses.

Section 15.13. Golf Courses, Country Clubs and Riding Stables.

(a) All such uses shall have direct access to a public street. Adequate off-street parking shall be provided.

(b) Outdoor lighting, if any, shall be not brighter than necessary in order to provide for the safe use of the facility, and all such lighting shall be directed away from adjoining lands and public rights-of-way.

(c) Retail sales and restaurants, including restaurants serving alcoholic beverages, may be permitted as an additional special land use.

(d) In the case of golf courses and country clubs, tees, fairways, greens and trails shall be arranged in a manner so as to limit stray golf shots and trespassing onto adjacent lands. Fencing may be required.

(e) In the approval of a special land use, the Planning Commission may specify additional building setbacks from property lines, so as to avoid adverse effect upon adjacent lands. Screening by means of landscaping may be required.

Section 15.14. Campgrounds.

(a) The minimum size of a campground shall be three acres. For purposes of this section, a campground shall refer to an area established for camping, and shall include the use of tents, recreational vehicles and buildings.

(b) The campground use shall have direct access to a public street.

(c) All sanitary facilities shall be designed and constructed in full compliance with applicable county health department regulations.

(d) The number of sites for camping use and the distance between camp sites shall be subject to the approval of the Planning Commission.

(e) Adequate off-street parking area shall be provided. The Planning Commission may impose requirements with regard to generalized parking area, for campers and visitors, and also for a parking space or spaces within each individual campsite.

(f) There shall be a recreation area, or other common use area within the campground. The Planning Commission may impose requirements on the area, location, landscaping and use of such common use area.

(g) There shall be adequate provision for the proper handling of storm water drainage, and the Planning Commission may impose requirements relating thereto.

(h) No business or commercial uses shall take place within a campground, except for such convenience-goods store or location that may be approved by the Planning Commission, and subject to limitations and minimum requirements imposed thereon.

(i) Existing campgrounds in the Township, if previously approved as a special land use, shall be subject to subsequent approval under this section, upon the expiration of any current special land use, except that in granting any such further special land use of an existing campground, the Planning Commission may waive any of the above minimum requirements, and determine that the campground may be lawfully nonconforming, with regard to any such waived requirements. Such waiver of requirements shall not apply to any campground established after the effective date of this Ordinance. In waiving any of such requirements for an existing campground, the Planning Commission may, however, impose additional requirements, for the purpose of causing the existing campground to conform more fully to the requirements of this section.

Section 15.15. Bed and Breakfast Establishments.

(a) The bed and breakfast establishment shall be located on lands with direct access to a public street.

(b) The use shall be established only in a detached single family dwelling.

(c) There shall be adequate off-street parking, so located as to minimize negative impacts upon adjacent lands.

(d) The total number of guest rooms shall not exceed six, plus one additional guest room for each 10,000 square feet or fraction thereof by which the lot area of the property exceeds one acre, but in any event, there shall not be more than ten guest rooms.

(e) Exterior refuse storage facilities shall be screened from view on all sides by a solid decorative fence or landscaping.

(f) One freestanding sign shall be allowed for identification purposes only. The freestanding sign shall not exceed 16 square feet in area and shall not be more than four feet in height; it may not be illuminated.

(g) The establishment shall also be the residence of the operator.

(h) Breakfast may be served, but only to overnight guests and to the operator's family and employees. The establishment shall not be used for public restaurant purposes.

Section 15.16. Family Daycare Homes.

(a) Family daycare homes for more than six minor children may be approved as a special land use by the Planning Commission.

(b) Adequate off-street parking, including off-street pick-up and drop-off areas shall be provided.

(c) There shall be adequate outdoor recreation space, sufficient for the number of persons being cared for in the home, and of such area as approved by the Planning Commission.

(d) All applicable state licensing requirements shall be complied with.

Section 15.17. Adult Foster Care Family Homes.

(a) Adult foster care family homes for more than six adults shall be subject to special land use approval by the Planning Commission.

(b) All such facilities shall comply with applicable state licensing requirements.

(c) Adequate off-street parking area and adequate recreational space within the property shall be provided, and shall be of such area as is approved by the Planning Commission.

(d) Exterior refuse storage facilities shall be screened from view on all sides by a decorative fence or adequate landscaping.

Section 15.18. Junkyards, Salvage Yards and Recycling Stations.

(a) The entire operation shall be completely enclosed by a screening fence at least eight feet in height or within a building.

(b) A site development plan shall be submitted, and shall be subject to approval of the Planning Commission.

(c) Specifications and detail for all screen fencing shall be submitted and shall be subject to approval of the Planning Commission.

(d) The screening fence shall be of such design and material as to completely obscure the junk and other materials stored behind it. The area enclosed by the screening fence shall not include any of the area of the lands that is required for the minimum yard sizes under the terms of this Ordinance.

(e) No such use shall be permitted within 200 feet of a property line or public street.

(f) No materials or items stored or included in the use shall exceed the height of the screening fence.

Section 15.19. Roadside Stands.

(a) Roadside stands with more than 200 square feet of sales area for the sale of produce grown on the premises and for other limited purposes shall be subject to special land use approval by the Planning Commission.

(b) The roadside stand shall be situated a safe and adequate distance back from the traveled portion of the street right-of-way.

(c) If approved by the Planning Commission, a roadside stand may sell, in addition to produce grown on the premises, other related goods and items, including though not limited to jams and jellies, cheese, small arts and crafts items, candies and specialized kitchen utensils.

(d) The roadside stand shall be operated on a seasonal basis only.

Section 15.20. Farm Markets.

(a) Farm markets having an area greater than 800 square feet shall be subject to special land use approval by the Planning Commission.

(b) There shall be direct access from a public street and adequate off-street parking shall be provided.

(c) The building or other facility in which the farm market operation is conducted shall be located a safe and adequate distance from the traveled portion of the street right-of-way.

(d) Farm markets may sell produce grown on the premises, other produce and related food and agricultural goods and items, including small arts and crafts.

(e) Any outdoor lighting shall be directed downward and shall not cause adverse effects on adjacent or nearby lands.

(f) Access driveways shall be located not less than 25 feet from the nearest part of the intersection of any street.

(g) Outdoor refuse storage areas shall be screened on all sides.

(h) There may be one sign identifying the farm market, with the placement, size and height thereof to be subject to the approval of the Planning Commission.

Section 15.21. Intensive Livestock Operations.

(a) The use shall comply with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.

(b) The approval of the use shall be accomplished by recommendation by the Planning Commission and approval by the Township Board.

(c) Terms and conditions imposed on the use shall be for the purpose of assuring compliance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.

Section 15.22. Airfields and Landing Strips.

(a) Private airfields and private landing strips may be allowed if authorized by the Planning Commission as a special land use.

(b) Such use shall not adversely affect existing or future development of the Township.

(c) The take-off and landing pattern within 1,000 feet of the end of a runway shall not pass over an occupied structure.

(d) The airfield or landing strip shall be at least 200 feet away from any property line.

(e) The airfield or landing strip shall be so located, operated and managed as to have no adverse effect upon the safety of persons living in the Township.

(f) The airfield or landing strip shall comply with all applicable rules and regulations, including those of the State of Michigan and the Federal Aviation Administration.

Section 15.23. Utility and Public Service Buildings.

(a) The materials, color and design of such buildings shall be generally compatible with the surrounding neighborhood.

(b) Utility and public service buildings shall comply with the yard setback requirements of the district in which such buildings are located. The Planning Commission may, however, increase the minimum setback areas, as a condition of special land use approval.

(c) Fencing and screening may be required.

(d) Adequate driveways and off-street parking areas for the vehicles servicing the buildings shall be provided.

Section 15.24. Removal and Processing of Sand, Gravel and Other Mineral Resources.

(a) The removal or extraction of sand, gravel, soil, rock and similar natural resources shall be permitted only with the intent and in such manner as to meet the need for such natural resources to be used, or to prepare the lands for use in accordance with the provisions of the district in which the lands are located.

(b) Special land use approval shall not be required where the removal or extraction of natural resources is located more than 500 feet from any street or property line, occupies not more than two acres in area and does not constitute a weekly average intensity of use of more than five cubic yards of material per day and creates no area which fills with water, other than farm watering ponds.

(c) An application for special land use approval for removal and processing of sand, gravel and other mineral resources shall include the following:

(1) A written legal description of all of the lands proposed for the use.

(2) Eight copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:

(i) A north arrow, scale and date.

(ii) Shading indicating the extent of land area on which mineral removal operations and activities will take place.

(iii) The location, width and grade of all easements or rights-of-way on or abutting the lands.

(iv) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.

(v) Existing elevations of the lands at intervals of not more than five feet.

(vi) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.

(vii) Mineral processing and storage areas.

(viii) Proposed fencing, gates, parking areas, and signs.

(ix) Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.

(x) A map showing access routes between the subject lands and the nearest County Primary Arterial road.

(xi) Areas to be used for ponding.

(d) The applicant shall submit a narrative description and explanation of the proposed mineral removal operations and activities, including the date of commencement, proposed hours and days of operation, estimate of the type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to insure compliance with the conditions of this section.

(e) A site rehabilitation plan shall be submitted. It shall include the following:

(1) A description of the planned site rehabilitation and the end uses, including methods of accomplishment, phasing and timing.

(2) A plan showing the final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; and also including water courses, ponds or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end uses.

(3) A description of the proposed methods or features which will insure that the end uses are feasible and will comply with the Township Master Plan and the requirements of this Ordinance.

(f) The Planning Commission may require an environmental impact statement, engineering data, traffic impact study or other studies or information concerning the need for and consequences of such mineral extraction and removal.

(g) Each site rehabilitation plan shall be reviewed by the Planning Commission so as to determine its compliance with all of the following standards and requirements:

(1) Topsoil shall be replaced on the site to a depth of not less than six inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall not be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.

(2) Final slopes shall have a ratio of not more than one foot of elevation to three feet of horizontal distance.

(3) Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.

(h) The Planning Commission may approve routes for truck movements to and from the removal site. Access roads within the area of operation shall have a dustless surface and the entry road shall be hard surfaced for such distance as required by the Planning Commission.

(i) No machinery shall be located or used within 50 feet of any property or street line. No cut or excavation shall be made closer than 50 feet to any street right-of- way line or property line. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation.

(j) Proper measures may be required so as to minimize the nuisance of noise, dust and other adverse impacts. Limitations may be imposed upon the stockpiling of excavated material on the site.

(k) During activities and operations for the removal of mineral material, no such material or other excavated material shall be left during weekends or overnight in such condition or manner as to constitute a danger to those who may enter the removal area. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one foot of elevation for each two feet of horizontal distance, after the cessation of daily operations; provided, however, that the Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained wire fence, or fence of other substantial material, of at least four feet in height, and so located that any slopes steeper than one foot of elevation for each two feet of horizontal distance cannot inadvertently be approached by persons who may enter the removal area.

(l) The Planning Commission may require compliance with other conditions that may be necessary to ensure compliance with the terms of this section. Such conditions may include, though not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and storage requirements.

(m) An applicant for special land use approval shall submit a performance bond or letter of credit in accordance with the requirements of this Ordinance, naming the Township as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use. Such bond or letter of credit shall have such other terms and shall be in such amount as is required by the Planning Commission.

(1) The performance bond or letter of credit shall not be refunded, reduced or transferred until the mineral removal operations, land reclamation or restoration and all other required activities have received final inspection and approval, and until the Planning Commission has determined that the applicant has fully complied with all of the terms and conditions of the special land use.

(2) The timely and faithful compliance with all of the terms of the performance bond or letter of credit shall be a condition of mineral removal operations. In the absence of such compliance, or if the bond or letter of credit is revoked or if it expires and is not renewed, the Planning Commission need not approve the renewal of any special land use, even if the applicant has otherwise complied with the terms of the special land use.

(n) The Planning Commission may impose a time limit on the special land use. A renewal of the use thereafter may be permitted by the Planning Commission, upon

such terms and with such duration as the Planning Commission may determine, after the same public hearing and the same public notice as is required for the original special land use.

(o) The special land use may include only the excavation, processing and removal of mineral resources located on the lands. Other mineral resources or other materials may not be brought to the site for storage, processing or other purposes, except that additional permanent fill material may be brought to the site in compliance with an approved site rehabilitation plan.

(p) No mechanical processing of natural resources shall be permitted in any district where such operation would be seriously detrimental to adjacent or nearby land uses. Mechanical processing may be limited to screening of gravel and other material, in the discretion of the Planning Commission, or it may also include crushing of gravel or stone, if authorized by the Planning Commission, and under such limitations as the Commission may provide.

(q) Storm water runoff shall be directed to existing drainage systems, or shall otherwise be handled, in a manner approved by the Planning Commission.

(r) The creation or enlargement of a lake, in connection with rehabilitation of the site, shall be permitted only where the applicant demonstrates from engineering and geological studies that the waters of the lake will not become polluted or stagnant. Any such lake shall be approved by agencies having jurisdiction, including the Department of Environmental Quality and the County Drain Commissioner.

(s) No removal area, storage area, access drive, processing area or loading area shall be located closer than 150 feet to a principal structure on an adjoining or nearby property.

(t) All structures and stored materials and equipment shall be removed from the site within two months of the discontinuance of the use for removal or extraction of natural resources.

Section 15.25. Antennas and Towers of a Height Greater than 30 Feet. Freestanding radio, television and telecommunications antennas and towers (including satellite dish antennas) exceeding a height of 30 feet above grade, or exceeding a dimension of 15 feet in any other direction, including any mounting structure, may be approved by the Planning Commission as a special land use upon compliance with the following requirements:

(a) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.

(b) No part of the antenna or tower shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.

(c) Any such antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.

(d) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission.

(e) The antenna or tower shall not be so located or constructed so as to have a serious adverse effect on adjacent or nearby land uses.

(f) The antenna or tower and the construction, installation, maintenance and operation thereof shall comply with all federal, state and local laws, ordinances and regulations.

(g) Antennas and towers for commercial telecommunications services, including cellular telephone antennas and towers, shall comply with the following requirements:

(1) Such antennas and towers may be required by the Planning Commission to be located on an existing approved tower if such location is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed telecommunications antenna and other relevant factors.

(2) A proposed tower for commercial telecommunications services may be required, in the discretion of the Planning Commission, to be designed, constructed and placed so as to accommodate both the applicant's equipment and comparable equipment for at least two additional users. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.

(3) Towers for commercial telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.

(4) The Planning Commission may require that commercial telecommunications towers not he illuminated, unless required by state or federal agencies having jurisdiction. No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.

(5) The Planning Commission may require that commercial telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.

(6) Towers for commercial telecommunications services which are abandoned or unused shall be removed, along with any associated buildings, structures or equipment within one year of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to insure its removal.

(h) The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use and maintenance of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:

(1) The screening or buffering of an antenna or tower and any accessory buildings or structures thereof.

(2) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures thereof.

(3) The prohibition on the construction or occupancy of dwellings or other buildings or the construction and use of other structures within a specified isolation distance from an antenna or tower.

(4) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower; the reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of an antenna or tower or accessory buildings or structures thereof.

(i) Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antenna may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any ,of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such special land use for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Township's legitimate purposes in regulating such amateur radio antennas.

Section 15.26. [Reserved].

Section 15.27. Restaurants With Drive-Up or Drive-Through Facilities.

(a) There shall be sufficient stacking capacity for the drive-through portion of the restaurant so that traffic does not extend into the public right-of-way. At least ten stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicle circulation within the restaurant site.

(b) In addition to other parking space requirements, at least three parking spaces shall be provided in close proximity to the exit of the drive-through portion of the restaurant site, so as to allow for the temporary parking of the vehicles of customers who are waiting for delivery of orders.

(c) Access driveways shall be located at least 25 feet from the nearest part of a street intersection or any other driveway.

(d) Outdoor speakers and lighting for the drive-through portion of the restaurant shall be so located that sound transmission and glare of lighting toward adjacent properties is minimized.

Section 15.28. Motor Vehicle Service Stations.

(a) Access driveways shall be located not less than 25 feet from the nearest part of a street intersection or any other driveway.

(b) Pump islands shall be located at least 15 feet from any public right-of-way or lot line.

(c) Where a motor vehicle service station adjoins residentially-zoned or used property, a solid wall or fence, six feet in height, or a substantial landscaped screen, six feet in height, shall be erected or planted along any common lot line. Such fence, wall or landscaping shall be maintained in good condition.

(d) Inoperable vehicles left on the site shall, within two days, be stored within an enclosed building, or in an area screened by a solid fence not less than six feet in height. Such fence shall be maintained in good condition.

(e) Storage of motor vehicle components and parts, trash, supplies or equipment outside of a building is prohibited.

(f) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, and except for temporary outdoor checking or testing of vehicles, shall be kept within an enclosed building.

Section 15.29. Motor Vehicle Repair or Body Shops.

(a) Access driveways shall be located not less than 25 feet from the nearest part of a street intersection or any other driveway.

(b) Inoperable vehicles left on the site shall, within two days, be stored within an enclosed building, or in an area screened by a solid fence not less than six feet in height. Such fence shall be maintained in good condition.

(c) Storage of motor vehicle components and parts, trash, supplies or equipment outside of a building is prohibited.

(d) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, and except for temporary outdoor checking or testing of vehicles, shall be kept within an enclosed building.

Section 15.30. Mini Warehouses and Self-Storage Facilities in the C-1 and C-2 Districts

(a) Adequate driveways and safe and adequate areas for circulation of vehicle traffic on the site shall be provided.

(b) Any receptacles or other facilities for the outdoor disposal of trash or debris shall be shielded from view from adjoining lands or streets, by walls, solid fences or substantial landscaping.

(c) Outdoor lighting, if any, shall be so arranged as to avoid the glare of lighting onto adjacent and nearby lands or streets.

Section 15.31. Mini Warehouses and Self-Storage Facilities in the Rural Residential Zoning District

(a) Minimum Lot Area. 10 acres.

(b) A greenbelt 50 feet wide as measured from the front lot line, 100 feet wide as measured from all other lot lines, shall be provided. The greenbelt shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the use as effectively as the required landscaping described above.

(c) Outdoor lighting, if any, shall be so arranged as to avoid the glare of lighting onto adjacent and nearby lands or streets.

(d) All buildings and structures must be aesthetically compatible with the intended character of the R-R District.

(e) Maximum Building Height. 25 feet.

(1) The Planning Commission may allow for a building to be increased to a height of no more than 35 feet. In making this determination, the Planning Commission shall consider the following standards:

(i) The impact on views from nearby properties and roads.

(ii) The modification will not have a significant adverse effect on the existing or intended character of the area.

(iii) The location of any lighting that is proposed to be mounted to the side of the building.

(iv) The amount of existing or proposed landscaping that will buffer the building(s) from view.

(f) The Planning Commission may permit outdoor storage areas. In making this determination the Planning Commission shall consider the following standards:

(1) The impact on views from nearby properties and roads.

(2) The height and type of the materials and/or landscaping proposed to buffer the outdoor storage area from view.

(3) The size of the outdoor storage area in relation to the size of the property the use is located on.

(4) The proximity of the outdoor storage area to adjacent properties and roads.

(g) The buildings may only be used for personal storage. Any other residential, industrial, or commercial activity is prohibited.

(h) Signs shall comply with the sign requirements of the R-R District, except that the Planning Commission may permit additional or larger signs as a part of its approval of the special land use and if such additional or larger signs do not have serious adverse effects upon adjacent or nearby lands used for residential purposes.

(i) Adequate driveways and safe and adequate areas for circulation of vehicle traffic on the site shall be provided.

(j) All buildings must be arranged to permit emergency vehicle access by practical means, and as may be required by Township fire department.

(k) Driveways shall be located at least 25 feet away from any street intersection and from other driveways.

(l) A safe, adequate and convenient off-street parking area shall be provided.

Section 15.32. Taverns or Bars Serving Beer, Wine and Spirits.

(a) The appropriate state license shall be obtained and shall be kept in force at all times; the Township Board shall give its approval of the use, if such approval is a condition of the state licensing of the use.

(b) Adequate, safe and convenient driveways and off-street parking areas shall be provided.

(c) In determining whether to approve the special land use, the Planning Commission shall consider the proximity of the proposed use to adjoining properties; the extent to which the proposed use harmonizes with adjoining commercial and other properties; the general effect of the use on adjoining and nearby lands, including residential lands in the vicinity.

Section 15.33. Open-Air Businesses.

(a) Required yard setback areas shall not be used for the sale or display of merchandise.

(b) A fence or wall may be required to be constructed along or near boundaries of the site, so as to keep trash, paper and other debris from being carried by wind to other lands.

(c) All applicable county health department regulations shall be complied with.

(d) That portion of the site used for vehicle parking and areas used for outdoor display or storage shall have a durable and dustless surface, and such areas shall be properly graded and drained so as to dispose of all surface water.

(e) All outdoor lighting shall be shielded so as to prevent glare from lighting onto adjacent lands and nearby streets.

Section 15.34. Contractor Yards and Construction Equipment.

(a) Adequate, safe and convenient driveways for the ingress and egress of construction equipment shall be provided.

(b) Fencing of the site may be required.

(c) The screening of all or portions of the site, from the view from adjacent lands, may be required, by means of solid fencing and/or substantial landscaping. Any such fencing or landscaping, once provided, shall be continuously maintained in good condition.

(d) The portion of the site used for the driving and parking of construction vehicles and construction equipment shall be located a sufficient distance away from adjoining land so that there are no serious adverse effects upon such lands by reason of excessive noise, vibration, dust, dirt or other adverse effects.

Section 15.35. Commercial Kennels.

(a) Buildings for the housing of animals shall not be located within 200 feet of any property line or street right-of-way.

(b) The minimum lot area shall be two acres.

(c) The kennel shall include facilities for the disposal of manure and refuse and shall have proper insect control methods. Fencing of the site may be required.

(d) Outdoor areas for the keeping and exercise of animals shall be located a sufficient distance away from adjoining lands so as to avoid adverse effects upon such lands by reason of noise made by the animals and so as to avoid other adverse effects.

Section 15.36. Automatic and Self-Serve Vehicle Wash Facilities.

(a) There shall be sufficient stacking capacity for the drive-through portion of the establishment, so as to assure that vehicle traffic does not extend into a public right-of-way. At least ten stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two stacking spaces at the entrance and one stacking space at the exit.

(b) Safe, adequate and convenient driveways and vehicle circulation areas shall be provided.

(c) Wash bays for self-service establishments shall be located at least 50 feet away from any residential district.

(d) Where such establishments adjoin residentially-zoned or residentially-used property, a solid wall or fence, six feet in height, shall be erected along or near the common property line. Such fence shall be continuously maintained in good condition.

(e) Outdoor lighting shall be shielded so as to prevent the glare of lighting onto adjacent or nearby lands or streets.

Section 15.37. Motels and Hotels.

(a) The minimum lot area shall be four acres.

(b) Safe, adequate and convenient access driveways shall be provided. Such driveways shall be located not less than 50 feet from the nearest part of any intersection or from any other driveway.

(c) Areas and facilities for the temporary outdoor accumulation of refuse shall be shielded from the view from adjacent lands and streets by a solid fence or substantial landscaping. Such fencing or landscaping shall be continuously maintained in good condition.

Section 15.38. Theaters.

(a) Adequate, safe and convenient access driveways shall be provided. Such driveways shall be located not less than 50 feet from the nearest part of any street intersection or any other driveway.

(b) Theater buildings shall be set back at least 100 feet from any residential property line.

(c) A traffic impact study may be required. Such study shall include proposed traffic circulation routes on the site and projected impacts of the theater operation, by reason of traffic and other effects, upon adjacent and nearby streets.

(d) Outdoor lighting shall be shielded so as to prevent the glare of lighting onto adjacent or nearby properties or streets.

Section 15.39. Commercial Storage Warehouses.

(a) The minimum lot area shall be two acres.

(b) Adequate, safe and convenient driveways and vehicle circulation areas on the site shall be provided. Driveways shall be located at least 25 feet away from any street intersection and from other driveways.

(c) Outdoor lighting shall be so located, and outdoor lights shall be so shielded, that lighting shall not adversely affect nearby lands or the adjacent streets.

(d) Any receptacles or areas for the temporary outdoor storage of trash and debris shall be shielded from the view from adjacent lands and streets by a solid fence or substantial landscaping. Any such fence or landscaping shall be continuously maintained in good condition.

Section 15.40. Warehousing, Storage and Transport of Fuels.

(a) Warehousing, bulk storage and transport of propane, liquid petroleum, natural gas, fuel oil and similar fuels (not including gasoline) are subject to special land use approval by the Planning Commission.

(b) All federal and state requirements for the location and construction of such facilities, and the installation of equipment, shall be complied with.

(c) The site for the facilities included in the special land use shall be located on a state highway or a county primary road; provided, however, that in its approval of the special land use, the Planning Commission may approve a site for such facilities on a paved public street that is neither a state highway nor a county primary road.

(d) No storage shall take place closer to any property line than is permitted by applicable state or federal regulations, but in any event, such storage shall not take place closer than 50 feet from any property line. There shall be no storage of explosive or volatile chemicals in gaseous form closer than 250 feet from any existing dwelling."

(e) Adequate and safe driveways and vehicle circulation areas on the site shall be provided.

(f) Fencing, outdoor lighting, security arrangements and other appropriate conditions may be required.

(g) Retail sales shall not be permitted on the premises.

Section 15.41. Dismantling or Disassembly of Used Motor Vehicles.

(a) The minimum lot area shall be two acres.

(b) The outdoor dismantling, disassembly or other work on used motor vehicles shall take place only behind a solid fence, enclosing all of such activity.

(c) Outdoor storage of vehicle components and parts, trash, supplies or equipment shall take place only within a completely enclosing, solid fence. Any such materials shall not be stacked higher than the height of the fence.

(d) There shall be safe and adequate driveways to and from the vehicle dismantling area.

(e) The dismantling, disassembly or other work on used motor vehicles shall take place only at a location within the site that is a sufficient distance away from property lines, so that there are no adverse effects upon adjacent or nearby lands by reason of noise, vibration or other aspects of the use.

(f) Other requirements concerning screening and fencing may be required.

Section 15.42. Bottling Plants and Dairies.

(a) Safe and adequate driveways for trucks and other vehicles shall be provided.

(b) All bottling facilities and related facilities and equipment shall be located a sufficient distance away from property lines so that there are no serious adverse effects upon adjacent and nearby lands by reason of noise, vibration or other impacts.

Section 15.43. Machine Shops.

(a) The minimum lot area shall be one acre.

(b) The principal building any accessory buildings and structures shall not be located within 100 feet of any residential district or the property line of any residential use.

(c) Any outdoor repair or storage activities shall be adequately screened from the view from adjacent and nearby lands.

Section 15.44. Light Industrial Uses Not Otherwise Permitted in District.

(a) Light industrial uses not listed as permitted uses in the I District may be permitted if approved by the Planning Commission as a special land use.

(b) In considering whether to approve such other light industrial uses, the Planning commission may impose conditions and requirements relating to driveways, outdoor lighting, screening and buffering, isolation distance from other uses and may impose other requirements for the purpose of avoiding adverse impacts upon adjacent or nearby lands.

Section 15.45. Billboards.

(a) Billboards may be constructed, installed, maintained and used only if approved by the Planning Commission as a special land use in accordance with this section, and further, billboards may be located only within the following described lands:

(1) Lands in the C-1, C-2 and I Districts.

(2) Within those lands located only within one mile north and one mile south from the centerline of Cannonsville Road and within a strip of land extending not more than 100 feet east of the easterly right-of-way line of US-131 and not more than 100 feet west of the westerly right-of-way line ofUS-131.

(b) Billboards shall be subject to all of the following requirements:

(1) Billboards shall be located not closer than 25 feet and not further away than 200 feet from the nearest right-of-way line of a federal or state highway, provided, however, that billboards shall be located not further away than 100 feet from the nearest right-of-way line of Highway US-131, within the area described in subsection (a)(2) of this section.

(2) Billboards shall not exceed 400 square feet in area and shall not exceed 35 feet in height.

(3) A billboard shall not be located closer than 1,200 feet from any other billboard; and further, a billboard shall not be located such that it interferes with, obstructs the view of, or may be confused with any authorized traffic sign, signal or device, nor shall any billboard otherwise constitute a nuisance.

(4) Billboards may be illuminated, but no flashing lights or other intermittent lights shall be permitted. Illumination, if any, shall be shielded so as to prevent light from being directed at any part of a highway or street. A billboard shall not be so illuminated that it interferes with the effectiveness of any official traffic sign, signal or device.

(5) The owner of a billboard shall apply for any required permit pursuant to the Highway Advertising Act of 1972 or other applicable state law. A township sign permit shall also be required, together with payment of the fee prescribed therefor.

(6) Except as stated in this section, the provisions of the Highway Advertising Act of 1972 or other applicable state law shall regulate and control the size, lighting, placement and spacing of billboards or any part thereof.

(7) In approving a billboard as a special land use, the Planning Commission may impose additional terms, conditions and .limitations relating to the size, height, location, nature, spacing and other features of a billboard.

Section 15.46. Solid Waste Disposal. Solid waste disposal and processing facilities for the receiving and processing of solid waste, excluding toxic or hazardous materials, are permitted only in the AG District and only if approved by the Planning Commission and Township Board as a special land use in accordance with the requirements of this section.

(a) Special land use approval for solid waste disposal and processing shall be permitted only with the intent and in such manner as to meet a demonstrated need for such disposal and processing, either in the case of a new solid waste disposal site or for the modification or expansion of an existing solid waste disposal site.

(b) All solid waste disposal sites must be duly licensed at all times by state and county agencies having jurisdiction. Unlicensed disposal sites or landfills or any public or private dumps are prohibited.

(c) An application for special land use approval for solid waste disposal and processing shall include the following:

(1) A written legal description of all of the lands proposed for the use.

(2) Eight copies of a plan of the entire solid waste disposal site, drawn and sealed by a registered civil engineer, and including the following:

(i) A north arrow, scale and date.

(ii) Shading indicating the extent of land area on which disposal and/or processing operations will take place.

(iii) The location, width and grade of all easements or rights-of-way on or abutting the lands.

(iv) Existing elevations of the lands at intervals of not more than five feet.

(v) Proposed fencing, gates, parking areas, and signs.

(vi) Roads for ingress to and egress from the disposal site, including on-site roads and other areas to be used for movement of vehicles.

(vii) A map showing access routes between the subject lands and the nearest public streets.

(viii) Written demonstration of compliance with all applicable state, county and other governmental regulations.

(d) The applicant shall submit a narrative description and explanation of the proposed solid waste disposal and processing operations and activities, including the date of commencement, proposed hours and days of operation, estimate of the quantity of waste to be handled and disposed of, description of the handling and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this section.

(e) An end use plan shall be submitted with the application. The plan shall include the following:

(1) The proposed final use or uses of the land, following the conclusion of waste disposal operations, including methods of accomplishing the end use or end uses, the phasing thereof and the periods of time within which such use or uses will be achieved.

(2) A description of all aspects of revision and rehabilitation of the site, upon the conclusion of waste disposal operations.

(3) A plan showing final grades of the lands as rehabilitated and prepared for end uses, at contour levels not exceeding five feet; and also including all aspects and features of the proposed end uses.

(4) A description of the land development methods or the proposed features of the land which will assure that the end uses are feasible and that they will comply with the Township Master Plan and the requirements of this Ordinance.

(f) Each end use plan shall be reviewed by the Planning Commission and Township Board so as to determine the plan's compliance with all of the following standards and requirements:

(1) Top soil shall be placed on the site to a depth of not less than six inches, except where the end use activities or features do not involve the planting or growing of vegetation. Slopes shall be graded and stabilized to such extent that they will accommodate the proposed end uses.

(2) Final slopes shall have a ratio of not more than one foot of elevation to three feet of horizontal distance, or such other ratio as may be approved by the Planning Commission and Township Board.

(3) Plantings of grass, trees and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end uses and enhance the appearance of the site as rehabilitated and as prepared for the end uses.

(g) A solid waste disposal and/or solid waste processing facilities, or any part thereof, shall not be located within 1,000 feet of any existing residential structure, nor shall the site or the facility be located within one mile of any city or village limit or any body of water or wetland.

(h) The area in which the waste disposal and/or processing will be located must be completely surrounded by a sturdy permanent fence at least six feet in height, with a 12-inch barbed wire barrier on the top. The fence must be equipped with gates that must be locked when access routes are not in use.

(i) There must be a layer of clay of a minimum thickness of five feet, located below the waste disposal site, and all portions thereof, such that no liquid waste or other waste material of any kind will escape into the surrounding earth, groundwater or surface water. Such clay barrier shall be of a bowl-type design, with sides at least five feet thick, so as to completely surround any and all material in the disposal site, on all sides. The clay barrier shall be of such low permeability as to maintain the full integrity of the barrier on a permanent basis.

(j) At least two test wells, and more if required by the Township, shall be drilled down-gradient and within 75 feet of the area proposed to be used for the placement of wastes. Such test wells shall be monitored and tested on a monthly basis for purity, and copies of such tests shall be filed with the Township Clerk within 30 days after the taking of samples. Such monitoring and testing of the wells and the filing of the tests with the Township shall continue even after the waste disposal site is no longer actively used.

(k) There shall be plantings of grass, shrubs, trees and other vegetation at locations within the solid waste disposal site, so as to screen the disposal and processing area and so as to assist in preventing the blowing of waste material off the site, prior to the burying of such material.

(l) All waste material brought to the site and/or processed at the site shall be properly covered with earth or otherwise disposed of in such a manner and to such extent as is required by the licenses granted for the disposal operation.

(m) The Planning Commission and Township Board may approve routes for truck movements to and from the waste disposal site.

(n) No machinery shall be located or used within 50 feet of a property line or street line. The Planning Commission and Township Board may require greater distances for the location of machinery, the storage or parking of equipment or the limits of disposal and processing operations.

(o) Proper measures may be required so as to minimize the nuisance of noise, dust and other adverse impacts. All disposal and processing shall be carried out in such a manner as to have no serious adverse effects upon adjacent or nearby lands, by reason

of heat, glare, fumes, odors, dust, noise, vibration or the presence of large quantities of insects, rodents, vermin, bats or birds beyond the lands on which the solid waste disposal facility is located.

(p) The Planning Commission and Township Board may impose limitations on days and hours of operations.

(q) The special land use may be limited in its duration. A renewal of the special use thereafter may be permitted by the Planning Commission and Township Board, upon such terms and with such duration as the Commission and the Board may determine, after the same public hearing and the same public notice as is required for an original special land use.

(r) The application, site plan, end use plan and all other studies and materials pertinent to the application shall be submitted to the Township engineers and to other professional consultants of the Township, for their review and approval. In approving the special land use, the Planning Commission and Township Board may condition such approval upon approval of pertinent aspects of the use by the Township engineers and other Township professional consultants.

(s) The Planning-Commission may require an environmental impact statement, engineering data, groundwater studies, traffic impact analysis and other studies or information concerning the need for and consequences of the solid waste disposal special land use, and the operations and activities that will occur as part of the use.

(t) The Planning Commission and Township Board may require compliance with other terms and conditions appropriate to ensure compliance with the terms of this section. Such conditions may include, though not be limited to, fencing and visual screening, additional groundwater monitoring wells and the sampling thereof, planting of vegetation, noise control of equipment, and other requirements imposed for the purpose of avoiding contamination and pollution of the earth and groundwater and other adverse effects.

(u) An applicant for the special land use shall submit a performance bond or letter of credit in accordance with the requirements of this Ordinance, naming the Township as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use. Such bond or letter of credit shall have such other terms and shall be in such amount as is required by the Planning Commission.

(1) The performance bond or letter of credit shall not be refunded, reduced or transferred until the waste disposal operations and all other required activity have been completed and have received final inspection and approval, and until the Planning Commission and Township Board have determined that the applicant has fully complied with all of the terms and conditions of the special land use.

(2) The timely and faithful compliance with all of the terms of the performance bond or letter of credit shall be a condition of the continuance of solid waste disposal and processing operations. In the absence of such compliance, or if the bond or letter of credit is revoked or if it expires and is not renewed, the Planning Commission and Township Board need not approve the continuation of the special land use, even if the applicant has otherwise complied with the terms of the use.

(v) In the event that there is a failure of compliance with any term or condition of the special land use approval, the Township may take all lawful action to obtain such compliance or to cause the cessation of the disposal and processing operations. Such actions may include the issuance of a stop work order and the commencement of any legal action authorized by law. Upon the issuance of any stop work order, the applicant shall promptly and fully comply therewith. Any failure of compliance with a stop work order shall be a violation of this Ordinance.

(w) Existing landfills and solid waste disposal sites shall be subject to this section, except to the extent that the nonconforming use provisions of Chapter 20 may apply. This section shall fully apply to all expansions, extensions, additions to or modifications of any existing landfill or existing solid waste disposal site or operation.

Section 15.47. Seasonal Retail Sales in Certain Existing Buildings in the R-1 District. Retail sales, conducted on a seasonal basis, in certain existing buildings in the R-1 District may be approved by the Planning Commission as a special land use upon compliance with the following requirements:

(a) Any such sales shall take place in existing buildings only.

(b) The special land use shall be conducted only on parcels of land of 25 acres or more in area.

(c) Such sales shall be conducted on a seasonal basis only and not throughout the year.

(d) All sales and related activities shall take place indoors only, except for permitted motor vehicle parking and permitted signs.

(e) Safe, adequate and convenient off-street parking shall be provided.

(f) Signs shall comply with the sign requirements of the R-1 District, except that the Planning Commission may permit additional or larger signs as a part of its approval of the special land use and if such additional or larger signs do not have serious adverse effects upon adjacent or nearby lands used for residential purposes.

(g) In considering approval of the special land use the Planning Commission may include additional terms, restrictions and conditions.

Section 15.48. Rental Storage in Certain Existing Buildings in the R-1 District. Rental storage of personal goods, furniture, equipment and vehicles in existing buildings in the R-1 District may be approved by the Planning Commission as a special land use upon compliance with the following requirements:

(a) Such rental storage shall take place in existing buildings only.

(b) The special land use shall be conducted only on a parcel of land of at least 25 acres in area.

(c) No outdoor storage shall be permitted.

(d) Such rental storage shall not include the establishment or operation of a commercial warehouse or other commercial storage.

(e) Safe, adequate and convenient off-street parking area shall be provided.

(f) Signs shall comply with the sign requirements of the R-1 District, except that the Planning Commission may permit additional or larger signs as a part of its approval of the special land use and if such additional or larger signs do not have serious adverse effects upon adjacent or nearby lands used for residential purposes.

(g) In considering approval of the special land use the Planning Commission may include additional terms, restrictions and conditions.

Section 15.49. Alternative Energy Facilities and Equipment in I District. Biomass gasification plants may be permitted by the Planning Commission as a special land use in accordance with Sections 15.01 through 15.07 and Section 15.56 of this Ordinance.

Section 15.50. Sexually Oriented Business. It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section.

A primary goal of regulation of these uses is to prevent a concentration of the uses in any one area of the Township; to minimize and/or prevent the well documented adverse secondary effects of such uses; to insure the integrity of the Township's residential and agricultural areas; and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate.

Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.

A sexually oriented business shall be permitted only if approved as a special land use under the terms of this chapter. It shall be subject to review and approval under Chapter 17, Site Plan Review, and the following provisions.

(a) Location. A sexually oriented business shall be located only in the C-2 General Business District. Further, a sexually oriented business shall not be located or operated within 500 feet of existing specified land uses, as follows:

(1) This requirement may be waived upon a determination by the Planning Commission and Township Board that a second sexually oriented business would not contribute to blighting or an excessive concentration of such uses.

(2) Church, synagogue or other places of religious worship, park, playground, school, or licensed day-care facility.

(3) Agricultural, recreational or residential zoning district, or any residential dwelling.

(4) For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of the sexually oriented business to the nearest property line occupied by any other use or to the property line of any church, synagogue or other place of religious worship, park, playground, school, licensed day-care facility, or any adjacent agricultural, residential or recreational district.

(b) Signs. Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of Chapter 25.

(c) Building Exterior. Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within 72 hours of notification of the owner or person in charge of the premises. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.

(d) Lighting Requirements.

(1) All off-street parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to

help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

(2) The premises of all sexually oriented businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two foot- candle of light as measured at the floor level.

(3) Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one foot- candle of light as measured at the floor level.

(e) Age Requirement Regulations.

(1) It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.

(2) It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business' regular business hours. It shall be the duty of the attendant to not allow any person under the age of ·18 years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is 18 years of age or older.

(f) Hours of Operation. Hours of operation of a sexually oriented business shall be limited to 10:00 a.m. to 10:00 p.m.

(g) Other Regulations, Permits or Licenses. The provisions of this section do not waive or modify any other provision of this Ordinance, any other Ordinance of the Township, or any county, state or federal law or regulation.

(h) Alcohol Prohibited. Open alcohol shall not be permitted in any sexually oriented business as defined by this Ordinance.

(i) Information Submission. In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a sexually oriented business shall submit the following:

(1) A floor plan of the premises showing the following:

(i) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from a least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

(ii) Location of all overhead lighting fixtures.

(iii) Identification of any portion of the premises in which patrons will not be permitted.

(iv) The location of any stage.

(v) Identification of the use of each room or other area of the premises.

(2) A current certificate and straight-line drawing, prepared within 30 days prior to the application, by a land surveyor depicting the property lines and the structures of the sexually oriented business, showing a circle extending 1,000 feet from the property line of the property on which the business will be located, and depicting the property line of any church, synagogue, regular place of worship, park, playground, school, licensed day care facilities, or agricultural, recreational or residential zoning district or residences within 1,000 feet of the property on which the business will be located.

(j) Application to be Complete. The Township Clerk shall not accept any application that is not complete in every detail. In the event that the Clerk determines that an application is incomplete, the Clerk shall notify the applicant accordingly.

(k) Limit on Reapplication. No application for a sexually oriented business which has been denied in whole or in part shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence not previously available or proof of changed conditions.

(l) Conditions Requiring Rejection of Special Land Use Application. The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

(2) An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business.

(3) An applicant has failed to provide information required by the Zoning Ordinance or has knowingly answered a question or request for information falsely.

(4) The premises to be used for the sexually oriented business has not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.

(5) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.

(6) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application.

(7) The applicant is not in good standing or authorized to do business in Michigan.

(8) The application fee has not been paid.

(9) An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this chapter.

(10) The applicant or owner has been convicted of any of the following criminal offenses in any jurisdiction within the last ten years:

(i) Prostitution, procuring a prostitute, or solicitation of a prostitute.

(ii) Sale, distribution or display of obscene material.

(iii) Sale, distribution or display of material which is harmful to minors.

(iv) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor.

(v) Possession, sale or distribution of child pornography.

(vi) Public lewdness.

(vii) Indecent conduct with a child;.

(viii) Sexual assault or rape.

(ix) Sexual solicitation of a child.

(x) Contributing to the delinquency of a minor.

(xi) Harboring a runaway child.

(m) Inspection. An applicant or owner shall permit all representatives of the Township, Montcalm County and the State of Michigan to inspect the premises of the sexually oriented business for the purpose of insuring compliance with applicable law.

(n) Exterior Structural Requirements. All sexually oriented businesses must meet the following exterior structural requirements:

(1) The merchandise or activities of the sexually oriented business may not be visible from any point outside the business.

(2) The exterior portion of the sexually oriented business may not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.

(3) It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than one neutral color.

(o) Interior Structural Requirements.

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one of the manager's station. The view required in this subsection shall be by direct line of sight from the manager's station.

(2) A manager's station shall not exceed 32 square feet of floor area.

(3) No alteration to the configuration or location of a manager's station shall be made without the prior approval of the Township zoning enforcement officer.

(4) Viewing rooms or peep booths shall be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider which is a minimum one-inch thick and serves to prevent physical contact between patrons.

(5) No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.

(p) Standards of Conduct. The following standards of conduct shall be adhered to on the premises of the sexually oriented business by all employees, managers, officers and agents of any sexually oriented business:

(1) No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.

(2) No employee or entertainer shall engage in, encourage or permit any specified sexual activities on the premises of the sexually oriented business.

(3) No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of one-quarter inch thick and have no openings between the entertainer and any patrons.

(4) A list of food and drink prices shall be conspicuously posted in the common areas of each sexually oriented businesses offering entertainment.

(5) Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the sexually oriented business and no tip may be handed directly to an entertainer. A business that desires to provide for such tips from its patrons shall provide one or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.

(6) No entertainment occurring on the premises shall be visible at any time from the outside of the premises.

(7) An owner, manager or an employee shall not allow the possession, use, or sale of controlled substances on the premises.

(8) An owner, manager, or an employee shall not allow prostitution on the premises.

(9) An owner, manager, or an employee shall not allow any live specified sexual activity to occur in or about the premises.

(10) An owner, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.

(11) At least one manager must be on duty and situated in each manager's station at all times that the business is open to the public.

(12) All doors to public areas on the premises must remain unlocked during business hours.

(13) It shall be the duty of the owner, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remains unobstructed by any doors, curtain, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(14) No viewing room or peep booth may be occupied by more than one person at any one time.

(q) Massage Parlors. No establishment, regardless of whether it is a public or private facility, shall operate as a massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless the person(s) massaging any client or customer is a graduate of a recognized school and certified as a massage therapist by the American Massage Therapy Association or by the Associated Bodywork and Massage Professionals. In addition:

(1) The premises of each massage parlor may be inspected by law enforcement personnel or by the Township zoning enforcement officer during business hours and at other reasonable times to ensure compliance with this Ordinance.

(2) All persons offering massages in a massage parlor shall, not less than five months and not more than six months following the issuance of a special land use approval for a massage parlor, file with the Township Clerk a statement from a licensed medical doctor or osteopath certifying or recertifying that such person has been examined within the 30 days immediately prior thereto and has been found to be free from all communicable or contagious diseases, including but not limited to, sexually transmitted diseases. Failure to comply with this requirement shall constitute grounds for revocation of special land use approval.

(3) No employee of a massage parlor, or any other person associated with a massage parlor, on the premises of a massage parlor, may offer or engage in any specified sexual activity.

(4) Each massage parlor and massagist shall comply with the following standards:

(i) No patron shall be serviced who is infected with any fungus or other skin infection; nor shall any service be performed on a patron exhibiting skin inflammation or eruptions.

(ii) All massagists shall wash their hands in hot water before giving any service or treatment to each separate patron.

(iii) All towels, tissues, sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.

(iv) Nondisposable tools of the trade shall be disinfected after use upon each patron.

(v) In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage parlor may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.

(vi) No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage parlor which is fitted with a door capable of being locked.

(vii) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and wash basin, shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.

(viii) All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.

(5) Non-transparent uniforms or garments covering the torso shall be worn by massagists at all times while attending patrons. Such uniforms or garments shall be of a washable material and shall be kept in a clean condition.

(r) License Required. It shall be unlawful to operate or cause to be operated a sexually oriented business in the Township without a valid license issued pursuant to the provisions of this chapter. The granting of a special land use under this chapter does not confer a license on the applicant.

(s) License Application.

(1) All applicants for a sexually oriented business license shall file an application for such license with the Zoning Administrator. Each individual applicant, partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application and each of them shall be photographed and fingerprinted by the Montcalm County Sheriff's Department.

(2) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Township building inspector and zoning enforcement officer.

(3) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as the applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a 10 percent or greater interest in the corporation must sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner must sign the application. If the applicant is a limited liability company each member must sign the application. If the applicant is a limited liability partnership each partner must sign the application.

(4) Applications for a license, whether original or renewal, must be made to the zoning enforcement officer by the intended operator of the sexually oriented business. Applications must be submitted by hand delivery to the office of the Zoning Administrator during regular working hours. The intended operator shall be required to give the following information on the application:

(i) If the applicant is an individual, the individual shall state his legal name and address and any aliases.

(ii) If the applicant is a partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited.

(iii) If the applicant is a limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members.

(iv) If the applicant is a limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners.

(v) If the applicant is a legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process.

(vi) The name under which the sexually oriented business is to be operated and a general description of the services to be provided.

(vii) The telephone number of the sexually oriented business.

(viii) The address and legal description of the real property on which the sexually oriented business is to be located.

(ix) If the sexually oriented business is in operation, the date on which the owner(s) acquired the sexually oriented business for which the license is sought, and the date on which the sexually oriented business began operations as a sexually oriented business at the location for which the license is sought.

(x) If the sexually oriented business is not in operation, the expected start-up date (which shall be expressed in number of days from the date of the application). If the expected start-up date is to be more than ten days following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same is also required.

(xi) Whether the applicant or any other individual identified in the application had a previous sexually oriented business license under this chapter or other adult business ordinance from another city, village, township or county denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

(xii) Whether the applicant or any other individuals identified in the application has been partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any other legal entity that is permitted under this

chapter whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

(xiii) Whether the applicant or any other individual identified in the application holds any other licenses under this chapter or other similar sexually oriented or adult business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business.

(xiv) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.

(xv) The applicant's mailing address and residential address.

(xvi) The applicant's driver license number, social security number and/or federally issued tax identification number.

(5) The application shall be accompanied by the following:

(i) Payment of the application, investigation and license fees.

(ii) If the applicant is an individual, satisfactory proof that he or she is at least 18 years of age.

(iii) If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate.

(iv) If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan.

(v) If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto.

(vi) If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto.

(vii) If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration.

(viii) If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto.

(ix) If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority.

(x) If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited liability partnership, together with all amendments thereto.

(xi) If the applicant is a limited liability partnership formed under the laws of another state, a certified copy of the Michigan registration.

(xii) Documentation identifying the owner(s) of the real property on which the sexually oriented business is to be situated.

(xiii) If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the real property thereof that is to be used for the purpose of the operation of the sexually oriented business.

(6) The application shall contain a statement under oath that:

(i) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct.

(ii) The applicant has read the provisions of this chapter.

(7) A separate application and license shall be required for each sexually oriented business.

(t) Approval of License Application. The Zoning Administrator shall approve the issuance of a license to an applicant within 60 days after receipt of an application if the application is complete and meets all the requirements of this chapter, unless he or she finds that the applicant or owner is ineligible for special land use approval for any of the reasons set forth in subsection (1) above.

(u) Display of License. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(v) Denial of License. In the event that the Zoning Administrator determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 60 days of the receipt of the application by the Zoning Administrator, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time

before the notice is issued in order to make modifications necessary to comply wit this chapter.

(w) Appeal to Board of Zoning Appeals. An applicant may appeal the decision of the Zoning Administrator regarding a denial of an application or the revocation of a license to the Board of Zoning Appeals by filing a written notice of appeal within 15 days after the applicant is given notice of the Zoning Administrator's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Zoning Administrator may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information, the Board of Zoning Appeals shall vote to either uphold or overrule the zoning enforcement officer's decision. Such vote shall be taken within 60 calendar days after the date on which the Board of Zoning Appeals receives the notice of appeal. However, the applicant shall be required to comply with the Zoning Administrator's decision during the pendency of the appeal.

(x) Investigation of Applicant. Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application, investigation and license fee, the Zoning Administrator shall transmit the application to the Montcalm County Sheriffs Department for investigation of the background of each individual applicant, the partners of a partnership, the members of a limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed sexually oriented business.

(y) Application Fee. Each applicant shall pay an application fee at the time of filing an application for a license in an amount as established from time to time by resolution of the Township Board. The application fee shall include the cost of the investigation by the Montcalm County Sheriffs Department. The application fee shall be non-refundable.

(z) License Fee. Each licensee issued a license pursuant to this chapter shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the Township Board. The license fee shall be refunded if the license is not approved.

(aa) License Renewal. Any application for renewal of a license shall be filed with the Zoning Administrator not less than 45 days prior to the date of expiration. The Zoning Administrator may, for a good cause shown, waive the requirement for timely filing of a renewal application.

(bb) Term of License. All licenses issued pursuant to this chapter shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time

during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration fees shall be permitted.

(cc) Revocation of License. The Zoning Administrator shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months. The Zoning Administrator shall also revoke a license if he or she determines that any of the following has occurred:

(1) Any condition exists that would warrant disapproval of a license as set forth in this chapter;

(2) A licensee, operator manager or employee has engaged or has allowed. patrons or employees to engage in acts of misconduct on the licensed premises in violation of any Township Ordinance, the laws of the State of Michigan or of the United States when the licensee, operator, manager or employee knew or should have known such acts were taking place; or

(3) Repeated disturbances of public peace have occurred within the licensed sexually oriented business or upon any parking areas, sidewalks, access ways or grounds of the licensed sexually oriented business involving patrons, employees, or the licensee.

(4) When the Zoning Administrator revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented license for one year from the date revocation became effective. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.

(dd) Registration of Managers, Entertainers and Employees.

(1) No person shall work as a manager, entertainer or employee at a sexually oriented business without being registered under this section.

(2) All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are 18 years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.

(3) The registration fee shall be as established from time to time by resolution of the Township Board.

(4) The owner or manager of a sexually oriented business shall provide the Township with the names, any aliases, dates of birth, and social security

numbers of all managers, entertainers and employees within five days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five days of employment.

(ee) Exemptions from Enforcement. It is a defense to prosecution under this section that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

(1) By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation; or

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

(ff) Reporting of Violations. Any owner, manager or employee shall immediately report to the Township Clerk and to the Montcalm County Sheriffs Office any violation of this chapter or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the sexually oriented business, including any parking area or adjoining area under the control or management of the owner, provided that the owner, manager or employee knew or should have known of such violation of law.

Section 15.51. Nursing and Convalescent Homes; Homes for the Elderly and Retired.

(a) The minimum lot area shall be two acres, unless a lesser area is permitted by the Planning Commission.

(b) Adequate off-street parking shall be provided. Access driveways shall be located a sufficient distance from the nearest intersecting street so as to avoid adverse traffic impacts.

(c) If the use is required to be state-licensed, any such license shall be maintained in full force and effect and all of its terms and conditions shall be fully complied with.

Section 15.52. Wind Energy Harvest Site. A wind energy harvest site (also known as a wind farm) and a tower exceeding 50 feet in height, associated wind turbine generator and other equipment used to provided electricity to an individual dwelling and accessory buildings and uses, may be permitted by the Planning Commission and the Township Board as a special land use upon compliance with all of the terms and conditions of this section.

(a) Definitions. For the purposes of this section, the following terms and phrases shall be defined as provided below:

(1) Wind Energy Harvest Site (Wind Farm). A location where one or more commercial, grid-connected wind turbines are sited for the purpose of

extracting kinetic energy from the wind and supplying it, in the form of electrical energy, to the local electrical transmission utility ("grid").

(2) Wind Turbine Generator (WTG). A wind turbine generator is a device designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility, or that is utilized to provide electricity to an individual dwelling and accessory buildings and uses.

(3) Horizontal Axis Wind Turbine (HAWT). A wind turbine designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.

(4) Rotor. An element of a wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

(5) Nacelle. The structure designed to "yaw" (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.

(6) Tower. The structure, above grade, that supports the nacelle, rotor assembly, and other components.

(7) Tower Foundation. The tower support structure, below grade, that supports the entire weight of the wind turbine.

(8) Met Tower. A guy-wire supported tower containing instrumentation such as anemometers that is designed to, and used for, the assessment of the wind resource on site.

(9) Swept Rotor Arc/Diameter. The largest circumferential path traveled by a wind turbine airfoil rotor blade.

(10) Blade Clearance. In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor's swept arc.

(11) Total Height. The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.

(12) Sub-station. An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.

(b) Application. Applications for a wind energy harvest site special land use shall include the following:

(1) A site plan, which, in addition to the site plan requirements of Chapter 17, shall include the following:

(i) The proposed location, size, height and type of all Met towers proposed to assess the wind resource, including the setback distance between the proposed towers and the nearest residential unit and residentially-zoned properties.

(ii) The proposed location of all wind turbines and access roadways.

(iii) The proposed location of all underground and overhead cabling.

(iv) The physical size and electrical nameplate capacity of the proposed wind turbines including the total height and the swept rotor diameter.

(v) The method of screening or buffering.

(vi) The method and type of tower lighting, if so required.

(2) A visual representation including scale elevations, photographs and/or digital information of the proposed wind farm.

(3) A copy of the applicant's lease with the landowner(s) for the wind farm, which must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of wind farm operations.

(4) The manufacturer's specifications indicating:

(i) The rated nameplate output, in kilowatts or megawatts, of the wind turbines.

(ii) Safety features and sound characteristics.

(iii) Type of material used in foundation, tower, blade, and/or rotor construction.

(5) A noise impact study which includes information on the noise levels to be generated by the use, measured in dB(A).

(6) Proof that the applicant has obtained or applied for approval from all county, state or federal agencies having jurisdiction over the proposed use, or any aspect thereof.

(c) Minimum Requirements. A wind farm and also a tower exceeding 50 feet in height and a wind turbine generator used to provide electricity to an individual dwelling and accessory buildings and uses shall comply with the following minimum requirements:

(1) All structures shall comply with or exceed applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction.

(2) All structures constructed for a wind farm shall comply with the standards contained in applicable state and local building codes.

(3) All towers shall be permanently secured to a stable foundation.

(4) All towers shall be grounded to protect against damage from lightning.

(5) No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.

(6) All wind farms, Met towers and towers exceeding 50 feet used to provided electricity for an individual dwelling or accessory building shall comply with the minimum required building setbacks for the district in which the wind farm, Met tower or other individual tower is located, plus an additional setback equal to the height of the highest wind turbine generator within the wind farm, or the height of an individual tower, as measured from the ground at the base of the tower to the tip of the blade of the rotor when the blade is in a vertical position.

(i) For the purposes of determining whether a proposed wind farm or Met tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the wind farm or Met tower may be located on leased parcels within such lot or parcel.

(7) Setbacks may be reduced from the minimum setback requirements of this section, in the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a reduction in setbacks, the feasibility of alternate locations and the proximity of existing dwellings.

(8) A Met tower shall be located no closer to a dwelling than a distance equal to the height of the tower.

(9) All wind farms and towers exceeding 50 feet in height used to provide electricity to an individual dwelling and accessory buildings, and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.

(10) Structures within a wind farm and other towers regulated by the terms of this section shall not be illuminated by artificial means and shall not display strobe lights unless required by the Federal Aviation Administration or other state or federal authority having jurisdiction.

(11) A wind farm, a wind turbine generator and all other devices and equipment regulated under the terms of this section shall be designed, located and

operated so as to cause no serious adverse effect on other lands or other land uses by reason of noise. Constant velocity turbines shall be required; provided, however, that if variable speed turbines are proposed, the applicant shall submit additional data concerning noise generated when the revolutions per minute of such turbines exceed 24 rpm's, and the Planning Commission may decline to approve any such variable speed turbines.

(12) All wind turbines shall be finished in a single, non-reflective matte finished color which minimizes the visual impact of the wind farm.

(13) The minimum vertical blade tip clearance from grade shall be 30 feet for a wind turbine employing a horizontal axis rotor (HAWT).

(14) Any wind turbine generator, including the foundation, the tower, the rotor and all other components shall have a total height not exceeding 200 feet, as measured from the ground at the base of the tower to the tip of the blade of the rotor, when the blade is in a vertical position.

(15) Towers exceeding 50 feet in height shall be only freestanding tubular towers.

(16) All power lines from a wind turbine generator and connecting to a sub- station or grid, shall be underground, unless otherwise permitted by the Planning Commission.

(d) Discretionary Conditions. The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any wind farm, Met tower or other tower regulated by the terms of this section. Such other terms and conditions may include, though are not limited to, the following:

(1) The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof.

(2) The prohibition on the construction or occupancy of dwellings on the lands where the wind farm or Met tower is located, within the separation distances specified by this section.

(3) The preservation of existing trees and other existing vegetation not required to be removed for installation of a wind farm, Met tower or other regulated tower.

(4) The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a wind farm, Met tower, other regulated tower or accessory buildings or structures.

(5) The providing of a performance bond or letter of credit, in favor of the Township, and conditioned upon the timely and faithful performance of all

required conditions of the special land use, including but not limited to the timely and complete removal of a wind farm, or any individual tower, wind turbine generator, or other device or equipment regulated under the terms of the section, upon the failure of the same to be removed when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a wind farm or any wind turbine generator or other such equipment, until the cessation of operations and the removal of the same.

(e) Removal.

(1) A wind farm and other towers and other equipment regulated by the terms of this section, including all turbines, accessory structures and all other components thereof, not later than when the wind farm or other individual tower or equipment is no longer operating or when it has been abandoned.

(2) A tower, a wind turbine generator, or other individual device or equipment regulated under the terms of this section shall be removed not later than when the device or equipment is no longer operating or when it has been abandoned.

(3) A wind farm, or any individual tower, wind turbine generator or other device or equipment, regulated under the terms of this section shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months.

(4) The failure to remove a wind farm or any device or equipment regulated by the terms of this section shall be a violation of this Ordinance.

(5) In the event that the owner or operator of a wind farm or any device or equipment regulated under the terms of this section fails to remove the same after the ceasing of operations or after abandonment thereof, the Township may proceed with all appropriate enforcement and remedial action, including but not limited to the obtaining of funds pursuant to the applicable performance bond or letter of credit, and the use of such funds to accomplish the removal of all non-operating or abandoned towers, wind turbine generators, accessory structures and other devices and equipment regulated hereunder.

(f) Inspections. Upon the provision of reasonable prior notice to the site operator, the Township Zoning Administrator and/or his or her designated representative may inspect any property for which special land use approval has been granted pursuant to this section to determine whether the site complies with the applicable requirements of law and the terms of the special land use approval.

(g) Prohibited Structures. The following structures are prohibited as a part of any wind farm or as a part of any individual tower regulated under the terms of this section:

(1) Vertical axis wind turbines, commonly known as a "VAWT" or "Darrieus" wind turbine.

(2) Wind turbines with a nameplate generation capacity of less than 500 KW.

(3) Wind turbines (HAWT's) with a rotor design consisting of a number of airfoil rotor blades other than three.

(4) Wind turbines utilizing a lattice tower structure.

(h) The provisions of this section shall apply to individual wind turbine generators, individual towers and other individual devices or equipment for the extracting of energy from wind and supplying it, in the form of electrical energy, to a local electrical grid.

Section 15.53. Accessory Ground-Mounted Solar Energy Systems (SES) - Large

LARGE ACCESSORY GROUND-MOUNTED SES

(a) Large Accessory Ground-Mounted SES are permitted by special use in agricultural and industrial zoning districts and shall meet the following requirements:

(b) **Height**: Ground-Mounted SES shall not exceed twenty (20) feet measured from the ground to the top of the system when oriented at maximum tilt.

(c) **Setbacks**: A Ground-Mounted SES must meet the setback that would apply to accessory structures in the side or rear yard in the respective zoning district. Setback distance is measured from the property line to the closest point of the solar array at minimum tilt or any SES components.

(1) A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.

(d) **Lot Coverage**: The area of the solar array shall not exceed twenty percent (20%) of the square footage of the parcel, unless it is sited over required parking (i.e., solar carport), in which case there is no maximum lot coverage for the Ground-Mounted SES. A Ground-Mounted SES shall not count towards the maximum number or square footage of accessory structures allowed on site or maximum impervious surface area limits if the ground under the array is pervious.

(e) **Visibility**: A Large Accessory Ground-Mounted SES shall be located in the side or rear yard to minimize visual impacts from the public right-of-way(s).

(1) Ground-Mounted SES may be placed in the front yard where the applicant can demonstrate that placement of the SES in the rear or side yard will:

(i) Decrease the efficiency of the SES due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;

(ii) Interfere with septic system, accessory structures, or accessory uses; or

(iii) Require a lot having frontage on a body of water to place a SES on the waterfront side of the building housing the primary use.

(2) No portion of a Ground-Mounted SES approved to be placed in the front yard may be located in the area between the principal building and the street, where the area is formed by lines drawn from the opposite ends of the principal building facing the street, when the lines form right angles with the front lot line adjacent to the street right-of-way.

(f) **Screening/Landscaping**: A Large Accessory Ground-Mounted SES shall follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.

(1) When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate Township purpose consistent with Township planning documents, the Planning Commission may require substitute screening.

(2) The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of this Ordinance.

(3) Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a principal-use SES, which may include plantings, strategic use of berms, and/or fencing.

(g) **Exemptions**: A SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, or other similar singular device that is eight (8) square feet or smaller in size is exempt from Section 4.42.

(h) **Nonconformities**: A Large Accessory Ground-Mounted SES installed on a nonconforming lot or use shall not be considered an expansion of the nonconformity.

(i) **Application**: All SES applications must include a site plan. Applications for Ground-Mounted SES must include drawings that show the location of the system on the

property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Accessory use applications that meet the ordinance requirements shall be granted.

Section 15.54. Accessory Ground-Mounted Solar Energy Systems (SES) - Small

SMALL ACCESSORY GROUND-MOUNTED SES

(a) Small Accessory Ground-Mounted SES are permitted by special use in all zoning districts where structures of any sort are allowed, and shall meet the following requirements:

(b) **Height**: Ground-Mounted SES shall not exceed twenty (20) feet measured from the ground to the top of the system when oriented at maximum tilt.

(c) **Setbacks**: A Ground-Mounted SES must meet the setback that would apply to accessory structures in the side or rear yard in the respective zoning district, whichever. Setback distance is measured from the property line to the closest point of the solar array at minimum tilt or any SES components.

(1) A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.

(d) **Lot Coverage**: The area of the solar array shall not exceed ten percent (10%) of the square footage of the parcel, unless it is sited over required parking (i.e., solar carport), in which case there is no maximum lot coverage for the Ground-Mounted SES. A Ground-Mounted SES shall not count towards the maximum number or square footage of accessory structures allowed on site or maximum impervious surface area limits if the ground under the array is pervious.

(e) **Visibility**: A Small Ground-Mounted SES shall be located in the side or rear yard to minimize visual impacts from the public right-of-way(s).

(1) Ground-Mounted SES may be placed in the front yard where the applicant can demonstrate that placement of the SES in the rear or side yard will:

(i) Decrease the efficiency of the SES due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;

(ii) Interfere with septic system, accessory structures, or accessory uses; or

(iii) Require a lot having frontage on a body of water to place a SES on the waterfront side of the building housing the primary use.

(2) No portion of a Ground-Mounted SES administratively approved to be placed in the front yard may be located in the area between the principal building and the street, where the area is formed by lines drawn from the opposite ends of the principal building facing the street, when the lines form right angles with the front lot line adjacent to the street right-of-way.

(f) **Screening/Landscaping**: A Small Accessory Ground-Mounted SES shall follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.

(1) When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate Township purpose consistent with Township planning documents, the Planning Commission may require substitute screening.

(2) The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of this Ordinance.

(3) Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a principal-use SES, which may include plantings, strategic use of berms, and/or fencing.

(g) **Exemptions**: A SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, or other similar singular device that is eight (8) square feet or smaller in size is exempt from Section 4.42.

(h) **Nonconformities**: A Ground-Mounted SES installed on a nonconforming lot or use shall not be considered an expansion of the nonconformity.

(i) **Application**: All SES applications must include a site plan. Applications for Ground-Mounted SES must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Accessory use applications that meet the ordinance requirements shall be granted.

SECTION 15.55. PRINCIPAL-USE SOLAR ENERGY SYSTEM (SES)

(a) PRINCIPAL-USE SES: A principal-use SES is a special land use in the commercial and industrial zoning districts and shall meet the following requirements:

(1) **Height**: Total height for a principal-use SES shall not exceed the 20 feet.

(2) **Setbacks**: Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:

(i) In accordance with the setbacks for principal buildings or structures for the zoning district of the project site.

(ii) One-hundred (100) feet from any existing dwelling unit on a non-participating lot.

(iii) A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.

(3) **Fencing**: A principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Each principal-use SES shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, upon presentation of satisfactory evidence that such security measures are not reasonably necessary for the location and type of SES under review. All access doors to principal-use SES and electrical equipment shall be locked, to prevent entry by non-authorized persons.

(4) **Screening/Landscaping**: A principal-use SES shall follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.

(i) When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate Township purpose consistent with Township planning documents, the Planning Commission may require substitute screening.

(ii) The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of this Ordinance.

(iii) Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a principal-use SES, which may include plantings, strategic use of berms, and/or fencing.

(5) **Ground Cover**: A principal-use SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan. All vegetation must be species native to the State of Michigan. Vegetation establishment must include invasive plant species and noxious weed control. The following standards apply:

(i) Sites bound by a Farmland Development Rights (PA 116) Agreement must follow the Michigan Department of Agriculture and Rural Development's Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.

(ii) Ground cover at sites not enrolled in PA 116 must meet one or more of the four types of Dual Use defined in this ordinance.

(I) Pollinator Habitat

(II) Conservation Cover

(III) Forage

(IV) Agrivoltaics

(iii) Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.

(6) **Lot Coverage**: A principal-use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.

(7) **Land Clearing**: Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

(8) **Access Drives**: New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary drives during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation.

(9) **Wiring**: SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.

(10) **Lighting**: principal-use SES lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

(11) **Signage**: Each principal-use SES shall have one sign, not to exceed two square feet in area, posted at each entrance to the site. The sign shall contain at least the following:

(i) The statement: "Warning High Voltage."

(ii) Manufacturer's and principal-use SES owner/operator's name.

(iii) Emergency Contact Numbers

(12) Any additional signage shall meet the setback, illumination, and materials/ construction requirements of the zoning district for the project site.

(13) **Noise**: Noise emanating from the operation of a principal-use SES shall not exceed, at any time, the maximum permissible sound levels stated in Section 4.32 of this Ordinance.

(14) **Electrical Substations**: Any substations used in conjunction with an SES must meet the provisions of Section 21.11 Electrical Substation or Gas Regulator Station of this Ordinance.

(15) **Repowering**: In addition to repairing or replacing SES components to maintain the system, a principal-use SES may at any time be repowered, without the need to apply for a new special land use permit, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.

(i) A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request.

(16) **Decommissioning**: A decommissioning plan is required at the time of application.

(i) The decommission plan shall include:

(I) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district,

(II) The projected decommissioning costs for removal of the SES (salvage value shall not be used) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands,

(III) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of cash deposit, surety bond, or irrevocable letter of credit naming the Township as the beneficiary).

(ii) A review of the amount of the performance guarantee based on inflation, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the Board of Trustees. An SES owner may at any time:

(I) Proceed with the decommissioning plan approved by the Planning Commission under Section 21.13 and remove the system as indicated in the most recent approved plan; or

(II) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

(iii) Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be complete within eighteen (18) months after abandonment. An SES that has not produced electrical energy for twelve (12) consecutive months shall prompt an abandonment hearing.

(I) An abandonment hearing shall be held as a public hearing in the same manner the use was established at the Planning Commission. During the hearing, the Planning Commission will hear comments and make a determination if the SES has been abandoned. If the Planning Commission determines the SES has been abandoned, the decommissioning plan shall proceed as described within the approved decommissioning plan.

Section 15.56. Biomass Facilities. Point-of-Use Electric Power Generation Facilities and equipment for the generation of alternative or renewable energy by means of biomass gasification plants ("biomass facility") may be approved by the Planning Commission as a special land use in the I District upon compliance with the following requirements and in accordance with Sections 15.01 through 15.07 of this Ordinance:

(a) A biomass facility is a facility or plant designed and operated for the production of energy from waste and byproducts of plant and animal origin from agriculture, forestry and other sources, including waste wood, plants animal manure and similar waste materials, byproducts and residues from which energy may be obtained or extracted through various processes.

(b) A biomass facility does not include a plant, facility or process utilizing fossil fuels and any products and byproducts from fossil fuels for the purpose of obtaining or producing energy, nor does it include sanitary sewage, sewage waste, sewage sludge, landfill gas or other landfill byproducts or materials or byproducts from sewage treatment plants or installations.

(c) A biomass facility may include combustion systems and other systems and equipment for the purpose of processing or converting permitted raw material into energy or into forms from which energy may be derived.

(d) A biomass facility shall be located only in the I Industrial District. The facility shall comply with the minimum lot area, the minimum for width and the minimum required building setbacks specified for the I District, or such greater lot area, such greater lot width and such greater building setbacks as may be required by the Planning Commission in its approval of the special land use.

(e) The biomass facility shall comply with the maximum building height specified for the I District, or such greater height as may be permitted by the Planning Commission in its approval of the special land use.

(f) Site plan review and approval shall be required under the terms of Chapter 17 of this Ordinance.

(g) The biomass facility shall comply with all applicable federal, state and county laws, rules and regulations. All required federal, state and county permits and approvals shall be obtained. Two copies of any such permits and approvals shall be submitted to the Township.

(h) A biomass facility shall comply with state air pollution control laws and regulations. A state air pollution control permit shall be obtained, if required. In its approval of the special land use, the Planning Commission may impose air pollution control requirements, including those in excess of such requirements under the terms of state air pollution control regulations.

(i) The biomass facility shall have such screening and landscaping as may be required by the Planning Commission, for the purpose of shielding or obscuring the facility from view from adjacent and nearby lands and the public streets.

(j) Safe and convenient access shall be provided to and from the facility for motor vehicles, including trucks and other vehicles delivering raw material to the site. Access points and the configuration thereof shall be subject to the approval of the Montcalm County Road Commission, including any required acceleration and deceleration lanes.

(k) In its approval of the special land use, the Planning Commission may regulate and impose terms and conditions concerning buildings, raw material storage, storm water drainage, off-street parking and loading areas, outdoor lighting, signage, isolation distance from other lands, utility services, noise, hours of operation and other elements and aspects of the special land use.

(l) All aspects of the facility, including the location thereof, storm water control measures and public utility services shall be subject to the approval of the Township engineer. Storm water control measures shall be subject to the approval of the Montcalm County Drain Commissioner.

(m) A building permit shall be required; the applicant shall otherwise comply with all applicable provisions of the Township Building Code as administered by the Montcalm County Building Department.

(n) A site plan complying with the provisions of Section 17.03 shall be submitted by the applicant, together with such other information as may be required by the Planning Commission. Such other information may include an environmental impact statement, traffic impact study, noise control plan, outdoor lighting plan, signage detail, landscape and screening plan, storm water management plan, utility plan,

proposed air pollution control measures and other plans, information and data sufficient to enable the Planning Commission to consider all aspects of the proposed use and the site thereof.

(o) In considering the application for the special land use, the site plan and other materials submitted by the applicant, the Planning Commission shall consider the standards for approval of the special land use as stated in Section 15.03.

Section 15.57. Geothermal Energy Systems

(a) Point-of-Use Electric Power Generation for direct-use on and for the land containing a geothermal source of energy, and utilizing measures other than heat pumps as authorized above in this chapter, may be permitted as a special land use in the AG, R-R, and R-1 Districts approved by the Planning Commission under the terms of this section and in accordance with Sections 15.01 through 15.07 of this Ordinance.

(1) Such geothermal direct uses may include one or more wells and other facilities on a property, together with such other geothermal-energy measures and equipment as may be approved by means of special land use.

(2) In approving a special land use for such purpose, the Planning Commission shall impose where applicable the following minimum requirements, among others:

(i) Ground or surface water protection standards;

(ii) Separation requirements from other land uses, and in particular noise-sensitive uses such as single-family dwellings, school buildings and others;

(iii) Road improvement requirements, where necessary;

(iv) Dust abatement requirements and other requirements for the avoidance of nuisances during the drilling of wells and installation of equipment;

(v) Maximum noise limitations for well-drilling and operational activities;

(vi) Access protection requirements with respect to fencing or other deterrents to public access at wellheads or other above-ground equipment;

(vii) Standards for the placement and installation of pipelines, if any;

(viii) Requirements that may be necessary for the mitigation of any possible land subsidence that may occur as a result of the use of geothermal resources; and

(ix) Such other standards and requirements as may be imposed by the Planning Commission in the approval of the special land use, consistent with the protection of public health and safety.

Section 15.58. Agricultural Event Barns

(a) Purpose and Intent

In order to support *bona fide* significant ongoing farming and agricultural operations, this section is intended to provide for special events for agricultural barns such as weddings, craft fairs, business meetings, anniversary celebrations, or other similar uses determined by the Planning Commission to be a compatible accessory use to a *bona fide* commercial farming or agricultural operation.

(b) Definitions

Agricultural Event Barn: A building that was historically or is currently used for *bona fide* farming and agricultural purposes (e.g., storing hay, housing livestock, farm equipment storage, etc.) that is adaptively reused or newly-renovated for the purpose of hosting farming and agricultural compatible events, including, but not limited to, weddings, corporate functions, funerals, reunions, and community gatherings.

Bona Fide Agricultural Use: The property must maintain an active, documented ongoing farming and agricultural operation (e.g., crop production, livestock, vineyards, orchards, etc.) that constitutes at least 50% of the parcel or lot's total area.

Non-Participating Dwelling: A residential structure that is habitable for human occupation and is not affiliated with the Agricultural Event Barn and is located on a different parcel or lot.

(c) Operational Standards

(1) Agricultural Event Barns shall not be operated as a restaurant, bar, or other similar use.

(2) Events shall not be attended by the general public, but shall be limited to event attendees by prior invitation or reservation only, unless public events are specifically authorized by the Planning Commission. In making this determination the Planning Commission shall consider the following:

i. Nature of the Operation: The type and intensity of events proposed.

ii. Lot Dimensions and Separation: The size of the subject parcel and the physical distance between the event areas and buildings (or area of business activity) and the nearest non-participating residential dwellings. Larger setbacks may be required to mitigate the perceived intensity of the business.

iii. Site Mitigation and Buffering: The adequacy of existing or proposed physical characteristics of the lot, including natural topography, professional landscaping, fencing, and screening—to effectively shield neighboring properties from parking areas, increased activity, or light spillover.

iv. Zoning Intent and Land Use Compatibility: The degree to which the proposed events align with the stated intent of the underlying Zoning District. The Commission shall ensure the activity remains secondary to the agricultural use and is harmonious with the scale and intensity of the surrounding land uses.

(3) Conditions of Approval: In granting approval for public events the Planning Commission may impose reasonable conditions, including but not limited to:

i. Caps on Number of Public Events.

ii. Restrictions on Type of Public Events

iii. Intensity. The Planning Commission may restrict how often public events shall occur, such as limiting public events to once per three months or other appropriate limitation.

iv. Pre-approval of each event by the Township, police, and/or fire services. Documents required for pre-approval may include, but are not limited to on-site and off-site traffic control plan, emergency response plans

(4) Indoor events shall be limited to the maximum occupancy limit of 99 persons or other code limit, unless a fire suppression system approved by the building inspector and fire inspector and also as allowed by the applicable code(s) is installed. If an approved fire suppression system is installed and all applicable codes are met, the maximum occupancy may be increased to no more than 300 persons. Such system shall be maintained in good working condition and order at all times.

(5) Outdoor events shall be limited to 300 persons.

(6) Indoor/Outdoor events shall be limited to a total of 300 persons.

(7) Alcohol and Food.

i. No alcohol or food shall be provided unless the Agricultural Event Barn receives all required licensing or is provided by a licensed third-party caterer.

ii. No alcoholic beverage shall be served or consumed on site unless expressly approved by the Planning Commission as part of the special land use zoning approval.

(8) Hours of Operation

i. No loading, unloading, or other setup operations shall begin prior to 7:00 am or after 11:30 pm.

ii. All events must take place between 7:00 am and 11:00 pm.

(9) Noise Control

i. Decibels, as measured at the nearest Non-Participating Dwelling, shall not exceed 40 decibels.

ii. All indoor amplified sound shall cease by 11:00 pm.

iii. Indoor amplified sound shall be limited to 55 decibels, as measured at the nearest property line.

iv. All outdoor amplified sound shall cease by 10:00 pm.

v. Outdoor amplified sound shall be limited to 55 decibels, as measured at the nearest property line.

vi. Outdoor amplified sound shall only be permitted as incidental and subordinate to allowed outdoor ceremonies and similar uses. No concerts, dances, DJs, rallies, or similar performances shall be allowed outdoors.

vii. Outdoor amplified sound shall only take place in areas approved by the Planning Commission.

(10) Traffic Control

i. For any event over 99 persons, the owner/operator shall contact the fire department and police at least 45 days prior to the event to create a traffic control plan to be approved by both the fire department and the police department. The Township shall be notified of all such events and provided a copy of fire and police approvals at least 21 days before the event.

(11) Proof of Liability Insurance shall be provided. Liability insurance in an amount of at least $2,000,000 shall be maintained and a copy of such insurance shall be provided to the Township. Failure to maintain liability insurance will result in the automatic revocation of the special land use approval.

(12) Permanent indoor restroom/bathroom facilities are required. Porta-johns (and the equivalent) may be utilized, if the area the porta-johns will be located are identified on the site plans and approved by the Planning Commission

(d) Development Standards

(1) Agricultural Event Barns shall only be allowed in the A-Agricultural District and require special land use approval by the Planning Commission.

(2) At least one (1) owner of record of the lot involved shall reside in a dwelling located on the same lot as the Agricultural Event Barn. The occupied dwelling shall be located no further away than the nearest Non-Participating Dwelling.

(3) Minimum Lot Size: 40 acres

(4) Minimum Lot Width: 300 feet

(5) Setbacks

i. Front: 150 feet

ii. Side: 100 feet

iii. Rear: 100 feet

iv. Outdoor sound:

1. All areas where outdoor amplified sound is requested shall be set back at least 300 feet from the nearest property line.

2. Any areas in which outdoor amplified sound is proposed must be identified on the site plan.

(6) Parking and Traffic

In addition to the requirements of Chapter 19 of this Ordinance, the following requirements shall apply:

i. All required parking spaces shall be located on the same lot as the Agricultural Event Barn. No parking shall occur along or on a public street or road or otherwise off of the lot involved.

ii. Number of Required Parking Spaces: One parking space per two persons as determined by the maximum occupancy limit of the Agricultural Event Barn.

iii. The Planning Commission may provide relief from the paving requirements of Section 19.05(a). In making this determination, the Planning Commission will review and consider the following:

1. Dust Control Plan

2. Distance from nearest non-participating dwelling.

3. Distance from nearest public or private road.

4. Any non-paved parking or loading area must be constructed with a minimum sub-base of 12 inches of sand and at least six inches of compacted gravel.

iv. Two points of ingress/egress (at least 75 feet apart) shall be provided on the lot involved to/from the public road. No Agricultural Event Barn operation shall be located on a private road or easement.

v. A clear on-site circulation plan shall be provided to and approved by the Township to ensure regular and emergency access to all buildings and outdoor event areas.

(7) Lighting

i. In addition to the requirements of Section 4.39 of this Ordinance, all outdoor lighting shall meet dark sky lighting requirements.

(8) Existing Buildings

i. No new buildings shall be constructed or used as part of the Agricultural Event Barn use. Only existing agricultural buildings converted for such use, meeting all building and other applicable codes, may be utilized.

(9) No outdoor events shall occur without an approved Agricultural Event Barn.

(10) Every Agricultural Event Barn must comply with all other applicable standards of this Ordinance.

(e) Application

An application for an Agricultural Event Barn shall include, but not limited to, the following:

(1) A completed application as provided by the Township.

(2) A Site Plan meeting all of the requirements of Chapter 17 of this Ordinance.

(3) A written description of:

i. The types of events to be held

ii. The frequency of events

iii. Hours and days of Operation

iv. Provisions for restroom facilities

v. Security and traffic control measures

vi. Tents of other temporary shelters to be erected

vii. Sound system

viii. Other operation characteristics of the Agricultural Event Barn

(4) Other materials and information required by the Planning Commission to demonstrate compliance with all applicable standards of this Ordinance.

(f) Renewal

(1) To ensure continued compliance with all applicable standards, ordinance requirements and any conditions of approval, each Agricultural Event Barn operation must annually renew its permit with the Township and provide a permit renewal fee to the Township. The permit renewal fee is intended to provide the Township with the funds necessary to purchase equipment, including but not limited to a noise level monitor, and conduct any necessary inspections and complaint investigations. In order for an annual permit to be renewed by the Township, the following shall be provided to the Township:

i. A fully completed application provided by the Township.

ii. A renewal fee as set by the Township Board

iii. Other materials and information required by the Township to demonstrate compliance with all applicable standards and requirements of this Ordinance.

(2) In determining whether to renew the permit, the Zoning Administrator will consider the following:

i. The findings of a site inspection completed by the Zoning Administrator.

ii. Review of any complaints against the Agricultural Event Barn operation.

iii. Review of any feedback or comments from the Fire Department, Police, and Road Commission.

iv. Review of any additional information required to be submitted to the Township by the landowner.

(3) If the Zoning Administrator finds that permit renewal should not occur, the matter will be transmitted to the Planning Commission for review at a public hearing. In making its determination about whether the annual permit should be approved, the Planning Commission will consider the same standards of Subsection (2), above.

CHAPTER 16
SITE CONDOMINIUMS

Section 16.01. Purpose.

(a) Tracts of land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines that it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that the developments will not adversely affect the occupants thereof, or other properties in the Township.

(b) This Chapter covers both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this Chapter for submission of condominium plans and for Township consideration and approval thereof shall apply to condominium developments, as well as to site condominium developments.

Section 16.02. Commencement of Construction, Issuance of Permits. No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced for a site condominium project until:

(a) A final site condominium project plan has been approved by the Township Board.

(b) All conditions to commencement of construction imposed by the Township Board have been met.

(c) All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

Section 16.03. Definitions. For purposes of this article, the following words and phases are defined as follows:

(a) "Building envelope" means an area ofland within which a condominium unit may be constructed and used, and which complies with the minimum lot area and the minimum lot width requirement of the zone district in which the condominium unit is located.

(b) "Condominium Act" means Public Act 59 of 1978, as amended.

(c) "Condominium Unit" means a condominium established in compliance with the Condominium Act which consists of a volume of surface or subsurface, vacant air space, designed and intended for separate ownership and use as described in the condominium master deed. For purposes of determining compliance with the applicable requirements of the zoning ordinance (including, without limitation,

height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a condominium unit shall be deemed to be a dwelling, if a residential use, or shall be deemed to be a building or portion thereof, if for an approved non-residential use.

(1) In the case of an attached condominium, the minimum requirements of this ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; provided, however, that a building envelope surrounding the attached condominium unit shall be established and described, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located. The building envelope surrounding a two-unit condominium building must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for duplexes in the zone district in which the two-unit condominium is located. The building envelope for a building that contains more than two attached condominium units must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for multi-family dwelling units in the zone district in which the building is located.

(2) In the case of a detached condominium, the applicable provisions of this ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building comprising the detached condominium; provided, however, that a building envelope or other equivalent space surrounding the detached condominium unit shall be established, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

(3) For the purposes of this chapter, the term "building site" shall refer to the area within a building envelope or other equivalent space surrounding an attached or detached condominium unit that has been established, as required, so as to comply with the minimum area, yard, and density requirements of the zone district in which the attached or detached condominium is located.

(d) "Exempt Change" means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:

(1) A change in the name of the project; in the name of a street within the project; or in the name of the developer of the project;

(2) A change in the voting rights of co-owners or mortgagees;

(3) Any other change in the site condominium project which, as determined by the Planning Commission, does not constitute a major or minor change or will

not otherwise change the site configuration, design, layout, topography or any other aspect of a project which is subject to regulation under the Zoning Ordinance.

(e) "Limited common element" means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.

(f) "Major change" means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:

(1) An increase of 20 percent or more in the number of site condominium units;

(2) A reduction of 5 percent or more in the area of the building site for any site condominium unit;

(3) A reduction of 5 percent or more in the total combined area of the general common elements of the site condominium project;

(4) A reduction of 5 percent or more in the total combined area of all limited common elements of the site condominium project; or

(5) Any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Planning Commission to constitute a major change to the site condominium project.

(g) "Minor change" means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that will result in:

(1) An increase of less than 20 percent in the number of site condominium units or a decrease in the number of site condominhun units;

(2) A reduction of less than 5 percent in the area of the building site for any site condominium unit;

(3) A reduction of less than 5 percent in the total combined area of the general common elements of the site condominium project;

(4) A reduction of less than 5 percent in the total combined area of all limited common elements of the site condominium project; or

(5) Any other minor variation in the site configuration, design, layout, topography or other aspect of the project which is subject to regulation under this Zoning Ordinance, and which, as determined by the Planning Commission, does not constitute a major change.

(h) "Site condominium project" means a plan or project consisting of not less than two site condominium units established in compliance with the Condominium Act.

(i) "Site condominium project plan" means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this chapter for review of the project by the Planning Commission and the Township Board.

(j) "Site condominium unit" means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. For purposes of determining compliance with the applicable requirements of the zoning ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a site condominium unit shall be considered to be the equivalent of a "lot."

(k) Except as otherwise provided by this chapter, words or phrases shall have the meanings as defined in the Condominium Act.

Section 16.04. Application for Site Condominium Approval. An application for site condominium approval shall include the following information:

(a) A condominium project plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plans:

(1) The information required for site plan review by Section 17.03 of this Ordinance.

(2) Layout and dimensions of each site condominium unit, and the building envelope for such unit.

(3) Written approval of the proposed design and location of the entrance to the site condominium from the Montcalm County Road Commission or Michigan Department of Transportation.

(4) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.

(5) A storm drainage and a storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.

(6) A utility plan showing all water and sewer lines and easements to be granted to the appropriate municipality or public utility for installation, repair and maintenance of all utilities.

(7) A narrative describing the overall objectives of the proposed site condominium project.

(8) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.

(9) A street construction, paving and maintenance plan for all private streets within the proposed condominium project.

Section 16.05. Review of Preliminary Plans by the Planning Commission.

(a) Site condominium project plan review shall be commenced by filing with the Township Clerk 12 copies of a preliminary site condominium project plan which complies with Section 16.04, together with an application fee in accordance with the fee schedule established by resolution of the Township Board.

(b) The Township Clerk shall forward the copies of the preliminary plan to the zoning Administrator who shall review the preliminary plan to determine its completeness and to provide any comments to the Planning Commission regarding the Plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant. If the plan is complete, the Zoning Administrator shall forward it to the Planning Commission on completion of review, together with any comments from the Zoning Administrator.

(c) The Planning Commission shall review the preliminary site condominium project plan in accordance with the standards and requirements of this chapter.

(d) After reviewing the preliminary site condominium project plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Planning commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

Section 16.06. Review and Approval of Final Plans by Township Board.

(a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of 12 copies of a final site condominium development plan which complies with the requirements of this Section and of Section 16.04. The Township Clerk shall forward the copies of the final plan to the Zoning Administrator who shall review the final plan to determine its completeness and to provide any comments to the Township Board regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant. If the plan is complete, the Zoning Administrator shall forward it to the Township Board on completion of review and comments by the Zoning Administrator.

(b) The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commissions shall be reviewed by the Planning Commission as provided by this chapter, prior to approval of the plan by the Township Board.

(c) After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions, the plan in accordance with the standards provided by Section 16.07 and other applicable procedures, standards and requirements provided by this chapter.

(d) As a condition of approval of a final site condominium project plan:

(1) The Township Board shall require that the plan be submitted to the Montcalm County Health Department, Montcalm County Road Commission, Montcalm County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Public Health, Michigan Department of Environmental Quality, and other appropriate state and county review and enforcement agencies ("the Agencies") having direct approval or permitting authority over any aspect of the proposed site condominium project. Unless a different time limit for completion of review by the Agencies has been established by law or regulation, the review by the Agencies must be completed within 90 days after submission of an administratively complete

final site condominium project plan. If no response is received within the applicable time period for review, the approval of the Agency or Agencies shall be presumed.

(2) The Township may impose additional reasonable conditions of approval as provided by the site plan review chapter and any other provisions of this Ordinance, any other Township ordinance, state law or regulation, or any other applicable law or regulation.

Section 16.07. Standards for Approval. To receive approval, a site condominium project plan shall satisfy the following requirements:

(a) The plan shall satisfy the standards and requirements for site plan approval in Chapter 17 of this Ordinance.

(b) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed project, shall comply with all requirements of the Condominium Act or other applicable laws, ordinances or regulations. The Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons shall be consulted as necessary to make this determination.

(c) Each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height.

(d) If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Montcalm County Road Commission.

(e) Private streets may be permitted to provide access to and throughout a site condominium:

(1) All private streets shall comply with Section 4.25 of this Ordinance.

(2) Provisions in the Master Deed and Bylaws shall obligate the developer and/or owner's association to assure that all the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times. The Master Deed and/or Bylaws shall also include a provision indemnifying and holding the Township harmless from any and all claims for personal injury and for property damage arising out of the failure to properly construct, maintain, repair and replace the private streets.

(f) The site condominium project shall be connected to public water and sanitary sewer facilities, if available according to Township Ordinance. If public water and sanitary sewer facilities are not available, the site condominium project shall either be served

by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within the site condominium unit. Water and sanitary sewer facilities shall be approved by the Montcalm County Department of Health and the Township in accordance with applicable standards.

Section 16.08. Construction in Compliance with Approved Plan. No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a site condominium project except in compliance with a final site condominium project plan as approved by the Township Board, including any conditions of approval.

Section 16.09. Completion of Improvements. No building or occupancy permit for a site condominium unit in an approved site condominium shall be issued until construction of all required improvements has been completed and approved by the Township, or security for completion of such improvements has been provided.

Section 16.10. Expandable or Convertible Condominium Projects. Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Township Board in compliance with the procedures, standards and requirements of this chapter.

Section 16.11. Revisions of Approved Final Site Condominium Project Plan.

(a) Changes to a development for which a site condominium plan has been approved are subject to this section.

(b) Any change which constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the exempt changes shall be filed with the Township Clerk. "Exempt change" means:

(1) A change in the name of the development; in the name of a street within the development; or in the name of the developer.

(2) A change in the voting rights of co-owners or mortgagees,

(3) Any other change in the site condominium development which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a development which is subject to regulation under the Zoning Ordinance.

(c) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Planning Commission. "Minor change" means a minor change in the site configuration, design, layout or topography of a site

condominium development (or any portion thereof), including any change that will result in:

(1) A decrease in the number of site condominium units.

(2) A reduction in the area of the building envelope for any site condominium unit.

(3) A reduction of less than 10 percent in the total combined area of the general common elements of the site condominium.

(4) A reduction in the total combined area of all limited common elements of the site condominium.

(5) Any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.

(d) Any change which constitutes a major change shall be reviewed by the Planning Commission and shall also be reviewed and approved by the Township Board, as provided in this chapter for the original review and approval of site condominium project plans. "Major change" means a major change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that could result in:

(1) An increase in the number of site condominium units.

(2) Any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.

Section 16.12. Incorporation of Approved Provisions in Master Deed. All provisions of an approved site condominium development plan shall be incorporated by reference in the Master Deed for the site condominium project. The Township shall require review and approval by the Township Attorney prior to recording. A copy of the Master Deed as recorded with the Montcalm County Register of Deeds shall be provided to the Township within 10 days after recording.

Section 16.13. Approval Effective for One Year. Approval of a final site condominium project plan by the Township Board shall be effective for a period of one year. This one-year period may be extended by the Board in its discretion for additional periods of time as determined

appropriate by the Board if the extension is applied for by the applicant within the effective period of the approval.

CHAPTER 17
SITE PLAN REVIEW

Section 17.01. Review Required. Site plan review shall be required:

(a) Prior to the creation of any new land use or erection of any new building, except single family and two-family dwellings.

(b) Prior to any change in an existing land use or structure, except single family and two-family dwellings, but only (I) if such change is from a residential to non- residential use; or (2) is accompanied by an increase in the exterior dimensions of a building; or (3) if the use is changed to one in which the minimum parking spaces required for the use increase by more than 10 percent.

Section 17.02. Informal Preapplication Review.

(a) If desired by the applicant, prior to submitting a site plan meeting the requirements set forth herein, an informal review of a proposed application may be submitted to the Planning Commission.

(b) Applications for an informal preapplication review shall be made in accordance with the application procedures of this section, except that no application fee shall be charged.

(c) A proposed application submitted for preapplication review does not need to meet the requirements for site plans set forth herein, but shall contain sufficient information to inform the Planning Commission of the nature and scope of the proposed project.

(d) The Planning Commission shall review the proposed application solely for the purpose of providing comments and making recommendations to assist the applicant in preparing a site plan which will conform to the standards of this Ordinance. No vote shall be taken on any proposed application.

Section 17.03. Contents of Site Plan. A site plan shall include all of the following information, unless waived by the Zoning Administrator.

(a) A site plan based on an accurate certified land survey showing:

(1) The date, north arrow, and scale. The scale shall be not less than 1 inch = 100 feet for those sites three acres or more.

(2) The name and firm address of the professional individual responsible for the preparation of the site plan.

(3) The name and address of the property owner or petitioner.

(4) A locational sketch.

(5) Legal description of the subject property.

(6) The size (in acres) of the subject property.

(7) Property lines and required setbacks.

(8) Refuse and service areas.

(9) Loading and unloading facilities.

(10) Exterior lighting and signs.

(11) The location of all existing structures, driveways, and parking areas on the subject property within 300 feet of the subject property's boundaries.

(12) The location and dimensions of all existing and proposed structures on the subject property.

(13) The location of all existing and proposed drives, acceleration/ deceleration lanes, sidewalks and existing and proposed parking areas.

(14) The location and right-of-way width of all abutting roads, streets, alleys or easements.

(15) The current uses of all properties abutting the subject property.

(16) The location and a general description of all existing vegetation, and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.

(17) Location and nature of existing and proposed water supply and sewage disposal facilities, including any proposed connections to public sewer or water supply systems.

(18) The location and size of all existing and proposed surface water drainage facilities.

(19) Existing and proposed topographic contours.

(20) Recreation areas, common use areas, and areas to be conveyed for public use.

(21) Existing and proposed lakes, streams and other bodies of water.

(22) Flood plain areas and basement and floor elevations of all buildings.

(23) Any deed restrictions or covenants.

(24) Typical elevation views of the front and side of each building.

(25) A brief narrative description of the project.

(b) Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.

(c) The period of time within which the project will be completed.

(d) Proposed staging of the project, if any.

(e) Gross areas of buildings and parking.

(f) Delineation of the 100-year floodplain and any proposed uses therein.

(g) Additional information which the Township may request and which is reasonably necessary to evaluate the site plan.

The application for site plan approval shall be accompanied by a fee, as established by Township Board resolution from time to time. The Planning Commission may waive any of the required contents of the site plan, if such items are deemed not necessary to a decision concerning the site plan.

Section 17.04. Standards of Review. The Planning Commission shall approve a site plan if it determines that the plan complies with the requirements of this Ordinance; is consistent with the intent and purposes of the ordinance; will be compatible with adjacent land uses, and the natural environment and capacities of public services and facilities; and will be consistent with the public health, safety and welfare. In addition, the site plan shall comply with the following standards:

(a) **Building Permit**. Where a site plan has been approved for any use, any building permit issued shall provide that the development be completed in accordance with the approved site plan. A failure to conform with the site plan shall be a violation of this Ordinance, and if necessary the Township may issue a stop work order under Section l 7.04(f).

(b) **Traffic Circulation.** The number, location, and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties.

(c) **Storm Water.** Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. All aspects of storm water control measures shall be subject to the approval of the Township Engineer and the Montcalm County Drain Commissioner.

(d) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. The Planning Commission may require that landscaping, buffers, or greenbelts be preserved or provided, to ensure the proposed uses will be adequately buffered from one another and from surrounding property.

(e) **Screening.** Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from noise, headlights, and glare, and from the view of trash receptacles, dumpsters and similar outdoor, utilitarian uses, common to commercial activities.

(f) **Lighting.** Outdoor lighting shall be designed so as to minimize glare on adjacent properties and public streets.

(g) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have only a minimum negative effect on adjacent properties, and shall be screened if reasonably required to ensure compatibility with surrounding properties.

(h) **Utilities.** Water supply and sewage disposal facilities shall comply with all Township and County requirements.

(i) **Signs.** Signs shall comply with the sign provisions of this Ordinance.

(j) **Parking and Loading.** Off-street parking and loading facilities shall comply with Chapter 19.

Section 17.05. Conditions. The Planning Commission may impose reasonable conditions on the approval of a site plan. Such conditions may include but need not be limited to conditions necessary to insure compatibility with adjacent land uses, to promote the use of land in a socially and economically desirable manner, to protect the natural environment and conserve natural resources and to insure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity.

Section 17.06. Improvements; Financial Guarantees. To insure compliance with the Zoning Ordinance and any conditions imposed thereunder, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of the improvements proposed in the site plan, be deposited with the Township Clerk to insure timely and faithful completion of the improvements.

Section 17.07. Procedures.

(a) Twelve copies of a site plan and a completed application form, and the application fee shall be submitted to the zoning administrator. After the zoning administrator determines that a proposed land use complies with the Zoning Ordinance, the Building Code and other ordinances of the Township, the site plan shall be placed on the agenda of a Planning Commission meeting.

(b) The Planning Commission may approve the site plan, disapprove it, or approve it with conditions.

(c) Any conditions or modifications approved or required by the Planning Commission shall be recorded in the minutes of the Planning Commission meeting.

(d) Decisions on a site plan shall be made by a majority vote of those present.

(e) Upon approval of a site plan, the site plan as approved shall become part of the record of approval of the land use. All subsequent actions relating to the land use shall be consistent with the approved site plan, unless changes therein are approved by the Planning Commission. Failure to conform to an approved site plan shall be a violation of this Ordinance.

(f) In the event of construction work or other activity that does not comply with an approved site plan, the Township may issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, until the stop work order is withdrawn by the Township.

(g) Upon approval of a site plan, the plan shall be signed by the chairperson of the Planning Commission; with one copy to the Zoning Administrator, one copy to the Township Clerk, one copy shall be submitted to the Building Inspector and one copy shall be returned to the applicant.

Section 17.08. Changes in Approved Site Plans.

(a) The holder of an approved site plan shall notify the Zoning Administrator of any proposed change in the approved site plan.

(b) Minor changes in an approved site plan may be approved by the Zoning Administrator, upon a determination that the proposed change will not alter the basic design of the development or any specific conditions imposed as a part of the original approval. Minor changes shall include the following:

(1) Change in building size, up to 5 percent in total floor area.

(2) Change in location of buildings or other structures by no more than ten feet.

(3) Replacement of plant material specified m the landscape plan, with comparable material.

(4) Changes in building materials to a comparable or higher quality.

(5) Changes in floor plans which do not alter the character of the use.

(6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

(7) Changes required or requested by the Township for safety reasons.

(8) Changes which will preserve the natural features of the site without changing the basic site layout.

(9) Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the administrator determines would not have a significant adverse effect upon adjacent or nearby lands or the public interest.

(c) The Zoning Administrator may refer any decision regarding any proposed site plan change to the Planning Commission for review and approval (regardless of whether the change may or may not qualify as a minor change).

(d) Should the Zoning Administrator determine that the requested change to the approved site plan is not a minor change, then the site plan shall be resubmitted to the Planning Commission, for consideration of an amendment in the site plan, under the same procedures as are required for original approval of a site plan.

Section 17.09. Appeal.

(a) A person aggrieved by the action of the Planning Commission with regard to a site plan may appeal in writing to the Township Board within seven days after the date of the Planning Commission's action. The Township Board shall determine a date, time and place when it will consider such appeal and shall notify the applicant thereof.

(b) All interested parties may be heard at the meeting at which the Township Board considers the appeal. After hearing the matter, the Township Board shall affirm, modify or reverse, in whole or in part, the action of the Planning Commission with regard to the site plan. Such action by the Township Board shall be based upon the standards set forth in Section 17.04.

Section 17.10. Principal-Use Solar Energy System Site Plan Requirements

Site Plans and supporting application materials for a Principal-Use SES shall include a detailed site plan including all applicable requirements found in Chapter 16A of this ordinance, except that site plans for principal-use SES shall be submitted at a scale of 1” = 50’ feet, plus the following site plan requirements:

(a) The location of all solar arrays, including setbacks, the width of arrays and distance between arrays plus total height and height to the lowest edge above grade, ancillary

structures and electric equipment, utility connections, and dwellings on the property and within one-hundred (100) feet of the property lines, participating and non-participating lots, existing and proposed structures, buried or above ground wiring, temporary and permanent access drives, fencing detail, screening/landscape detail, berm detail, and signs

(b) Plans for land clearing and/or grading required for the installation and operation of the system and plans for ground cover establishment and management.

(c) A decommissioning plan including the following:

(1) a description of which above-grade and below-grade improvements will be removed, retained, or restored for viable reuse of the property consistent with the zoning district,

(2) the projected decommissioning costs for SES removal (salvage value shall not be deducted) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands, and

(3) the method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, cash deposit).

(d) Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).

(e) Additional studies may be required by the Planning Commission if reasonably related to the standards of this ordinance as applied to the application site, including but not limited to the following:

(1) **Visual Impact Assessment**: A technical analysis by a third party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.

(2) **Environmental Analysis**: An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife,

endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

(3) **Stormwater Study**: An analysis by a third-party qualified professional that considers the proposed layout of the SES and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.

(4) **Glare Study**: An analysis by a third-party qualified professional to determine if glare from the SES will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the SES.

CHAPTER 18
SIGNS

Section 18.01. Description and Purpose. This chapter is intended to regulate the size, number, location and manner of display of signs in the Township in a manner consistent with the following purposes.

(a) To protect and further the health, safety and welfare of the township residents, property owners and visitors.
(b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
(c) To conserve and enhance community character.
(d) To promote uniformity in the size, number or placement of signs within districts.
(e) To promote the economic viability of commercial areas by minimizing visual clutter, and allowing for proper placement of signs to safely direct motorists to their destination.
(f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desires of businesses and non- business uses to communicate by means of signs.

Section 18.02. Definitions.

(a) Balloon Sign. A sign composed of a non-porous bag filled with air or gas.
(b) Banner Sign. A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.
(c) Billboard. A sign which advertises an establishment, service or activity not conducted on the land on which the sign is located, or which advertises any goods or products that are not sold, manufactured, processed or fabricated on the land on which the sign is located.
(d) Construction Sign. A sign which identifies the owners, lenders, contractors, architects, and engineers of a project under construction.
(e) Directional Sign. A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including commercial signs.
(f) Freestanding Sign. A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.
(g) Governmental Sign. A sign erected or required to be erected by the Township, or the state or federal government, but not including a school district.
(h) Memorial Sign. A sign, tablet, or plaque memorializing a person, event, structure or site.
(i) Portable Sign. A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another.

(j) Real Estate Sign. A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
(k) Roof Line. The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
(l) Roof Sign. A sign erected above the roof line of a building.
(m) Sign. A device, structure, fixture, or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
(n) Wall Sign. A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.

Section 18.03. Prohibited Signs. A sign not expressly permitted by this Ordinance 1s prohibited. The following types of signs are expressly prohibited:

(a) Strings of light bulbs, pennants, streamers, banners, or flags except for those flags of a non-commercial nature not used for the purpose of commercial advertisement.
(b) Portable signs except as may be permitted herein.
(c) Balloon signs.
(d) Any sign, including window signs, which have flashing, moving, oscillating or blinking lights, excluding time and temperature signs and barber pole signs, which are permitted.

Section 18.04. Exempt Signs. The following signs shall be exempt from the provisions of this Ordinance, except for the design, construction and location standards of Section 18.07.

(a) Governmental signs, but not including school signs.
(b) Memorial signs.
(c) Signs for essential services which are four square feet in area or less.
(d) Nameplates.
(e) Farm identification signs.
(f) Political signs, but signs for political candidates or ballot propositions shall be removed not later than 30 days after the date of the election or other vote to which they refer.

Section 18.05. Signs Not Requiring a Permit. The following signs shall not require a permit, but shall be subject to all other applicable provisions of this Ordinance.

(a) Home occupation signs; roadside stand signs; exempt signs under Section 18.04.
(b) Directional signs not exceeding two square feet.
(c) Construction signs.
(d) Signs for residential yard and garage sales.
(e) Real estate signs advertising the premises (on which the sign is located) for sale, rent or lease, if such signs are not more than 12 square feet in area for residential property or 32 square feet in area for non-residential property.

(f) Help wanted signs of a temporary nature not to exceed 12 square feet.

Section 18.06. Sign Permits and Application.

(a) A sign permit shall be required for the erection, use, construction or alteration of all signs except those exempted herein. For purposes of this section alteration shall mean any change to an existing sign including changing the copy to promote, advertise, or identify another use. Alteration shall not mean normal maintenance of a sign.

(b) A sign permit shall be required for a portable sign, except those that will be displayed less than 30 days.

(c) An application for a sign permit shall be made to the Township Zoning Administrator along with a fee as required by Township Board resolution. The application, at a minimum, shall include the following:

(1) Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign.

(2) Address or permanent parcel number of the property where the sign will be located.

(3) A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with setback from lot lines.

(4) A drawing of the plans and specifications for the sign, including a drawing of how the sign will be attached to structures or the ground.

(5) Any required electrical permit shall be attached to the application.

(6) Any other information which the Zoning Administrator may require in order to demonstrate compliance with this Ordinance.

(d) All signs requiring electrical service shall be reviewed for compliance with the Township's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.

(e) The Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Township ordinances are met. A sign authorized by a permit shall be installed or be under construction within six months of the date of issuance of the sign permit or the permit shall expire.

Section 18.07. Design, Construction and Location Standards.

(a) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the effects of the weather.

(b) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.

(c) Signs shall be constructed to withstand all wind and vibration forces which can normally be expected to occur.

(d) Signs may be internally or externally illuminated, unless illumination is prohibited under other provisions in this Ordinance.

(e) Signs shall not be placed in, upon or over any public right-of-way.

(f) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.

(g) A wall sign shall not extend past the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.

(h) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

Section 18.08. Sign Regulations Applicable to All Districts. The following sign regulations are applicable to all zoning districts.

(a) All signs shall be stationary and shall pertain only to the business or activity conducted on the premises, except for permitted billboards.

(b) Real estate signs are permitted in any district but shall be removed within 30 days after completion of the sale or lease of the property.

(c) Construction signs are permitted within any district, subject to the following restrictions:

  (1) Construction signs shall be no larger than 32 square feet and not exceed six feet in height.

  (2) Construction signs shall not be erected until a building permit has been issued for the project which is the subject of proposed sign and construction activity has begun.

  (3) Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.

(d) Directional signs are permitted in any district subject to the following restrictions:

  (1) A directional sign may not contain advertising copy or the logo of the business or use.

  (2) Such sign shall not exceed two square feet in area or three feet in height, and shall be set back at least five feet from any lot line and edge of any driving lane.

  (3) Directional signs shall be limited to traffic control functions only.

(e) Portable signs shall be subject to the sign requirements of the district in which they are located, except for portable signs that are displayed for 30 days or less, and are not re-displayed for at least 90 days thereafter.

Section 18.09. Billboards. Billboards shall be constructed, installed, maintained and used only in accordance with special land use approval granted by the Planning Commission under Section 15.45 and other applicable special land use provisions.

Section 18.10. Nonconforming Signs, Illegal Signs, and Signs Accessory to Nonconforming Uses.

(a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.

(b) Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.

(c) For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.

(d) A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the district in which the property is located.

Section 18.11. Measurement of Signs.

(a) The area of a sign shall be measured as the area within a single, continuous perimeter which encloses the most outward limits of writing, representation, emblem, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from its background, excluding the structure necessary to support the sign.

(b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

(c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

Section 18.12. Signs in the Ag and R-R Districts. The following signs are permitted in the AG Agricultural District and the R-R Rural Residential District.

(a) Signs as permitted and regulated by Sections 18.04, 18.05, 18.07 and 18.08.

(b) One non-illuminated subdivision identification sign per entrance road for each subdivision or comparable development, except that no two such signs per subdivision shall be located closer to each other than 1,320 feet. A subdivision identification sign shall not exceed 32 square feet in area a.nd shall not be higher than six feet.

(c) One freestanding sign for permitted non-residential uses, not to exceed 16 square feet in sign area and of a height not greater than six feet. Any such sign shall be located not closer than ten feet from a side lot line and the sign shall not be illuminated.

(d) Real estate signs shall be permitted as follows:

(1) For single family dwelling and farms, one sign per parcel. Such signs shall not exceed 12 square feet in area and six feet in height. They shall be set back at least five feet from all lot lines.

(2) For non-residential uses, one sign per parcel. Such signs shall not exceed 32 square feet in area and shall not exceed eight feet in height. they shall be set back at least five feet from all lot lines.

(e) Signs for special land uses shall be as permitted by the Planning Commission and Township Board, or by the Planning Commission alone, whichever has the authority under this Ordinance to approve the special land use.

Section 18.13. Signs in the R-1 District, LR District, R-2 District, R-3 District and Residential PUD District. The following signs are permitted in the R-1, LR, R-2, R-3 and Residential PUD Districts:

(a) Signs as permitted and regulated by Sections 18.04, 18.05, 18.07 and 18.08.

(b) One non-illuminated subdivision identification sign per entrance road for each subdivision or comparable development, except that no two such signs per subdivision shall be located closer to each other than 1,320 feet. A subdivision identification sign shall not exceed 32 square feet in area and shall not be higher than eight feet.

(c) One freestanding sign for permitted non-residential uses, not to exceed 16 square feet in sign area and of a height not greater than six feet. Any such sign shall be located not closer than ten feet from a side lot line and the sign shall not be illuminated.

(d) Real estate signs shall be permitted as follows:

(1) For single family dwelling and farms, one sign per parcel. Such signs shall not exceed 12 square feet in area and six feet in height. They shall be set back at least five feet from all lot lines.

(2) For non-residential uses, one sign per parcel. Such signs shall not exceed 32 square feet in area and shall not exceed eight feet in height. They shall be set back at least five feet from all lot lines.

Section 18.14. Signs in the C-1 and C-2 District. The following signs are permitted in the C-1 Neighborhood Commercial District and the C-2 General Commercial District:

(a) Signs as permitted and regulated by Sections 18.04, 18.05, 18.07 and 18.08.

(b) In the C-1 District, there may be one freestanding sign for each lot or parcel of land, not to exceed 64 square feet in sign area and not to exceed 20 feet in height.

(c) In the C-2 District, there may be one freestanding sign for each lot or parcel of land, not to exceed 72 square feet in sign area and not to exceed 25 feet in height.

(d) Each commercial establishment shall be permitted to have one wall sign. For a commercial establishment on a comer lot, one wall sign for each public or private street frontage is permitted.

(1) A commercial establishment cons1stmg of a business located in a freestanding building shall be permitted to have a wall sign not to exceed one square foot

of sign area for each lineal foot of street frontage of such freestanding building, except that commercial establishments with more than 100 feet of freestanding building frontage shall be permitted a wall sign area not to exceed one square foot of sign area for each of the first 100 lineal feet of freestanding building frontage plus one and one-half square feet of sign area for each three lineal feet of freestanding building frontage in excess of 100 lineal feet thereof.

(2) A commercial establishment consisting of a business located in a building, but separated from other businesses in the building by walls from the ground up and with a door for use by the public for exclusive ingress to and egress from the business, shall be permitted to have a wall sign area not to exceed one square foot of sign area for each lineal foot of building frontage of such commercial establishment, except that commercial establishments with more than 100 feet of building frontage of the establishment shall be permitted to have a wall sign area not to exceed one square foot of sign area for each of the first 100 feet of building frontage of the establishment and one and one-half square feet of sign area for each three lineal feet of building frontage of the establishment in excess of 100 lineal feet thereof.

(3) A freestanding building in which more than one commercial establishment is located may have a sign on or next to the front door thereof stating the names of the commercial establishments located in the building, but not for the purpose of advertising any goods, products or services. Such sign shall not exceed an area of eight square feet.

(e) A wall sign shall be attached to the same wall which is used to determine its area.

(f) In the C-1 and C-2 Districts, there may be one real estate sign per lot or parcel of land, not to exceed 32 square feet in sign area and not to exceed eight feet in height. Such signs shall be set back a minimum of five feet from the front lot line.

(g) Signs for special land uses shall be as permitted by the Planning Commission and Township Board, or by the Planning Commission alone, whichever has the authority under this Ordinance to approve the special land use.

Section 18.15. Signs in the I Industrial District. The following signs are permitted in the I Industrial District:

(a) Signs as permitted and regulated by Sections 18.04, 18.05, 18.07 and 18.08.

(b) Each industrial establishment shall be permitted to have one freestanding sign for each lot or parcel of land, not to exceed 72 square feet in sign area and not to exceed 25 feet in height.

(c) Each industrial establishment shall be permitted to have one wall sign. For an industrial establishment on a comer lot, there may be one wall sign for each public or private street frontage. An industrial establishment shall not have more than one wall sign per wall. The size of the wall sign shall comply with the following requirements:

(1) Industrial establishments with up to and including 128 lineal feet of wall fronting upon a street are permitted to have a sign area not to exceed 32 square feet.

(2) An industrial establishment with more than 128 lineal feet of wall fronting upon a street is permitted to have a sign area of 32 square feet plus one additional square foot of sign area for each four lineal feet of wall exceeding 128 lineal feet thereof.

(3) A wall sign shall be attached to the same wall which is used to determine its area.

(d) In the I Industrial District, there may be one real estate sign per lot or parcel of land, not to exceed 32 square feet in sign area and not to exceed eight feet in height. Such signs shall be set back a minimum of five feet from the front lot line.

Section 18.16. Special Land Use Signs. Signs for special land uses shall be as permitted by the Planning Commission and Township Board, or by the Planning Commission alone, whichever has the authority under this Ordinance to approve the special land use.

CHAPTER 19
OFF-STREET PARKING AND LOADING

Section 19.01. Purpose. The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other effects of parking areas.

Section 19.02. Scope.

(a) At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this chapter.

(b) No parking or loading area or space which exists at the time of the adoption of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.

Section 19.03. Location of Parking Areas.

(a) For all residential uses the number of parking spaces required by this Ordinance shall be located on the same lot or parcel as the dwelling units served.

(b) For all other uses the number of parking spaces required by this Ordinance shall be located on the same lot, or lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.

Section 19.04. General Requirements.

(a) Definitions. For purposes of determining off street parking requirements the following definitions shall apply:

(1) Gross Floor Area. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes such as the outdoor sale of merchandise or seating for a restaurant.

(2) Usable Floor Area. That area to be used for the sale of merchandise or services, or for use 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, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable area for a building shall include the sum of the usable floor area for all floors.

(3) Parking Area. For purposes of this chapter, parking area shall include the space where vehicles are parked, as well as access aisles, driveways, and loading and unloading areas.

(b) Units of Measurement.

(1) Where benches, pews, or other similar seating are used as seats, each 24 inches of such seating facility shall be counted as one seat.

(2) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

(3) When units of measurement determining the number of required parking spaces or loading spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.

(c) Storage and Repair. The use of semi-trailers for storage purposes within a parking area is prohibited.

(d) Parking Requirements for Uses Not Listed. The minimum parking space requirements for all uses shall be as listed in Section 19.06. For uses not specifically listed in Section 19.06 the requirements shall be determined as follows.

(1) The Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirement to a use which is listed in Section 19.06. In such case, the same parking requirement shall apply.

(2) If the proposed use is not similar to a use listed in Section 19.06, the Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

(e) Existing Parking Lots. Parking areas which are in existence as of the date of adoption of this chapter shall be considered legal nonconforming uses if lawfully approved under the previous regulations. Any expansion of such existing parking areas shall conform to the requirements of this chapter.

Section 19.05. Design, Location and Construction Requirements. The following provisions shall apply to all uses except one-family dwellings, two-family dwellings and farms:

(a) All drives, driveways, and parking spaces shall be surfaced with asphalt, bituminous, portland cement binder pavement or other durable and dustless surface. Such surfaces shall be graded to dispose of all surface water and prevent drainage onto abutting properties.

In order to reduce the amount of impervious surface and the corresponding storm water runoff as well as improve parking lot aesthetics, the Planning Commission or Zoning Administrator may approve alternate parking lot surfaces for overflow parking or employee parking.

(b) Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining residential properties or streets and highways.

(c) All off-street parking areas, including parking aisles, except those serving residential dwellings with less than four dwelling units, shall be set back a minimum of five feet from the rear and side lot lines, and a minimum of 15 feet from the front lot line. The Planning Commission may permit parking areas to encroach within the 15 foot front setback where substantial additional screening or landscaping acceptable to the Planning Commission is provided.

(d) Parking areas shall be designed to delineate access aisles or drives and to provide drivers proper sight distance at the end of parking rows where such rows intersect access aisles or drive.

Section 19.06. Schedule of Off-Street Parking Requirements. Each use shall provide parking spaces in conformance with the following schedule of requirements:

(a) Residential.
  (1) Single Family, Two-Family, or Multiple Family with Three or More Bedrooms. Two for each dwelling unit
  (2) Multiple Family with One or Two Bedrooms. Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit.
  (3) Mobile Home Parks. Two for each mobile home or mobile home site.

(b) Institutional/Public Assembly.
  (1) Churches, and Other Houses of Worship. One space per each three seats in the main worship area
  (2) Child Care Centers. One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.
  (3) Elementary Schools. Two spaces per classroom.
  (4) Junior High Schools and Middle Schools. Five spaces per classroom.
  (5) High Schools. Eight spaces per classroom, or one space per each four seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.
  (6) Libraries and Museums. One parking space per 400 square feet of gross floor area.

(c) Offices.
  (1) Medical/Dental Clinics or Offices. Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
  (2) General Office Buildings. One space per 300 square feet of gross floor area. A minimum of four spaces shall be required.
  (3) Banks, Credit Unions, or Savings and Loans. Six spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic

teller plus four on-site waiting spaces for each drive up window or drive-thru automatic teller.

(d) Retail and Service Uses.

(1) Retail Shopping Centers, Discount Stores, and Department Stores Containing Between 25,000 and 400,000 Square Feet. Four spaces per 1,000 square feet of usable floor area.

(2) Retail Centers Containing Between 400,000 and 600,000 Square Feet. Four and one-half spaces per 1,000 square feet of floor area.

(3) Retail Centers Containing Greater 600,000 Square Feet. Five spaces per 1,000 square feet of usable floor area.

(4) Other Retail Uses Not Otherwise Specified Herein. One space per 200 square feet of usable floor area plus one per employee.

(5) Supermarkets and Grocery Stores. One space per 200 square feet of useable floor area.

(6) Personal Service Establishments Not Otherwise Provided Herein. One space per each 300 square feet of usabie floor area plus one per employee.

(7) Appliance Stores. Four spaces per 1,000 square feet of gross floor area.

(8) Automobile Service Stations. Two parking spaces per each service bay, plus one per each per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space.

(9) Automobile Wash Establishments (Automatic). One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit.

(10) Automobile Wash Establishments (Self-Service). One parking space per each employee, plus three on-site waiting spaces at each wash-bay entrance.

(11) Barber Shops, Beauty Salons. Two for each barber or beauty operator chair/station plus one for every two employees.

(12) Building Supply Store, Home Improvement Store, Paint and Hardware Store. One space per 200 square feet of usable floor area plus one for each employee.

(13) Convenience Stores. Four spaces per 1,000 square feet of gross floor area.

(14) Funeral Homes and Mortuaries. One space per 50 square feet of parlor and chapel areas.

(15) Hotel, Motel, or Other Commercial Lodging Establishment. One space for each guest room, plus one for each two employees.

(16) Laundromats. One space per each three washing machines.

(17) Mini-Storage Houses/Warehouses. Six spaces.

(18) Motor Vehicle Dealerships. One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required.

(19) Restaurants Without Drive-Through Facilities. One space for each 100 square feet of usable floor area or one space for each two persons allowed within the maximum occupancy load established by the applicable code or ordinance, whichever is greater.

(20) Restaurants With Drive-Through Facilities. One space for each 100 square feet of usable floor area or one space for each one and one-half person allowed within the maximum occupancy load established by any applicable code or ordinance, whichever is greater

(e) Recreation/Entertainment.

(1) Bowling Centers. Five spaces per bowling lane.

(2) Golf Driving Ranges. One and one-half spaces per tee.

(3) Golf Courses, Miniature. One and one-half spaces per each hole.

(4) Golf Courses. Five spaces per hole.

(5) Health and Fitness Centers. Five spaces per 1,000 square feet of gross floor area.

(6) Movie Theaters. One space per each four seats, plus four spaces per screen.

(7) Public Recreation Centers. Five spaces per 1,000 square feet of gross floor area.

(f) Industrial Uses.

(1) Manufacturing, Light Industrial, and Research Establishments. One and one-half parking spaces per each 1,000 square feet of gross floor area.

(2) Wholesale, Warehouses, or Distribution Facilities, and Trucking Terminals. One parking space per each 1,500 square feet of gross floor area or one per employee which ever is greater.

Section 19.07. Off-Street Loading Requirements.

(a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.

(b) Required loading spaces shall not be included in the count of off-street parking spaces.

(c) Loading spaces shall not use any portion of any public right-of-way.

(d) Maneuvering space for trucks using the loading spaces shall be provided on the premises, and shall not necessitate the use of public right-of-way.

(e) Loading spaces shall not be located within the front yard, nor in either front yard on each street side of a corner lot.

(f) The design, location, and screening of off-street loading areas shall be reviewed at the time of site plan approval, so as to ensure that adequate protection is afforded to adjacent properties.

CHAPTER 20
NONCONFORMING USES

Section 20.01. Intent and Purpose. The purpose of this chapter is to provide regulations concerning lots and parcels of land, buildings, structures, and the uses thereof which were lawful prior to the enactment of this Ordinance, or relevant amendment thereto, but which are prohibited or more strictly regulated under the current provisions of this Ordinance.

Further, the provisions of this chapter are intended to permit such lawfully nonconforming lots and parcels of land, buildings, structures and uses to continue, though not to encourage their nonconforming status on a long term basis. Because the continued existence of such nonconforming lots, buildings, structures and uses prevents the full realization of the goals and purposes of this Ordinance, a significant purpose of this chapter is to promote the reduction or elimination of such nonconformities.

The provisions of this chapter are intended to accomplish the following:

(a) To permit lawful nonconforming buildings, structures and uses to remain until they are discontinued or removed.
(b) To permit lawfully nonconforming lots and parcels of land to be improved by the construction and use of buildings only as specifically permitted by the terms of this Ordinance.
(c) To promote the termination and removal of any use, building or structure in violation of this Ordinance that was established prior to the effective date hereof or prior to the effective date of any relevant amendment thereto.
(d) Encourage the combining of contiguous nonconforming lots or parcels of land, so as to create lots and parcels which comply with current minimum provisions as to area, width and other aspects thereof.
(e) To encourage the improvement of buildings and structures so as to comply with current minimum provisions of this Ordinance.

Section 20.02. Lawfully Nonconforming Buildings and Structures.

(a) Building and structures which are existing and lawful on the effective date of this Ordinance or any relevant amendment therein may be continued even though such buildings and structures do not comply with the provisions of this Ordinance or any relevant amendment therein, subject, however, to the following limitations:
    (1) A nonconforming building or a nonconforming structure shall not be enlarged or altered in any manner or to any extent which increases the nonconformity of the building or structure; provided, however, that such enlargement or alteration may be permitted by the Planning Commission as a special exception use after public hearing with notice in the same manner and to the same extent as required for a special land use.

(2) If a nonconforming building or structure is altered or modified so as to eliminate, remove, or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be subsequently reestablished or increased.

(3) Repairs, improvements, or modernizing of a nonconforming building or structure are permitted, provided that such repairs, improvements, or modernizing do not exceed one-half the value of the building or structure during any period of twelve consecutive months; provided, however, that the Planning Commission may permit as a special exception use, after public hearing and with notice as stated in subparagraph (I) the repair, improvement or modernizing of a nonconforming building or structure as to which such action exceeds one-half the value of the building or structure during any period of 12 consecutive months.

(4) A lawfully nonconforming building may be altered, modernized, restored or otherwise improved if such activity will cause the building or structure to be more conforming to the provisions of this Ordinance.

(5) A lawfully nonconforming building or structure may be enlarged or expanded if the enlargement or expansion will be within all the required minimum building setbacks and if all other dimensional and Township Building Code requirements are complied with.

(6) The special exception uses referred to in subsections (1) and (3) of this Section 20.03(a) may be considered and approved as follows:

(i) The Planning Commission may approve, as a special exception use, (1) the enlargement or expansion of a lawfully nonconforming building, if the enlargement or expansion would result in the building or structure becoming more nonconforming and (2) the repairing, improving or modernizing of a nonconforming building or structure if the value of the result thereof would exceed one-half the value of the building or structure during any period of 12 consecutive months.

(ii) An applicant shall apply for such special exception use on a form provided by the Township and shall pay the required application fee. The application shall include the same type and extent of information as is required for a special land use.

(iii) The Planning Commission shall convene a public hearing on the application for the special exception use, after the giving of notice that is of the same type and extent as is required for consideration of a special land use.

(iv) The special exception use may be approved by the Planning Commission in its discretion, if the Commission determines that all of the following apply:

(I) As to the enlargement or alteration of a nonconforming building or structure described in subparagraph (a)(l), the enforcement of the

requirements of this Ordinance with respect to the expansion or enlargement of the nonconforming building would preclude a reasonable enlargement or expansion of a nonconforming building, would augment or enhance a conforming use, or would avoid the discontinuance of a conforming use. As to the repair, improvement or modernizing of a nonconforming building or structure, where the value of the result of such action would exceed one-half the value of the building or structure during any period of 12 consecutive months, the enforcement of the requirements of this ordinance requiring that the value of such action not exceed one-half the value of the building or structure would preclude reasonable repairs, improvements or modernizing of the building or structure.

(II) The proposed action and the result thereof would not result in serious adverse effects on adjacent or nearby lands and land uses or the abutting streets, or such serious adverse effects would be avoided or sufficiently moderated by the imposition of terms and conditions in the special exception use.

(v) In approving a special exception use, the Planning Commission may impose reasonable terms, conditions and limitations.

(7) In the event that any lawfully nonconforming building or structure is damaged by wind, fire, or other casualty to such extent that the cost of reconstruction or restoration is equal to or less than 60 percent of the value of such building or structure prior to the occurrence of the casualty, as determined by the most recent Township assessment of the value of the building or structure, excluding the fair market value of the land, then such reconstruction or restoration shall be permitted, provided that a building permit for the same is issued not later than one year after the occurrence of the casualty.

Section 20.03. Lawfully Nonconforming Uses of Buildings, Structures and Land.

(a) The use of any building, structure or land that was lawful on the effective date of this Ordinance or any relevant amendment therein may be continued, even though the use of such building, structure or land does not comply with the provisions of this Ordinance or any relevant amendment therein, subject however to the following provisions:

(1) Any such lawfully nonconforming use may be expanded or extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the effective date of this Ordinance or any relevant amendment therein, but no such nonconforming use shall be expanded or extended to occupy any portion of the land outside the building.

(2) An existing building or structure devoted to a non conforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, for the purpose of changing the use of the building or structure to a use that is

permitted in the zoning district in which the building or structure is located, if the resulting building or structure otherwise complies with the applicable provisions of this ordinance.

(3) If a building or structure which conforms with the provisions of this Ordinance, but which is used or occupied by a nonconforming use, is damaged by fire, wind, or other casualty to the extent that the cost of reconstruction or restoration exceeds 60 percent of the value of the building or structure prior to the occurrence of the casualty, as determined by the most recent Township assessment of the value of the building or structure, excluding the value of the land, then such building or structure may be reconstructed or restored only if the use thereof complies with the provisions of this Ordinance.

(4) On any building or structure that is devoted in whole or in part to a nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs or on repair or replacement of fixtures, wiring, heating, plumbing, or other building systems, to an extent not exceeding 10 percent of the current replacement value of the building or structure, provided that the building or structure is not thereby enlarged, extended, or structurally altered.

(5) No provision in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or any part thereof that is declared to be unsafe by any Township official having jurisdiction over the safety or condition of any building or structure.

(6) If a nonconforming use of any building, structure or land is terminated and replaced by a permitted use, the nonconforming use shall not be later reestablished.

(7) When a nonconforming use of a building, structure or land, or a nonconforming building or structure and land in combination, is discontinued or abandoned for at least 12 consecutive months, the building or structure or the building or structure and land in combination, shall not thereafter be used except in compliance with the provisions of the zoning district in which the building or structure or building or structure and land in combination are located.

Section 20.04. Other Requirements.

(a) Where lawfully nonconforming use status applies to a building or structure and land in combination, the removal or destruction of the building or structure shall eliminate the lawful nonconforming status of the land.

(b) The nonconforming use of a building, structure or land may not be changed to another nonconforming use, either in whole or in part.

(c) The provisions of this chapter shall apply to the uses of buildings, structures or land which become nonconforming as a result of any amendments or other changes in any of the district provisions or the other provisions of this Ordinance.

CHAPTER 21
BOARD OF ZONING APPEALS

Section 21.01. Members, Appointment and Tenure. There is hereby created a Township Board of Zoning Appeals, consisting of three members. The first member of the Board of Appeals shall be a member of the Township Planning Commission. The second member may be a member of the Township Board. The remaining members of the Board shall be appointed from among the electors residing in the Township, provided that no elected officer of the Township nor any employee of the Township Board may serve simultaneously as a member, or as an employee of the Board of Appeals. The members selected from among the electors of the Township shall each serve a term of three years staggered in such a way that the term of at least one member expires each year.

Section 21.02. Officers. The Board shall elect from its membership a chairperson, vice chairperson and secretary.

Section 21.03. Meetings and Voting.

(a) Meetings of the Board shall be held at such times as the Board may determine.

(b) The presence of two members shall constitute a quorum. The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variances from the terms of this Ordinance.

(c) The Board shall keep minutes of its proceedings, showing the actions of the Board.

Section 21.04. Jurisdiction. 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 map. It shall hear and decide all appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other administrative officers charged with the enforcement of the provisions of this Ordinance. The Board of Appeals shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The Board of Appeals shall have no jurisdiction or authority to hear an appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.

Section 21.05. Powers of the Board. The Board of Appeals shall have the power to hear applications for relief as follows:

(a) Where it is alleged that there is error or misinterpretation in any order, requirement, decision, or denial made by the Zoning Administrator or any other administrative official charged with the enforcement of the provisions of this Ordinance.

(b) Where by reason of the exceptional narrowness, shallowness, or shape of a lot or parcel of land, by reason of exceptional topographic conditions or extraordinary

conditions of land, buildings or structures, there are practical difficulties or unnecessary hardship in carrying out the literal requirements of this Ordinance.

Section 21.06. Variances. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board makes findings, based upon competent, material and substantial evidence on the whole record:

(a) That the enforcement of the literal requirements of this Ordinance would involve practical difficulties or cause unnecessary hardship.
(b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
(c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
(d) That the authorizing of such variance will not be of substantial detriment to adjacent or nearby lands, structures or buildings, and will not be contrary to the spirit and purpose of this Ordinance.

Section 21.07. Conditions of Approval. In authorizing a variance or exception, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions and requirements deemed reasonably necessary for the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

Section 21.08. Time Limitations on Variances. Any variance granted by the Board shall not be valid after a period of twelve months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board, provided that the owner, upon application filed prior to the expiration of the variance, may obtain an extension of the variance for an additional period of twelve months upon showing that the expiration of the variance will cause an undue hardship to the owner.

Section 21.09. Procedure. The following procedures shall be complied with:

(a) An appeal for variance from any ruling of the Zoning Administrator or other administrative officer may be taken by any person aggrieved thereby. Any required fee shall be paid.
(b) When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall place the application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served.
    (1) Notices shall be served either personally or by mail upon the owners of the property for which the application is being considered and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question.

(2) Notices shall be mailed or served at least five days before the hearing. The Secretary of the Board shall file an affidavit of service of notice with the Board prior to the hearing. Each party may appear at the hearing in person or by agent or attorney.

Section 21.10. Decisions of the Board. The Board shall decide all applications and appeals within a reasonable time. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination being appealed from, 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. Such decision shall be binding upon the Zoning Administrator, and the Administrator shall incorporate the terms and conditions of the same in any permit issued to the applicant.

Section 21.11. Alternate Members. As provided by law, the Township Board may appoint two alternate members to the Board of Zoning Appeals. Whenever a regular member is not available or will abstain from participating by reason of conflict of interest and is replaced by an alternate member, the regular member shall not be included for purposes of determining a quorum, but the alternate member shall be included. Whenever an alternate member is called to serve because a regular member will abstain by reason of conflict of interest, the alternate member shall serve only to hear and decide the matter within which the conflict of interest arises, and shall not hear or decide any other matters, unless authorized to hear such other matters upon any of the other grounds stated in this section.

CHAPTER 22
ADMINISTRATION AND ENFORCEMENT

Section 22.01. Zoning Administrator. Except as otherwise provided in this Ordinance or in other Township Ordinances, the Zoning Administrator shall administer and enforce this Ordinance, including the inspection of premises, the issuing of Zoning Permits, and other actions and proceedings for enforcement of the provisions of this Ordinance.

Section 22.02. Zoning Permit Required.

(a) It shall be unlawful for any person to commence excavation for, or construction of, any building, structure or parking area, or to make structural changes in any existing building or structure, without first obtaining a zoning permit from the Township Zoning Administrator. No building, plumbing, electrical, mechanical or other permit shall be issued until the Zoning Administrator has determined that the plans and designated use, will conform with the provisions of this Ordinance.

(b) The application for a Zoning Permit shall designate the existing or intended use of the structure or premises, or part thereof which is proposed to be altered, erected, or extended, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two accurate copies of drawings, drawn to scale, showing the actual lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, and other information necessary to demonstrate compliance with the ordinance. The Zoning Administrator may waive or vary portions of the foregoing requirements not necessary for determination of compliance with this Ordinance, or may require the submission of additional information which is necessary to make such a determination.

(c) One copy of the plans and specifications shall be filled in and retained by the Office of the Zoning Administrator, and the other shall be delivered to the applicant when the Zoning Administrator has approved the application and issued the permit.

Section 22.03. Occupancy. It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended or erected, until the Building Inspector shall have made an inspection of the premises and shall have approved the same for occupancy in writing. The Building Inspector shall not issue a certificate of occupancy until it has been ascertained that there has been compliance with all of the requirements of this Ordinance.

Section 22.04. Fees. All applicants for permits, special land use, rezoning, site condominiums, variances, site plan approval, and other land use review or approval required by this Ordinance, shall pay the fee and any escrow established by resolution of the Township Board from time to time. The Zoning Administrator, Planning Commission, Board of Zoning Appeals, and Township Board shall not consider any application for land use approval for which the required fee has not been paid, or any escrow maintained at the required level.

Section 22.05. Performance Guarantees.

(a) The Planning Commission, Board of Zoning Appeals, and Township Board are empowered to require, as a condition of land use approval, that the applicant give financial security to ensure that all roads, landscaping, public utilities, and other improvements associated with a development are made in full compliance with all Township ordinances and conditions placed upon such land use approval. The amount of such security may be up to the full amount of the estimated cost of the improvements.

(b) Security shall be in the form of a cashier's check payable to the Township, or by establishment of a performance bond or letter of credit in favor of the Township. Any performance bond or letter of credit shall, at a minimum: (i) be issued by a financial institution or insurer satisfactory to the Township; (ii) continue until the project is completed; (iii) and allow full or partial draws upon certification by the Zoning Administrator that improvements have not been completed as required.

(c) Upon certification by the Zoning Administrator that all improvements have been fully completed, the Zoning Administrator shall authorize the return of all cashier's checks, or give notice that security may be terminated. A partial reduction in the amount of security may be permitted in the Zoning Administrator's reasonable discretion, as improvements are completed.

(d) Upon premature termination or expiration of a bond or letter of credit posted as security, all work on an improvement shall be stopped until appropriate security is reestablished.

Section 22.06. Violations and Penalties.

(a) Any person, corporation or firm who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Enforcement Officer, Board of Zoning Appeals or the Township Board issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance, per se.

(b) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

(c) Each day during which any violation continues shall be deemed a separate offense.

(d) The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

CHAPTER 23
AMENDMENTS

Section 23.01. Amendments in Zoning Ordinance. An amendment in the text of this Ordinance or an amendment in the zoning map may be initiated by the Planning Commission, by the Township Board or by any person affected by the provision or zoning designation which is requested to be changed or added.

Section 23.02. Procedures.

(a) When amendments in the text of this Ordinance or in the zoning map are proposed by persons having an interested affected by the proposed change or addition, such person shall complete and file the application provided by the Township for such purpose. Any required fee shall be paid.

(b) The application for an amendment in the text of this Ordinance or in the zoning map shall include a legal description of the property to be affected, or a copy of the proposed text amendment. In the case of a proposed amendment in the zoning map, a drawing shall be submitted, showing the property as to which the amendment is requested and the location of other adjacent and nearby properties.

(c) Proposed amendments in the zoning map or in the text of this Ordinance shall be received, considered and decided upon as provided by law. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one public hearing, with notice thereof and other aspects of such hearing to be in accordance with applicable law.

(d) After convening a public hearing, considering the proposed amendment and making a recommendation thereon, the Planning Commission shall transmit to the Township Board the minutes of the public hearing or other meetings at which the application was considered, or the Commission shall otherwise forward to the Board such other report or information as will summarize the amendment being requested, the comments received from the public and the action taken.

(e) The Township Board shall consider action on an application for a zoning map amendment or an amendment in the text of this Ordinance in the manner provided by law. In its discretion, the Township Board may hold additional public hearings, with notice to be given as provided by law.

Section 23.03. Resubmission of Applications. Whenever a proposed zoning map amendment or amendment in the text of this Ordinance has been considered, but has not been approved, by the Township Board, the Planning Commission shall not reconsider such zoning map amendment or such amendment in the text of this Ordinance for at least one year following the date of submission of the original application, unless the Planning Commission determines that at least one of the following conditions exist:

(a) That the conditions or other relevant facts involved in the original denial have significantly changed.

(b) That there are new conditions, facts or circumstances, different from those previously existing, which changed the nature of the original application or which reasonably justify a new application being submitted and considered.

CHAPTER 24
MISCELLANEOUS

Section 24.01. Severability. This Ordinance and the sections and other parts thereof are hereby declared to be severable. If any section, part or provision of this Ordinance is determined to be invalid, unconstitutional or otherwise ineffective, by a court of competent jurisdiction, the remaining parts, sections or provisions of this Ordinance shall not be affected thereby, if such other parts, sections or provisions can be given effect without those parts or portions thus declared to be invalid.

Section 24.02. Effective Date. This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

Section 24.03. Prior Zoning Ordinance. The prior Township Zoning Ordinance, being the Zoning Ordinance adopted May 11, 1992, is hereby repealed in its entirety, effective as of the date this Ordinance becomes effective.