

# RESTATEMENT OF ROBINSON TOWNSHIP ZONING ORDINANCE

Incorporating Zoning Text Amendment Ordinances:

2004-04; 2004-05;

2005-05; 2005-06;

2006-01; 2006-02;

2007-01; 2007-02; 2007-11-06;

2008-04-02;

2009-09-05; 2009-12-06;

2011-04-03 (Medical Marihuana)

2012-05-02 (E-1 Lowland Overlay District Text)

2013-03-01 Wind Energy Turbines

2013-08-02 Pumphouses and Yard Requirements; Traffic Visibility

2013-11-04 Signs and Billboards

2015-12-04 Signs; Outdoor Lighting; Lincoln Street Overlay Zoning District/LSOD; and  
Lake Michigan Drive Commercial Overlay Zoning District/LMDCOD

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*(\*) Unused Chapter numbers are reserved for future use.*

Robinson 871 Restatement of Robinson Township Zoning Ordinance 03172016

## ROBINSON TOWNSHIP 2006 RESTATED ZONING ORDINANCE

AN ORDINANCE to establish Zoning Districts and regulations governing the development and use of land within the unincorporated portions of Robinson Township, Ottawa County, Michigan, in accordance with the provisions of Act 184 of the Michigan Public Acts of 1943, as amended; to provide for regulations governing non-conforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of the Ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances or regulations.

The Township of Robinson, Ottawa County, Michigan, ordains:

**CHAPTER 1**

**TITLE AND LEGAL BASIS**

Section 1.1 TITLE.

This Ordinance shall be known and may be cited as the "Robinson Township 1995 Restated Zoning Ordinance."

Section 1.2 LEGAL BASIS.

This Ordinance is enacted pursuant to Act 110 of the Michigan Public Acts of 2006, as amended.

## CHAPTER 2

### PURPOSE, SCOPE, AND INTERPRETATION

#### Section 2.1 PURPOSE.

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare in and of the Township; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location and size of and the specific uses for which buildings and other structures may hereafter be erected, altered or moved in the Township; to regulate the minimum open spaces, sanitary, safety and protective measures that shall be required for such buildings and structures; to lessen congestion on public roads, streets and other public places; to provide safety in traffic and in vehicular parking; to facilitate the development of adequate systems of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; and to conserve life, property and natural resources, and the expenditure of funds for public improvements and services; and to encourage the most advantageous uses of land, resources and properties.

#### Section 2.2 SCOPE.

The provisions of this Ordinance shall apply to all structures, land, water, and air within the unincorporated areas of Robinson Township. The Ordinance shall also affect and regulate the use and occupancy of all lands, buildings and other structures in the unincorporated portions of the Township. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those specifically repealed herein by specific reference, or with private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements than those imposed by provisions of other laws, ordinances, regulations, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.

Zoning applies to all lots and parcels of land and to every building, structure, or use. No lot or parcel of land, no existing building, structure, or part thereof, and no new building, structure, or part thereof shall hereafter be located, erected, altered, occupied, or used except in conformance with this Ordinance.

#### Section 2.3 INTERPRETATION.

In interpreting and applying this Ordinance, any enforcement officer or agency, any court, any Board of Appeals member, and any other Township employee, official or appointee shall hold the provisions of this Ordinance to be minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Township.

## CHAPTER 3

### DEFINITIONS

#### Section 3.1 RULES APPLYING TO THE TEXT

The following listed rules of construction shall apply to the text of this Ordinance.

- (A) The particular shall control the general.
- (B) Except with respect to the definitions which follow herein, the headings which title a Chapter, Section or sub-section are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the provisions of this Ordinance in any respect.
- (C) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (D) Unless the context clearly indicates to the contrary, the following shall apply:
  - (1) words used in the present tense shall include the future tense;
  - (2) words used in the singular form shall include the plural form; and
  - (3) words used in the plural form shall include the singular form.
- (E) The terms "building" and "structure" include any part thereof.
- (F) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
- (G) The words "used" or "occupied", as applied to any land, building or structure, shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.
- (H) The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed, or moved upon, such as excavation, filling, draining or the like.
- (I) The word "Township" means the Township of Robinson, Ottawa County, Michigan.
- (J) The words "Township Board" mean the Robinson Township Board.
- (K) The word "County" means the County of Ottawa, Michigan.
- (L) The words "Building Inspector" mean the Township Building Inspector appointed by the Township Board.



- (M) The words "legal record" mean the circumstances where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the County Register of Deeds.
- (N) The words "Planning Commission" mean the Township Planning Commission.
- (O) The words "Board of Appeals" mean the Township Zoning Board of Appeals.
- (P) The words "Zoning Act" mean the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- (Q) The words "Zoning Administrator" mean the Township Zoning Administrator appointed by the Township Board.

Section 3.2 WORDS NOT DEFINED.

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 3.3 ACCESSORY BUILDING OR STRUCTURE.

A subordinate building or structure, the main use of which is customarily incidental and subordinate to the principal building or structure on the lot or parcel of land in question.

Section 3.4 ACCESSORY USE.

A use of a nature customarily incidental and subordinate to the principal use of the lot or parcel of land in question.

Section 3.5 AGRICULTURAL BUILDING OR STRUCTURE.

Any building or structure, other than a dwelling, erected, maintained, moved upon, or used on a farm which is essential to and customarily used on farms of the relevant type in question, which building or structure is actually used to further the farm's agricultural activities.

Section 3.6 AGRICULTURE.

The art or science of plowing and cultivating soil; raising and harvesting crops; and feeding, breeding and managing livestock. Agriculture includes, by way of illustration and not limitation, farming, horticulture, forestry, dairying, sugar production, shrub and sod farming, etc.

Section 3.7 AGRICULTURAL LABOR CAMP.

A tract of land and all tents, vehicles, buildings, or other structures pertaining thereto, licensed by the Michigan Department of Agriculture (or any successor agency having jurisdiction), part of which is

established, occupied or used as living quarters for five (5) or more migratory workers engaged in agricultural activities, including related food processing. Agricultural labor camps must meet the requirements specified in Section 4.5. This definition is not intended to include any use which is permitted by right under the terms of this Ordinance.

Section 3.8 ALLEY.

Any dedicated public right-of-way affording a secondary means of access to abutting property, but not intended for general traffic circulation.

Section 3.9 ALTERATION.

Any change, addition, or modification in construction of any building or structure including, without limitation, any change in the structural members, bearing walls, columns, posts, beams, girders or roof structures, any architectural change of the interior or exterior of a building or structure which may affect its structural integrity, or any addition to or diminution of a building or structure; a building or structure which has undergone an alteration may be referred to as "altered" or "reconstructed".

Section 3.9A ANEMOMETER.

A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Section 3.9B ANIMALS, EXOTIC.

- (A) Animals which are not normally considered to be household pets or farm animals, but which are potentially dangerous.
- (B) Exotic animals include animals which bite or attack persons or animals but do not include the following:
  - (1) An animal that bites or attacks a person or an animal trespassing on the property of the animal's owner;
  - (2) An animal that is on the parcel where it is being kept and that bites or attacks a person or an animal provoking, tormenting, torturing or cruelly treating the animal; or
  - (3) An animal that is responding in a manner that would reasonably appear to be designed to protect a person who is engaged in lawful activity or is the subject of an assault or battery.
- (C) Exotic animals include but are not limited to the following:

- (1) Nonhuman primates;
  - (2) Venomous cold-blooded reptiles and other cold-blooded animals that are capable of inflicting fatal injury to human beings;
  - (3) Poisonous animals;
  - (4) Constrictor snakes three (3) feet in length or longer;
  - (5) Cats of the wild or exotic family including, but not limited to, bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, puma, or tiger;
  - (6) Carnivores which are not domesticated (e.g., bears and wolves);
  - (7) Crocodiles and alligators;
  - (8) Piranha fish;
  - (9) Chondrichthyes (e.g., sharks);
  - (10) Struthie (e.g., ostriches or emus);
  - (11) Poisonous spiders or venomous or poisonous insects;
  - (12) Proboscides or pachyderms (e.g., elephants);
  - (13) Periasodactyla (generally, nonruminant ungulate mammals with odd number toes such as a rhinoceros);
  - (14) Artiodactyla (e.g., camel);
  - (15) Otherwise normally wild animals (including, but not limited to wolverine, badger, deer, raccoon, skunk or coyote);
  - (16) Gamecocks and other fighting birds or fowl; and
  - (17) Any animal that is predominately wolf or coyote or a combination.
- (D) In the event that a person disagrees with the Zoning Administrator's determination that an animal is or is not an exotic animal, that person may appeal to the Zoning Board of Appeals for a determination pursuant to Section 603 of the Zoning Act.

#### Section 3.9C ANTI-CLIMBING DEVICE.

A piece or pieces of equipment which are either attached to the supporting structure of a wind energy turbine, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to squirrel-cones (i.e., a plastic or metal disc cone around a pole which impedes climbing), the removal of climbing pegs on the pole, or other approved devices, but excluding the use of barbed or razor wire.

#### Section 3.10 AUTOMOBILE BODY AND AUTOMOBILE PAINT SHOP.

A shop offering services such as body, frame, or fender straightening and repair, reconditioning or replacement; additional services may include painting and undercoating of motor vehicles, upholstering, and steam cleaning.

#### Section 3.11 AUTOMOBILE REPAIR STATION.

A station offering services such as general repair of motor vehicles, engine rebuilding or reconditioning, or incidental replacement of parts.

Section 3.12 AUTOMOBILE SERVICE STATION.

A station offering on its premises for direct retail sale to the general public gasoline, alternative automobile engine fuel, kerosene motor oil, lubricants, grease, or any other product for operation of motor vehicles; minor accessories for motor vehicles may also be offered for sale.

Section 3.13 BASEMENT.

That ancillary portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the bottom of the first floor joist; a basement shall not be counted as floor area. See Figure C.

Section 3.13A BED AND BREAKFAST OPERATION.

An operation in which transient guests are provided a sleeping room and board in return for payment, which operation is located in a one-family dwelling which is used to house a family as its principal place of residence.

Section 3.14 BEDROOM.

A room originally designed and primarily intended for sleeping, separable from other rooms by a door or other screening structure. A bedroom also includes closets and similar provisions for the storage of personal items.

Section 3.15 BOARDING HOUSE.

A dwelling inhabited by a family where meals with or without lodging are furnished for compensation on a regular recurring basis to three (3) or more persons who are not members of the family occupying and operating the premises.

Section 3.16 BUILDING.

A structure having one (1) or more floor(s) and a roof, designed primarily for sheltering, housing or storing of persons, animals or property of any kind, or for carrying on business activities or for similar uses.

Section 3.17 BUILDING, HEIGHT.

The vertical distance measured from the average grade to the highest point of the roof surface for flat roofs; to the deck line for mansard roofs; and to the average height between the eaves and ridges for gable, hip, and gambrel roofs. See Figure A.

Section 3.18 BUILDING, PRINCIPAL.

A building in which is conducted the principal use of the lot on which it is situated.

Section 3.19 BUILDING, SETBACK LINE.

A line measured parallel to the front lot line at a distance equal to the required front yard as specified in Section 30.2 of this Zoning Ordinance. No buildings are allowed within the area between the front lot line and the building setback line.

Section 3.20 CHILD CARE CENTER.

A facility, other than a private residence, receiving more than two (2) or more preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. The definition of a child care center does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Section 3.21 CLINICS.

An establishment housing facilities for medical, dental, or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for individuals who are not kept overnight on the premises.

Section 3.22 CLUB.

An organization of individuals dedicated to non-profit goals such as but not limited to the promotion of sports, arts, sciences, literature, politics, or the like.

Section 3.23 CLUSTERED RESIDENTIAL DEVELOPMENT.

A residential development, contingent upon Planned Unit Development rezoning and specific approval of the development by the Township Board, consisting of two (2) or more detached one-family and/or two-family dwellings located upon platted lots or condominium sites, predominately all of which condominium sites or lots are smaller than would be required by the underlying zoning district before the property was rezoned to the Planned Unit Development Zoning District and none of which sites or lots exceed three (3) acres in area.

Section 3.23A CONDOMINIUM DEVELOPMENT.

A development that is created under the Condominium Act, being Act 359 of Michigan Public Acts of 1978, as amended.

Section 3.24 CONDOMINIUM SITES.

Individual portions of land approved, recorded and conveyed as "condominium units" as provided in the Condominium Act, being Act 59 of Michigan Public Acts of 1978, as amended, within or on which buildings are or will be erected or placed.

Section 3.25 CONVALESCENT OR NURSING HOME.

A facility licensed under the Public Health Code, MSA 14.15 (20109), et seq., being Act 368 of the Michigan Public Acts of 1978, as amended, or any similar successor statute having similar licensing jurisdiction.

Section 3.25A CUL-DE-SAC STREET. A street with a single, common ingress and egress, with a turnaround at its end.

Section 3.25B DECIBEL.

A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Section 3.25C DECOMMISSIONING.

The process of terminating operation and completely removing a wind energy turbine and all related buildings, structures, foundations, access roads, and equipment.

Section 3.26 DEFINED BANK.

That soil immediately adjacent to a watercourse which normally is not covered by water for more than six (6) months every year.

Section 3.27 DRIVEWAY.

The point of access to a street for any individual property which directly abuts said street, or an irrevocable easement running with the land to one (1) or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated to general public use. Driveways do not include agricultural paths or trails for off-road vehicles.

Section 3.28 DRIVE-IN.

A business establishment so developed that its retail or service character is dependent upon providing a driveway approach or parking spaces for motor vehicles whose occupants are served while in such motor vehicles rather than in a building or other structure.

Section 3.29 DWELLING.

Any building or portion thereof used in whole or in part as a home, residence, or sleeping place, permanently or temporarily, by one (1) or more families, but not including hotels, motels, recreational vehicles, tents, or other similar buildings or structures.

Section 3.30 DWELLING, FARM.

Any one-family dwelling located on an inactive farm lot or an active farm, as such terms are defined by this Zoning Ordinance, which dwelling serves as the principal residence for the owners of the farm or the inactive farm lot, or for a family whose primary occupation is involved in agricultural uses being conducted on said farm. Farm dwellings may include a dwelling inhabited by employed persons who are permanent members of the family residing in said dwelling, but farm dwellings are not an agricultural labor camp(s) and shall meet all requirements of this Ordinance related to one-family dwellings.

Section 3.31 DWELLING, MULTIPLE-FAMILY.

An independent building including two (2) or more dwelling units designed for occupancy by two (2) or more families, with separate living, cooking and eating facilities for each family.

Section 3.32 DWELLING, NON-FARM.

Any one-family dwelling which is not a farm dwelling or an agricultural labor camp(s).

Section 3.33 DWELLING, ONE-FAMILY.

An independent building including only one (1) dwelling unit designed for occupancy by one (1) family.

Section 3.34 DWELLING UNIT.

One (1) or more rooms designed or used as an independent housekeeping establishment, accessed by an entrance which is not part of another dwelling unit, for one (1) family and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities and sleeping quarters.

Section 3.35 EASEMENT.

The right of an individual to use the land of another for a special purpose not inconsistent with general property ownership.

Section 3.36 ENVIRONMENTAL AREA.

An area of land determined by the Michigan Department of Natural Resources or its successor, on the basis of studies and surveys, to be necessary for the preservation and maintenance of wildlife and fish.

Section 3.37 ERECTED.

Includes built, constructed, reconstructed, moved upon or any physical operation on the land required for construction, excavation, fills, drainage, and similar activities or uses.

Section 3.38 ESSENTIAL SERVICES.

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, fuel, or water transmission or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith, which are reasonably necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare. This definition shall not include buildings, sanitary landfills, land application of sewage sludge, recycling centers, refuse transfer stations or similar transfer stations. This definition shall also not include antennas which are exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications which radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals. This definition shall further not include towers which are designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes; radio and television transmission towers; microwave towers; common-carrier towers; or cellular telephone towers.

Section 3.39 EXCAVATION.

Any breaking of ground, except common gardening, ground care, and agricultural activities.

Section 3.40 EXISTING BUILDING.

A building lawfully existing on the effective date of this Ordinance; a building shall be considered lawfully existing if on the effective date of this Ordinance, a building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

Section 3.41 FAMILY.

The term "family" shall mean:

- (A) An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with not more than one (1) additional unrelated person, where domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or
- (B) A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.



Section 3.42 FARM.

An area of land not less than five (5) acres, under one ownership, and devoted to commercial agricultural production. The term "one ownership" shall include an individual, corporation, business trust, estate, trust, partnership, or association, or two (2) or more persons having a joint or common interest in the land.

Section 3.42A FENCE.

A structure which is a barrier intended to prevent escape or intrusion, to provide privacy, or to mark a boundary.

Section 3.43 FLOOD PLAIN.

That area of land adjoining a river or stream which will be inundated by a one hundred (100) year flood. A one hundred (100) year flood has a one (1) percent chance of occurring or being exceeded in any given year.

Section 3.44 FLOOR.

Any horizontal area within a building which was designed, intended, and approved for continual human habitation under the provisions of the Township Building Code, as amended from time to time.

Section 3.45 FLOOR AREA.

The floor area measurement of a building is computed by measuring the dimensions of the outside walls of a building excluding porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, and attic floor areas with less than five (5) feet vertical distance from floor to unfinished ceiling. In all buildings used for dwelling purposes, the basement floor area shall be excluded. In all buildings not used for dwelling purposes, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

Section 3.46 FOSTER CARE HOME.

A facility licensed under Act 218 of the Michigan Public Acts of 1979, as amended, or other similar successor statute having similar licensing jurisdiction, as well as any other facility of substantially similar character and purpose.

Section 3.47 GARAGE, COMMERCIAL.

Any automobile service station, automobile repair station, automobile body or automobile paint station, garage for the public storage of automobiles, or any garage other than a private garage.

Section 3.47A GENERAL COMMON ELEMENT.

An area designated for use by all owners within the condominium development.

#### Section 3.48 GRADE

The term grade shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground of faces of the building. See Figure C.

#### Section 3.49 GREENBELT

A greenbelt shall be defined as a planting consisting of evergreen trees or shrubs which are a minimum three (3) feet in height, but capable of attaining growth to at least six (6) feet in height, and which are spaced so as to provide a continuous visual screen from adjacent properties.

#### Section 3.50 GROUP DAY-CARE HOMES.

A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during the calendar year.

#### Section 3.51 HOME OCCUPATION.

A home occupation is a gainful occupation conducted in the home (or in an accessory building wherein permitted) as an accessory use.

#### Section 3.52 HOSPITAL.

A State licensed medical establishment whose facilities provide in-patient accommodations; a wide range of medical and surgical care; other in-patient health services for the sick, ailing or injured persons; and including such related facilities as laboratories, out-patient departments, training facilities, central services, and staff offices and residences which are integral with and accessory to the principal use of the establishment. Such facilities are in contrast to those facilities which provide a limited scope of services such as special purpose hospitals.

#### Section 3.53 RESERVED FOR FUTURE USE.

#### Section 3.54 HOSPITAL, VETERINARY.

A licensed facility which provides short and extended medical care, including overnight care, to both domestic farm animals and household pets.

Section 3.55 HOTEL.

A building where lodging with or without meals is furnished to transients or resident guests for compensation and containing more than four (4) sleeping rooms and having no cooking facilities in any individual lodging, but wherein a restaurant may or may not be located.

Section 3.56 JUNK.

For the purposes of this Ordinance, junk, in general, shall refer to and be synonymous with the terms used to describe "unwholesome substances." More specifically, the term "junk" shall also apply to used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been abandoned from its original use, provided that the material has not been changed to another legitimate use; nor is the material being preserved on a farm, screened from view of anyone off-site, for future repair and re-use or for future use as parts.

Section 3.57 JUNK, AUTOMOBILE.

Any unhouseed non-agricultural self-propelled vehicle which (1) is unable to be driven upon a street under its own power because it lacks any or all of the necessary component parts to make it operable and serviceable as a vehicle and (2) is not licensed.

Section 3.58 JUNK, TRAILER.

Any unhouseed boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any other type of trailer or non-self-propelled device used for hauling or moving things which lacks any of the necessary component parts to make it then operative and serviceable as a trailer to be pulled as such on a street.

Section 3.59 JUNK AND SALVAGE YARD.

A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete. A sanitary landfill shall not be classified as a junk or salvage yard.

Section 3.60 KENNEL.

Any land, building or structure where three (3) or more dogs, cats, or other household pets over six (6) months of age are either permanently or temporarily boarded for remuneration. Kennels shall also include any land, building or structure where household pets are bred and sold on a regular basis.

Section 3.61 LEGAL RECORD.

The recording of the legal description of any lot or parcel of land in the office of the Register of Deeds for the County of Ottawa and State of Michigan as a part of a plat or subdivision, or by metes and bounds, or by the Congressional Land Survey System, or by any combination thereof.

Section 3.62 LODGING HOUSE.

A one-family dwelling where lodging with or without meals is furnished on a weekly or monthly basis to three (3) or more persons who are not members of the family occupying and operating the premises.

Section 3.63 LOT.

The parcel of land on which one (1) principal building and its accessories are placed, together with the open spaces required by this Ordinance. A condominium site which is part of a condominium project regulated by the Condominium Act, being Act 59 of the Michigan Public Acts of 1978, as amended, shall not be considered to be a lot for the purposes of this Ordinance.

Section 3.64 LOT, AREA.

The total horizontal area included within lot lines. No area included within a public street right-of-way, alley or within any private easement serving as primary access to a lot or parcel of land may be used in determining compliance with lot area or required yards of this Ordinance, except for up to but not more than thirty-three (33) feet which may be counted toward the depth only of a lot (i.e., not toward its width or its required yards). For waterfront property the lot area shall only include property which is above water for more than six months of each calendar year.

Section 3.65 LOT, CORNER.

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangent to the curve, at the two points where the lot lines meet the curve or the straight line extended, form an interior angle of less than one hundred thirty-five (135) degrees. See Figure B.

Section 3.66 LOT, DEPTH.

The horizontal distance measured perpendicular to the front lot line, between the front and rear lot lines.

Section 3.67 LOT, INACTIVE FARM.

A lot which meets the minimum area for a farm and is in a Zoning District which allows a farm, but which is not currently devoted to commercial agricultural production.

Section 3.68 LOT, INTERIOR.

Any lot other than a corner lot. See Figure B.

Section 3.69 LOT, NON-FARM.

A lot in the A-1 or the A-2 Zoning District upon which a non-farm dwelling has been or may be built.

Section 3.70 LOT, NON-STANDARD.

A lot which does not meet the requirements of this Ordinance, as amended.

Section 3.71 LOT, THROUGH.

Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. See Figure B.

Section 3.72 LOT, WIDTH.

The horizontal distance parallel to the front lot line, between opposing side lot lines.

Section 3.73 LOT LINE, FRONT.

For parcels abutting upon a private road or a street, the front lot line is the right-of-way line. For parcels not abutting upon a right-of-way, the front lot line is the parcel boundary upon the easement which provides ingress and egress to the parcel. In the case of a corner lot, either right-of-way or easement may be considered the front of the lot if it contains the minimum required frontage. See Figure D.

Section 3.74 LOT LINE, REAR.

Ordinarily that lot line which is opposite and most distant from the front lot line as hereinbefore defined or that which abuts upon the defined bank of a watercourse, pond, or body of water. In the case of an irregularly shaped lot, a line ten (10) feet in length entirely within the lot and parallel to and at a maximum distance from the front lot line shall be considered the rear lot line for the purposes of determining required rear spacing. See Figure D.

Section 3.75 LOT LINE, SIDE.

Any lot line not qualifying as a front or rear lot line. A side lot line which separates a lot from a street right-of-way shall be known as a side street lot line. A side lot line separating a lot from another lot or lots shall be known as an interior side lot line. A side lot line may also abut upon a watercourse, pond, or a body of water.

Section 3.76 LOT USE.

See General Provision.

### SECTION 3.77.1 MARIHUANA.

Marihuana, also known as marijuana, also known as cannabis, shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7106, as referred to in Section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or the General Rules of the Michigan Department of Community Health issued in connection with the MMMA.

### Section 3.77.2 MARINA.

A place where any one (1) or more of the following conditions exist: (a) a commercial enterprise is operated for the sale, service or storage of boats or other watercraft, or (b) a dock and/or mooring is extended into or over an inland lake or stream for use by the public and/or land owners, condominium owners or dock owners and more than four (4) boats will be moored to any one (1) dock and/or more than four (4) moorings will be located.

### SECTION 3.77.3 MEDICAL USE OF MARIHUANA.

Medical use of marihuana means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA.

### Section 3.77.4 MEDIUM WIND ENERGY TURBINE (MWET).

A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The total height does not exceed one hundred fifty (150) feet.

### Section 3.77.5 MIGRANT LABOR HOUSING.

A tract of land and all tents, vehicles, buildings, or other structures pertaining thereto, part of which is established, occupied or used as living quarters for up to four (4) migratory workers engaged in agricultural activities, including related food processing. Migrant labor housing must meet the requirements specified in Section 4.5. This definition is not intended to include any use which is permitted by right under the terms of this Ordinance.

### SECTION 3.77.6 MMMA.

MMMA means the Michigan Medical Marihuana Act; Public Act 2008, Initiated Law, as amended.

Section 3.78 MIGRATORY WORKER.

A migratory worker means a worker engaged primarily in agricultural and related seasonal industry, or who has been so engaged at one (1) or more times during the past two (2) crop seasons, and who must move so far in the course of the worker's regular agricultural employment schedule that the worker must establish a temporary residence at one (1) or more locations away from the place the worker calls home. The definition includes family dependents who may or may not move with the worker in any year for all or part of the season.

Section 3.79 MOBILE HOME.

Mobile home means a structure, transportable in one (1) 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. Mobile home does not include a recreational vehicle.

Section 3.80 MOBILE HOME PARK.

Mobile home park means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational and non-transient basis and which is offered to the public for that purpose regardless of whether a charge is assessed, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of the mobile home.

Section 3.81 MOTEL.

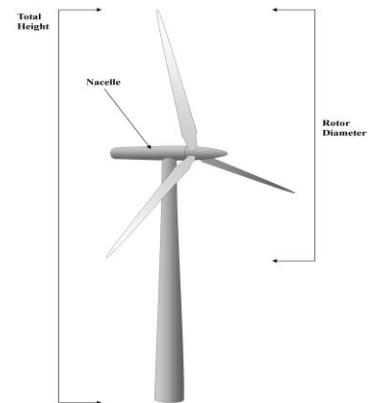
A series of attached, semi-detached, or detached rental units on the same lot where lodging with or without meals is furnished to transient or resident guests for compensation and containing more than four (4) sleeping units and wherein a restaurant may or may not be located.

Section 3.81A NACELLE.

The encasement which houses all of the generating components, gear box, drive tram, and other equipment in a wind energy turbine.

Section 3.81B NET-METERING.

A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.



Section 3.82 NON-CONFORMING USES OR STRUCTURES.

A building or structure or the use of a building, structure, or land lawfully existing at the time this Ordinance became effective but which does not conform with the present regulations of the Zoning District in which it is located.

Section 3.83 NON-CLUSTERED RESIDENTIAL DEVELOPMENT.

A residential development, contingent upon Planned Unit Development rezoning and specific approval of the development by the Township Board, consisting of two (2) or more detached one-family dwellings located upon platted lots or condominium sites, all of which lots or condominium sites have all of the required minimum dimensions (i.e., width, depth and area) as would be required by the underlying zoning district before the property was rezoned to the Planned Unit Development Zoning District.

Section 3.84 NURSERY.

A space, building, or structure, or combination thereof, used to store live trees, shrubs, or plants offered for retail sale on the premises including products for gardening and landscaping.

Section 3.84A OCCUPIED BUILDING.

A residence, school, hospital, church, public library, business, or any other building used for public gatherings.

Section 3.85 OFFICE.

A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, equipment (including accounting, filing, recording, communicating, and/or stenographic) for current use of the office business, and personnel engaged in executive, administrative, professional, political, informative, research, and/or clerical duties; and other similar related, or incidental furniture, equipment or personnel connected or concerned with performance of a personal service which causes or creates no external disturbance, nuisance, or annoyance beyond the confines of said room, rooms or building.

Section 3.86 OPEN SPACE.

A space unoccupied and unobstructed by any structure or portion thereof from the ground upwards; provided, however, that flag poles, bird houses mounted on a pole, fences and walls may be permitted subject to height limitations as indicated herein.

Section 3.86A OPERATOR, WET.

The entity responsible for the day-to-day operation and maintenance of a wind energy turbine.

Section 3.86B OWNER, WET.

The individual or entity, including any respective successors and assigns, with equity interest in or ownership of a wind energy turbine.

Section 3.87 PARKS.

A park is any public or private non-commercial recreational area.



Section 3.88 PERMITTED USES.

Uses which are allowable and legal under the provisions of this Ordinance.

Section 3.89 POND (OR BODY OF WATER).

An outdoor body of standing water accumulated in a natural or artificially constructed basin or depression in the earth, either above or below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity.

Section 3.90 PRINCIPAL USE.

The main use to which the premises are devoted and the principal purpose for which the premises exist.

Section 3.90A PRIVATE ROAD.

A privately owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property.

Section 3.91 PUBLIC STORAGE.

Any building, structure, or business where personal property or belongings of any kind are kept within a building or structure for a charge and such services are available for use by the general public. In addition, "public storage" provides for free access to its clientele at any time and meets the requirements of State and local fire, health, and building regulations.

Section 3.92 PUBLIC UTILITY.

A person, firm, corporation, municipal or County department, board, or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communications, telegraph, transportation, and water. The term "public utility" shall not include radio and/or television broadcasting facilities.

Section 3.93 RECREATIONAL VEHICLE.

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Section 3.94 RESTAURANT.

A business located in a building where, in consideration of the payment of money, food is regularly prepared, sold, and served, on or off the premises, having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods, and deriving the major portion of its receipts from the sale of food.

Section 3.95 RETAIL COMMERCIAL ESTABLISHMENT.

A business, store, market, or shop in which commodities or services are sold or offered for sale in small or large quantities to the retail trade. Grocery stores, general stores, meat markets, and automobile service stations are examples of such.

Section 3.96 ROADHOUSE, SUPPER CLUB, BAR, OR NIGHTCLUB.

A business located within a building, with adequate facilities and licensing, where, in consideration of payment of money, alcoholic beverages are provided regularly to patrons. Food and/or entertainment may also be provided, but the business does not derive the major portion of its receipts from the sale of food.

Section 3.97 ROADSIDE STAND.

Any accessory structure or building located along a street used or intended to be used solely for the purpose of the sale of seasonal agricultural products and situated upon lands used for agriculture as defined in this Ordinance; provided, however, that in order to be considered as a roadside stand the building or structure shall not exceed twenty (20) feet by twelve (12) feet in exterior dimensions. A roadside stand of greater size may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance. In deciding whether or not to issue such a special use permit, the Township Board shall consider the following factors, in addition to the factors specified in Chapter 32:

- (A) The size of the proposed roadside stand in relation to the size of the lot upon which it is to be placed;
- (B) The location of the proposed roadside stand in relation to other buildings and structures on the lot upon which it is to be placed and on adjoining lots;
- (C) Whether the proposed roadside stand will affect the light and air circulation of any adjoining property; and
- (D) Whether the proposed roadside stand will adversely affect the view of any adjoining property.

Section 3.97A ROTOR DIAMETER.

The cross-sectional dimension of the circle swept by the rotating blades of a wind energy turbine.

Section 3.97B SHADOW FLICKER.

The moving shadow, created by the sun shining through the rotating blades of a wind energy turbine. The amount of shadow flicker created by a wind energy turbine is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

Section 3.98 SIGN AND BILLBOARD.

- (A) **BILLBOARD.** Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising either: (1) a business, service, entertainment, activity or event which is not conducted on the land upon which the structure is located; (2) a product which is not primarily sold, manufactured, processed or fabricated on the land upon which the structure is located; (3) a second structure which is not located on the land upon which the first structure is located; (4) a geographical location or place which is not located on the land upon which the structure is located; or (5) a person. However, any structure that meets the definition of a directional sign shall not be considered to be a billboard.
- (B) **BUSINESS DEVELOPMENT IDENTIFICATION SIGN.** A sign that identifies commercial development on a lot containing two (2) or more buildings, each containing one (1) or more individual business entities, or a sign that identifies a commercial subdivision development. The sign may identify the development name or individual business entities or both.
- (C) **BUSINESS SIGN.** Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising: (1) a business, service, or entertainment conducted on the land where the structure is located; or (2) products primarily sold, manufactured, processed, or fabricated on such land. A business sign does not include any structure inside a building, even if the structure contains matter displayed for advertising that is visible from the outside through a window or door of the building.
- (D) **DIGITAL SIGN.** A sign that uses display technology such as liquid-crystal display (LCD), plasma, or light emitting diodes (LEDs) to communicate a message with a target audience.
- (E) **DIRECTIONAL SIGN.** Any structure erected adjacent to a street that identifies, points toward and gives the distance to any public or semi-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity or event.
- (F) **ELECTRONIC MESSAGE BOARD.** A portion of a sign that displays copy using liquid-crystal display (LCD), light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area.
- (G) **FREESTANDING SIGN.** A sign structurally separated from a building, supported by one (1) or more posts or braces or attached directly to the ground or a standard (applies to LSOD only).
- (H) **IDENTIFYING SIGN.** Any structure on the same premises it identifies which serves only: (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) to tell the name or address of an apartment house, hotel, or motel; or (3) to inform the public as to the use of a parking lot.
- (I) **MESSAGE BOARD.** A portion of a sign on which copy is changed manually.

- (J) NAME PLATE. A structure faced flat against the window, door or wall of a building that serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- (K) PROJECTING SIGN. A sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs (applies to LSOD only).
- (L) REAL ESTATE SIGN. Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- (M) SANDWICH BOARD SIGN. A temporary sign structure placed on the ground that consists of two (2) back-to-back sign faces that are hinged together at the top and separated at the base a sufficient distance to solidly support the structure in an upright position (applies to LSOD only).
- (N) SIGN AREA. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) or more faces are placed back-to-back and are at no point more than two (2) feet from each other, the area of the sign shall be taken as the area of one (1) face. In the case of a sphere, the total area of the sphere is divided by two (2) for purposes of determining the maximum permitted sign area.
- (O) SUSPENDED SIGN. A sign mounted to the underside of beams or ceilings of a porch, gallery, arcade, breezeway, or similar covered area (applies to LSOD only).
- (P) TIME/TEMPERATURE SIGN. A type of electronic message board that exclusively displays the time and temperature information.
- (Q) WALL SIGN. A sign painted or attached directly to the exterior wall of a building extending no greater than eighteen (18) inches from the face of the wall to which it is attached.
- (R) WINDOW SIGN. A sign attached to the inside or outside surface of a window on a building wall or door, or placed within six (6) inches of the inside face of a window and intended to be viewed from outside the building (applies to LSOD only).

### Section 3.99 SITE PLAN.

A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures, and uses, and the exact manner of development proposed for a specific parcel of land. See Chapter 31.

Section 3.99A SMALL STRUCTURE-MOUNTED WIND ENERGY TURBINE (SSMWET).

Converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

Section 3.99B SMALL TOWER-MOUNTED WIND ENERGY TURBINE (STMWET).

A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one hundred twenty (120) feet.

Section 3.100 STABLE.

A building used or to be used for the care and housing of horses or cattle by the owner(s), family, or lessee.

Section 3.101 STORY.

Any floor above average grade. See Figures A and C.

Section 3.102 STREET.

A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road or other thoroughfare, except an alley. A street may be one (1) of four (4) types, as classified by the Ottawa County Road Commission, including the following: State trunk line, County primary road, County local road or subdivision street.

Section 3.103 STRUCTURE.

As used with wind energy turbines, structure means any building or other fixture, such as a municipal watertower, that is a minimum of twelve (12) feet high at the highest point and is secured to frost-footings or a concrete slab. As used in this Ordinance other than with wind energy turbines, structure means any constructed, erected or placed material or combination of materials in or upon the ground, including by way of example but not limitation buildings, mobile homes, modular homes, pre-manufactured homes, towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Section 3.104 SWIMMING POOL.

Any structure designed for swimming or bathing and having a depth of two (2) feet or more at one (1) or more points.

Section 3.105 THEATER.

Any building or place (including outdoor) used for presentation of shows, dramatic spectacles, movies, or other entertainment.

Section 3.105A TOTAL HEIGHT.

The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of a wind energy turbine.

Section 3.105B TOWER.

A freestanding monopole or a lattice tower (as defined in Section 33.3[F] of this Ordinance) that supports a wind energy turbine.

Section 3.106 UNWHOLESOME SUBSTANCE.

Any trash, garbage, motor vehicle body, trailer body, junk, offal, refuse, rubbish, food containers, bottles, crockery or utensils, appliances, ashes, cinders, industrial by-products or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety, or general welfare of the public by: providing harborage for rats, mice, snakes or other vermin; or creating an unreasonably increased fire hazard; or decreasing the value of other property in the area because of the material's unsightly appearance.

Section 3.107 USE.

The purpose or intended purpose for which land or a structure thereon is designed, arranged, or intended to be occupied or used.

Section 3.108 VIBRATION.

Ground transmitted oscillations, being either of the steady state type or the impact type.

Section 3.109 WHOLESALE COMMERCIAL ESTABLISHMENT.

A store, warehouse, or outlet shop in which commodities are sold or offered for sale in small or large quantities to the commercial or otherwise wholesale trade. A warehouse, parts supply distributor, and food distributor are examples of such.

Section 3.109A WIND ENERGY TURBINE (WET).

Any wind energy conversion system that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any.

Section 3.110 YARD.

The entire lot surrounding the principal building or structure.

Section 3.111 YARD, FRONT.

That portion of the yard extending across the full width of the lot or parcel of land, the depth of which is the distance between the front lot line and the nearest building wall of the principal building or structure exceeding thirty (30) inches in height. In the case of waterfront lots, the yard on the street side shall be the front yard.

Section 3.112 YARD, REAR.

That portion of the yard, unoccupied except for permitted accessory buildings or structures, extending across the full width of the lot or parcel of land, the depth of which is the distance between the rear lot line and the nearest building wall of the principal building or structure exceeding thirty (30) inches in height.

Section 3.113 YARD, REQUIRED.

An open space within a yard upon which no buildings or structures over a height of thirty (30) inches shall be erected, with the exception of steps, fences, signs and/or other incidental yard accessories only if permitted within required yards pursuant to other Sections of this Ordinance. However, pumphouses used for irrigation purposes on a farm shall be allowed in a required yard, if located at least fifteen (15) feet from any lot line, to a maximum of one hundred twenty (120) square feet in area.

Section 3.114 YARD, REQUIRED FRONT.

- (A) A required yard extending across the full lot width.
- (B) For rectangular lots, the required front yard depth shall be the distance specified in Section 30.2 and measured horizontally from the front lot line towards the interior of the lot.
- (C) For irregularly shaped lots, the following applies.
  - (1) The minimum required front yard depth must meet the front yard requirements of Section 30.2.
  - (2) The minimum required front yard depth must be measured horizontally from the front lot line to a parallel line in the interior of the lot.

- (3) The parallel line in the interior of the lot must have a length equal to or greater than the minimum lot width.

Section 3.115 YARD, REQUIRED REAR.

A required yard extending across the full lot width. The depth of the required rear yard shall be the minimum required horizontal distance between the rear lot line and the nearest point at which a building or structure not otherwise allowed in a required yard could be erected.

Section 3.116 YARD, REQUIRED SIDE.

A required yard extending from the building setback line to the required rear yard, the width of which is the minimum required horizontal distance between either or both side lot lines and the nearest line at which a building or structure not otherwise allowed in a required yard could be erected.

Section 3.117 YARD, SIDE.

That portion of the yard between the principal building and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest building wall of the principal building or structure exceeding thirty (30) inches in height.

Section 3.118 ZONING ACT.

The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Section 3.119 ZONING DISTRICT.

A part of the unincorporated area of the Township for which zoning regulations are prescribed in this Ordinance.



## CHAPTER 4

### GENERAL PROVISIONS

#### Section 4.1 PURPOSE.

For the purposes of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations herein specified for the Zoning District in which it is located; these limitations being construed as the minimum legislation necessary to promote and protect the general safety and welfare of the community.

In case any building or part thereof is constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by legal means and shall not be used or occupied until it has been brought into conformance with the provisions of this Ordinance.

#### Section 4.2 BUILDING, ACCESSORY.

An accessory building is a structure on the same premises with the principal building or structure, occupied or devoted to an accessory use. Where an accessory building or garage is attached to, and made an integral part of, the principal building by way of a part of a habitable structure, such accessory building or garage shall be considered part of the principal building. All accessory buildings shall conform to the following requirements:

- (A) No accessory building shall be erected until a permitted principal use has been erected in accordance with this Ordinance.
- (B) Accessory buildings are prohibited in any required yards as specified for each Zoning District.
- (C) No accessory building may be closer than twenty (20) feet to any other accessory building, to any accessory structure, or to any principal building.
- (D) Accessory building floor area shall be limited as follows:
  - (1) On any parcel in the A-1 and RR Zoning Districts, the floor area of all accessory buildings shall not exceed a combined area of one thousand (1,000) square feet per acre or part thereof, or twelve hundred (1,200) square feet, whichever is greater.
  - (2) On any parcel in the R-1 or R-2 Residential Zoning Districts, the combined floor area of all accessory buildings shall not exceed twelve hundred (1,200) square feet or five

(5) percent of the total lot area, whichever is lesser. If authorized as a special use in accordance with Chapter 32, accessory buildings may exceed five (5) percent of the total lot area in the R-1 or R-2 Residential Zoning Districts, but shall not exceed twelve hundred (1,200) square feet.

- (E) Accessory buildings may be built for, and may only be used for, accessory uses. All other uses of accessory buildings are prohibited including, but not limited to, the use of such buildings for the following: any principal permitted use in the zone in which it is located; the conducting of activities of a business such as retailing, warehousing, or business offices; or any such use which is not clearly related to, and consistent with, an existing principal use.
- (F) In those cases where the Zoning Administrator questions whether an accessory building is usual and customary to a permitted use, a determination shall be made by the Board of Appeals utilizing the following minimal criteria:
  - (1) Whether the proposed building is consistent with the permitted use;
  - (2) Whether the proposed size and location of the proposed building is consistent with existing permitted uses;
  - (3) Whether the proposed building will affect the light and air circulation of any adjoining buildings or properties; and
  - (4) Whether the proposed building can be located such that it meets the required yard and other requirements.
- (G) Before a permit is issued for the construction of one (1) or more accessory buildings upon a lot, the owner(s) of the lot shall be required to file with the Ottawa County Register of Deeds a statement in recordable form which provides that no subsequent division of that lot shall be permitted if any accessory building would then be located upon a lot smaller than what this Ordinance would require if the accessory building was constructed after the lot split, unless a variance is granted by the Board of Appeals.

#### Section 4.3 STRUCTURE, ACCESSORY.

Except buildings, fences, and signs which are regulated elsewhere in this Ordinance, and except any accessory structure which is attached to and made an integral part of a principal building by way of a substantial and necessary supporting structure, accessory structures shall meet the following requirements.

- (A) No accessory structure shall be erected until a permitted principal use has been erected in accordance with this Ordinance.

- (B) Accessory structures which, below a height of sixteen (16) feet, have a width greater than six (6) inches measured at the greatest distance between opposite sides of the structure parallel to the ground are prohibited in any required yard of the applicable Zoning District.
- (C) No accessory structure may be closer than twenty (20) feet to any other accessory structure, or to any principal or accessory building.

Section 4.4 USE, ACCESSORY.

In any Zoning District, accessory uses, incidental only to a permitted use, are permitted when located on the same lot or parcel of land; provided, however, that such accessory uses shall not involve the conduct of any business, trade, or industry when located in a Residential Zoning District. Mobile homes are not permitted as an accessory use to a permitted principal use.

Section 4.5 MIGRANT LABOR HOUSING AND AGRICULTURAL LABOR CAMPS.

- (A) Migrant labor housing and agricultural labor camps may house only migratory workers and their family dependents, and they may be located only in the A-1, A-2 or RR Zoning Districts.
- (B) Subject to the provisions in (E) below, migrant labor housing and agricultural labor camps must meet the special use requirements specified in Chapter 32 of this Ordinance, to the extent deemed relevant by the Township Board, including any setbacks established by the Township Board as a condition of any such special use approval, as well as the applicable requirements of the Ottawa County Health Department (or any successor agency having jurisdiction) and the Township Building Code. In determining whether or not to grant a special use permit, the Township Board shall consider, in addition to any other standards specified in this Ordinance, the nature of the applicant's business; the number and location of farms owned or operated by the applicant; the number of migratory workers needed to work on farms owned or operated by the applicant; the number of migratory workers proposed to be housed by the applicant; and the proximity of the migrant labor housing or agricultural labor camps to the farm(s) where the migratory workers are to be employed.
- (C) In order to be housed in the Township, migratory workers must be employed on one (1) or more farms in the Township during the calendar year in which they are housed in the Township.
- (D) Migrant labor housing and agricultural labor camps must both meet the applicable requirements of the Michigan Department of Agriculture (or any successor agency having jurisdiction) for agricultural labor camps.
- (E) A building used to provide shelter for migratory workers shall not be automatically required to meet the requirements of this Ordinance for dwellings, principal buildings or accessory buildings; rather, such a building must meet the requirements of this Section, as well as any

special use permit conditions established by the Township Board to promote the intent of this Ordinance.

Section 4.6 ANIMALS, THE KEEPING OF.

The keeping of animals, including household pets, shall conform to the following conditions and limitations.

- (A) Domestic pets such as cats, dogs, household birds, and other animals generally regarded as household pets, are permitted in any number as an accessory use to any one-family dwelling in the A-1 Zoning District or any parcel of five (5) acres or more in the RR Zoning District.

In the R-1 or R-2 Zoning Districts, or on any parcel of less than five (5) acres in the RR Zoning District, the keeping of domestic pets such as cats, dogs, household birds, and other animals generally regarded as household pets, is permitted as an accessory use. However, upon no premises shall there be kept more than six (6) dogs or cats, or any combination thereof, of more than six (6) months of age. Such animals shall be kept as an accessory residential use only for the residents of the premises where they are being kept and shall not be kept, boarded, or bred for other persons.

- (B) The keeping of farm animals or animals other than domestic pets is permitted in the A-1 Zoning District, or on parcels of five (5) acres or more in the RR Zoning District, or on parcels of twenty (20) acres or more in any other zone.

- (C) On parcels of less than five (5) acres in the RR Zoning District, or less than twenty (20) acres in the R-1 or R-2 Zoning Districts, the keeping of larger farm or recreational animals such as horses, cows, sheep, or goats, shall be permitted only as follows.

- (1) On any lot or parcel of land upon which animals are to be kept, the area devoted to use by the animals shall not be less than two (2) acres for the first animal and one-half (1/2) acre for each additional animal.
- (2) All such animals shall be kept within a completely enclosed structure or fenced area such that they cannot leave the premises at will.
- (3) No piles of manure or animal feed shall be kept in any manner which could cause unsanitary conditions or objectionable odors.
- (4) Such animals shall be kept as an accessory residential use only for the residents of the premises where they are being kept and shall not be kept, boarded, or bred for other persons.

- (D) On parcels of less than five (5) acres in the RR Zoning District, or less than twenty (20) acres in the R-1 or R-2 Zoning Districts, the keeping of smaller farm or recreational animals such as rabbits, ducks, or chickens shall be permitted only as follows.
- (1) The number of animals allowed on any lot shall not exceed seven (7) for each one-quarter (1/4) acre up to two (2) acres, plus twenty (20) for each one-quarter (1/4) acre in excess of two (2).
  - (2) All such animals shall be kept within a completely enclosed structure or fenced area such that they cannot leave the premises at will.
  - (3) No piles of manure or animal feed shall be kept in any manner which could cause unsanitary conditions or objectionable odors.
  - (4) Such animals shall be kept as an accessory residential use only for the residents of the premises where they are being kept and shall not be kept, boarded, or bred for other persons.

Section 4.6A REGULATION OF EXOTIC ANIMALS.

- (A) The keeping of exotic animals in any Zoning District is expressly prohibited unless authorized as a special use as provided in Chapter 32 of this Ordinance. In considering whether or not to grant such a special use authorization for the keeping of exotic animals, the Township Board shall consider the following standards, in addition to those described in Section 32.5:
- (1) The size, nature and character of the exotic animal(s);
  - (2) The proximity of the exotic animal(s) to adjoining properties; and
  - (3) The positive and negative effect of the exotic animal(s) on the surrounding neighborhood. Factors to consider include, but are not limited to, whether there is a school in the neighborhood, whether there is a park area in the neighborhood and the number of young people and children in the neighborhood.
- (B) The special use permit requirement of this Section shall not apply to pet shops licensed by the State Department of Agriculture, zoological gardens licensed by the United States Department of Agriculture and accredited by the American Association for the Accreditation of Zoological Parks and Gardens, and circuses licensed by the United States Department of Agriculture (or any replacement or successor agencies or entities) if:
- (1) Their location conforms to all other provisions of this Ordinance;

- (2) All animals and animal quarters are kept in a clean and sanitary condition and maintained so as to eliminate objectionable odors;
  - (3) Animals are maintained in quarters constructed so as to prevent their escape, and so as to humanely provide for their biological and social needs; and
  - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.
- (C) The special use permit requirements of this Section shall not apply to any person who is in possession of an injured exotic animal under a valid caregiver's permit issued by the State Department of Natural Resources (or any replacement or successor agency or entity), provided the caregiver's permit is in good standing and all conditions of that permit are fully observed.

Section 4.7 CONTROL OF HEAT, GLARE, FUMES, DUST, AND ODORS.

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odor, or dust. All land shall be maintained in such a manner as is necessary to prevent sand blows or other soil conditions which cause dust, sand, dirt, or other materials to be blown, washed, or otherwise transported. The requirements of this Section shall apply to agricultural activities only to the extent allowed by the Right to Farm Act, Act 93 of the Michigan Public Acts of 1981, as amended.

Section 4.8 DAY-CARE FACILITIES.

In all Zoning Districts which provide as a special use group day-care homes or child care centers, licensed or registered under Act 116 of the Michigan Public Acts of 1973, as amended, such facilities shall be issued a special use permit if they meet the following specific special use requirements as well as those requirements provided in Chapter 32 of this Ordinance.

- (A) The facility is not within fifteen hundred (1,500) feet of another licensed group day-care home; a licensed child care center; a licensed adult foster care home - small group or large group home; a substance abuse treatment and rehabilitation facility for seven (7) or more people as licensed under Article 6 of the Michigan Public Health Code (Act 368 of the Michigan Public Acts of 1978, as amended); or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Correction of the State of Michigan. For the purposes of interpreting this Section the fifteen hundred (1,500) feet distance shall be measured from the legal boundaries of the site of the facility, or an existing facility, including any facility located outside the Township.
- (B) There must be adequate fencing for the safety of children. Fencing shall not be less than four (4) feet in height, shall not be easily climbable by children and not have any gaps exceeding

four (4) inches. Gates shall be of a self-closing, self-latching type. The location of fencing shall adequately ensure that children have sufficient room to play and cannot inadvertently access drives, parking areas, streets or any other dangerous locations on the site.

- (C) The property, including lighting, shall be maintained consistent with the visual characteristics of the neighborhood. Lighting shall be controlled by Section 4.34 of this Ordinance.
- (D) The hours of operation shall not exceed sixteen (16) hours during any twenty-four (24) hour period. Day-care services between the hours of 10:00 PM and 6:00 AM shall not be provided for any more than six (6) children.
- (E) One identifying sign may be placed in the front yard not exceeding six (6) square feet in sign area.
- (F) Off-street parking shall be provided in suitable locations on the site as follows: one (1) space for each family automobile owned by the family or employees running the facility, plus one (1) additional space for each two (2) children at peak attendance. For the purposes of this Section, a parking space shall be defined as being not less than nine (nine) feet six (six) inches wide nor less than twenty (20) feet long.

#### Section 4.9 DRIVEWAYS.

No building permit shall be issued for the construction of any building or structure or use, unless a driveway permit has first been issued by the State Highway Department or the Ottawa County Road Commission specifically pertaining to said building, structure or use, unless not required by either issuing agency.

#### Section 4.9A MINIMUM PUBLIC STREET FRONTAGE.

Each lot shall have frontage on a street for at least the minimum lot width required for the Zoning District within which the lot is located subject, however, to the following exceptions.

On curved streets or cul-de-sac streets, the frontage on the street may be less than the required lot width for the Zoning District within which the lot is located, provided the lot in question meets such lot width requirement at the front yard setback line, the lot in question meets the minimum rectangle requirements of Section 4.29(C) of this Ordinance, and the lot in question has at least forty (40) feet of frontage on the street.

Lots in the RR, R-1 or R-2 Zoning Districts which have frontage on a private easement or right-of-way for at least the minimum lot width required for the Zoning District within which the lot is located may have frontage on a street less than the required lot width for the Zoning District within which the lot is located. However, any such private easement or right-of-way serving one (1) lot or principal building or dwelling unit must have frontage on a street and a width for its entire length equal to at least twenty (20) feet. A minimum of sixteen (16) feet in width shall be passable for

vehicular ingress and egress for the entire length of the private easement or right-of-way, cleared of trees, limbs, branches, stumps, shrubs, debris, or any other material which would impede vehicular ingress and egress; the area so passable and cleared shall be increased to twenty (20) feet in width and fifteen (15) feet in height to the extent the area is more than one hundred fifty (150) feet from the street, to provide greater accessibility for emergency vehicles. A minimum of ten (10) feet in width for the entire length of the private easement or right-of-way shall be improved with enough gravel, crushed concrete, slag, cinders or other material to provide a stable and level surface for use by vehicular traffic. Any private easement or right-of-way serving more than one (1) lot or principal building or dwelling unit must comply with the Section of the Zoning Ordinance concerning private roads.

Dwellings located within an open space preservation development shall comply with the provisions of Section 4.49(F)(7).

#### Section 4.9B PRIVATE ROADS.

- (A) For any private road which provides access to or from more than one (1) but less than five (5) lots or principal buildings or dwelling units in the RR, R-1 or R-2 Zoning Districts, the following requirements shall apply.
- (1) The private road shall be constructed in a good and workmanlike manner upon and parallel to the center line of an easement which is established by a duly recorded conveyance and which is not less than sixty-six (66) feet in width for its entire length.
  - (2) The private road shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the private road, by sloping the sides of the private road from the center thereof, or by other effective methods.
  - (3) The private road shall have a sand and gravel base of not less than ten (10) inches in depth of which not less than six (6) inches in depth shall be only gravel.
  - (4) The private road shall have a road bed not less than twelve (12) feet wide for its entire length.
  - (5) A minimum of twenty (20) feet in width and fifteen (15) feet in height shall be passable for vehicular ingress and egress for the entire length of the private road, cleared of trees, limbs, branches, stumps, shrubs, debris, or any other material which would impede vehicular ingress and egress.
  - (6) The private road shall be constructed over adequate culverts where necessary and as may be required by the Ottawa County Road Commission (or as would be required by the Ottawa County Road Commission if the private road was a public street).



- (B) For any private road which provides access to or from five (5) or more lots or principal buildings or dwelling units, the following requirements shall apply. However, these requirements shall only apply if the private road intersects with a paved street; if the private road intersects with an unpaved street, the requirements of subsection (A) above shall apply.
- (1) The private road shall be constructed in a good and workmanlike manner upon and parallel to the center line of an easement which is established by a duly recorded conveyance and which is not less than sixty-six (66) feet in width for its entire length.
  - (2) The private road shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the private road, by sloping the sides of the private road from the center thereof, or by other effective methods.
  - (3) The private road shall have a sand and gravel base of not less than twelve (12) inches in depth of which not less than six (6) inches in depth shall be only gravel.
  - (4) The private road shall have a road bed not less than twenty-four (24) feet wide for its entire length.
  - (5) The private road shall be constructed over adequate culverts where necessary and as may be required by the Ottawa County Road Commission (or as would be required by the Ottawa County Road Commission if the private road was a public street).
  - (6) The private road shall be covered with bituminous blacktop paving material not less than one and one-half (1-1/2) inches in depth at any point and not less than twenty (20) feet in width for its entire length. A minimum of twenty-four (24) feet in width and fifteen (15) feet in height shall be passable for vehicular ingress and egress for the entire length of the private road, cleared of trees, limbs, branches, stumps, shrubs, debris, or any other material which would impede vehicular ingress and egress.
- (C) No authorization will be issued for any building, structure or use which is accessed only by a private road, if there is already a building, structure or use which is accessed only by that private road, unless the applicant first submits to the Zoning Administrator a signed agreement in recordable form. By that agreement, all of the owners (and their successors and assigns) of all of such buildings, structures or uses shall agree always to maintain (and when appropriate improve) such jointly used private road in good and readily passable condition, reasonably free of ice, snow, debris, flooding waters and all other obstructions to public and emergency vehicle traffic and other motor vehicle traffic necessary or appropriate for the public safety and general welfare. Such agreement shall be recorded in the records of the Ottawa County Register of Deeds, shall be in a form as provided by or acceptable to the Zoning Administrator, and may be enforceable by the Township as well as by the owners of buildings, structures and uses served by the jointly used private road. No authorization for a principal building, structure or use, the only access for which is by a previously established

jointly used private road, shall be issued unless an agreement as specified above and agreed to by all parties then using the private road, or an amendment to a previously executed agreement, has been similarly recorded at the Ottawa County Register of Deeds and submitted to the Zoning Administrator.

- (D) None of the requirements imposed solely by this Section shall apply to a lot of legal record as of the effective date of this Ordinance, provided that the lot met all applicable zoning requirements at the time it was created. The requirements of this Section shall apply to any lot created or split out of one (1) or more other lots after the effective date of this Ordinance. Further, the requirements of this Section must be met at the time that a lot is created or split out of one (1) or more other lots.

#### Section 4.10 DWELLINGS, BASEMENT.

The use of a basement as a dwelling is prohibited in all zones. The use of the basement of a partially built or planned building as a dwelling unit is prohibited in all zones. This Section is not intended to prohibit the construction of dwellings below grade, provided said dwelling is designed as a fully functional, independent unit and meets all aspects of the Township Building Code.

#### Section 4.11 EROSION CONTROL.

No land use or earth changes subject to the provisions of Act 347 of the Michigan Public Acts of 1972, as amended, shall be conducted without first obtaining a Soil Erosion and Sedimentation Permit from Ottawa County as provided by and in accordance with all applicable standards and requirements of said Act.

#### Section 4.12 ESSENTIAL SERVICES.

Essential services which are located underground or involve the customary placing of utility poles in public rights-of-way or public easements may be placed in any zone, provided all necessary permits have first been obtained. Essential services which require the erection or construction of other above-ground appurtenances or structures, including buildings, shall be permitted only if authorized as a special use in accordance with Chapter 32 of this Ordinance. However, any essential service structures so considered shall be constructed of such materials, and in such a manner, that there is minimal deviation from the architectural, visual, and spatial characteristics of the Zoning District in which the essential service structure is to be located.

#### Section 4.13 FENCES AND HEDGES.

In the R-1 and R-2 Zoning Districts, no fences, hedges, or plantings of shrubs exceeding forty-eight (48) inches in height shall be erected or maintained within fifteen (15) feet of the Front Lot Line or any other Lot Line which is adjacent to a street. Except in the case of a swimming pool fence or unless otherwise permitted in this Ordinance, no fence in any zone shall exceed eight (8) feet in

height. Additionally, in the R-1, R-2, B-1, B-2, I-1 and I-2 Zoning Districts, no fences shall contain barbed wire or be electrified except for the purpose of confining livestock.

Section 4.14 FLOOR AREA, REQUIRED.

See Chapter 30.

Section 4.15 GREENBELTS, REPLACEMENT AND MAINTENANCE.

The following applies to replacement and maintenance of required greenbelts.

- (A) All trees and shrubs in a greenbelt lost or seriously damaged for any reason shall be replaced not later than the following planting season with trees and/or shrubs meeting the specifications of the original planting.
- (B) It shall be the duty of the owner of the land on which a greenbelt has been established to initially plant the greenbelt and to make necessary replacement thereof. It shall further be the duty of the owner of the land on which a greenbelt has been established to provide continuing maintenance of the greenbelt. Whenever any greenbelt is not properly maintained, the Zoning Administrator shall send a notification to the owner of the land, requiring maintenance within a reasonable period of time. Failure to bring the greenbelt into compliance shall constitute a violation of this Ordinance.

Section 4.16 HEIGHT, EXCEPTIONS.

The height requirements of all zones may be exceeded by parapet walls not over four (4) feet in height, chimneys, silos, farm barns, cupolas, spires or other ornamental projections, windmills, or water towers. In the I-1 and I-2 Zoning Districts, chimneys, cooling and fire towers, elevator structures and bulkheads, roof storage tanks, and other necessary appurtenances are permitted above the height limitations, provided they are located at least the same distance as their height from any adjoining property line. The requirements for communications towers and antennas are set forth in a separate Chapter of this Ordinance.

Section 4.17 HEIGHT, RESTRICTIONS.

See Chapter 30.

Section 4.18 HOME OCCUPATIONS.

It is the intent of this Section to eliminate as home occupations all uses except those that conform to the standards set forth in this Section. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate as

permitted elsewhere in this Section. The standards for home occupations in this Section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the principal building.

Home occupations are permitted accessory uses in any R-1, R-2, RR, A-1 or E-1 Zoning District only so long as all the following conditions are observed.

- (A) Such occupation shall be conducted by the members of the family residing on the premises and not more than one (1) other person.
- (B) If located within the dwelling unit, a home occupation shall not use more than one (1) room or twenty-five (25) percent of the floor area of one (1) level of said residence, whichever is less. The use of not more than one (1) accessory building is allowed provided the residence and accessory building are located on a parcel of five (5) acres or more and no more than four hundred (400) square feet of one (1) floor of the accessory building shall be used for home occupation.
- (C) No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
- (D) There shall be no outside storage of any kind related to the home occupation.
- (E) The use may increase vehicular traffic flow and parking by no more than two (2) additional vehicles at a time.
- (F) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the Zoning District in question under normal circumstances wherein no home occupation exists.
- (G) Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
- (H) Only one (1) nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (e.g., John Jones, Realtor). It shall not exceed one (1) square foot in area, shall not be illuminated, and shall be attached flat to the principal building or visible through a window. These requirements apply to all lots, including corner lots.
- (I) Uses by the nature of the investment or operation which have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations, or uses which are of such a nature to be severely incompatible with allowed uses in the respective Zoning District and thereby impair the use and value of an area for the zoned purposes, shall not be permitted. Therefore, the uses specified below shall not be permitted as home occupations:

motor vehicle repair, minor or major; dental offices; healing arts offices; painting of vehicles, trailers, or boats; photo studios; private schools; antique shops; renting of trailers; restaurants; stables or kennels in the R-1 or R-2 Zoning Districts; tourist homes; and veterinary clinics or hospitals.

- (J) No person may establish a home occupation in the R-1, R-2, RR, A-1 or E-1 Zoning Districts without first registering the home occupation with the Township. In registering with the Township, the person shall advise the Township of the home occupation, its nature, its location, its number of employees, its size, and any other information reasonably required by the Township.

SECTION 4.18A      OPERATION OF REGISTERED PRIMARY CAREGIVER AS HOME OCCUPATION.

A home occupation shall include an individual's ability to operate as a registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the "General Rules"), the MMMA, and the requirements of Section 4.18 of this Ordinance. Nothing in this Section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing marihuana not in strict compliance with the MMMA and the General Rules. Also, since Federal law is not affected by the MMMA or the General Rules, nothing in this Section, or in any companion regulatory provision adopted in any other provision of Ordinance, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under Federal law. The MMMA does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring under the Federal Controlled Substances Act or any other applicable Federal legislation. The following requirements for a registered primary caregiver shall apply.

- (A) The medical use of marihuana shall comply at all times and in all circumstances with the MMMA and the General Rules, as they may be amended from time to time.
- (B) A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, library, or day-care home with less than seven (7) children and therefore not considered a group day-care home under this Ordinance, to ensure community compliance with Federal "Drug-Free School Zone" requirements.
- (C) Not more than one (1) registered primary caregiver shall be permitted to service qualifying patients per dwelling unit.
- (D) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the dwelling unit in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana are located.

- (E) If a room with windows is utilized as a growing location for marihuana, any lighting between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the dwelling unit, to prevent ambient light spillage that may create a distraction for adjacent properties.
- (F) That portion of the dwelling unit where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable standards.
- (G) The lot and dwelling unit shall be open for inspection upon request by any or all of the following for compliance with all applicable laws and rules: the Zoning Administrator or the building official or the Fire Department or law enforcement officials.
- (H) Any permitted sign for the medical use of marihuana shall not include a pictorial representation of the product provided at that dwelling unit, any references to marihuana, alternate spellings of marihuana, slang terms for marihuana, or any references to or pictorial representations of drug paraphernalia.
- (I) In the event of a conflict between the provisions of this Section and Section 4.18 of this Ordinance, this Section shall control.

Section 4.19 HOUSING STANDARDS.

The housing standards in this Section apply to dwellings used as one-family dwellings and multiple-family dwellings.

- (A) The following standards apply to one-family dwellings.
  - (1) A one-family dwelling must comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
  - (2) At least fifty (50) percent of the longest side of the dwelling unit has a depth, excluding overhangs, of not less than twenty-two (22) feet and complies in all respects with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such Federal or State standards or regulations shall apply.
  - (3) The dwelling must be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the

same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Township Building Code for one-family dwellings. In the event that the dwelling is a mobile home, as defined in this Ordinance, the following standards shall prevail (those standards which are specifically noted shall also apply to dwellings which are not mobile homes).

- (a) Each mobile home shall be secured to its permanent foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission (Act 419 of the Michigan Public Acts of 1976, as amended).
- (b) Each mobile home shall be supported under the trailer frame beam support by concrete piers or concrete block piers spaced at a maximum of ten (10) foot intervals.
- (c) [Left blank for future use.]
- (d) Each mobile home shall be installed with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis.
- (e) Skirting, manufactured for such purposes and approved by the Building Inspector, shall be installed along the base of each mobile home.
- (f) The dwelling shall be connected to a public sewer and water supply or to such private facilities as are approved by the Ottawa County Health Department. This standard shall also apply to dwellings which are not mobile homes.
- (g) Each dwelling shall have a pitched roof, with a rise of three (3) inches vertical to twelve (12) inches horizontal run or more measured on points throughout the roof, consisting of a roofing material normally used in the housing industry. In the event that twenty (20) percent or more of the dwellings within a half mile radius have a roof with a rise of less than three (3) inches vertical to twelve (12) inches horizontal run, a rise of less than three (3) inches is acceptable.

Each roof shall have a roof over-hang of not less than six (6) inches on all sides excluding sides with gable ends. The dwelling shall have permanently attached steps connected to door areas where a difference in elevation requires the same.

This standard shall also apply to dwellings which are not mobile homes.

- (h) Materials that are generally acceptable in the housing industry may be used for exterior finish, provided that the reflections from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel. This standard shall also apply to dwellings which are not mobile homes.
  - (i) Each dwelling shall not have additions or rooms or other areas which are constructed with foundations, exterior walls or roofs of less than equivalent quality workmanship or materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. This standard shall also apply to dwellings which are not mobile homes.
  - (j) All dwellings, whether or not mobile homes, shall comply with all pertinent building, zoning, fire and other applicable codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and installation within and connected to the mobile home shall be of a type and quality conforming to the "Manufactured Home Construction and Safety Standards," as promulgated by the United States Department of Housing and Urban Development in the Code of Federal Regulations, and as amended from time to time. However, all dwellings, including mobile homes, must meet the roof snow load and strength requirements applicable to site built structures.
  - (k) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Township Building Code provisions and requirements. This standard shall also apply to dwellings which are not mobile homes.
  - (l) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required by an applicable Township ordinance.
- (B) A multiple-family dwelling of two (2) units shall conform in all other respects to the standards set forth in Section 4.19(A).
- (C) A multiple-family dwelling shall conform in all other respects to the standards set forth in Section 4.19(A) with the exception that the Zoning Board of Appeals may waive the width requirement of a six (6) inch overhang found in Section 4.19(A)(3)(g).

Section 4.20 JUNK AND UNWHOLESOME SUBSTANCE REGULATION.

No junk, junk automobile, junk trailer, or unwholesome substance, as defined in this Ordinance, shall be deposited, dumped, or accumulated by any person on any land, public or private, in the Township.



No boxes, barrels, lumber, scrap metal or other materials shall be accumulated by any person as to provide rodent harborage. No sewage, sewage sludge, waste water or water containing foreign substances shall be deposited or drained onto or into any land or deposited or drained onto or into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Public Health, the Michigan Department of Natural Resources or its successor, the Ottawa County Health Department and the Township Board as required. The unauthorized placement of any unwholesome substance on any land in the Township shall be considered an illegal non-conforming use to be abated in the public interest within fifteen (15) days of a complaint being served by any person or official upon the Zoning Administrator. Each day said activity continues unabated after fifteen (15) days shall constitute a separate offense and is subject in that manner to action and penalties as provided elsewhere in this Ordinance.

Section 4.21 JURISDICTION.

The provisions of this Ordinance shall apply to all uses, buildings, structures, land, water and air within the unincorporated areas of the Township.

Section 4.22 LOT, CORNER.

Where a lot is bounded by two (2) intersecting streets, by a street and an intersecting driveway which serves another lot, or by two (2) intersecting driveways which each serve another lot, the required front yard requirements shall be met for each street and driveway, as the case may be.

Section 4.23 LOT, DWELLING BUILDINGS PER.

No more than one (1) principal dwelling building with accessory buildings and structures shall be erected on any one (1) lot or legally described parcel of land. A dwelling building may be a one-family or multiple-family dwelling provided that such a dwelling building is permitted in the Zoning District in which it is to be located.

Notwithstanding the above paragraph, if a lot is used as an active farm, and if a farm dwelling is located on the lot, one (1) additional farm dwelling may be located on the lot if authorized by the issuance of a special use permit as provided in Chapter 32 of this Ordinance.

Section 4.24 LOT, NON-STANDARD EXISTING.

Except as provided below, no use shall be conducted upon, nor building or structure erected or enlarged upon, any non-standard lot.

- (A) A conforming use, building or structure may be conducted, erected or enlarged, provided that said use, building or structure, or expansion thereto conforms in all other ways to the provisions of this Ordinance, and provided that the non-standard lot was created lawfully under the terms of a prior zoning ordinance and meets either of the following requirements.

- (1) If the lot was of legal record prior to November 25, 1988, it must be not less than ninety-nine (99) feet in width throughout its entire minimally-required depth and not less than one hundred twenty-seven (127) feet in depth throughout its entire minimally-required width.
- (2) If the lot was of legal record on or after November 25, 1988, it must be not less than one hundred fifty (150) feet in width throughout its entire minimally-required depth and not less than two hundred fifty (250) feet in depth throughout its entire minimally-required width.

The conduction, erection or enlargement of any non-conforming use, building or structure shall be governed by the provisions of Section 4.31.

- (B) If a non-standard lot of legal record was created lawfully under the terms of a prior zoning ordinance but does not meet the requirements of subsection (A) above, then a conforming use, building or structure may be constructed, erected or enlarged provided that the Zoning Administrator has first found that there will be no serious health or safety hazards likely to occur, and that said use, building or structure, or expansion thereto, conforms in all other ways to the provisions of this Zoning Ordinance. The conduction, erection or enlargement of any non-conforming use, building or structure shall be governed by the provisions of Section 4.31.
- (C) Notwithstanding the provisions of subsections (A) and (B) above, if a non-standard lot of legal record was created lawfully under the terms of a prior zoning ordinance and said non-standard lot is of such a size or shape that all required yards of the Zoning District in which it is located cannot be met by the erection or expansion of an otherwise conforming building or structure, then no permit(s) shall be authorized for such a building or structure unless sufficient land can be acquired and legally recorded with such a non-standard lot to meet all required yards of the Zoning District in which it is located, and unless such a lot can then be authorized under subsections (A) or (B) hereinbefore.
- (D) Where two (2) or more lots do not comply with the area and/or width requirements of the applicable Zoning District as of the effective date of this Zoning Ordinance or of any amendment to this Zoning Ordinance, and where the lots are adjacent to each other and are in common ownership as of the effective date of this Zoning Ordinance or of any amendment to this Zoning Ordinance, then such lots shall be combined so that the lot or lots created by the combination comply (or more closely comply in the event that compliance is not possible) with the requirements of the applicable Zoning District. However, this requirement shall not apply to lots which meet the requirements of Section 4.24(A) of this Ordinance.

Section 4.25 LOT, SIZE.

See Chapter 30.

Section 4.26 LOT, NON-STANDARD DIVISIONS.

No lot or parcel of land shall be divided, altered or reduced by sale, lease, gift, easement or license, or other disposition so that the required yards, parking area, or other open spaces or the land area thereof is less than the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, no lot or parcel of land shall be divided, altered or reduced by sale, lease, gift, easement or license, or other disposition so as to increase its noncompliance with such minimum requirements.

Section 4.27 LOT, THROUGH.

Buildings on lots having frontage on two (2) non-intersecting streets shall have required front yards on both streets.

Section 4.28 LOT, USE.

Except for a lot which has both a farm and a farm dwelling, no lot of a recorded plat or recorded parcel of unhooded-platted land may be devoted to more than one (1) principal use unless specifically permitted.

Section 4.29 LOT MEASUREMENTS, IRREGULARLY SHAPED.

The following rules apply to lot and yard measurements for irregularly shaped lots.

- (A) In the case of lots which are not rectangular, certain yard and lot requirements may be difficult to determine and in such cases, an alternate straight line must be chosen from which to base measurements of these yard and lot requirements. Therefore, when lots are not rectangular, the Zoning Administrator shall determine which lines should be used in making required yard and lot dimension determinations. In choosing the most reasonable line from which to base measurements, the Zoning Administrator shall be guided by the following standards.
  - (1) Whenever straight lines must be determined for verifying requirements of this Ordinance, they:
    - (a) shall be drawn entirely within the lot, and
    - (b) shall be the shortest line which most closely reflects the respective adjacent lot line, and
    - (c) shall be approximately parallel to the primary access street in the case of rear and front lines, or approximately perpendicular to the primary access street in the case of side lot lines.

- (2) The choice of line shall not create any yards or lot dimensions which are less than that which could reasonably be expected if the lot were rectangular.
  - (3) In placing such lines, the Zoning Administrator shall minimize any evident adverse effects, occurring on or off the site, related to the placement and orientation of the following site features:
    - (a) Any principal buildings or uses;
    - (b) Any accessory buildings, structures or uses;
    - (c) Utilities, including septic tank drain fields, water wells and storm drainage; and
    - (d) Access for vehicles, pedestrians, and utilities.
  - (4) Such determinations shall be designed to meet the purpose and intent of this Ordinance and shall at no time be made in an attempt to circumvent any of the requirements intended to be measured from such line.
- (B) In determining required yard depth, all required yards shall be measured as close to perpendicular as possible to the adjacent lot line.
  - (C) The minimum lot depth for any lot, whether or not irregularly shaped, must be satisfied for at least the minimum lot width. Likewise, the minimum lot width for any lot, whether or not irregularly shaped, must be satisfied for at least the minimum lot depth. The intent of this subsection is to require every lot to contain a rectangle which satisfies both the minimum lot width and the minimum lot depth.

Section 4.30 NOISE LEVEL RESTRICTIONS.

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General-Purpose Sound Level Meters". The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accord with the ANSI S1.2-1962 "American Standard Method for the Physical Measurements of Sound". Measurements may be made at any point along a Zoning District boundary or at the site (parcel) or property boundary. All uses shall conform with the following standards.

- (A) Noises shall not exceed the maximum sound levels prescribed in Table 4.1 beyond a Zoning District boundary or site (parcel) boundary lines. However, in the B-1, B-2, I-1, I-2 or M-1 Zoning Districts abutting any RR, R-1 or R-2 Zoning District, the RR, R-1 or R-2 Zoning District standard shall govern.

**Table 4.1 MAXIMUM PERMITTED SOUND LEVEL**

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ZONING DISTRICT	MAXIMUM PERMITTED SOUND LEVEL
RR, R-1, R-2	55 dBA between 7:00 AM and 7:00 PM 45 dBA between 7:00 PM and 7:00 AM
A-1, A-2, B-1, B-2, I-1, I-2, M-1, E-1, and RR-1	65 dBA between 7:00 AM and 7:00 PM 55 dBA between 7:00 PM and 7:00 AM

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- (B) The levels prescribed in (A) above may be exceeded by 10 dBA for a single period, not to exceed 30 minutes, in any one day, except in RR, R-1 or R-2 Zoning District between 7:00 PM and 7:00 AM.
- (C) During construction, impact noises are permitted, provided their peak values are not more than 6 dBA higher than the values permitted under (B) above, and provided they are of short duration. No impact noises are permitted in any RR, R-1 or R-2 Zoning District between 7:00 PM and 7:00 AM.
- (D) Noises of transportation vehicles not under direct control of the site user, occasionally-used safety signals, mandatory warning signals, emergency pressure relief valves, and deliveries of goods or services conducted between 7:00 AM and 7:00 PM shall be exempt from the requirements of this Section.
- (E) Agricultural activities in any Zoning District shall be exempt from the above requirements.
- (F) Nothing in this Section or in this Ordinance shall be interpreted to supersede or repeal the prohibition in Ordinance No. 84-8, as now or subsequently amended, relative to barking dogs, whether or not the barking exceeds the relevant maximum permitted sound level specified above.

**Section 4.31 NON-CONFORMING USES, BUILDINGS AND STRUCTURES.**

The following are uses of buildings or structures that are considered to be non-conforming.

- (A) **CONTINUANCE OF NON-CONFORMING USES, BUILDING OR STRUCTURES.** Except where specifically provided to the contrary, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions

of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

- (B) **EXPANSION.** Structures, buildings or uses non-conforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided (1) there is compliance with all height, area and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization and (2) the Township Board shall determine that such alteration will not substantially extend the life of any non-conforming building or structure. Any use of a building or structure which is non-conforming by reason of parking and loading provisions and which is thereafter made conforming or less non-conforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement or change of use which requires greater areas for parking and/or loading space.

No non-conforming use of any building or structure or of any land or premises which is non-conforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged (1) unless all extensions or enlargements do not exceed fifty (50) percent of the area of the original non-conforming use and (2) unless such extension or enlargement is authorized by the Township Board as a Special Use. In considering such authorization, the Township Board shall consider the following standards:

- (1) Whether the extension or enlargement will substantially extend the probable duration of such non-conforming use; and
  - (2) Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned, or with the use of such other properties in compliance with the provisions of this Ordinance.
- (C) **RESTORATION AND REPAIR.** All repairs and maintenance work required to keep a non-conforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any non-conforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt and restored to its former condition, provided that the reconstruction, reinforcement, repair or restoration shall begin within ninety (90) days following the date on which the damage has occurred. The Board of Appeals may authorize an additional period of up to ninety (90) days to begin such reconstruction, repair, reinforcement or restoration. Once begun, such reconstruction, repair, reinforcement or restoration shall be completed within one (1) year from the beginning date, provided, however, that the Board of Appeals may authorize an extension of such completion date of up to one (1) year.

- (D) **CHANGE OR DISCONTINUANCE.** Except for farming, the non-conforming use of a building or structure or of any land or premises shall not be:
- (1) Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of one (1) year,
  - (2) Re-established after it has been changed to a conforming use.
- (E) **BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE.** Any building or structure shall be considered existing and lawful and, for purposes of Section 4.31(A), to have been in use for the purpose for which constructed if, on the effective date of this Ordinance, a building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
- (F) **CHANGING OF USES.** A non-conforming use of any building, structure or land shall not be changed to any other non-conforming use unless authorized by the Township Board as a Special Use. In considering such authorization, the Township Board shall consider the following standards:
- (1) Whether the proposed use is equally or more appropriate than the present non-conforming use to the Zoning District in which the building, structure or land is located (no change to a less appropriate use may be authorized by the Township Board);
  - (2) Whether the proposed use will substantially extend the probable duration of the non-conforming structure, building or use;
  - (3) Whether the proposed use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this Ordinance; and
  - (4) The effect of the proposed use on adjoining lands and the surrounding neighborhood.

Section 4.32 **NUISANCE PARKING.**

In R-1 and R-2 Zoning Districts, no boat, boat trailer, or recreational vehicle shall be stored or parked unless located in a side or rear yard or within an enclosed garage. Boats, boat trailers or recreational vehicles which are not located in a side or rear yard or within an enclosed garage may be parked temporarily on a lot for no longer than twenty-four (24) hours at one time and for no more than seventy-two (72) hours in one week.

Section 4.33 OCCUPANCY, MIXED.

Before issuing a building permit for any premises intended or used for a combination of dwelling and commercial occupancy, the Building Inspector shall request a report from the County Environmental Health Officer as to any hazards that exist or may be expected to exist together with recommendations as to additional provisions necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

Section 4.34 OUTDOOR LIGHTING.

Outdoor site lighting shall meet the following requirements.

- (A) General Requirements. All outdoor lighting fixtures, including but not limited to pole-mounted or building-mounted yard lights, other than ornamental lighting such as porch or low level lawn lights, shall be subject to the following regulations.
  - (1) Direct or directly reflected light shall be confined on-site.
  - (2) Under-canopy lighting shall be mounted flush or recessed.
  - (3) Wall pack and pole-mounted light fixtures shall be down-lighted with one hundred (100) percent cut off. Light fixtures shall be constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the lowest light-emitting part.
  - (4) Light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
  - (5) Government flag lighting shall only illuminate the flag and shall be placed so lighting or glare is not directed toward streets or adjacent properties.
- (B) Prohibited Lighting. The following lighting types and methods are prohibited:
  - (1) Laser lights, searchlights, or any similar high intensity light for outdoor advertisement or entertainment;
  - (2) Any lighting where the light source creates glare and is a hazard to travelers on an adjacent street;
  - (3) Lighting that flashes, moves, or is intermittent; and
  - (4) Lighting that is similar to that used for traffic control devices or emergency vehicles.



(C) Commercial Requirements.

- (1) **Applicability.** Lighting shall be provided throughout any non-residential parking lot. Lights to illuminate parking lots shall not be attached to any building.
- (2) **Height.** Light fixtures shall have a maximum height of twenty (20) feet when in or adjacent to a residential Zoning District. All other light fixtures shall have a maximum height of twenty-five (25) feet. The height of a fixture shall be measured from the parking lot grade to the nearest portion of the light source. No portion of the fixture may extend more than one (1) additional foot higher than the maximum heights.
- (3) **Illumination Levels.** Light levels on commercial sites shall meet the requirements in the following table for the developed portion of the site containing buildings, drives, and parking lots.
  - (a) Sites are not subject to minimum lighting levels during closed hours.
  - (b) Required site illumination levels shall not apply to ornamental street lighting, street lights, or driveway/intersection lighting necessary for pedestrian and traffic safety.
  - (c) The light level along a non-residential lot line may be increased to the maximum in cases where there is shared access/vehicular connections or the adjacent use is a similar use.

Required Site Illumination		
Location on Site	Minimum Footcandles	Maximum Footcandles
Parking Lots and Building Entrances	0.5 (at any point) 2.0 (average)	5.0 in the LSOD and 10.0 in all other locations
Walkways	0.2 (at any point) 1.0 (average)	5.0 in the LSOD and 10.0 in all other locations
Along Front Lot Line Adjacent to the Street Frontage	0.0	2.0
Along a Lot Line Adjoining a Non-Residential Use or District	0.0	1.0
Along a Lot Line Adjoining a Residential Use or District	0.0	0.5

- (4) Demonstration of Compliance. Compliance with the lighting design criteria shall be demonstrated by the applicant submitting the following information as part of the required site plan:
  - (a) Lighting plan showing light fixture locations and type designations;
  - (b) Lighting equipment specifications and data sheets, including fixture height; and
  - (c) Manufacturer's cut-sheets and any other materials or information required to convey the intent of the lighting design.
- (5) Photometric Plans. The Township may require a photometric plan to ensure that the intent and requirements of this Section are met. When required, a photometric plan (lighting grid) shall be prepared by an electrical engineer. The photometric plan shall show horizontal luminance levels (footcandles) in a point-by-point format.

#### Section 4.35 OUTDOOR STORAGE AND WASTE DISPOSAL.

If materials and wastes are stored outside which might cause fumes, odors, or dust, or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored in closed containers and screened from public view and adjacent properties. In addition, waste materials shall not be allowed to accumulate on a lot or parcel of land in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

#### Section 4.36 RAZING OF BUILDINGS.

No buildings or structures shall be razed unless a permit therefor has first been obtained from the Building Inspector. Such razing shall be completed within a reasonable period of time as shall be determined and specified by the Building Inspector in the permit.

Necessary safety precautions must be employed and all debris must be cleaned up following completion of the razing. In addition, a level grade must be restored to the razing site, and all underground tanks shall be removed. The owner of the site shall provide the Township with written certification from a knowledgeable and trained person that the site is free of ground water contamination.

#### Section 4.37 RESERVED FOR FUTURE USE

#### Section 4.38 SHARED AREA.

No area shall be ascribed to more than one (1) principal building or use, and no area necessary for compliance with the space requirements for one (1) principal building or use shall be included in the calculation of the space requirements for any other building, structure or use. These conditions apply to lot determination, required yards, parking areas or other open space requirements.

Section 4.39 TRAFFIC VISIBILITY ACROSS CORNERS.

In any A-1, A-2, RR, R-1, R-2, B-1, B-2, I-1, or I-2 Zoning District on any corner lot, no fence, pile, or structure over thirty (30) inches in height from the level of the center of the street shall be erected or maintained within twenty (20) feet of the corner property line so as to interfere with traffic visibility across the corner. In any RR, R-1, R-2, B-1, B-2, I-1, or I-2 Zoning District, the same rule shall apply to any planting over thirty (30) inches in height.

Section 4.40 VIBRATION.

Vibration refers to ground transmitted oscillations. These earth-borne vibrations are measured with a portable seismograph. With the seismograph, the earth vibrations are measured in three mutually perpendicular directions (one vertical and two horizontal). The three motions are added vertically and the resultant maximum vibration given as a single number. Steady state vibrations are earth borne oscillations that are continuous, with discrete pulses that occur at or more frequently than one hundred (100) times per minute. The frequency is the number of oscillations per second of vibration. Impact vibrations are earth borne oscillations occurring in discrete pulses at less than one hundred (100) times per minute. All uses shall conform to the following standards.

- (A) Vibration shall be measured at the site (parcel) or property boundary lines. Except for temporary construction operations, agricultural activities, and blasting for surface mining operations, no activity shall cause or create a displacement in excess of the permitted steady state vibration displacement for the frequencies prescribed in Table 4.2:

***Table 4.2 MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT***

FREQUENCY (cycles per second)	VIBRATION DISPLACEMENT (inches)
10 and below	.0008
11 - 20	.0005
21 - 30	.0003
31 - 40	.0002
41 and over	.0001

- (B) For impact vibrations, the maximum vibration displacement shall be not more than twice that permitted for steady state vibrations.
- (C) During temporary construction operations between the hours of 7:00 AM and 7:00 PM, steady state vibrations and impact vibrations shall not exceed twice the permitted displacement. No vibrations are permitted between the hours of 7:00 PM and 7:00 AM.

- (D) In no instance, except during temporary construction operations, shall an activity be permitted which creates a vibration beyond the boundaries of the site (parcel) or property of the activity sufficient to cause a displacement of three thousandths (.003) of one (1) inch.

Section 4.41 REMOVAL OF TOPSOIL, SAND, GRAVEL OR OTHER SUCH MATERIALS.

- (A) Topsoil, sand, gravel or other such materials may be removed from any property in the Township if the Zoning Administrator issues a permit after determining that all of the following criteria apply.
  - (1) The removal is pursuant to and as a result of the construction of a structure or the landscaping of the property.
  - (2) The removal does not exceed six hundred (600) cubic yards.
  - (3) The removal is completed within sixty (60) days from its beginning.
  - (4) The removal is not successive, but instead is the only such removal from the property within a three (3) year period.
- (B) Except as provided in subsection (A) above, no topsoil, sand, gravel or other such materials shall be removed from any property in the Township unless such removal is authorized by the Township Board pursuant to the Township's "Earth Change Ordinance," being Ordinance No. 78-1, as amended or restated or otherwise succeeded.

Section 4.42 SOD FARMS.

- (A) For purposes of this Section, "sod farming" shall mean the planting of any type of grass which is subsequently harvested or removed as sod or turf, with a portion of the soil removed along with the sod or turf at the time of such harvesting or removal. For purposes of this Section, the term "cover crop" shall mean any small grain or other type of crop planted for the purpose of reducing soil erosion or blowing and for the further purpose of soil stabilization on any parcel used for sod farming.
- (B) No sod farming operation shall be permitted on any parcel in the Township unless located in the A-1, A-2, RR, or E-1 Zoning Districts, and unless authorized by the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to Section 603 of the Zoning Act. As part of any application for permission to maintain a sod farming operation, the applicant shall certify to the Zoning Board of Appeals the present average mean depth of the top soil of the parcel in question, as well as the proposed depth of the soil which may be removed from the parcel along with the crop. In considering such authorization, the Zoning Board of Appeals shall consider the following standards:
  - (1) The size of the property on which the sod farm would be operated;

- (2) The amount of top soil which is to be removed;
  - (3) The effect of the top soil removal on adjoining property;
  - (4) The effect of the top soil removal in terms of causing a safety hazard, creating erosion problems, altering the ground water table, and other problems of this nature;
  - (5) The potential for such top soil removal to cause the creation of sand blows, bogs, or any type or kind of injurious areas;
  - (6) The effect of such top soil removal on the environment and the natural topography and the potential destruction of a natural resource;
  - (7) Potential traffic congestion and problems because of trucks and other vehicles or concerns utilized to haul and transport the top soil and the cover crop; and
  - (8) The amount of performance guarantee which should be required and obtained from the applicant pursuant to the Zoning Act in order to protect natural resources, the health and safety and welfare of Township residents, and/or future users or inhabitants of the property in question or the adjoining property.
- (C) As conditions upon any sod farming operation permitted on a parcel in the Township, the Zoning Board of Appeals shall require the following, in addition to any other conditions deemed by the Zoning Board of Appeals to be relevant.
- (1) The entire lengths of the easterly and westerly sides of the sod farm shall have a suitable windbreak to create a barrier which prevents or reduces soil erosion or blowing. The windbreak may consist of any suitable growing items affirmed by the Zoning Board of Appeals, including but not limited to shrubs or pine trees.
  - (2) Upon the harvest or removal of any sod or turf, a sufficient cover crop shall immediately be planted on the parcel in question to reduce soil erosion or blowing.

Section 4.43 SWIMMING POOLS.

The construction, maintenance and fencing of swimming pools shall be governed by the provisions of the Robinson Township Building Code, as amended from time to time.

Section 4.44 SIGNS.

- (A) No permanent signs may be erected without a zoning certificate of compliance except for the following signs which are exempt from the provisions of this Ordinance with respect to permits, heights, area and location, unless otherwise provided in this Section.

- (1) Highway signs erected by the State of Michigan, County of Ottawa, or the Township.
  - (2) Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public places, or for governmental buildings.
  - (3) Not more than two (2) directional signs erected in conjunction with a public building, off-street parking area, recreation space or church, provided that any such sign does not exceed nine (9) square feet in area or five (5) feet in height above grade, and must be located within two (2) miles of the destination to which it gives direction.
  - (4) Historic signs designating sites recognized by the State Historical Commission or similar agencies as centennial farms or historic landmarks, provided that any such sign does not exceed nine (9) square feet in area or five (5) feet in height above grade.
  - (5) Placards posted to control or prohibit hunting or trespassing within the Township, provided that any such sign does not exceed one (1) square foot in area or ten (10) feet in height above grade.
  - (6) Essential service signs denoting utility lines, railroad lines, hazards and precautions.
  - (7) Memorial signs or tablets which are either (a) cut into the face of a masonry surface or (b) constructed of bronze or other noncombustible material when located flat on the face of a building.
  - (8) Business signs less than two (2) square feet in area.
- (B) No temporary signs shall be erected unless authorized as a special use by the Township Board under Chapter 32 of this Ordinance, except for the following temporary signs which are exempt from the permit requirement of this Ordinance. All other signs must be permanently located on the ground or permanently attached to something permanently located on the ground.
- (1) Subdivision signs not exceeding thirty-two (32) square feet in area; provided, however, that any such sign shall be subject to the approval of the Zoning Administrator at the time it is erected, and provided that any such sign shall be removed when fifty (50) percent or more of the lots in the subdivision are sold or after five (5) years, whichever first occurs. The sign shall not be illuminated by any light source other than a continuous indirect white light.
  - (2) One (1) construction sign per project, not exceeding thirty-two (32) square feet in area, denoting architects, engineers, or contractors in conjunction with the work

under construction; however, for one-family dwellings under construction, the construction sign may not exceed nine (9) square feet in area. Any such construction sign shall be subject to the approval of the Zoning Administrator at the time it is erected, and it shall be removed within fourteen (14) days after completion of construction.

- (3) Temporary Real Estate Signs. The total area of a real estate sign or signs advertising one (1) lot shall not exceed twelve (12) square feet in area. The total area of a real estate sign or signs advertising more than one (1) lot shall not exceed thirty-two (32) square feet in area. Such signs shall be removed within fourteen (14) days after the lot or lots in question are no longer for sale, rent or lease.
- (4) Signs for political advertising, provided they are temporary, not illuminated, and do not exceed thirty-two (32) square feet in area. All political signs shall be removed within ten (10) days after the election with which they are concerned.
- (5) Temporary signs in the A-1, A-2, B-1, B-2, I-1 and I-2 Zoning Districts, provided that each such temporary sign meets the following conditions.
  - (a) No such temporary sign may have a surface area which exceeds thirty-two (32) square feet.
  - (b) No such temporary sign may exceed ten (10) feet in height.
  - (c) No such temporary sign may violate any of the prohibitions in subsection (D) of this Section, as stated below.
  - (d) No such temporary sign may be erected without a zoning certificate of compliance from the Zoning Administrator.
  - (e) No lot may have a temporary sign erected upon it more than ninety (90) total full or partial days per calendar year.
- (6) Garage and estate sale signs are permitted subject to the following restrictions.
  - (a) One (1) sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, or on any other lot or parcel with the written permission of the property owner, and erected outside of any public right-of-way.
  - (b) The sign shall not exceed six (6) square feet in area.
  - (c) The sign may be erected no more than seven (7) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.

- (C) In considering whether or not to issue a special use permit for a temporary sign under subsection (B) of this Section and under Chapter 32 of this Ordinance, the Township Board shall consider the following standards:
- (1) The size, character and nature of the sign;
  - (2) The duration or time period during which the sign will be utilized;
  - (3) The purpose(s) for which the sign is to be erected;
  - (4) The arrangements made for the removal of the sign after the termination of its usefulness;
  - (5) The effect of the proposed sign on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign;
  - (6) Whether or not the sign will constitute a traffic hazard; and
  - (7) The effect of the sign on the surrounding neighborhood.
- (D) No signs listed below shall be permitted, erected or maintained in any Zoning District.
- (1) Any sign which incorporates any manner of flashing, moving, rotating, or digital lights; or any sign which has light strings, blinking lights, visible moving or revolving parts, or other similar devices used to attract the attention of the public.
    - (a) Signs may be illuminated if the source of light is not visible.
    - (b) Variable time/temperature signs and electronic message boards may be permitted in accordance with subsection (J) or subsection (K) below, respectively.
  - (2) Any sign which is structurally unsafe or constitutes a hazard to safety or health, or which is not kept in good repair.
  - (3) Any sign which by reason of its size, location, content, coloring, manner of illumination or any other reason, may interfere with, obstruct the view of or be confused with an authorized traffic sign, signal or device.
  - (4) Any sign which obstructs visibility at street intersections, unless erected by the Township, Ottawa County, the State of Michigan, or the Federal government.



- (5) Any sign painted on or attached to any vehicle, trailer, farm or industrial machinery, airplane or railroad locomotive or car which is permanently fixed to the ground, whether or not operable, if the sign is visible from the street (this provision shall not prohibit lettering or advertising on operable commercial vehicles which are not fixed to the ground).
  - (6) Any sign painted on a rock or any other natural feature.
  - (7) Any sign attached to a building or structure which extends further than eighteen (18) inches from the face of such building or structure.
  - (8) Any sign which is unlawfully installed, erected or maintained.
- (E) In the A-1, A-2, RR, R-1 and R-2 Zoning Districts, one (1) identifying sign is allowed per lot if the lot is used for any public or semi-public building or recreation space, club, lodge, church or institution; for an apartment house, hotel or motel; or for a parking lot. An identifying sign in the A-1, A-2 and RR Zoning Districts may not exceed one hundred (100) square feet in area. An identifying sign in the R-1 and R-2 Zoning Districts may not exceed twelve (12) square feet in area.
- (F) In the B-1, B-2, I-1 and I-2 Zoning Districts, one (1) business sign or identifying sign is allowed per lot, if the lot is used for one of the purposes specified in (E) above, or for a business, service, or place of entertainment. One (1) business sign or identifying sign of one hundred (100) square feet in area is permitted, or two (2) business signs or identifying signs which combined do not exceed one hundred (100) square feet in area are permitted. If multiple businesses are located on the same lot, each business shall be entitled to a wall sign in addition to the business sign.

Signs in excess of one hundred (100) square feet in area may be authorized by the Zoning Board of Appeals pursuant to Section 6.03 of the Zoning Act. In deciding whether or not to grant the authorization, the Zoning Board of Appeals shall consider the following standards:

- (1) The area and/or height of the signage in relation to the size of the lot on which it is to be placed;
- (2) The character and nature of the proposed signage;
- (3) The effect of the proposed signage on height and air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed signage;
- (4) Whether or not the proposed signage will constitute a traffic hazard; and
- (5) The effect of the proposed signage on the surrounding property.

- (G) Gasoline service stations and commercial garages may display, in addition to one (1) business sign, the following signs.
- (1) Informational signs or lettering displayed over individual entrance doors or bays, consisting only of the words "washing," "lubrication," "repairs," "mechanic on duty" or other words closely similar in import. There shall not be more than one (1) such sign over each entrance or bay, the letters thereon shall not exceed fifteen (15) inches in height, and no such sign shall exceed six (6) square feet in area.
  - (2) Customary lettering on or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three (3) square feet on each pump. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.
  - (3) A non-illuminated credit card sign not exceeding two (2) square feet in area, if it is placed on or near the gasoline pump.
  - (4) A message board, or an electronic message board, which displays the price of gasoline.
- (H) Industrial and commercial businesses in the I-1, I-2, B-1, or B-2 Zoning Districts which comply with the use regulations for those Zoning Districts may, if they establish the need through the site plan review process, display in addition to any business signs, informational signs designating entrances, exits, parking and loading areas, shipping docks, etc. Each such informational sign may not exceed sixteen (16) square feet in area, or such lesser maximum size as is established by the Township through the site plan review process.
- (I) No sign may be located closer than ten (10) feet from any lot line adjoining a street.
- (J) Digital signs shall be limited to electronic message boards and time/temperature signs only.
- (K) Message boards and electronic message boards are permitted subject to the following restrictions as applicable.
- (1) A manual or electronic message board may not exceed twenty-five (25) square feet as part of the sign area of a wall, ground or freestanding sign within any non-residential zoning district or any wall, ground or freestanding sign identifying a governmental or institutional use in any zoning district.
  - (2) Only one (1) manual or electronic message board shall be permitted on a lot.

- (3) Messages displayed on electronic message boards located within any non-residential zoning district shall have a minimum duration of ten (10) seconds. Messages displayed within residential districts for governmental or institutional uses shall have a minimum duration of five (5) minutes.
  - (4) All electronic messages shall be static and the transition between messages shall be instantaneous with no more than three-tenths (0.3) of a second between messages. The use of special effects such as, but not limited to, scrolling, fading, wiping, flashing, changing colors or exploding is prohibited.
  - (5) No electronic message board shall be located within fifty (50) feet of any other electronic message board or within one hundred (100) feet of a residential zoning district.
  - (6) No electronic message board may be located within fifty (50) feet of a rear or side lot line.
  - (7) No electronic message board shall create glare or have characteristics that impair the vision of motorists or create a nuisance for surrounding properties.
  - (8) The electronic message board shall have automatic dimming capabilities that adjust the brightness of the sign to changes in the ambient light levels at all times of the day and night.
  - (9) The owner of the sign shall allow the Township to use the electronic message board to communicate emergency public service information relating to disasters or emergencies.
  - (10) Audio speakers or any form of pyrotechnics are prohibited in conjunction with a manual or electronic message board.
  - (11) Any property on which is located a manual or an electronic message board shall not be permitted to have a temporary sign or sign displayed on a vehicle.
- (L) An electronic message board shall not be illuminated beyond the default settings of the manufacturer's brightness or dimming controls. It shall be fitted with an automatic sensor that adjusts its brightness and intensity during daylight and during night hours. The overall brightness and intensity shall only be enough to make a sign legible. The Township may periodically require reinspection and recalibration to ensure that the specified brightness levels are maintained at all times. The recalibration shall be done at the Township's discretion and the owner's expense.
- (M) The brightness of an electronic message board shall be measured as follows.

- (1) At least thirty (30) minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the electronic message board is off or displaying black copy. The reading shall be made with the meter aimed directly at the center of the electronic message board area from a distance determined with the following formula: the square root of the product of the electronic message board area multiplied by one hundred (100).

*Example using a twelve (12) square foot electronic message board:*

*Measurement Distance =  $\sqrt{(12 \text{ square feet} \times 100)} = 34.6 \text{ feet as the ambient light reading distance.}$*

- (2) The electronic message board shall then be turned on to full white copy to take another reading with the meter at the same location.
- (3) If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted and the electronic message board is in compliance.

#### Section 4.45 BILLBOARDS.

Billboards may be erected adjacent to M-45 in the B-2, I-1 and I-2 Zoning Districts, provided that they must meet all of the following conditions. For purposes of these conditions, double-faced billboards (i.e., structures with back-to-back faces containing or able to contain advertising) and V-shaped billboards having only one face visible to traffic proceeding from any given direction on a street shall be considered as one (1) billboard. Otherwise, billboards having more than one (1) face, including billboards with tandem (side-by-side) or stacked (one-above-the-other) faces, shall be considered as multiple billboards and shall be prohibited in accordance with the minimum spacing requirement set forth below. A billboard's surface display area containing or able to contain advertising shall be considered to be the billboard's face(s).

- (A) Not more than three (3) billboards may be located per any given linear mile of street, regardless of the fact that such billboards may be located on different sides of the street. The linear mile measurement shall not be limited to the Township's boundaries if the particular street extends beyond such boundaries.
- (B) No billboard may be located within one thousand three hundred twenty (1,320) feet of another billboard, regardless of the fact that any two (2) such billboards may be located on opposite sides of the street from each other. The one thousand three hundred twenty (1,320) feet measurement shall not be limited to the Township's boundaries.
- (C) No billboard may be located within two hundred fifty (250) feet of the RR, R-1 or R-2 Zoning Districts, of a pre-existing dwelling, of a pre-existing church or of a pre-existing school. If the billboard is illuminated, the required distance shall be increased to three hundred fifty (350) feet.

- (D) No billboard may be located closer to a street than seventy-five (75) feet from the front lot line adjoining the street. No billboard may be located closer than ten (10) feet or the height of the billboard from any other property line of the lot on which the billboard is located, whichever is greater.
- (E) A billboard's face may not exceed three hundred (300) square feet. Double-faced billboards and V-shaped billboards may have two (2) faces, but neither one may exceed three hundred (300) square feet.
- (F) The bottom of the billboard's face must be at least twenty (20) feet above the grade of the ground upon which the billboard sits, or above the grade of the abutting street, whichever is higher. The top of the billboard's face may not be more than thirty five (35) feet above the grade of the ground upon which the billboard sits, or above the grade of the abutting street, whichever is higher.
- (G) No portion of the face or structure of the billboard may be illuminated. Neither digital nor electronic billboards are permitted

Section 4.46 BED AND BREAKFAST OPERATION REGULATIONS.

- (A) An application for a special use permit under Chapter 32 of this Ordinance for a bed and breakfast operation shall include at least all of the following information, in addition to any other information required pursuant to this Ordinance:
  - (1) The full names, business addresses and residence addresses of all owners and proprietors of the proposed bed and breakfast operation;
  - (2) The place in the Township where the bed and breakfast operation will be located;
  - (3) A list of all assumed or trade names under which the applicant intends to do business;
  - (4) A scaled floor plan of the one-family dwelling where the bed and breakfast operation will be located;
  - (5) A scaled site plan for the lot on which the one-family dwelling is located; and
  - (6) Photographs showing (a) an exterior view of the one-family dwelling from the street, (b) all parking locations, and (c) the rooms to be used as sleeping rooms for the bed and breakfast operation guests.
- (B) The following restrictions and requirements shall apply to all bed and breakfast operations.

- (1) The dwelling within which the bed and breakfast operation is located shall have a minimum of two (2) exits to the outdoors.
- (2) Any room utilized for guest sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants and an additional thirty (30) square feet for each additional occupant. Further, any room utilized for guest sleeping shall have an outside window for emergency egress which meets all size and other requirements contained in the Township Building Code, as amended from time to time.
- (3) No more than four (4) guests may occupy any sleeping room within the one-family dwelling utilized for the bed and breakfast operation.
- (4) Each sleeping room utilized for guest occupancy as part of the bed and breakfast operation shall have a separate operational smoke detector alarm which meets the requirements of the Township Building Code, as amended from time to time.
- (5) Lavatories and bathing facilities shall be available for all guests of the bed and breakfast operation.
- (6) No separate cooking facilities shall be provided for guests of the bed and breakfast operation.
- (7) One (1) off-street parking space shall be required for each room utilized for bed and breakfast operation guest sleeping. No on-street parking shall be permitted for bed and breakfast operation guests or for the regular occupants of the dwelling. Parking shall be provided in such a manner as to not alter the residential character of the neighborhood within which the dwelling is located, in such a manner that parked vehicles have no significant visual impact on the neighborhood and in such a manner that the dwelling is not obviously identified as housing persons beyond the normal permanent family residents.
- (8) The maximum stay for any guest of a bed and breakfast operation shall be thirty (30) days in any calendar year.
- (9) No more than thirty (30) percent of dwelling floor area shall be utilized for guest sleeping rooms.
- (10) One (1) identification sign is permitted for each bed and breakfast operation. The sign may not exceed twelve (12) square feet in area and shall not be illuminated by any light source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the total area of any one (1) side shall not exceed twelve (12) square feet.

Section 4.47 NON-GRANDFATHERED AND NON-CONFORMING USES.

Uses which were in existence when this Ordinance was adopted but which do not comply with this Ordinance and which were not legal when they began are not covered by Section 4.31. For purposes of this Section, these uses will be referred to as "non-conforming, non-grandfathered uses." Rather, these non-conforming, non-grandfathered uses shall be subject to this Section.

- (A) A non-conforming, non-grandfathered use may be continued if it is authorized as a special use in the particular Zoning District where it is located. Such a special use shall be subject to Chapter 32 as well as this Section; however, the special use requirements specified in Chapter 32 and the site plan requirements specified in Chapter 31 shall apply only to the extent deemed relevant by the Township Board. If no special use permit is granted for a non-conforming, non-grandfathered use, the use shall be considered illegal under this Ordinance.
- (B) No non-conforming, non-grandfathered use may be expanded beyond its scope as of the effective date of this Ordinance, even with a special use permit.
- (C) No non-conforming, non-grandfathered use may extend beyond 2020; that is the maximum duration for a special use permit subject to this Section. A shorter duration may be specified by the Township based upon a consideration of the standards in Section 32.5. No renewals are permitted for a special use permit issued for a non-conforming, non-grandfathered use.
- (D) As a condition of the special use permit, the applicant and the Township shall enter into a written agreement which is recorded with the Ottawa County Register of Deeds. The agreement shall obligate the applicant, at the conclusion of the special use permit duration, to clean-up the property which is subject to the special use, to the specifications contained in the agreement, or else the Township shall be authorized to perform or contract for the performance of the clean-up operation and to assess the costs of the clean-up against the property.
- (E) Any special use permit issued under this Section shall not be transferable from the original applicant. Any such transfer shall automatically terminate the special use permit.

Section 4.48 ADDITIONAL SETBACK REQUIREMENTS.

In the A-1, A-2, RR, R-1 and R-2 Zoning Districts, the minimum required yard (i.e., front yard, side yard or rear yard) directly abutting a limited access highway shall be doubled. "Limited access highway" shall mean a highway right-of-way to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway except at designated access points determined by the public authority with jurisdiction over the highway.

Section 4.49 OPEN SPACE PRESERVATION.

- (A) Purpose: The purpose of this Section is to adopt open space preservation provisions consistent with Section 506 of the Zoning Act which requires qualifying townships to permit lands satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50 percent, that could otherwise be developed, under existing regulations, on the entire land area.
- (B) Qualifying conditions: Land may be developed under the provisions of this Section only if each of the following conditions are satisfied:
- (1) The land shall be zoned in the A-1, RR, R-1, or R-2 Zoning Districts;
  - (2) The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre if the land is not served by a public sewer system, or three or fewer dwelling units per acre if the land is served by a public sanitary sewer system;
  - (3) The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension;
  - (4) At least 50 percent of the land proposed for development shall remain in a perpetually undeveloped state (i.e., "open space"); and
  - (5) The open space preservation option shall not have previously been exercised with respect to the same land.
- (C) Permitted uses: Only dwelling units and non-dwelling unit structures (as described in subsection [F][10] below) permitted by the zoning district in which the land is located shall be permitted on land developed pursuant to the provisions of this Section.
- (D) Application: The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Chapter 31 of this Ordinance, governing site Detailed Site Plans, except as otherwise provided in this Section. In addition to the application materials required by Section 31.7 of this Ordinance, an application for the development of land under the provisions of this Section shall include the following.
- (1) Parallel Plan Application Requirements: A Parallel Plan shall be prepared for the purpose of demonstrating the number of dwelling units that could otherwise be developed on the land under its existing zoning if the open space preservation option



were not exercised. The Parallel Plan may be conceptual in nature but shall include at least the following information:

- (a) Dates drawn and revised, north arrow and scale, which shall not be more than one inch equaling one-hundred feet (1" = 100'), and, in all cases, the scale shall be the same as that utilized for the Detailed Site Plan illustrating the proposed open space preservation development.
- (b) Location of street rights-of-way, driveways, and all easements.
- (c) Location of all lots, illustrating lot area and width to demonstrate compliance with the minimum requirements of the applicable zoning district.
- (d) Required building setback lines on all lots to demonstrate the availability of sufficient buildable land to make the lot usable.
- (e) Location of all utilities that would be necessary to serve a development under the Parallel Plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
- (f) If development under the Parallel Plan would require the use of septic tanks and drain fields, the Parallel Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Ottawa County Health Department.
- (g) The topography of the land, at five feet contours, including identifying the location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, slopes in excess of 25 percent, flood plains, or other features prohibiting development for residential purposes.
- (h) Any environmental areas or environmentally-sensitive areas on the land, specifically including without limitation all wetlands.
- (i) If development under the Parallel Plan would require the use of private wells, the Parallel Plan shall illustrate the location of all private wells. The applicant shall submit proof that the proposed private well location for each lot would be approved, or has been approved, by the Ottawa County Health Department.

- (2) Open Space Plan Application Requirements: The Detailed Site Plan for the open space preservation development shall include the following minimum information, in addition to that required by Section 31.7 of this Ordinance:
- (a) The portion(s) of the land proposed to remain in a perpetually undeveloped state and the portions of the land to be used for clustered development.
  - (b) The total number of acres of land proposed to remain in a perpetually undeveloped state, the total number of acres of land proposed to be used for clustered development, and the area contained within rights-of-way or easements for streets. The percentage of each, as compared to the total site acreage, shall be indicated.
  - (c) Lots and proposed building envelopes, showing the lot area, width, and yard setbacks for each lot. The number of lots on the Detailed Site Plan shall not exceed the number of lots that could otherwise be developed as shown on the Parallel Plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as provided in subsection (F)(10) below.
  - (d) Location and type of all proposed non-dwelling unit structures and improvements, including but not limited to all proposed public street rights of way and private road easements.
  - (e) Location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Ottawa County Health Department.
  - (f) Location of all private or community wells. The applicant shall submit proof that the proposed well locations for each lot has been approved by the Ottawa County Health Department.
- (3) A copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, used to perpetually preserve the open space in an undeveloped state, shall be included. Such legal instrument shall be reviewed by the township attorney, and shall be subject to the approval of the Township Board, consistent with the terms of this Section, prior to recording the legal instrument with the Ottawa County Register of Deeds. The legal instrument shall:
- (a) Indicate the permitted use(s) of the undeveloped open space.
  - (b) Require that the open space be perpetually preserved in an undeveloped state, without buildings, structures or other improvements, except such drainage

improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that may be approved by the Planning Commission.

- (c) Require that the open space be maintained by parties who have an ownership interest in the property.
  - (d) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.
  - (4) If the development is to be served by public streets, written proof shall be included that the Ottawa County Road Commission has approved the design, layout and construction of the proposed public streets.
  - (5) Written proof that the Ottawa County Drain Commission has approved the drainage plan for the open space preservation development as a whole, and the drainage plan for any particular building sites prior to the construction of any building or structure within the open space preservation development.
  - (6) If the open space preservation development is proposed as a platted subdivision or a site condominium development, the applicant must also submit all information required under the Township Subdivision Ordinance or this Ordinance, as applicable.
- (E) Review Procedure:
- (1) When reviewing an application submitted under the terms of this Section, the Planning Commission shall determine whether the Parallel Plan accurately reflects the number of dwelling units that could otherwise be developed on the land under its existing zoning. If the Planning Commission determines that the number of dwellings illustrated on the Parallel Plan exceeds the number of dwellings that could be permitted on the land if it were developed under its existing zoning, the applicant shall submit a revised Detailed Site Plan for the open space preservation development reflecting the permitted number of dwellings, as determined by the Planning Commission.
  - (2) If a Detailed Site Plan for an open space preservation development satisfies all applicable requirements of Section 31.7 of this Ordinance, all requirements of this Section, and all conditions of approval imposed by the Planning Commission pursuant to Section 31.13, the Planning Commission shall approve the Detailed Site Plan. The Planning Commission may require performance guarantees, in accordance with Section 31.14.
  - (3) If the open space preservation development is proposed as a platted subdivision or a site condominium development, the applicant shall demonstrate compliance with all

requirements of the Township Subdivision Ordinance or this Ordinance, as applicable, before the Planning Commission may approve the development.

(F) Development requirements:

(1) Required Open Space. At least 50 percent of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "open space"), as provided in subsection (D)(3) above. The following areas shall not be considered as open space:

- (a) All areas within all public street rights-of-way.
- (b) All areas within all private road easements.
- (c) Any easement for overhead utility lines, unless adjacent to open space.
- (d) The area within a platted lot or site condominium unit.
- (e) Off street parking areas.
- (f) Detention and retention ponds.
- (g) Community drain fields.
- (h) Areas devoted to water supply or sanitary sewer treatment systems.
- (i) Marinas.
- (j) Club houses and swimming pools.
- (k) Golf courses.
- (l) Any other building or structure, unless specifically approved by the Planning Commission pursuant to subsection (D)(3)(b) above.

(2) Standards for Open Space. The following standards shall apply to the open space required pursuant to this Section.

- (a) The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, natural area, agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
- (b) The open space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably usable by such residents for passive recreation such as hiking and picnicking. The open space may be, but is not required to be, dedicated to the use of the public.
- (c) Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided.
- (d) A portion of the open space shall be located along the perimeter street frontage abutting the land. The depth of this area shall be at least 50 feet, not

including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.

- (e) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
  - (f) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space about the body of water. The Planning Commission may also impose reasonable restrictions on access to and the use of riparian properties having common access rights.
- (3) Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, in its discretion, may permit structures or other improvements to be located in the open space if such improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use. However, club houses, swimming pools, golf courses, marinas, and similar recreational amenities shall not be permitted within the designated open space.
  - (4) Underlying Zoning District. The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback and lot area requirements that must be adjusted to allow the open space preservation option permitted by this Section.
  - (5) Uniform Lot Size. Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
  - (6) Building Envelopes. The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
  - (7) Required Frontage. Each lot shall have a minimum frontage, measured at the public street right of way or private road easement line, that is equal to or greater than the minimum lot width required by subsection 8 below. All dwelling lots shall be accessed from an interior street within the development and shall meet the minimum frontage requirement on such interior street.
  - (8) Lot Width. Each lot shall have a minimum width equal to no less than seventy percent (70%) of the minimum lot width specified for the zoning district in which the land is located.

- (9) Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of lots that could otherwise be developed, as determined from the Parallel Plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection (F)(10) below.
- (10) Non-Dwelling Unit Structures. Lots containing non-dwelling structures such as a clubhouse and its related amenities shall be subject to all requirements of this Section applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed.
- (11) Reduction in Lots for Non-Dwelling Structures. If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted to be developed shall be reduced as follows:
- (a) The area occupied by non-dwelling structures shall be divided by the average area of dwelling lots that could be situated in the clustered development if the non-dwelling structures were not included, based on the approved Parallel Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
  - (b) The number calculated under subsection (a) shall be subtracted from the number of dwelling lots that could be permitted in the clustered development, as determined from the approved Parallel Plan.
- (12) Perimeter Lots. Notwithstanding any other provision of this Section, the Planning Commission may require that the open space preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- (13) Grading. Grading within the development shall comply with the following requirements:
- (a) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and their shape. Retaining walls may be required.
  - (b) All areas indicated as open space on the approved Detailed Site Plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility

lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.

- (c) Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.
- (14) Private Roads. Private roads within an open space preservation development shall conform to the private road requirements of this Ordinance and the Township Private Drive Ordinance.
- (15) Other Laws. The development of land under this Section is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.
- (G) Amendments to an Approved Site Plan:
- (1) An approved open space preservation development plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change.
  - (2) Changes to an approved Detailed Site Plan shall be permitted only under the following circumstances:
    - (a) The holder of an approved plan shall notify the Zoning Administrator of any desired change.
    - (b) Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the open space development, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
      - (i) Landscaping approved in the Detailed Site Plan that is replaced by similar landscaping to an equal or greater extent;
      - (ii) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design;

- (iii) Changes required or requested by the Township, Ottawa County, or other State or Federal regulatory agency in order to conform to other laws or regulations;
  - (iv) Change of phases or sequence of phases if all phases have been approved.
  - (v) Changes which will preserve natural features of the land without changing the basic site layout.
  - (vi) Other similar changes of a minor nature may be approved by the Zoning Administrator upon conferring with the Chair of the Planning Commission. All minor changes approved by the Zoning Administrator shall be submitted in writing to the Planning Commission for informational purposes.
- (3) The Planning Commission may require performance guarantees for any public improvements associated with the open space preservation development, in accordance with Section 505 of the Zoning Act. Such arrangements shall be conditioned upon faithful compliance with all provisions and requirements of the approved open space preservation development plan, including any conditions thereto, and construction and placement of all improvements required thereby.

In its discretion, the Planning Commission may rebate or refund a proportionate share of the amount specified in the performance bond, letter of credit, or other written assurance, based upon the percent or portion of improvements completed, as verified by the Planning Commission.

(H) Time Limitation on Development:

- (1) Each development permitted pursuant to this Section shall be under construction within one year after the date of approval of the open space preservation plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant no more than one extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.
- (2) If the clustered development has not been commenced within the above-stated time period, or within any authorized extension, any building permits issued for the development or any part of it shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this Section in order to exercise the clustering option.



Section 4.50 ADDITIONAL PUBLIC HEARING NOTIFICATION REQUIREMENTS.

- (A) Generally: This Ordinance describes various times when a public hearing shall be held. Likewise, the Zoning Act describes various times when a public hearing shall be held. These public hearings may be held by the Township Board, the Planning Commission, or the Zoning Board of Appeals.
- (B) Minimum notice: Whenever a public hearing described in (A) above is to be held, the Zoning Administrator or the Zoning Administrator's designee shall give notice of the public hearing, in compliance with all of the notice requirements included in this Ordinance and in the Zoning Act.
- (C) Additional notice: The Township Board, the Planning Commission or the Zoning Board of Appeals may, by majority vote of a quorum at a properly noticed meeting, direct the Zoning Administrator or the Zoning Administrator's designee to give additional notice of any public hearing to be held under this Ordinance by the particular body making the request. Any additional notice given, beyond what is required by this Ordinance or the Zoning Act, shall only be given within the Township's geographical limits; outside the Township's geographical limits, notice given of a public hearing to be held by the Township Board, the Planning Commission, or the Zoning Board of Appeals shall comply with but not exceed the applicable notice requirements set forth in this Ordinance and in the Zoning Act.
- (D) Geographical limit: If additional notice is given of a public hearing held by the Township Board, the Planning Commission or the Zoning Board of Appeals under this Ordinance, the additional notice will be given by increasing the geographical limit from within 300 feet of the property in question up to within 1320 feet of the property in question.
- (E) Criteria for additional notice: If the Township Board, the Planning Commission or the Zoning Board of Appeals decides to increase the notice given of a public hearing held by any of them under this Ordinance, the Township Board, the Planning Commission or the Zoning Board of Appeals shall make that decision on the basis of certain criteria. The criteria are as follows:
  - (1) The size of the property at issue in the public hearing;
  - (2) The population density of the area surrounding the property at issue in the public hearing;
  - (3) The size of the parcels in the area surrounding the property at issue in the public hearing; and
  - (4) If the public hearing is held in conjunction with a Zoning Map amendment, the degree of the amendment requested (e.g., whether the amendment would be to a

Zoning District immediately before or immediately after the current Zoning District as listed in Section 5.1 of this Ordinance, such as from the B-1 Zoning District to the B-2 Zoning District or the R-2 Zoning District; or whether the amendment would be to a Zoning District not immediately before or immediately after the current Zoning District as listed in Section 5.1 of this Ordinance, such as from the B-1 Zoning District to the I-1 Zoning District or the R-1 Zoning District.

Section 4.51 WIND ENERGY TURBINES (WETs).

- (A) Purpose: The purpose of this Section is to establish guidelines for siting wind energy turbines (WETs). The goals are as follows:
- (1) To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity;
  - (2) To preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET; and
  - (3) To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.
- (B) Applicability: This Section shall apply to the following:
- (1) This Section applies to all WETs proposed to be constructed after the effective date of this Section.
  - (2) A small structure-mounted wind energy turbine (SSMWET) and a small tower-mounted wind energy turbine (STMWET) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless appropriate Township permits have been issued to the WET owner(s) or operator(s).
  - (3) All WETs constructed prior to the effective date of this Section shall not be required to meet the requirements of this Section; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require a permit under this Ordinance, in compliance with the standards of this Section.
- (C) Siting and Design: All SSMWETs and STMWETs must be sited and designed in accordance with the following:
- (1) Visual Appearance:
    - (a) A SSMWET or STMWET, including accessory buildings and related structures shall be a solid, non-reflective, non-obtrusive color (e.g. white,

gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.

- (b) A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for reasonable safety and security.
- (c) A SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.

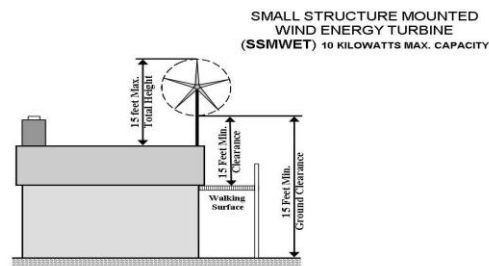
(2) **Ground Clearance:** The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty [30] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as decks, balconies or roof gardens, that are located directly below the SSMWET or STMWET.

(3) **Noise:** Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the maximum permissible sound levels outlined in Section 4.30 of this Ordinance.

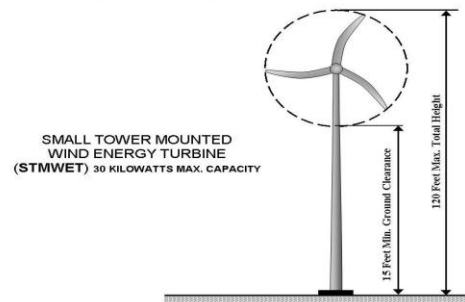
(4) **Vibration:** Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.

(5) **Guy Wires:** Guy wires shall not be permitted as part of the SSMWET or STMWET.

(6) **Height:** The total height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances. The total height of a STMWET shall not exceed one hundred twenty (120) feet.



(7) **Setback:** The setback for a SSMWET shall be the minimum required by the applicable zoning district, but not less than fifteen (15) feet from the lot line, street or private road, or overhead utility lines. The setback shall be measured from the furthest outward extension of all moving parts.



The setback for a STMWET shall be at least one hundred fifty (150) feet from any front lot line, and shall be setback a distance equal to or greater than the total height of the STMWET, as measured from the base of the tower, from all other lot lines, streets or private roads, public easements, or overhead public utility lines

- (8) Separation: If more than one (1) SSMWET is installed on a lot, a distance equal to the total height of the highest SSMWET must be maintained between the base of each SSMWET.
- (9) Location: The SSMWET shall not be affixed to the wall on the side of a structure facing a street or private road. A STMWET may only be located in a rear yard of a lot that has an occupied building. A STMWET may be located in a side yard or front yard of a lot has an occupied building, provided that it is set back at least one hundred fifty (150) feet from the front lot line, as measured from the base of the tower.
- (10) Quantity: No more than three (3) SSMWETs shall be installed on any lot of residentially zoned or used property. The Township Board may allow more SSMWETs on agriculturally, commercially or industrially zoned properties if appropriate. No more than one (1) STMWET shall be installed on any residentially zoned or used property. The Township Board may allow more STMWETs on agriculturally, commercially or industrially zoned or used properties if appropriate. The Township Board shall consider the size of the lot, the use of the lot, the location of the proposed WETS, the use of and impact upon adjoining lots, and other relevant factors in determining if additional WETs are appropriate. No more than three (3) SSMWETs, **or** one (1) STMWET shall be allowed on any single lot of residentially zoned or used property, unless specifically approved by the Township Board.
- (11) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each lot at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the WET to the tower wiring are exempt from this requirement.
- (12) Anemometers: If an anemometer is to be installed prior to, or in conjunction with a SSMWET or STMWET, it must be done so in accordance with the following provisions:
  - (a) The construction, installation, or modification of an anemometer tower shall require a zoning permit and applicable building, electrical or mechanical permits and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.

- (b) An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety, and decommissioning of this Ordinance that correspond to the size of the SSMWET or STMWET that is proposed to be constructed on the site.
  
- (D) Application requirements: In addition to the standard information required on a zoning permit application form, applications for SSMWETs and STMWETs shall also include the following information/ documentation:
  - (1) A site plan (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET(s), lot lines, physical dimensions of the lot, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, streets and private roads, and contours. The site plan must also include adjoining lots as well as the location and use of all structures.
  - (2) The proposed number, type, and total height of SSMWET(s) or STMWET(s) to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
  - (3) Documented compliance with the noise requirements set forth in this Ordinance.
  - (4) Documented compliance with applicable Township, county, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  - (5) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
  - (6) For STMWET applications, a description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.
  - (7) Verification that the SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
  - (8) Other relevant information as may be reasonably requested by the Township.
  
- (E) Safety Requirements: All SSMWETs and STMWETs must be designed to meet the following safety requirements:

- (1) If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
  - (2) The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
  - (3) A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.
  - (4) The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22, "Wind Turbine Certification," and IEC 61400-23, "Blade Structural Testing," or any similar successor standards.
  - (5) Each STMWET shall be equipped with an appropriate anti-climbing device; provided however that the Township Board may waive that requirement, as it deems appropriate.
- (F) Decommissioning: Any SSMWET or STMWET that is to be decommissioned shall be done so in accordance with the following requirements:
- (1) The WET owner(s) or operator(s) shall complete decommissioning within six (6) months after the end of the useful life. Upon request of the WET owner(s) or WET operator(s) of the SSMWET or STMWET, and for a good cause, the Township Supervisor, or the Township Supervisor's designee, may grant a reasonable extension of time. The SSMWET or STMWET will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of six (6) months. All decommissioning expenses are the responsibility of the WET owner(s) or operator(s).
  - (2) If the WET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the Township Board may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the lot. If the SSMWET or STMWET is not owned by the lot owner(s), a bond, security deposit or bank letter of credit must be provided to the Township for the cost of decommissioning each SSMWET or STMWET.

- (3) In addition to the decommissioning requirements listed previously, the STMWET shall also be subject to the following:
  - (a) Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
  - (b) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the WET owner(s) or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

Section 4.52 MEDIUM WIND ENERGY TURBINES (MWETS).

- (A) In addition to the materials required for all special use permits, applications for MWETs shall include the following information/documentation.
  - (1) General Information: In addition to the detailed information required on the site plan, the following general information shall be included in the application materials:
    - (a) The contact information for the WET owner(s) and WET operator(s) of the MWET as well as contact information for all lot owners on which the MWET is located.
    - (b) A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET. A statement from the landowner(s) of the leased site that the landowner(s) will abide by all applicable terms and conditions of the use permit, if approved.
    - (c) In the case of a condominium development, a copy of the condominium development's master deed and bylaws addressing the legal arrangement for the MWET.
    - (d) The proposed number, representative types and height of each MWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
    - (e) Documents shall be submitted by the developer/manufacturer confirming specifications for MWET tower separation.
    - (f) Engineering data concerning construction of the MWET and its base or foundation, which may include, but not be limited to, soil boring data.

- (g) Anticipated construction schedule.
- (h) A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET to conduct maintenance, if applicable.
- (i) Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
- (j) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- (k) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the special use permit.
- (l) A written description of the anticipated life of each MWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) become inoperative or non-functional.
- (m) The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
- (n) The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- (o) The Township must be notified of a change in ownership of an MWET or a change in ownership of the lot on which the MWET is located.
- (p) The Township reserves the right to inspect any MWET in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the WET owner/operator.



- (2) Vibration: Verification that the MWET will not produce vibrations humanly perceptible beyond the lot on which it is located.
- (3) Shadow Flicker: The WET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET and at the buildable area of any vacant adjacent lot with direct line-of-sight to the MWET that could accommodate an occupied building. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the shadow flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than thirty (30) hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed thirty (30) hours per year.
- (4) Guy Wires: Guy wires shall not be permitted as part of the MWET.
- (5) Noise: Verification that the noise emanating from the operation of an MWET will not exceed, at any time, the maximum permissible sound levels outlined in Section 4.30 of this Ordinance.
- (6) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET shall be buried underground at a depth in accordance with the applicable electrical code. Wires necessary to connect the WET to the tower wiring are exempt from this requirement.
- (7) Signal Interference: Verification that the MWET will not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
- (8) Anemometers: If an anemometer is installed prior to, or in conjunction with an MWET, it must be done so in accordance with the following provisions:
  - (a) The construction, installation, or modification of an anemometer tower shall require a zoning permit and applicable building, electrical or mechanical permits and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  - (b) An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety, and decommissioning of this Ordinance that correspond to the size of the MWET that is proposed to be constructed on the site.
- (9) Other Information: Additional details and information as required by the special use

requirements of the Ordinance, or as requested by the Planning Commission or the Township Board.

- (B) All MWETs must be sited and designed in accordance with the following.
- (1) Design: The design of an MWET shall conform to all applicable industry standards, specifically including without limit the design standards set forth in subsection (C)(6) below.
  - (2) Visual Appearance:
    - (a) Each MWET, including accessory buildings and other related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the MWET.
    - (b) No MWET may be artificially lighted, except to the extent required by the FAA or other applicable authority, or unless otherwise approved by the Township Board.
  - (3) Use for Display Purposes: No MWET shall be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or WET operator(s).
  - (4) Location: If an MWET is located on a lot with an occupied building, it shall only be located in the rear yard in accordance with this subsection. However, an MWET may be located in a side yard or front yard of a lot that has an occupied building only if it is set back at least one hundred fifty (150) feet from the front lot line, as measured from the base of the tower. The MWET shall only be located in a general common element in a condominium development, or open space in a planned unit development.
  - (5) Setback and Separation:
    - (a) Occupied Building Setback: The setback from all occupied buildings on the applicant's lot shall be a minimum of the total height of the MWET.
    - (b) Property Line Setbacks: With the exception of the locations of streets or private roads (see below), drain rights-of-way and parcels with occupied buildings (see above), the internal lot line setbacks shall be equal to the total height of the MWET as measured from the base of the tower.
    - (c) Street or Private Road Setbacks: Each MWET shall be set back from the nearest street or private road a distance equal to the total height of the

MWET.

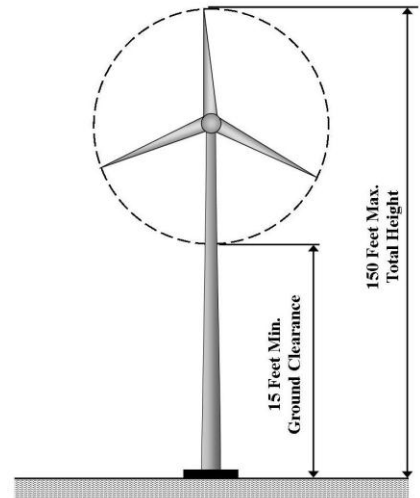
- (d) Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the total height of the MWET, as measured from the base of the tower, determined from the existing power line or telephone line.
- (e) Tower Separation: MWET tower separation shall be based on industry standard and manufacturer recommendation.

(6) Height: The total height of an MWET shall not exceed one hundred fifty (150) feet.

(7) Ground Clearance: The lowest extension of any blade or other exposed moving component of an MWET shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty [50] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as decks, balconies or roof gardens, that are located directly below the MWET.

(8) Quantity: No more than one (1) MWET shall be installed for every two and one-half (2.5) acres of land included in the lot. The Township Board may allow more MWETS in a condominium development or planned unit development if appropriate. The Township Board shall consider the size of the lot, the size of the condominium development or planned unit development, the use of the lot, the location of the proposed MWETS, the use of and impact upon adjoining lots, and other relevant factors in determining if additional WETs are appropriate.

**MEDIUM WIND ENERGY TURBINE (MWET) 250 KILOWATTS MAX. CAPACITY**



(C) All MWETs must be designed to meet the following safety requirements:

- (1) Net-Metering: If the MWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
- (2) Automatic Braking System: The MWET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive

pressure on the tower, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

- (3) **Prevention of Unauthorized Access:** Security measures must be in place to prevent unauthorized trespass and access. Each MWET shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Township Board may waive such requirements, as it deems appropriate. All access doors to MWETs and electrical equipment shall be locked as appropriate, to prevent entry by non-authorized persons.
  - (4) **Removal of Hazardous Materials:** All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
  - (5) **Signage:** Each MWET shall have one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
    - (a) Warning High Voltage;
    - (b) Manufacturer's and WET owner/operator's name;
    - (c) Emergency contact numbers (list more than one [1] number).
  - (6) **Structural Integrity:** The structural integrity of the MWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22, "Wind Turbine Certification," and IEC 61400-23, "Blade Structural Testing," or any similar successor standards.
- (D) Any MWET that is to be decommissioned shall be done so in accordance with the following requirements:
- (1) Any WET owner(s) or operator(s) shall complete decommissioning within six (6) months after the end of the useful life. Upon request of the WET owner(s) or operator(s), and for a good cause, the Township Supervisor, or the Township Supervisor's designee, may grant a reasonable extension of time. Each MWET will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of six (6) months; the end of its useful life may also be established by other facts and circumstances determined by the Township Supervisor or the Township Supervisor's designee. All decommissioning expenses are the responsibility of the WET owner(s) or operator(s).
  - (2) Decommissioning shall include the removal of each MWET, buildings, electrical components, and private roads to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty

(60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining WET foundation shall be identified on a map as such and recorded with the deed to the lot with the County Register of Deeds.

- (3) All private roads of access to the MWET shall be removed, cleared, and graded by the WET owner(s), unless the property owner(s) requests, in writing, a desire to maintain the private road.
- (4) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the WET owner(s) or the assigns of the WET owner(s). If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.
- (5) If the WET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the Township may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the lot. If the MWET is not owned by the lot owner(s), a bond, security deposit, or bank letter of credit must be provided to the Township for the cost of decommissioning each MWET.

Section 4.53 LANDSCAPING REQUIREMENTS FOR THE LSOD AND THE LMDCOD.

(A) General Requirements.

(1) Materials.

- (a) All plant materials shall be hardy, free of disease and insects, and indigenous to Ottawa County.
- (b) Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, lava rock, or similar accent materials within planting beds.

(2) Number.

- (a) No substitution of plant species or sizes shall be allowed unless approved by the Zoning Administrator in writing.
- (b) Existing plant material that complies with the standards and intent of this Section may be credited toward meeting the landscape requirements.
- (c) The overall landscape plan shall not contain more than thirty-three (33) percent of any one (1) plant species.

- (3) Placement, Installation, and Maintenance.
- (a) Setback. Plant material shall not be placed closer than four (4) feet to any fence or lot line.
  - (b) Placement. Where trees are placed in two (2) or more rows, planting shall be staggered in rows for a more natural appearance.
  - (c) Utilities. All plant material shall be planted in a manner that will not cause damage to utility lines (above and below ground) or streets.
  - (d) Drainage. All plant material shall be installed in a manner that does not alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
  - (e) Maintenance. All landscaping shall be maintained after planting and regularly watered, fertilized, pruned, and kept free from disease. The owner or controlling party shall be responsible for maintenance.
  - (f) Replacement. Diseased or dead plants, trees, or shrubs shall be replaced within one (1) growing season.
  - (g) Groundcover. All landscaped areas shall be mulched and those not containing trees and shrubs shall be planted with ground cover. Mulch, of any type, is not considered groundcover, nor is it a substitute for ground cover. However, mulch (including shredded bark, wood chips, lava rock, decorative stone, and similar generally accepted landscape accent materials) may be used around planting beds.
  - (h) Berms. Berms shall be designed to vary in height and shape to create a more natural flowing appearance. The maximum slope for a berm shall be one (1) foot vertical to three (3) feet horizontal.

(B) Landscape Plans. Landscape plans shall include the following.

- (1) Landscape plans shall be prepared and sealed by a registered landscape architect.
- (2) Proposed landscaping shall be shown on a separate drawing at the same scale as the required site plan. To ensure that landscaping is not affected by and does not interfere with utilities, the plans shall indicate all existing or proposed utilities and easements.
- (3) Planting plans shall show all landscaped areas and plants listed in a table by common and scientific name including quantities, size at planting, and anticipated mature

height and spread. Anticipated mature height and spread shall be shown on the plan with circles indicating anticipated plant size at maturity.

- (4) Text shall accompany the landscape plan, providing calculations for the proposed landscaping and describing how the plan complies with the regulations of this Section.
  - (5) Existing natural and man-made landscape features and proposed buildings and structures, as required for the site plan, shall be clearly indicated.
  - (6) Landscape plans shall show all existing trees (four [4] inch caliper or greater) located in portions of the site that will be built upon or otherwise altered. Trees shall be labeled “To Be Removed” or “To Be Saved” on the site plan.
  - (7) Measures to protect existing trees to be saved shall be noted on the plans.
- (C) Plan Modifications. The Township may modify the requirements of this Section under any of the following circumstances.
- (1) Existing vegetation, topographic, or built features make compliance with requirements unnecessary or difficult to achieve.
  - (2) The application of requirements will result in a significant loss of existing vegetation, or natural or cultural features.
  - (3) Modification of requirements will clearly result in a superior design that could not be otherwise achieved.
- (D) Bonding. The developer shall be required to post a financial guarantee in accordance with Section 31.14 with the Zoning Administrator to ensure that any trees or other landscaping plantings that die within two (2) years of planting shall be replaced.
- (E) Buffering.
- (1) General Requirements.
    - (a) A landscape buffer area is required for the LSOD and the LMDCOD per the following table.
    - (b) A buffer area is not required if the qualifying adjacent Zoning Districts are separated by a street.
    - (c) The buffer area shall run parallel to the applicable lot line and plantings shall fall within the required buffer area width.

- (d) A buffer area shall be required even when the adjacent property is undeveloped.
  - (e) Buildings, structures, and parking lots may not encroach into the buffer area. Driveways may travel across required buffer areas.
  - (f) Stormwater management measures, such as areas for infiltration or retention, may be located in the buffer area, provided, the planting requirements of this Section can still be met.
- (2) Buffer Requirements. Buffer area types applicable to the following Zoning Districts are indicated in the following table.

Buffer Area Landscape Requirements			
District	Adjacent District	Min. Width (Feet)	Min. Landscaping Requirements Per 50 Linear Feet
LMDCOD- Highway Commercial, LSOD	A-1, A-2, RR, R-1, R-2, PUD, E-1	10	<ul style="list-style-type: none"> <li>■ 1 canopy tree or 1 evergreen tree</li> <li>■ 1 ornamental tree or 12 shrubs</li> </ul>
LMDCOD- Community Commercial	A-1, A-2, RR, R-1, R-2, PUD, E-1	10	<ul style="list-style-type: none"> <li>■ 1 canopy tree</li> <li>■ 1 evergreen tree or 1 ornamental tree</li> <li>■ 8 shrubs</li> </ul>
LMDCOD- Industrial	A-1, A-2, RR, R-1, R-2, PUD, E-1, LMDCOD Highway Commercial, LMDCOD Community Commercial	25	<ul style="list-style-type: none"> <li>■ 2 canopy trees</li> <li>■ 1 evergreen tree or 1 ornamental tree</li> <li>■ 12 shrubs</li> </ul>

- (3) Buffer Alternatives.
- (a) Plants may be arranged formally or informally for a more natural effect.
  - (b) Berms may be constructed in a buffer area to supplement landscaping. Minimum landscaping requirements shall be reduced by fifty (50) percent where a berm at least three (3) feet in height is constructed for at least eighty-five (85) percent of the length of the buffer area. Minimum buffer width must shall be maintained.



- (c) A privacy fence maybe be used to supplement landscaping. For the linear footage a privacy fence is used, the minimum landscaping requirement shall be reduced by seventy-five (75) percent. Minimum buffer width must shall be maintained. To qualify for the reduction, privacy fences must meet the following requirements:
  - (i) Six (6) feet minimum height;
  - (ii) Placed at least five (5) feet from the lot line; and
  - (iii) Gaps between pickets must be no greater than one-half (1/2) inch.
- (d) Where the distance between the building, parking area, or use is more than two hundred (200) feet from a side or rear lot line, the minimum landscaping requirement along that lot line may be reduced by fifty (50) percent.

(F) Front Yard Landscaping.

- (1) Applicability. For all uses within commercial and industrial Zoning Districts and all non-residential and non-agricultural uses in the agricultural and residential Zoning Districts, general front yard landscaping is required.
- (2) Requirements. For every one hundred (100) linear feet of street frontage, or fraction of one hundred (100) feet, the following minimum landscaping shall be provided in the front yard, in addition to any other requirement in this Section.
  - (a) Any combination of five (5) canopy, evergreen, or ornamental trees shall be provided. At least one (1) must be a canopy tree and at least one (1) must be an evergreen tree.
  - (b) Six (6) shrubs shall be provided.
- (3) Placement. Landscaping may be placed anywhere within the front yard, between the principal structure and the front lot line.
- (4) Spacing. The required landscaping may be spaced along the frontage according to the number of plants required based on the linear frontage; or it may be planted in informal groupings, provided that the plants are distributed along the frontage so that there are no gaps greater than fifty (50) feet, relative to the front lot line, between canopy or evergreen trees.

(G) Parking Lot Landscaping.

- (1) Applicability. Parking lots with more than ten (10) spaces shall be landscaped to provide shade and to break up the visual appearance of large paved areas.
- (2) Requirements. Parking lot landscaping and design shall meet the following minimum requirements.
  - (a) One (1) tree for every ten (10) parking spaces shall be planted within the parking lot. Trees shall be canopy species. While drought tolerant native species are preferred, other species may be planted within parking areas if approved by the Township.
  - (b) Parking lots shall contain landscape islands or peninsulas. Each shall be a minimum of ten (10) feet wide, although islands may be combined to ensure a better environment for tree and plant growth. Each island shall be planted with a minimum of two (2) trees to provide shade and to break up the visual monotony of large paved parking lots. Each peninsula shall be planted with a minimum of one (1) tree. Trees shall be planted at least three (3) feet from the edge to avoid contact with vehicles.
  - (c) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct sight distance within the parking area and at driveway entrances.
  - (d) All landscape areas shall be protected by raised curbs, parking blocks, or other similar methods to prevent damage. However, alternative low impact design solutions shall be encouraged, such as areas for stormwater infiltration.

#### Section 4.54 SCREENING.

- (A) Outdoor Trash Storage.
  - (1) All trash storage areas shall be visually screened from streets by means of a fence constructed of wood, comparable wood substitute, or masonry that is a minimum of four (4) feet in height for garbage cans and six (6) feet in height for dumpsters.
  - (2) A screen shall consist of berms or landscaping, either in combination with or as a substitute for a fence or wall. Any alternate design is subject to Township approval that it either provide the same or enhanced screening as required by this Section.
- (B) Off-Street Parking. Except for entrance/exit areas, all off-street parking areas will be screened from view from adjacent streets.
  - (1) Parking areas shall be screened from view along the front lot line and any residential property line by a continuous two and one-half (2-1/2) to three (3) foot tall screen.

- (2) The screen shall consist of landscaping, berms, a screen wall, or any combination of these elements.

Section 4.55 ACCESS MANAGEMENT FOR THE LSOD AND LMDCOD.

- (A) Intent. This Section regulates the number and spacing of access points in the LSOD or the LMDCOD. The objectives of this Section are to improve traffic operations; reduce potential for crashes; improve pedestrian travel; preserve the vehicular carrying capacity of streets; implement the standards of the Michigan Department of Transportation Access Management Guidebook, applicable model codes, the M-45 Access Management Plan, and the Transportation Research Board Access Management Manual; and ensure reasonable but not necessarily the most direct access to properties.
- (B) Jurisdiction. The standards of this Section apply to areas which are under Township jurisdiction through its approval process for land divisions, site plan review, and special uses. The standards within this Section may be more restrictive than the standards of the Michigan Department of Transportation or the Ottawa County Road Commission, which have jurisdiction over streets and review and approve access design. The Township has developed the standards of the Section to complement the standards of the Michigan Department of Transportation and the Ottawa County Road Commission for streets. Where any conflicts arise, the more stringent standard shall apply. This Section sets forth procedures to help ensure a consistent review and approval process.
- (C) Applicability. For all land within the LSOD or the LMDCOD, the following applications must comply with the standards in this Section.
  - (1) Land division, subdivision, and site condominium applications; and
  - (2) Site plan review applications.
- (D) Standards. Unless otherwise noted, spacing and offsets shall be measured from centerline to centerline.
  - (1) Number of Driveways. Adequate ingress and egress to all off-street parking, stacking, and loading spaces shall be provided by means of the fewest access points necessary. Access points shall be limited to one (1), unless it can be shown that the property will generate sufficient traffic volumes to require two (2) points of access or that additional access points are necessary for safe operations internal to the property. Should an additional access point be needed, joint access shall be sought with adjacent property owners.

(2) Driveway Location in General. Access drives shall be located to interfere as little as possible with the use of adjacent properties and the flow of traffic on adjacent streets, to avoid undue interference with pedestrian access, and to provide the required site distance and the most favorable driveway grade.

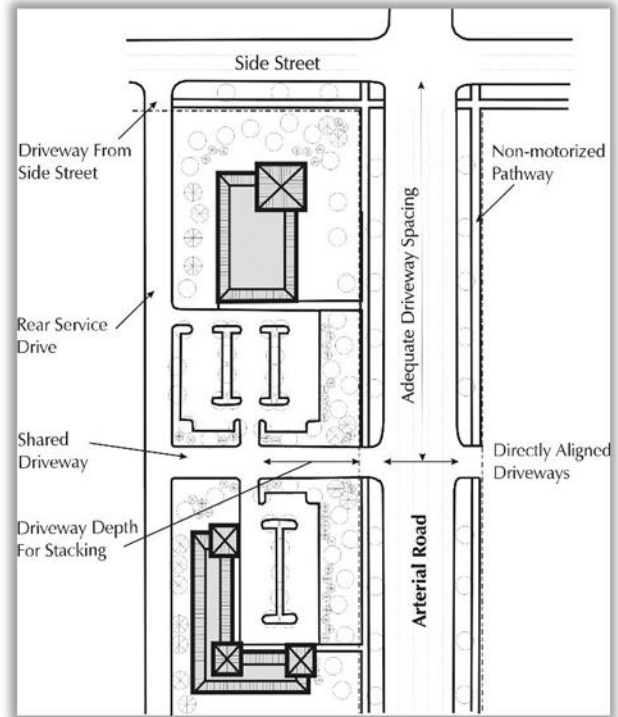
(a) Access drives on corner lots shall be located as far from the street intersection as practicable.

(b) Driveways shall be prohibited on M-45 and Lincoln Street where access from other streets is available.

(c) Details must be provided to confirm adequate sight distance per Ottawa County Road Commission standards.

(3) Driveway Spacing Standards.

(a) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but shall not be less than the distances listed below, unless otherwise approved by the Ottawa County Road Commission or, if located on M-45, the Michigan Department of Transportation. For curbed sections, spacing and offsets shall be measured from centerline to centerline. For uncurbed sections, the following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge.



Minimum Commercial Driveway Spacing From Street Intersections		
Location of Driveway	Minimum Spacing for a Full Movement Driveway (Feet)	Minimum Spacing for a Channelized Driveway Restricting Left Turns (Feet)
Along M-45, Lincoln Street, 120 <sup>th</sup> Avenue, and 124 <sup>th</sup> Avenue	250	125

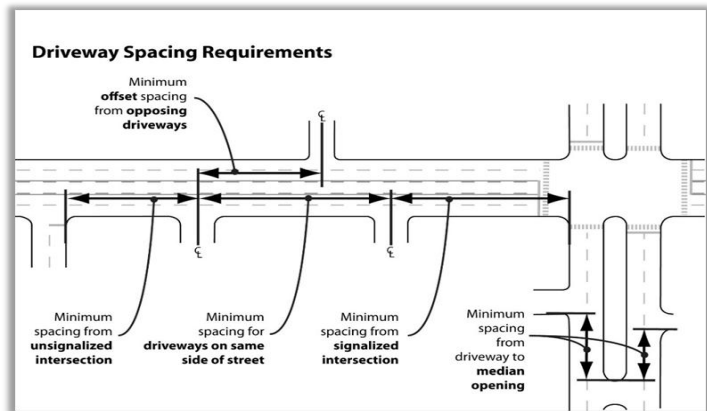
Minimum Commercial Driveway Spacing From Street Intersections		
Location of Driveway	Minimum Spacing for a Full Movement Driveway (Feet)	Minimum Spacing for a Channelized Driveway Restricting Left Turns (Feet)
Along other Streets	75	50

- (b) Minimum spacing between two (2) commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated below is measured from centerline to centerline.

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
45	300
50 and higher	330

- (c) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the street where possible. If alignment is not possible, driveways shall be offset a minimum of two hundred fifty (250) feet along arterial streets (State trunk lines or County primary roads) and one hundred fifty (150) feet along collector and local streets (County local roads and subdivision streets) from those on the opposite side of the street. These standards may be reduced by the Township if approved by the Michigan Department of Transportation or the Ottawa County Road Commission, as appropriate.

Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.



- (d) In the case of expansion, alteration, or redesign of an existing development where pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the Township may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured centerline to centerline.

- (4) Consideration of Adjacent Sites. Access shall be located to ensure the adjacent site(s) can also meet the access location standards.
- (5) (a) Shared Driveways. Where noted above, or where the Township determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two (2) or more properties or uses may be required. In particular, service drives may be required where recommended in the M-231 Sub-Area Plan; near existing traffic signals or near locations having potential for future signalization; along major arterial streets with high traffic volumes; and along segments with a relatively high number of accidents or limited sight distance.
- (b) Shared commercial driveways and service roads shall be within an access easement recorded with the Ottawa County Register of Deeds. A draft of the access easement shall be provided to the Township for review prior to filing. The number of accesses along a service road shall be according to the standards of this Section. The Township may allow temporary access where the service road is not completed if a performance bond or other financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. A Zoning Certificate of Compliance shall not be issued until the financial guarantee has been submitted to and approved by the Township.
- (6) Access Design. Where practical given right-of-way constraints, driveways shall be designed with radii, tapers and other geometrics as determined by the Ottawa County Road Commission or the Michigan Department of Transportation, to minimize the impacts of inbound right turns on traffic flow.
- (E) Administration. Applications subject to review shall be processed according to the following.
  - (1) Submittal Information. Along with any other information required in Section 31.7, applicants for developments subject to review according to this Section shall submit the following.
    - (a) The applicant shall submit dedicated road or service drive locations; proposed locations of driveways and shared access easements where applicable, access drives, and street intersections; driveway locations on the same side and the opposite side of the street, within one hundred fifty (150) feet of the development site; dimensioned fire lanes, including curve radii; and any information requested by the Township necessary to review site access.

- (b) If the applicant requests a modification, the Township may require submittal of a transportation impact report, prepared by a qualified traffic engineer, to verify the need for additional driveways or to justify a modification from the standards of this Section. The traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested Zoning District. The determination of representative uses shall be made by the Township.
  - (c) The applicant shall submit evidence that the Ottawa County Engineer or, if located on M-45, Michigan Department of Transportation staff, has been sent a copy of the proposed plan for review and approval.
- (2) Allowed Modifications. The Township may modify the standards of this Section, but only upon receiving input and approval from the Ottawa County Road Commission or, if located on M-45, the Michigan Department of Transportation. Modifications shall only be approved in the following situations.
- (a) The modification will allow an existing driveway to remain that does not meet the standards of this Section but that has, or is expected to have, very low traffic volumes (less than fifty [50] in-bound and out-bound trips per day) and is not expected to significantly affect traffic operations.
  - (b) The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
  - (c) Practical difficulties exist on the site that make compliance unreasonable (e.g., sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.
  - (d) Restricted turning movements will be further restricted by driveway design so that the driveway is not expected to significantly affect traffic flow.

Section 4.56 BICYCLE AND PEDESTRIAN ACCOMMODATIONS.

- (A) Sidewalks shall be provided along portions of sites that have frontage on a street or private road for safe pedestrian movement and to enhance the pedestrian accessibility of the site. Sidewalks shall be designed to Ottawa County Road Commission standards. In cases where a sidewalk, or a portion of a sidewalk, is outside of the street, a public easement for sidewalk purposes shall be provided to the Township. Sidewalks shall be installed in conjunction with the development of the site unless arrangements are approved by the Township to install the sidewalks at a subsequent date.

- (B) The Township shall have the authority to require that a non-motorized pathway be provided for the site in lieu of the required sidewalk if the site abuts a street for which a non-motorized pathway has been commenced or is recommended in any future Township plan. The pathway shall be installed in conjunction with the development of the site unless arrangements are approved by the Township to install the pathway at a subsequent date. Pathways shall be a minimum of ten (10) feet in width and constructed in accordance with all other standards established by the Township. The Township may require a wider path if necessary to meet anticipated usage, to comply with non-Township funding requirements, or to align in width with existing or planned pathways on adjacent or nearby properties. In cases where a pathway, or a portion of a pathway, must be located outside of the street, a public easement for pathway purposes shall be provided to the Township.



## **CHAPTER 4A**

### **SEXUALLY ORIENTED BUSINESSES**

#### Section 4A.1 PURPOSE.

The purpose and intent of this Chapter is to minimize the negative secondary effects associated with Sexually Oriented Businesses through regulating, but not excluding, the location and operation of Sexually Oriented Businesses within the Township. It is recognized that Sexually Oriented Businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private land uses. The regulation of Sexually Oriented Businesses is necessary to ensure that their negative secondary effects will not adversely impact the health, safety and general welfare of Township residents, nor contribute to the blighting or downgrading of surrounding areas. The provisions of this Chapter are not intended: (a) to violate the guarantees of the First Amendment to the United States Constitution or Article I, Section 5 of the Michigan Constitution of 1963; (b) to deny adults access to Sexually Oriented Businesses and their products; (c) to deny Sexually Oriented Businesses access to their intended market; or (d) to legitimize activities which are prohibited by Township ordinance or by State or Federal law. The Township further states that it would have passed and adopted what might remain of this Chapter following the removal, reduction or revision of any portion of this Chapter found to be invalid or unconstitutional.

#### Section 4A.2 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Chapter only, unless otherwise specifically stated.

- (A) **ADULT ARCADE.** A commercial establishment that offers coin-operated (or operation by any other form of consideration) electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of Specified Anatomical Areas or Specified Sexual Activities.
- (B) **ADULT BOOKSTORE OR ADULT VIDEO STORE.** A commercial establishment that has as a substantial or significant portion of its stock in trade, and as one of its principal business purposes offers for sale or rental for any form of consideration, any one or more of the items set forth in subsections (1) or (2). A commercial establishment may have other principal business purposes that do not involve offering for sale or rental the material identified in subsections (1) and (2), and still be categorized as an Adult Bookstore or Adult Video Store.
  - (1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or any other visual

representations or media which depict or describe Specified Anatomical Areas or Specified Sexual Activities; or

- (2) Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
- (C) **ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
- (1) Persons who appear in a State of Nudity;
  - (2) Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - (3) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities; or
  - (4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- (D) **ADULT ENTERTAINMENT BOOKING AGENCY.** A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- (E) **ADULT MOTEL.** A hotel, motel or similar commercial establishment that does any of the following:
- (1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities and has a sign visible from the public right-of-way that advertises the availability of any of the above;
  - (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

- (F) **ADULT MOTION PICTURE THEATER.** A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities.
- (G) **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a State of Nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- (H) **DATING SERVICE.** A business engaged in for financial remuneration, either directly or indirectly, where arrangements are made to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the Dating Service.
- (I) **ESCORT.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (J) **ESCORT AGENCY.** A person or business who furnishes, offers to furnish, or advertises the furnishing of escorts for a fee, tip, or other consideration.
- (K) **MASSAGE.** The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids, for non-therapeutic purposes. The systematic and scientific manipulation of the soft tissues of the human body by a health care professional for therapeutic and/or rehabilitative purposes shall be considered a therapeutic massage and not restricted by this Chapter.
- (L) **MASSAGE PARLOR.** Any commercial establishment where non-therapeutic massage is made available for any form of consideration.
- (M) **MASSAGE SCHOOL.** Any place, establishment or facility which provides instruction in the theory, method and practice of non-therapeutic massage.
- (N) **NUDE MODEL STUDIO.** Any place where a person who displays Specified Anatomical Areas is provided in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but not including:
- (1) An educational institution funded, chartered, licensed or recognized by the State of Michigan; or
  - (2) A private artist's studio where the private artist employs or contracts with the model to be observed and depicted solely by the private artist.

- (O) **NUDITY OR A STATE OF NUDITY.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include:
- (1) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding;
  - (2) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, as amended, being MCL 752.362, or any similar successor statute; or
  - (3) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MCL 722.673, or any similar successor statute.
- (P) **PUBLIC PLACE.** Any real property or an appurtenance to real property that is owned or leased by the State of Michigan, any local unit of government of the State of Michigan, a public agency, or by a college or university of the State of Michigan and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed by any agency of government or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
- (Q) **SEXUAL ENCOUNTER CENTER.** A commercial establishment that, as one of its principal business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a State of Nudity.
- (R) **SEXUALLY ORIENTED BUSINESS.** Any of the following: (1) Adult Arcade; (2) Adult Bookstore or Adult Video Store; (3) Adult Entertainment Booking Agency; (4) Adult Cabaret; (5) Adult Motel; (6) Adult Motion Picture Theater; (7) Adult Theater; (8) Dating Service; (9) Escort Agency; (10) Massage Parlor; (11) Massage School; (12) Nude Model Studio; and (13) Sexual Encounter Center.
- (S) **SPECIFIED ANATOMICAL AREAS.** Either of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; or
  - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (T) SPECIFIED SEXUAL ACTIVITIES. Include any of the following:
- (1) The erotic fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, and/or masturbation;
  - (3) Sexual arousal or gratification using animals or violence, actual or simulated;
  - (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

Section 4A.3 ZONING DISTRICTS.

Notwithstanding any provisions of this Ordinance to the contrary, Sexually Oriented Businesses shall be permitted only as a Special Use subject to Township Board approval within the B-2, I-1 and I-2 Zoning Districts.

Section 4A.4 SPECIAL USE APPROVAL REQUIREMENTS.

Special Use approval shall not be granted to any Sexually Oriented Business unless it meets all of the following enumerated requirements. Any Sexually Oriented Business granted Special Use approval shall continue to comply with all of the requirements of this Section at all times while the business is operational.

- (A) No Sexually Oriented Business shall be located on a parcel that is within one thousand (1,000) feet of another Sexually Oriented Business.

For purposes of this subsection (A), and subsections (B) and (C) below, the distance between a proposed Sexually Oriented Business and (1) another Sexually Oriented Business, (2) the boundary of any land in any Agricultural or any Residential Zoning District (specifically including without limit the RR, R-1 and R-2 Zoning Districts) or approved as a planned unit development for residential purposes, or (3) land used for any One-Family or Multiple-Family Dwelling; Township, County or State park; school; library; licensed child care facility; playground; church or place of worship, shall be measured in a straight line from the nearest property line of the parcel of land upon which the proposed Sexually Oriented Business is to be located to (1) the nearest property line of the parcel of land used for the

other Sexually Oriented Business, (2) the nearest boundary of the land in any Agricultural or any Residential Zoning District or approved as a planned unit development for residential purposes, or (3) the nearest property line of the parcel of land used for a One-Family or Multiple-Family Dwelling; Township, County or State park; school; library; licensed child care facility; playground; church or place of worship.

- (B) No Sexually Oriented Business shall be located on a parcel that is within five hundred (500) feet of the boundary of any land in any Agricultural or any Residential Zoning District, or approved as a planned unit development for residential purposes.
- (C) No Sexually Oriented Business shall be located on a parcel within one thousand (1,000) feet of any One-Family or Multiple-Family Dwelling.
- (D) No Sexually Oriented Business shall be located within one-half (1/2) mile of any Township, County or State park; school; library; licensed child care facility; playground; church or place of worship.
- (E) No Sexually Oriented Business shall be located within any principal or accessory building or structure already containing another Sexually Oriented Business.
- (F) The proposed use shall conform to all requirements of the Zoning District in which it is located.
- (G) The proposed use shall be in compliance with all other ordinances of the Township and with all statutes, laws, rules and regulations of the County, State and Federal government and, to the extent required, all governmental approvals must be obtained.
- (H) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent right-of-way of a public street or private road.
- (I) Any sign or signs proposed for the Sexually Oriented Business shall comply with the provisions of Sections 4.44 and 4.45 of this Ordinance; may not otherwise include photographs, silhouettes, drawings, or pictorial representations of Specified Anatomical Areas, Specified Sexual Activities or obscene representations of the human form; and may not include animated or flashing illumination.
- (J) Entrances to the proposed Sexually Oriented Business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: (1) "Persons under the age of 18 are not permitted to enter the premises," and (2) " No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

- (K) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public street or private road or a neighboring property.
- (L) Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday. All Sexually Oriented Businesses shall remain closed on Sundays and legal holidays.
- (M) All off-street parking areas shall comply with all requirements of this Ordinance and shall be illuminated after sunset during all hours of operation of the Sexually Oriented Business, and until one (1) hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one (1) foot candle, with a 3:1 uniformity ratio. The illumination shall not reflect on and shall be screened from adjoining properties.
- (N) Any booth, room or cubicle available in any Sexually Oriented Business, except an Adult Motel, that is used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:
  - (1) Be handicap accessible to the extent required by law;
  - (2) Be unobstructed by any floor, lock or other entrance and exit control device;
  - (3) Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
  - (4) Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
  - (5) Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

Section 4A.5 APPLICATION FOR SPECIAL USE APPROVAL.

Notwithstanding any provisions of this Ordinance to the contrary, applications for special use permits and site plan approval submitted by Sexually Oriented Businesses will be governed by this Chapter, in addition to other provisions in this Ordinance which are not inconsistent with this Chapter.

- (A) An application for a special use permit provided under this Chapter for a Sexually Oriented Business shall be filed with the Township Clerk on the proper forms supplied by the Township. An application shall not be deemed complete until all required information and

necessary documentation has been provided to the Township by the applicant or the applicant's agents and representatives.

- (B) The application shall be accompanied by a site plan as specified in Chapter 31, and any other data required by the Zoning Administrator indicating how the proposed Sexually Oriented Business will conform to the requirements set forth in Section 4A.4.
- (C) The application shall be accompanied by a fee to be established by resolution of the Township Board to cover the expense of considering and making a decision on the application.

#### Section 4A.6 HEARING ON APPLICATION FOR SPECIAL USE APPROVAL.

Notwithstanding any provisions of this Ordinance to the contrary, the Township Board shall hold a public hearing on the proposed special use not more than forty-five (45) days following the date the Township Clerk receives the completed application. At least five (5) but not more than fifteen (15) days in advance of such hearing, notice shall be published in a local newspaper of general circulation and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. The notice of the public hearing shall contain the time and place of the hearing, the description of the property in question, the use being proposed, and when and where written comments will be accepted.

#### Section 4A.7 DECISION ON APPLICATION FOR SPECIAL USE APPROVAL.

Notwithstanding any provisions of this Ordinance to the contrary, a final decision on the special use application and site plan approval shall be made by the Township Board within seventy-five (75) days of the receipt of the completed application by the Township Clerk. The Township Board shall base its decision upon the applicant's compliance with the requirements set forth in Section 4A.4. The decision on the site plan approval shall be made according to the standards set forth in Chapter 31 of this Ordinance.

The Township Board may impose reasonable conditions in conjunction with the approval of a special use permit for a Sexually Oriented Business. The conditions imposed shall be limited to conditions necessary to ensure that the Sexually Oriented Business will not be unreasonably detrimental to the public health, safety, or general welfare of the Township; nor unreasonably injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; nor unreasonably impede the normal and orderly development and improvement of the surrounding property for uses permitted under this Ordinance.

The Township Board shall incorporate its decision in a written statement containing the conclusions that specify the basis of the decision and any conditions imposed.



Section 4A.8 APPEALS.

The decision of the Township Board shall be final. Notwithstanding any provisions of this Ordinance to the contrary, in the event the Township Board denies an application for a special use permit, or approval of a site plan, or both, for a Sexually Oriented Business, the applicant shall not be allowed to appeal the Township Board's decision to the Board of Appeals. The applicant shall be entitled to prompt judicial review of the Township Board's decision in any court of competent jurisdiction.

**CHAPTER 5**  
**ZONING DISTRICTS**

Section 5.1 **PURPOSE.**

For the purpose of this Ordinance, the Township is hereby divided into fourteen (14) classes of Zoning Districts known as:

A-1, Agricultural Zoning District;

A-2, Agricultural Service Zoning District;

RR, Rural Residential Zoning District;

E-1, Lowland Resource Conservation Overlay Zoning District;

R-1, Residential One-Family Zoning District;

R-2, Residential Multiple-Family Zoning District;

B-1, Neighborhood Commercial Zoning District;

B-2, General Business Zoning District;

I-1, Industrial Zoning District;

I-2, Industrial Zoning District;

M-1, Mining Zoning District;

LSOD, Lincoln Street Overlay Zoning District;

LMDCOD, Lake Michigan Drive Commercial Overlay Zoning District; and

PUD, Planned Unit Development Zoning District.

Section 5.2 **ZONING MAP.**

The boundaries of these Zoning Districts are hereby established as shown on a map entitled "Robinson Township Zoning Map," which is declared to be a part of this Ordinance. Except where references by dimensions are shown on said map, the Zoning District boundary lines follow corporate limits; center lines of streets, alleys, easements, and railroad rights-of-way, or such lines extended as they existed at the time of the adoption of this Ordinance; U.S. Public Land Survey

lines; and lines identifying boundaries of natural resource areas, as shown by changes in vegetation, slope, and other natural resource base features. All notations, references, and other information shown upon the Zoning Map shall be as much a part of this Ordinance as if the matter and things set forth upon the Zoning Map were fully described herein. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply.

- (A) Boundaries indicated as approximately following the center lines of streets or alleys shall be construed to follow such center lines.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Boundaries indicated as approximately following corporate or Township boundaries shall be construed as following these boundaries.
- (D) Boundaries indicated as following shorelines or stream beds shall be construed as following such shoreline or stream beds and, in the event of change in shorelines or stream beds, shall be construed as moving with said shorelines.
- (E) Boundaries indicated as approximately following property lines shall be construed as following such property lines as on record at the office of the Register of Deeds of the County of Ottawa, State of Michigan, at the time of the adoption of this Ordinance.
- (F) If subdivided property or where a zone boundary divides a lot, the location of any such boundary shall be indicated by dimensions shown on the zoning map.
- (G) If all or any portion of any public street, alley, right-of-way, easement, or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one (1).

The official Robinson Township Zoning Map shall be the May 6, 1998 version, available at the Township Office, with hand-written changes noted thereon and initialed by an authorized member of the Planning Commission.

### Section 5.3 LOTS DIVIDED BY ZONE LINE.

Where a Zoning District boundary line on the Zoning Map divides a lot, the least restricted use shall not extend beyond such line.

Section 5.4 ZONE DISTRICTS MINIMUM STANDARDS REFERENCE TABLES.

The minimum standards, restrictions, and requirements placed on all land, buildings, and structures, and the uses thereof, shall be officially specified in Chapter 30 of this Ordinance. These reference tables shall be an adopted part of this Zoning Ordinance.

## **CHAPTER 6**

### **A-1 AGRICULTURAL ZONING DISTRICT**

#### Section 6.1 **PURPOSE.**

This Zoning District is intended to preserve and protect important farmlands from encroachment by conflicting non-farm uses and to restrict non-farm residential uses from locating in farmland areas where the greatest conflicts might arise. Areas included in this zone have been found to be prime or unique agricultural lands due to crop productivity and/or special soil characteristics. To meet the intent of this zone, uses permitted by right in this zone are those which generally preserve, promote, maintain and enhance agriculture. Non-agricultural uses, structures or activities which create conflicts with or are negatively affected by agriculture are prohibited.

#### Section 6.2 **PERMITTED USES.**

Land, buildings, or structures in this Zoning District may be used for the following uses only.

- (A) Agriculture and horticulture, but excluding landscaping, lawn care and irrigation services.
- (B) Agriculture buildings, all necessary buildings and their uses, when the same are necessary and incidental to the pursuit of farming and agriculture.
- (C) Feed lots and poultry facilities.
- (D) Farm drainage and irrigation systems.
- (E) Agricultural research facilities and activities.
- (F) Forestry, grazing, and gardening.
- (G) Roadside stands (seasonal and portable display stands for the retail sale of farm produce).
- (H) One farm dwelling per farm or inactive farm lot, together with any accessory building(s).
- (I) Agricultural labor camp(s).
- (J) Historical sites.
- (K) Home occupations.
- (L) Accessory building(s) as regulated in Chapter 4.
- (M) Agricultural labor camp(s).

- (N) One-family dwellings.
- (O) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

Section 6.3 USES REQUIRING SPECIAL APPROVAL.

The following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (B) Composting of off-site vegetative matter with restrictions for public traffic.
- (C) Bed and breakfast operations.
- (D) Non-conforming uses which do not qualify under Section 4.31 and which are subject to not only Chapter 32 of this Ordinance but also Section 4.47 (in the event of a conflict, Section 4.47 shall prevail over Chapter 32).
- (E) Medium wind energy turbines.

Section 6.4 LIMITATION ON LOT SPLITS.

In order to promote the purposes of this Zoning District (e.g., to preserve and protect farmland from excessive property splits and from conflicting with relatively dense residential developments, in addition to those general purposes identified in Section 6.1 and Section 2.1 above), a lot in this Zoning District may be divided into not more than four (4) parcels of land, if each new parcel is ten (10) acres or less in area, within a period of ten (10) years.

## CHAPTER 7

### A-2 AGRICULTURAL SERVICE ZONING DISTRICT

#### Section 7.1 PURPOSE.

This Zoning District is intended to provide appropriate locations for businesses engaged in activities which directly augment the production or delivery of agricultural products, and, due to this unique relation to agriculture, cannot be reasonably provided in typical Commercial or Industrial Zoning Districts.

#### Section 7.2 PERMITTED USES.

All uses in this Zoning District are special uses.

#### Section 7.3 USES REQUIRING SPECIAL APPROVAL.

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Contract sorting, grading, and packaging services for fruits and vegetables.
- (B) Horticultural services excluding the removal of topsoil, landscaping, lawn care and irrigation services.
- (C) Poultry hatchery services.
- (D) Livestock sales facilities, provided that the following additional conditions shall apply:
  - (1) That all outside animal confinement areas are fenced in such a manner that animals cannot leave the premises at will; and
  - (2) That no such animal confinement areas shall be located closer than one hundred (100) feet to any lot line, nor closer than one hundred fifty feet (150) feet to any watercourse.
- (E) Accessory buildings related to the permitted special use(s).
- (F) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (G) Agricultural labor camp(s).

- (H) Non-conforming uses which do not qualify under Section 4.31 and which are subject to not only Chapter 32 of this Ordinance but also Section 4.47 (in the event of a conflict, Section 4.47 shall prevail over Chapter 32).
- (I) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.
- (J) Medium wind energy turbines.



## **CHAPTER 8**

### **RR RURAL RESIDENTIAL ZONING DISTRICT**

#### Section 8.1 **PURPOSE.**

The purpose of this Zoning District is to maintain areas of land which, by virtue of soils and/or unusual topography, are suited for agricultural production, horticulture, forests and open space. This Zoning District is intended to provide for low-density residential development compatible with agricultural and horticultural uses, forests, and open space. Soils in the District are often limited for septic suitability. Municipal sewer and water are not anticipated for this area.

#### Section 8.2 **PERMITTED USES.**

Land, buildings or structures in this Zoning District may be used for the following uses only.

- (A) One-family dwellings.
- (B) Agriculture on parcels of five (5) acres or more, but excluding, landscaping, lawn care and irrigation services.
- (C) Agricultural buildings on parcels of five (5) acres or more - all necessary buildings and their uses when the same are necessary and incidental to the pursuit of farming and agriculture.
- (D) Farm drainage and irrigation systems.
- (E) Agricultural research facilities and activities as regulated and permitted herein.
- (F) Forestry, grazing, and gardening.
- (G) Historic sites.
- (H) Roadside stands (seasonal and portable display stands for the retail sale of farm produce).
- (I) Home occupations.
- (J) Accessory building(s) as regulated in Chapter 4.
- (K) Agricultural labor camp(s).
- (L) Feed lots and poultry facilities as regulated and permitted herein.
- (M) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

Section 8.3 USES REQUIRING SPECIAL APPROVAL.

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (B) Churches.
- (C) Public and private schools, provided that said schools shall not include colleges and universities.
- (D) Governmental and cultural uses such as fire and police stations, community centers, public emergency shelters, parks and playgrounds.
- (E) Bed and breakfast operations.
- (F) Non-conforming uses which do not qualify under Section 4.31 and which are subject to not only Chapter 32 of this Ordinance but also Section 4.47 (in the event of a conflict, Section 4.47 shall prevail over Chapter 32).
- (G) Cemeteries.

## CHAPTER 9

### E-1 LOWLAND RESOURCE CONSERVATION OVERLAY ZONING DISTRICT

#### Section 9.1 PURPOSE.

The regulations of this Overlay Zoning District are intended to preserve, protect, and enhance the lakes, streams, and wetlands areas in the Township. The proper regulations of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of buildings or structures on soils which are generally not suitable for such use; protect natural watershed; protect the water-based recreational resources of the Township; minimize flood damage to land, buildings and structures; and protect the health, safety and welfare of the residents of the Township.

This Overlay Zoning District shall be used to supplement and not replace the regulations of the underlying Zoning District.

#### Section 9.2 PERMITTED USES.

Land, buildings or structures in this Zoning District may be used for the purposes permitted by the underlying Zoning District, subject to the requirements of the underlying Zoning District and the regulations of this Overlay Zoning District.

Land, buildings or structures in this Zoning District may also be used for the following purposes.

- (A) Farming and related agricultural uses.
- (B) Boat landing sites.
- (C) Wildlife sanctuaries, nurseries and nature trails.
- (D) Forest and game management.
- (E) Fish hatcheries.
- (F) Flood overflow and movement of water.
- (G) Stream defined bank protection.
- (H) Navigation.
- (I) Wild crop harvesting.
- (J) Residential accessory uses.

- (K) Environmental area.
- (L) Roadside stands (seasonal and portable display stands for the retail sale of farm produce).
- (M) Home occupations.

Section 9.3 SPECIAL USE APPROVAL.

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Buildings or structures provided they are constructed in accordance with the following standards.
  - (1) No building or structure shall impede or obstruct flood flow.
  - (2) The ground floor and any inhabited room floor level of any building or structure designated and used for human habitation must be at or above the regulatory flood level. For purposes of this Section, "regulatory flood level" shall be defined to mean one (1) foot above the water surface profile associated with the one hundred (100) year flood frequency level.
  - (3) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood level, or else these facilities shall be adequately flood proofed.
  - (4) Any improvement or expansion of an existing building or structure shall be designed and anchored to prevent flotation, collapse, or lateral movement of the building or structure.
  - (5) Water supply systems or sanitary sewage systems or both must be designed and located to minimize or eliminate infiltration of flood waters into the systems, and to minimize or eliminate discharges from these systems into flood waters. Any new or replacement on-site waste disposal system must be located so as to avoid its impairment or contamination from flooding. All required approvals must be obtained from the Ottawa County Public Health Department and all other governmental agencies having jurisdiction.
  - (6) New buildings and structures must conform to the performance requirements and criteria as established in the National Flood Insurance Program, as amended from time to time.
- (B) Hunting and fishing clubs, excluding outdoor ranges for discharging firearms.

- (C) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (D) Recreational vehicle parking, one (1) recreational vehicle per lot, for up to one hundred (100) days (including any part of a day) per calendar year (any special use permit issued pursuant to this subsection shall be subject to an annual renewal requirement).
- (E) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

## **CHAPTER 10**

### **R-1 RESIDENTIAL, ONE-FAMILY ZONING DISTRICT**

#### Section 10.1 **PURPOSE.**

The regulations of this Zoning District are intended to encourage a suitable environment for predominantly low-density one-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area.

#### Section 10.2 **PERMITTED USES.**

Land, buildings or structures in this Zoning District may be used for the following purposes only.

- (A) One-family dwellings.
- (B) Agriculture on parcels of five (5) acres or more, but excluding, landscaping, lawn care and irrigation services.
- (C) Accessory building(s) as regulated in Chapter 4.
- (D) Roadside stands (seasonal and portable display stands for the retail sale of farm produce, provided the parcel is five [5] acres or more in size).
- (E) Home occupations.
- (F) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

#### Section 10.3 **USES REQUIRING SPECIAL APPROVAL.**

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Churches.
- (B) Municipal buildings not requiring outdoor storage of material or vehicles.
- (C) Public utility or service buildings not requiring outdoor storage of materials.
- (D) Public and private schools, provided that said schools shall not include colleges and universities.

- (E) Parks, playgrounds, community centers and facilities therein, owned and operated by a governmental agency or by a non-profit community organization which has been determined to be tax exempt under Section 501 (c) of the Internal Revenue Code of 1986, as amended, or a successor statute.
- (F) State licensed out-patient clinics, adult foster care home facilities not permitted by right in this Zoning District, and convalescent homes of fewer than twenty (20) beds; provided, however, that any such facility licensed for use in the care and treatment of persons released from or assigned to adult correctional institutions shall be specifically excluded from consideration under this Section.
- (G) Nursery schools or day nurseries; except, however, those facilities providing over-night room and board for children.
- (H) Cemeteries.
- (I) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (J) Accessory building(s) which exceed five (5) percent of lot area as provided in Chapter 4.
- (K) Bed and breakfast operations.
- (L) Non-conforming uses which do not qualify under Section 4.31 and which are subject to not only Chapter 32 of this Ordinance but also Section 4.47 (in the event of a conflict, Section 4.47 shall prevail over Chapter 32).

## CHAPTER 11

### R-2 RESIDENTIAL, MULTIPLE-FAMILY ZONING DISTRICT

#### Section 11.1 PURPOSE.

This Zoning District is intended to provide a sound and stable environment for various types of residential buildings and group housing developments. It is further intended to accommodate a mixture of housing types and to serve the limited needs for garden apartments, town houses, or other group housing facilities similar in character and density but generally somewhat more dense than one-family developments.

#### Section 11.2 PERMITTED USES.

Land, buildings or structures in this Zoning District may be used for the following purposes only.

- (A) Any use permitted in the R-1 Zoning District, subject to the same conditions, restrictions and requirements as are provided in the R-1 Zoning District.
- (B) Multiple-family dwelling of not more than two (2) dwelling units.

#### Section 11.3 USES REQUIRING SPECIAL APPROVAL.

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Any use permitted by special use in the R-1 Zoning District, subject to the same conditions, restrictions and requirements as are provided in the R-1 Zoning District.
- (B) One (1) or more multiple-family dwellings, not more than four (4) dwelling units per building.
- (C) Non-conforming uses which do not qualify under Section 4.31 and which are subject to not only Chapter 32 of this Ordinance but also Section 4.47 (in the event of a conflict, Section 4.47 shall prevail over Chapter 32).



## **CHAPTER 11A**

### **R-3 MOBILE HOME PARK ZONING DISTRICT**

#### Section 11A.1 PURPOSE.

Consistent with the Township's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, this Zoning District is intended to provide regulations for mobile home parks to permit additional variety in housing opportunities and choices.

#### Section 11A.2 PERMITTED USES.

Land, buildings, or structures in this Zoning District may be used for the following purposes only.

- (A) Mobile homes located in a State-licensed mobile home park.
- (B) Mobile home parks in accordance with the requirements of Section 11A.4.
- (C) Accessory building(s) as regulated in Chapter 4.
- (D) Home occupations.
- (E) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

#### Section 11A.3 USES REQUIRING SPECIAL APPROVAL.

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) State licensed out-patient clinics, adult foster care home facilities not permitted by right in this Zoning District, and convalescent homes of fewer than twenty (20) beds; provided, however, that any such facility licensed for use in the care and treatment of persons released from or assigned to adult correctional institutions shall be specifically excluded from consideration under this Section.
- (B) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.

#### Section 11A.4 LICENSED MOBILE HOME PARKS.

- (A) Site plan review is required for all mobile home parks in accordance with Chapter 31.

- (B) All mobile home parks shall comply with the applicable requirements of Act 96 of the Michigan Public Acts of 1987, as amended ("Act 96") and the applicable requirements of rules promulgated by the State of Michigan, as such rules are amended, pursuant to Act 96 ("State Rules"). At the time of the adoption of the ordinance adding this Section to the Ordinance, the State Rules have been prepared by the Department of Consumer and Industry Services and they include the requirements set forth below in the following Section. Those requirements described in the following Section are set forth for information purposes only, and they are not an exhaustive description of the State Rules. As Act 96 and/or the State Rules are amended or restated or replaced in the future, the amendments, restatements or replacements shall govern over anything to the contrary in the following Section.
- (C) The parking of more than one mobile home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in the Township, irrespective of the requirements of any other ordinance of the Township, unless such parcel or parcels of land shall have been approved as a licensed mobile home park under the provisions of this Chapter.
- (D) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. New or used mobile homes located on lots within the mobile home park may be sold by a licensed dealer and/or broker. This Section shall not prohibit sale of a new or used mobile home by a resident of the mobile home park provided the mobile home park permits the sale.

Section 11A.5 MOBILE HOME PARK REQUIREMENTS.

- (A) All streets within a mobile home park shall have a hard surface.
- (B) All streets within a mobile home park shall have access to a public street or shall be connected to a public street by a permanent easement. The easement shall be recorded with the Ottawa County Register of Deeds. Sole access by way of an alley is prohibited. As used in this paragraph, "alley" means a public or private right-of-way that serves and is dedicated as a rear access to a parcel or parcels of land.
- (C) A street in a mobile home park that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
- (D) An adequate safe-sight distance shall be provided at intersections within a mobile home park.
- (E) An offset at an intersection within a mobile home park or an intersection of more than two (2) streets within a mobile home park is prohibited.
- (F) The following types of streets within a mobile home park shall have driving surfaces that are not less than the following widths:

- |     |                                    |          |
|-----|------------------------------------|----------|
| (1) | One-way, no parking                | 13 feet; |
| (2) | Two-way, no parking                | 21 feet; |
| (3) | One-way, parallel parking, 1 side  | 23 feet; |
| (4) | One-way, parallel parking, 2 sides | 33 feet; |
| (5) | Two-way, parallel parking, 1 side  | 31 feet; |
| (6) | Two-way, parallel parking, 2 sides | 41 feet. |
- (G) All entrances to new or expanded mobile home parks that have three hundred (300) home sites or more shall be a minimum of thirty (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 street and the street within the mobile home park and shall be constructed as follows.
- (1) All turning lanes shall be a minimum of ten (10) feet in width and sixty (60) feet in depth measured from the edge of the pavement of the public street into the mobile home park.
  - (2) The turning lane system shall be tapered into the mobile home park's street system commencing at a minimum depth of sixty (60) feet.
  - (3) The ingress and right egress turning lanes of the ingress and egress street for the mobile home park shall connect to the public street with a curved line that has a minimum radius of fifteen (15) feet. The intersection of the public street and the ingress and egress street for the mobile home park shall not have squared corners.
- (H) A street within a mobile home park shall be constructed of concrete, bituminous asphalt, or compacted road gravel and materials suitable for subgrades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials ("AASHTO").
- (I) If curbing is used on streets within a mobile home park, the curbing shall be constructed of concrete or asphalt.
- (J) Improved hard surface driveways shall be provided where necessary for convenient access to service entrances of buildings; to delivery and collection points for fuel, refuse, and other materials; and elsewhere as needed. The minimum width shall be ten (10) feet. The entrance shall have the flare or radii and horizontal alignment for safe and convenient ingress and egress.

- (K) Each mobile home park lot shall be provided with two (2) parking spaces either on the lot or adjacent to it.
  - (1) If located on the mobile home park lot, 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 (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side-by-side, then the combined width of the two (2) parking spaces shall not be less than nineteen (19) feet and the length shall be twenty (20) feet. In either method, the length shall be measured from the curb or inner walkway edge. Each parking space shall be hard-surfaced.
  - (2) If located adjacent to the mobile home park lot, the parking spaces shall comply with the requirements of subsection (L) below.
- (L) A minimum of one (1) parking space for every three (3) mobile home park lots shall be provided for visitor parking. Visitor parking shall be located within five hundred (500) feet of the mobile home park lots the parking is intended to serve. The parking shall be measured along a street or sidewalk. If parking bays are provided, they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
- (M) If sidewalks are provided in a mobile home park, then the sidewalks shall be designed, constructed, and maintained for safe and convenient movement from all mobile home park lots to principal destinations within the mobile home park and connection to the public sidewalks outside the mobile home park. A sidewalk system shall be in compliance with both of the following requirements:
  - (1) If constructed, sidewalks shall have a minimum width of three (3) feet and shall be constructed in compliance with State law requirements pertaining to sidewalks for handicappers.
  - (2) An individual sidewalk shall be constructed between at least one (1) entrance, or patio, porch, or deck if provided, and the parking spaces on the mobile home park lot or parking bay, whichever is provided, or common sidewalk, if provided.
- (N) All street and sidewalk systems within a mobile home park shall be illuminated as follows.
  - (1) Access points shall be lighted. If the public street is lighted, then the illuminated level shall not be more than the average illumination level of an adjacent illuminated public street.
  - (2) At all street intersections and designated pedestrian crosswalks, in the mobile home park, the minimum illumination shall be not less than .15 footcandles.

- (3) Streets, parking bays, and sidewalks in the mobile home park shall be illuminated at not less than .05 footcandles.
- (4) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal footcandles on any entry on the directory.
- (O) If central television antenna systems, cable television, or other similar services are provided, then the distribution systems shall be underground and shall be constructed and installed according to State and local standards and ordinances.
- (P) Telephone systems shall be installed underground and shall be in compliance with State and local standards and ordinances. If State and local standards and ordinances do not exist, then the system shall be installed according to the construction, installation, and safety standards established by the servicing telephone company.
- (Q) A mobile home in a mobile home park shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance.
  - (1) For a mobile home not sited parallel to a street in the mobile home park, twenty (20) feet from any part of an attached structure of an adjacent mobile home that is used for living purposes.
  - (2) For a mobile home sited parallel to a street in the mobile home park, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent mobile home is sited next to the mobile home on the same or an intersecting street in the mobile home park.
  - (3) Ten (10) feet from a parking space on an adjacent mobile home site, or from an attached or detached structure or accessory of an adjacent mobile home that is not used for living purposes.
  - (4) Fifty (50) feet from permanent community-owned structures, such as clubhouses or maintenance and storage facilities.
  - (5) One hundred (100) feet from a baseball or softball field.
  - (6) Twenty-five (25) feet from the fence of a swimming pool.
  - (7) Attached or detached structures or accessories that are not used for living space shall be a minimum distance of ten (10) feet from an adjacent mobile home or its adjacent attached or detached structures.

- (R) Any part of any accessory, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures, shall be set back the following minimum distances.
- (1) Ten (10) feet from the edge of a street in the mobile home park.
  - (2) Seven (7) feet from a parking bay off a mobile home lot.
  - (3) Seven (7) feet from a common sidewalk.
  - (4) Twenty-five (25) feet from a natural or manmade lake or waterway.
- (S) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two (2) long sides and the entrance side.
- (1) Support pillars that are installed adjacent to the edge of a street in the mobile home park shall be set back four (4) feet or more from the edge of the street of two (2) feet or more from the edge of the sidewalk.
  - (2) Roof overhang shall be set back two (2) feet or more from the edge of the street in the mobile home park.
- (T) Steps and their attachments shall not encroach into parking areas more than three and one-half (3-1/2) feet.
- (U) A permanent foundation shall be installed on a mobile home lot.
- (V) Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the mobile home park.
- (W) If mobile homes, permanent buildings and facilities, and other structures abut a public street, then they shall not be located closer than fifty (50) feet from the boundary line of the mobile home park. If the boundary line runs through the center of the public street, then the fifty (50) feet shall be measured from the street right-of-way line.
- (X) The developer of a mobile home park may completely or partially screen the mobile home park by installing fencing or natural growth along the entire property boundary line, including the line abutting a public street, except at access points.
- (Y) A mobile home park that contains fifty (50) or more mobile home sites shall have not less than two (2%) percent of the mobile home park's gross acreage dedicated to designated open space, but not less than twenty-five thousand (25,000) square feet.

## CHAPTER 12

### B-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

#### Section 12.1 PURPOSE.

This Zoning District is intended for neighborhood convenience shopping where retail business or service establishments supply commodities or perform services to meet the daily needs of the neighborhood. The intent of this Zoning District is also to encourage the concentration of business uses, to the mutual advantage of both the consumers and merchants, and thereby avoid the encouragement of marginal business throughout the community.

#### Section 12.2 PERMITTED USES.

Land, buildings or structures in this Zoning District may be used for the following retail, commercial and service uses only.

- (A) Retail commercial establishments, intended for the sale of convenience goods such as groceries, prescription drugs, hardware and other similar commodities, provided that the number of such stores do not exceed five (5) per building and, provided further, that no freestanding building housing one (1) or more such retail businesses shall be located on a lot exceeding five (5) acres.
- (B) Personal service establishments, barber shops or beauty parlors (with up to four [4] licensed persons), shoe repair, laundry pick-ups, and other similar establishments.
- (C) Professional offices of doctors, lawyers, architects, dentists, engineers, chiropractors and other similar professions.
- (D) Post offices and similar governmental offices of seven hundred and fifty (750) square feet or less that serve residents of the adjacent residential areas.
- (E) Agriculture, as well as landscaping, lawn care and irrigation services, but only on five (5) acres or more.
- (F) Churches.
- (G) Public and private schools, provided that said schools shall not include colleges and universities.
- (H) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

### Section 12.3 USES REQUIRING SPECIAL APPROVAL.

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Restaurants, but not including drive-in or drive-thru restaurants, and provided that no freestanding building housing one or more such retail businesses shall be located on a lot exceeding five (5) acres.
- (B) Automobile service stations provided the following conditions are met.
  - (1) No such automobile service station shall include any of the following uses: general vehicle repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; vehicle collision services such as body, frame, or fender straightening and repair; vehicle painting and/or undercoating.
  - (2) Except for routine servicing of automobiles, all business activities shall be conducted in a completely enclosed building.
  - (3) There shall be no outdoor storage of parts, inventory or discarded materials except as maintained neatly in a screened dumpster location.
  - (4) There shall be no more than six (6) pumps dispensing gasoline, kerosene, diesel fuel or other similar combustible fuels.
  - (5) All gasoline, kerosene, diesel fuel or other flammable and combustible liquids shall be stored in a manner which complies with the Michigan Administrative Rules for the storage of such materials as promulgated by the State Fire Safety Board.
- (C) Private offices offering services to the general public, such as plumbers or electricians, as long as the business does not exceed either two thousand (2,000) square feet or three (3) employees.
- (D) Public utility or service buildings not requiring outdoor storage of materials.
- (E) One-family dwellings, provided that required yards shall be determined by the Township Board and shall be based upon the required yards of the R-1 Residential, One-Family Zoning District.
- (F) Roadside stands (seasonal and portable display stands for the retail sale of farm produce, provided the parcel is five [5] acres or more in size).
- (G) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.



## CHAPTER 13

### B-2 GENERAL BUSINESS ZONING DISTRICT

#### Section 13.1 PURPOSE.

This Zoning District is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the overall community. Within this Zoning District, linear or strip commercial development shall be discouraged.

#### Section 13.2 PERMITTED USES.

Land, buildings or structures in this Zoning District may be used for the following uses only.

- (A) Any permitted use in the B-1 Zoning District, subject to the same conditions, restrictions and requirements as are provided in the B-1 Zoning District.
- (B) Retail commercial establishments, intended for the sale of convenience goods such as groceries, prescription drugs, hardware and other similar commodities, provided that the number of such stores do not exceed five (5) per building and, provided further, that no freestanding building housing one (1) or more such retail businesses shall be located on a lot exceeding ten (10) acres.
- (C) Financial and business service establishments, banks, credit unions, insurance offices.
- (D) RESERVED FOR FUTURE USE.
- (E) RESERVED FOR FUTURE USE.
- (F) Public or private schools, colleges or universities.
- (G) Municipal buildings.
- (H) Public utility and service buildings.
- (I) Health and physical fitness salons.
- (J) Medical and dental clinics.
- (K) Theaters, not including drive-in theaters.
- (L) Shops producing merchandise to be sold on the premises, provided that not more than three (3) persons per shift are employed on the premises in such production.

- (M) Veterinary hospitals.
- (N) Kennels and pet shops.
- (O) Bus terminals.
- (P) Wholesale commercial establishments.
- (Q) Enclosed warehouses.
- (R) Sign shop.
- (S) Accessory buildings and uses.
- (T) Agriculture on five (5) acres or more.
- (U) Restaurants.
- (V) Sales or maintenance of farm implements and related equipment.
- (W) Used car sales.
- (X) Marinas.
- (Y) Landscaping, lawn care and irrigation services.
- (Z) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

Section 13.3 USES REQUIRING SPECIAL APPROVAL.

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Any of those uses allowed as special approval uses in the B-1 Neighborhood Commercial Zoning District subject to the same requirements, standards and conditions as provided therein.
- (B) Automobile repair stations provided the following conditions are met.
  - (1) The following uses shall be prohibited: vehicle collision services such as body, frame, or fender straightening and repair; vehicle painting and/or undercoating.

- (2) Repair stations may include those uses permitted in automobile service stations.
  - (3) All gasoline, kerosene, diesel fuel or other flammable and combustible liquids shall be stored in a manner which complies with the Michigan Administrative Rules for the storage of such materials as promulgated by the State Fire Safety Board.
  - (4) The outdoor storage of vehicles in need of repair, vehicle parts, or related materials and equipment shall be permitted only in side or rear yards and only if such storage is fully screened by a solid fence of not less than six (6) feet, nor more than ten (10) feet in height.
  - (5) Outdoor storage areas shall not be located closer than one hundred fifty (150) feet to any other lot in any other Zoning District except a lot located in the I-1 Industrial, I-2 Industrial or M-1 Mining Zoning District.
  - (6) Outdoor storage areas shall not cover more than ten (10) percent of the total area involved in the special use request.
- (C) Automobile body and automobile paint shops provided the following conditions are met.
- (1) Automobile body work areas and spray booths or outdoor spraying areas shall not be located closer than three hundred (300) feet to any other lot in any other Zoning District except a lot located in the I-1 Industrial, I-2 Industrial or M-1 Mining Zoning District.
  - (2) The outdoor storage of vehicles in need of repair, vehicle parts, or related materials and equipment shall be permitted only in side or rear yards and only if such storage is fully screened by a solid fence of not less than six (6) feet, nor more than ten (10) feet in height.
  - (3) Outdoor storage areas shall not be located closer than one hundred fifty (150) feet to any other lot in any other Zoning District except a lot located in the I-1 Industrial, I-2 Industrial or M-1 Mining Zoning District.
  - (4) Outdoor storage areas shall not cover more than ten (10) percent of the total area involved in the special use request.
- (D) Commercial garages, provided that any part of a commercial garage which involves automobile service, automobile repair, automobile body work or automobile painting shall be subject to the same requirements, standards and conditions as provided in this Chapter for each respective use.
- (E) Mortuaries.

- (F) Bowling alleys or indoor skating rinks.
- (G) Lodging house, boarding house.
- (H) Retail commercial establishments offering building and/or garden supplies excluding lumber yards.
- (I) Hotel or motel.
- (J) Retail commercial establishments producing merchandise on the premises provided the following conditions are met.
  - (1) No more than eight (8) persons in twenty-four (24) hours are employed on the premises.
  - (2) The entire marketable production shall be sold at retail upon the premises.
  - (3) Such enterprises shall not include any manufacturing or assembly processes which are detectable off-site.
- (K) Golf driving range.
- (L) Roadside stands (seasonal and portable display stands for the retail sale of farm produce, provided the parcel is five [5] acres or more in size).
- (M) Other uses as determined by the Planning Commission which are similar to the above special uses and consistent with Section 13.1 of this Chapter.
- (N) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (O) Public storage, provided that no storage shall be allowed outside a building.
- (P) Roadhouse, supper club, bar or nightclub.
- (Q) Clubs, lodges, assembly halls, and dance pavilions; also outdoor gatherings related to these listed uses, provided the following conditions are met.
  - (1) Adequate parking shall be provided, with parking attendants if deemed necessary by the Township, given the size and location of the request.
  - (2) Adequate receptacles shall be provided for trash and recyclable materials.
  - (3) Adequate food and water stations shall be provided.

- (4) Lighting and sound equipment, if any, shall be identified and reasonable for the area.
- (5) Generators for temporary electrical services shall be identified if provided, and shall be provided if necessary for public safety.
- (6) First aid stations shall be identified if provided, and shall be provided if necessary for public safety.
- (7) An adequate number of portable toilets shall be provided for any outdoor gathering or activity.
- (8) If necessary given the size of the request and the size of the property and the adjoining uses, security fences shall be required.
- (9) Adequate medical personnel shall be provided during the hours of operation.
- (10) The application shall be subject to review and approval of the applicable public safety agencies.

## **CHAPTER 14**

### **I-1 INDUSTRIAL ZONING DISTRICT**

#### Section 14.1 **PURPOSE.**

This Zoning District is intended to provide for light industrial uses involving assembly and/or fabrication, the retailing and/or wholesaling of products, and service oriented businesses which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

#### Section 14.2 **PERMITTED USES.**

All uses combined on one (1) parcel shall not employ more than a total of twenty (20) persons. Land, buildings or structures in this Zoning District may be used for the following uses only.

- (A) Industries involving the assembly and/or fabrication of only the following products: aluminum, automobile parts and accessories, canvas, cellophane, ceramic, cloth, cork, electrical apparatus, feather, felt, fur, garments and accessories, leather, metal, plastic (from purchased plastic materials), pottery figurines, precious or semi-precious metals or stones, rubber, screw machine products, sheet metal excluding stampings that require a press size of more than one hundred (100) tons, shell, tools, toys, wood, yarn.
- (B) Industries involved in the manufacture of canvas products, ceramic products, cloth products, commercial baked goods, cork products, electronic devices, feather products, felt and felt products, box carton and cardboard products, garments and accessories, heating and air conditioning equipment, ice, jig fixtures, musical instruments, optical goods, pottery figurines or other similar ceramic products, precious or semi-precious metals or stones products, printed material, sheet metal products excluding stampings that require a press size of more than one hundred (100) tons, tools, toys, wire products, wood products, yarn products.
- (C) Retail sales of truck tractors and truck trailers.
- (D) Wholesaling of automotive equipment, dry goods and apparel, electrical goods, furniture and home furnishings, groceries and related products, hardware, heating and air conditioning equipment, plumbing, farm products except livestock.
- (E) Warehousing of alcoholic beverages, automotive equipment, frozen foods, contractor's equipment and materials, dry goods and apparel, dry ice, electrical goods, furniture and home furnishings, glue, grains, groceries and related products, hardware, heating and air conditioning equipment, lard, plumbing supplies and equipment, farm products except livestock.
- (F) Establishments providing the following services: major automotive repair, automotive upholstery, crating and packaging, enclosed eating and drinking establishments, food and

beverage catering, kennels, painting, printing, publishing, sign painting and servicing, taxidermy, offices for trade and contractors, truck tractor and trailer rental, truck tractor and trailer repair, utilities, welding.

- (G) Veterinarian services.
- (H) Financial and business service establishments, banks, credit unions, insurance offices.
- (I) Public utility and service buildings.
- (J) Sales or maintenance of farm implements and related equipment.
- (K) Vehicle and equipment repair stations including vehicle collision services such as body, frame, or fender straightening and repair, vehicle painting and/or undercoating.
- (L) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

#### Section 14.3 USES REQUIRING SPECIAL APPROVAL.

The following uses may be permitted after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance: Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended, and medium wind energy turbines.

#### Section 14.4 OUTDOOR, INDUSTRIAL ACTIVITIES.

All uses permitted in this Zoning District shall be wholly contained within fully enclosed buildings. Exceptions to this requirement are as follows.

- (A) Outdoor storage is only permitted in that portion of the rear yard which is not part of the required rear yard and/or required side yard(s). Outdoor storage areas must not cover more than twenty (20) percent of the total square foot area of the principal building(s) upon the premises. Outdoor storage areas must be screened from adjoining premises of a higher use Zoning District classification and from public streets by a solid fence, wall, or natural screening adequate for the purpose.
- (B) Delivery operations to and from said business.

#### Section 14.5 INDUSTRIAL LANDSCAPING REQUIREMENTS.

In those yards which front on any street, the area between the edge of the street pavement and the street right-of-way line, with the exception of paved driveways and parking areas, shall be used exclusively for the planting and growing of trees, shrubs, lawns and other landscaping design, planted and maintained in an aesthetically pleasing manner. All other unpaved areas of the lot shall

either be landscaped or maintained in its undisturbed natural state. Those side yards or rear yards of any lot in this Zoning District which abut any Zoning District other than the Industrial Zoning District shall have and maintain a greenbelt of at least fifteen (15) feet in width between the industrial use and the Non-Industrial Zoning District.



## **CHAPTER 15**

### **I-2 INDUSTRIAL ZONING DISTRICT**

#### Section 15.1 **PURPOSE.**

This Zoning District is intended to provide for industrial uses involving the assembly, fabrication, and/or processing of articles or materials, the retailing and/or wholesaling of products, and service oriented businesses which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located. This Zoning District also provides for the conditional authorization of other industrial uses which are likely to cause more than a minimum of adverse effect beyond the site upon which they are located.

#### Section 15.2 **PERMITTED USES.**

Land, buildings or structures in this Zoning District may be used for the following uses only.

- (A) Any permitted use in the I-1 Zoning District, subject to the same conditions, restrictions and requirements as are provided in the I-1 Zoning District.
- (B) Industries involved in the manufacture of automotive and aircraft parts, brick, candle, candy, cereals, commercial greenhouse products, dies, fur products, mixed and/or milled grains, mattress and box springs, planed and/or milled lumber, paraffin, potato chips, radio and phonographs, rope, screw machine products, sheet metal products excluding stampings that require a press size of more than two thousand (2,000) tons, and shell products.
- (C) Dairy products processing.
- (D) Corn shelling.
- (E) Grist mill services.
- (F) Canning of fruits, vegetables, preserves, jams and jellies.
- (G) Canning of specialty foods.
- (H) Production of natural and processed cheese.
- (I) Drying and dehydrating fruits and vegetables.
- (J) Preparation of feeds for animals and fowls.
- (K) Production of flour and other grain mill products.

- (L) Blending and preparing flour.
- (M) Fluid milk processing.
- (N) Production of frozen fruits, fruit juices, vegetables, and other specialties.
- (O) Grain elevators and bulk storage of feed grains.

**Section 15.3 USES REQUIRING SPECIAL APPROVAL.**

The following uses may be permitted after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Slaughterhouses, tire vulcanizing and recapping shops, lumber yards.
- (B) Wholesaling and/or warehousing of machinery, equipment, or fertilizer.
- (C) Manufacturing or processing plants for alcoholic and non-alcoholic beverages, bottling, cinder block, concrete products, electrical apparatus, food products, glass products, metal working (no presses over four thousand [4,000] tons or drop hammers), ready-mix concrete.
- (D) Junk and salvage yards provided the following conditions are met.
  - (1) Each junk yard shall be kept in an orderly condition.
  - (2) All junk, wrecked vehicles, equipment, parts or similar materials shall be stacked in rows not higher from the ground level than ten (10) feet.
  - (3) No open burning shall be permitted on any junk yard premises.
- (E) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (F) Medium wind energy turbines.

**Section 15.4 SANITARY LANDFILL SPECIAL USE PERMIT.**

Every sanitary landfill special use permit application shall be submitted and processed in accordance with the requirements of this Section and as provided in Chapter 32 of this Ordinance.

- (A) Such application shall be accompanied by a site plan of the proposed site, prepared by a Registered Professional Engineer licensed by the State of Michigan, showing all of the information hereinafter required.

- (1) Maps drawn to a scale of not over one hundred (100) feet to the inch, showing all of the following information.
  - (a) All property lines, dimensional and related to the nearest convenient section line and section corner.
  - (b) Date, scale, and north arrow.
  - (c) Location and height of all existing and proposed buildings, structures, improvements, and land uses on and within five hundred (500) feet of the premises.
  - (d) Location of existing and proposed streets, roadways, parking areas, entrances and exits, as well as pavement and right-of-way width of all abutting roads and access routes for vehicles hauling refuse or cover material to the disposal area.
  - (e) Soil profiles, including density and thickness of all clays to a minimum depth of forty (40) feet below the excavation proposed and/or to the bottom of the primary ground aquifer, whichever is deeper.
  - (f) Existing trees and ground cover.
  - (g) Existing bodies of water, drains, streams, or creeks.
  - (h) Proposed fencing.
  - (i) Location of all public facilities and services.
  - (j) Finish grading plan showing proposed elevations upon completion at two (2) foot intervals.
  - (k) Mean grade elevations at two (2) foot intervals.
  - (l) Vicinity map showing in a general manner the property in relation to the surrounding area for at least one (1) mile from the premises.
  - (m) A detailed hydrology study of the project site and all areas within one thousand three hundred twenty (1,320) feet of the perimeter of the project site.
  - (n) Topographic maps at two (2) foot intervals of the project site.
  - (o) Additional information as required by the Township Board.

- (2) Legal description of the proposed site.
  - (3) Time table giving estimates by length of time for establishing the disposal area and its completion.
  - (4) Name and firm address of the professional individual responsible for the preparation of the information.
  - (5) Name, address, and telephone number of the property owner.
  - (6) Size and location of all existing and proposed utilities, including details of drainage facilities showing the method of drainage control during the phasing as well as how drainage will be accomplished after completion. If treatment of surface water or leachate is anticipated, outline treatment(s) to be performed (biological, primary chemical, disinfecting, etc.).
  - (7) On-site details including proposed areas to be filled, any borrow areas, on-site roads, and soil characteristics.
  - (8) Location and depth of all water wells within three thousand (3,000) feet of the boundaries of the property on which the landfill will be operated.
- (B) The application shall contain or be accompanied by a detailed written statement of the extent, development improvement, and general purpose of the proposed filling operations and program, including all of the following.
- (1) A statement describing the volume and type of refuse materials proposed to be placed in the disposal area.
  - (2) Plans showing typical sections of compacted fill, depths of layers, height of lifts, thickness of cover, number of lifts, surface slopes of lifts and final surface, direction of progress and type of venting proposed, and thickness and density of cell walls.
  - (3) Proposed future reuse of the premises after completion of the filling of the disposal area. The applicant shall provide maps or plans showing at the same scale as above, proposed land uses, buildings, streets and other public easements. The maps or plans shall not propose or show streets or underground utilities on areas to be filled with any refuse material.
  - (4) When any material is to be used as fill material, a competently prepared professional investigation shall be submitted showing the highest expected ground water level, any connection with an aquifer constituting a source of water supply, and if a

lowering of the ground water is contemplated, whether this would adversely affect any water supply.

- (5) A plan which provides a detailed analysis of the direction the landfill operation will follow; origin, density and United States Department of Agriculture. Soil Classification of cover material; location of stockpiled cover material; the order in which areas will be filled; and the provisions which will be made to control soil erosion and sedimentation from the partially completed site.
  - (6) Any other materials or information deemed necessary by the Township Board.
- (C) The application and all plans and supplemental statements of information required therewith shall be filed in triplicate, with the Township Clerk.
- (D) The Township Clerk, upon receipt of the application, shall refer the application to the Township Board.
- (E) The public hearing shall be held by the Township Board at any regular meeting thereof at no additional expense to the applicant, or at any special meeting called therefor when requested by the applicant. Any such special meeting shall be at the expense of the applicant. The purpose of the public hearing shall be to determine whether a special use permit should be issued. The Township Board shall consider and determine whether the applicant meets the following conditions.
- (1) The proposed fill will not unreasonably affect the general vicinity where it is to be conducted.
  - (2) The character and use of adjoining lands and structures will not be unreasonably affected by the proposed use.
  - (3) The depth of the water table or tables may not be within twenty (20) feet of the bottom of the cell in which waste will be placed; the bottom of the cell in which waste will be placed must be adequately isolated from sand or gravel lenses.
  - (4) The existing terrain of the property and surrounding property is such that surface water drainage does not cross the subject property.
  - (5) Direct ingress and egress to the site is from a County all-weather primary road, and the traffic will not cause a safety or traffic problem to adjacent areas.
  - (6) Property values within one-half (1/2) mile of the subject property will not decrease in value more than ten (10) percent.

- (7) There is a layer of compacted clay with a permeability of ten (10)-seven (7) centimeters per second which is at least ten (10) feet thick between the bottom of any cell in which waste is placed and any water table on the site.
- (8) There is a need for the facilities and the necessary waste stream to adequately finance the operation.
- (9) There are not more prudent or safer sites or methods for disposal of wastes within the same waste generating geographical area (not limited to just the Township).
- (10) The applicant has the financial and technical capability to begin, conduct, and terminate the use, and the financial and technical ability to provide perpetual care of the site upon completion.
- (11) The activity is not likely to pollute, impair, or destroy the air, water, or other natural resources, or the public trust therein.
- (12) The density of residential use within a one-half (1/2) mile radius of the site is not more than sixteen (16) residences per mile of road frontage, including both sides of the road.
- (13) The availability, depth and nature of separation of other drinkable ground water aquifers is such that if one (1) aquifer becomes polluted or undrinkable, another aquifer which is not likely to become polluted is available at a depth of not more than two hundred fifty (250) feet.
- (14) The site in which any waste is placed is not closer than five hundred (500) feet from any natural or artificial body of water or wetlands area which is larger than five (5) acres.
- (15) There are no wells used for drinking located within one thousand three hundred twenty (1,320) feet of any cell in which waste is placed.
- (16) The site in which any waste is placed is not within the one hundred (100) year flood plain.
- (17) No residential structure is within one thousand three hundred twenty (1,320) feet of the site on which waste is placed.
- (18) There are not such other factors that unreasonably affect the public health, safety, and welfare.

Section 15.5 OUTDOOR, INDUSTRIAL ACTIVITIES.

All uses permitted in this Zoning District shall be wholly contained within fully enclosed buildings. Exceptions to this requirement are as follows.

- (A) Outdoor storage is only permitted in that portion of the rear yard which is not part of the required rear yard and/or required side yard(s). Outdoor storage areas must not exceed twenty (20) percent of the square foot area of the principal building(s) upon the premises. Outdoor storage areas must be screened from adjoining premises of a higher use Zoning District classification and from public streets by a solid fence, wall, or natural screening adequate for the purpose.
- (B) Delivery operations to and from said business.

Section 15.6 INDUSTRIAL LANDSCAPING REQUIREMENTS.

In those yards which front on any street, the area between the edge of the street pavement and the street right-of-way line, with the exception of paved driveways and parking areas, shall be used exclusively for the planting and growing of trees, shrubs, lawns and other landscaping design, planted and maintained in an aesthetically pleasing manner. All other unpaved areas of the lot shall either be landscaped or maintained in its undisturbed natural state. Those side yards or rear yards of any lot in this Zoning District which abut any Zoning District other than the Industrial Zoning District shall have and maintain a greenbelt of at least twenty (20) feet in width between the industrial use and the Non-Industrial Zoning District.

## **CHAPTER 16**

### **M-1 MINING ZONING DISTRICT**

#### Section 16.1 **PURPOSE.**

This Zoning District is intended to provide a zoning classification wherein certain lands and premises in the Township may be lawfully used for the extraction of the natural mineral deposits of minable quality contained therein. Such a zoning classification shall be considered as transitional in nature, with a total planning view toward the ultimate use of the lands and premises after the extraction of said natural mineral deposits.

#### Section 16.2 **PERMITTED USES.**

The lands and premises in this Zoning District may be used only for the extraction of the natural mineral deposits of minable quality contained therein upon the prior issuance of a permit for such use by the Township Board. The criteria for the issuance and maintenance of such a permit shall be identical to those set forth in the Township's "Earth Change Ordinance," being Ordinance No. 78-1, as amended.

#### Section 16.3 **USES, ACCESSORY.**

Accessory uses are allowed in the Mining Zoning District and include but are not limited to the following: buildings, stockpiles of materials, outside storage of machinery and equipment, etc.

#### Section 16.4 **USES REQUIRING SPECIAL APPROVAL.**

After the mining operations have been completed on all or a portion of the property in question, but before the land has been rezoned from the M-1 Zoning District, the property owner may receive a special use permit pursuant to Chapter 32 of this Ordinance to use some or all of the land in question in ways which are permitted in one (1) or more of the Zoning Districts adjacent to the land in question.



## **CHAPTER 17**

### **LSOD LINCOLN STREET OVERLAY ZONING DISTRICT**

#### Section 17.1 **PURPOSE.**

The purpose of the Lincoln Street Overlay Zoning District (LSOD) is to implement the vision and recommendations of the M-231 Sub-Area Plan for the Secondary Growth Area. The LSOD is only applicable to underlying land within its boundaries that is zoned in the B-1 Zoning District. The intent of the LSOD is to allow for a limited amount of neighborhood-scale services, office, and retail that is compatible with the surrounding residential area. Uses shall serve the needs of residents living in nearby neighborhoods and accommodate a limited amount of M-231 travelers. The creation of the LSOD acknowledges that the Lake Michigan Drive Commercial Overlay Zoning District (LMDCOD) falls within the Primary Growth Area designated in the M-231 Sub-Area Plan, where more intensive commercial and industrial uses are suitable.

All uses in the LSOD are designated as special uses and must be reviewed in accordance with the process outlined in Chapter 32 of this Ordinance. In addition to all other applicable special use and site plan standards, all uses within the LSOD are subject to the requirements and standards listed in this Chapter and the spatial and dimensional requirements included in Chapter 30. Furthermore, development proposals shall be consistent with applicable goals and policies of the M-231 Sub-Area Plan.

#### Section 17.2 **USES REQUIRING SPECIAL APPROVAL.**

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Retail commercial establishments, personal services, and professional offices. Individual buildings are limited to a maximum of two (2) business entities. Drive-thru facilities are prohibited.
- (B) Post offices and similar governmental offices of no more than seven hundred-fifty (750) square feet.
- (C) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.
- (D) Restaurants (but not including drive-in or drive-thru service).
- (E) Automobile service stations provided the following conditions are met.
  - (1) A maximum of four (4) pumps is permitted. A single pump serves two (2) vehicles, with one (1) fuel dispensing hose on each side.

- (2) Outdoor display and storage are prohibited.
  - (3) No automobile service station shall include any of the following uses: general vehicle repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; vehicle collision services such as body, frame, or fender straightening and repair; vehicle painting and/or undercoating.
  - (4) Except for routine servicing of automobiles, all business activities shall be conducted in a completely enclosed building.
  - (5) All gasoline, kerosene, diesel fuel, or other flammable and combustible liquids shall be stored in a manner which complies with the Michigan Administrative Rules for the storage of such materials as promulgated by the State Fire Safety Board.
- (F) Contractor's and trades offices without outdoor storage.
- (G) Roadside stands (seasonal and portable display stands for the retail sale of farm produce).
- (H) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (I) Churches.

### Section 17.3 BUILDINGS.

In addition to the requirements of the underlying Zoning District, all buildings in the LSOD shall comply with the requirements below. Requirements listed in this Section supersede requirements of the underlying Zoning District.

- (A) **Architecture.** Architectural design and form shall retain and strengthen the character of traditional rural buildings. The applicant shall demonstrate consideration of alternatives and compliance with the M-231 Sub-Area Plan, and provide justification for the selected design.
- (B) **Materials.** Horizontal clapboard siding shall be used for all exterior walls. Heavier building materials, such as stone or masonry, may be used no higher than four (4) feet above the finished grade of the adjacent exterior wall.
- (C) **Elements.** Each building shall include overhangs, such as porches or awnings, projecting no less than five (5) feet from the exterior wall on any side of the building fronting a street or parking area. Porches must be supported by square wood posts.
- (D) **Fenestration.** At least seventy (70) percent of ground level facades between two (2) and eight (8) feet above grade and facing a street must be windows and doors. Door and window

requirements for the first floor of a building on a corner lot that faces a lesser traveled street may be reduced to fifty (50) percent.

- (E) Compatibility. The color, height, materials, and façade treatment of new development shall not dramatically contrast with the predominant style of other commercial buildings within the LSOD, unless the Township finds that an existing commercial building within the LSOD is inconsistent with the requirements of this Section.

#### Section 17.4 SITE.

- (A) Required Yards. Front building lines shall fall within a build-to zone (Section 30.2). Front yards shall be minimized within this Zoning District to bring uses closer to the street, reinforcing the neighborhood scale. The yard of any lot fronting Lincoln Street or 124<sup>th</sup> Avenue is considered a front yard.
- (B) Building Orientation. Buildings shall face the street, parallel to the street, with major roof ridges either parallel or perpendicular to the street.
- (C) Parking. Parking areas shall be placed behind buildings that front 124<sup>th</sup> Avenue and Lincoln Street, unless at the corner of an intersection of two (2) County primary roads or two (2) County local roads or one (1) of each. In this case, parking may be next to the building, as long as the building is placed closer to the corner of the lot abutting the intersection.
- (D) Civic Space. At least one (1) civic space shall be provided per site plan, including but not limited to small parks, playgrounds, sitting areas, plazas, courtyards, or other similar common areas provided for public gathering and interaction. Amenities such as benches, planters, lighting, fountains, art, and landscaping that further the design theme of the project and encourage interaction shall be provided. The developer shall provide civic space that is designed and sized commensurate with the scale of the proposed development, intended user, level of public access, occupant load, and type of lot. The Township shall determine the appropriateness of the type, size, and extent of the required civic space based on these factors. The civic space may be part of any open space required for the development.

#### Section 17.5 SIGNS AND LIGHTING.

- (A) Signs. Where conflicting, this Section shall supersede the sign requirements and standards included in Section 4.44 of this Ordinance.
  - (1) The building materials, color scheme, design, and method of illumination of signage must be compatible with the architecture and design of the principal building.
  - (2) Sign faces shall be constructed of durable natural materials or materials visually resembling a natural product. Signs shall respect the rural character of this Zoning

District and shall be or have the appearance of being multi-dimensional, such as having the appearance of carved or sandblasted wood.

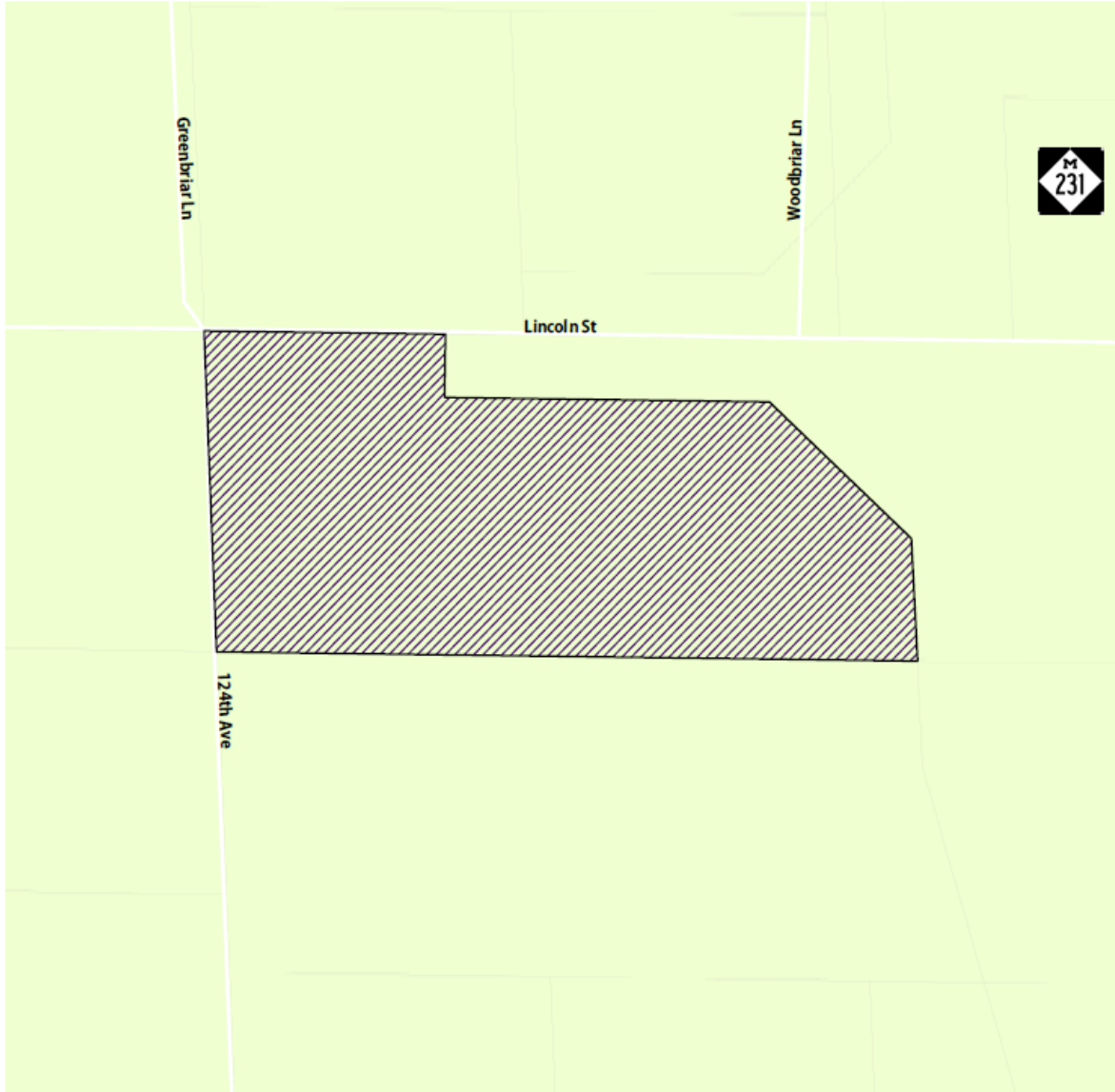
- (3) If illuminated, signs shall be down lit using cut-off fixtures in accordance with Section 4.34. Internal illuminated signs, digital signs, and electronic message boards are prohibited.
- (4) Externally and internally mounted electric neon signs are prohibited.
- (5) Colors.
  - a) Earth tone colors shall be prioritized over bright or primary colors, regardless of corporate or franchise colors. Neon colors are not permitted.
  - b) Sign backgrounds, support posts, and frames shall be a neutral base color.
- (6) Business development identification signs are required for any project with multiple buildings on a single lot and for commercial subdivisions.
- (7) Only those signs permitted in the following table shall be allowed in the LSOD.

<b>PERMITTED SIGNS AND REQUIREMENTS</b>	
<b>Wall, Suspended and Projecting signs</b>	
Number	One (1) per business entity, per street frontage, or per parking area frontage; maximum of two (2) per business entity.
Size	<ul style="list-style-type: none"> <li>a. Wall signs: No more than ten (10) percent of the building façade on which it is placed, and no more than sixteen (16) square feet per sign, per façade.</li> <li>b. Suspended and projecting signs: Six (6) square feet maximum.</li> </ul>
Height	Suspended and projecting signs: Minimum height clearance of eight (8) feet.
Other	<ul style="list-style-type: none"> <li>a. Signs shall be placed below the eave of a roof.</li> <li>b. Wall signs shall not project more than six (6) inches from the exterior wall.</li> <li>c. Projecting signs not covered by an awning or overhang shall not extend more than five (5) feet from the exterior wall.</li> <li>d. Suspended signs shall not extend beyond the overhang on which they are affixed.</li> </ul>

<b>PERMITTED SIGNS AND REQUIREMENTS</b>	
<b>Sandwich Board Signs</b>	
Number	One (1) per business entity; maximum of two (2) per building.
Size	Six (6) square feet maximum, thirty (30) inches wide maximum, forty-two (42) inches high maximum.
Other	<ul style="list-style-type: none"> <li>a. Signs shall not interfere with pedestrian or bicycle travel.</li> <li>b. Signs may only be displayed during business hours open to the public.</li> <li>c. Signs must be constructed with painted wood panels.</li> </ul>
<b>Freestanding</b>	
Number	<ul style="list-style-type: none"> <li>a. One (1) per street frontage per lot; maximum of two (2) per lot.</li> <li>b. Prohibited when a business development identification sign is required.</li> </ul>
Size	Twenty-four (24) square feet maximum.
Height	Six (6) feet maximum.
Location	Five (5) feet from any street and fifteen (15) feet from any other lot line.
Other	<ul style="list-style-type: none"> <li>a. Non-digital changeable copy signs are permitted for gasoline price signs.</li> <li>b. Signs must be placed parallel or perpendicular to the street.</li> <li>c. Signs shall be mounted on wood posts, hung from a wood crossbar between posts, or hung from an extended arm.</li> <li>d. The permitted framework for a freestanding sign shall include: a four (4) by four (4) inch post along with a four (4) by four (4) inch mast arm extension; two (2) four (4) by four (4) inch posts along with a four (4) by four (4) inch cross beam; or two (2) four (4) by four (4) inch posts on both sides of the sign.</li> </ul>
<b>Business Development Identification Sign</b>	
Number	One (1) per street per development (one [1] lot with multiple buildings or a commercial subdivision), maximum of two (2) per development.
Size	Forty-Eight (48) square feet maximum.
Height	Eight (8) feet maximum.
Location	Five (5) feet from the street and fifteen (15) feet from any other lot line.

<b>PERMITTED SIGNS AND REQUIREMENTS</b>	
<b>Window Signs</b>	
Size	Interior window signs, in any amount, may not exceed twenty (20) percent of any window.
Other	Window signs shall not be illuminated.
















- (B) Lighting. In addition to the requirements of Section 4.34, all light fixtures shall comply with the requirements below.
- (1) When incorporated on structures, lighting shall be mounted on the storefront walls, preferably centered on columns, between windows and doors or centered above the windows and doors of the storefront. Lighting may also be placed underneath overhanging porches, but must be recessed.
  - (2) On buildings, wall-mounted, traditional light fixtures, such as wall sconces, gooseneck lighting or other extended-arm mounted lights are required. The use of industrial wall pack lighting is prohibited.
  - (3) Pole-mounted light fixtures used to light walkways and parking areas must be a traditional or rural style.



**Exhibit B:**  
**Zoning Map Amendment - Secondary Growth Area**



Draft: September 14, 2015

- |   |  |
|---|--|
|  A-1, Agricultural             |  I-2, Industrial                                      |
|  A-2, Agricultural Service     |  M-1, Mining  |
|  RR, Rural Residential         |  PUD C, Clustered Residential                         |
|  R-1, One-Family Residential   |  PUD NC, Non-Clustered Residential                    |
|  R-2, Multi-Family Residential |  PUD RP, Recreational Park                            |
|  B-1, Neighborhood Commercial  |  PUD MHP, Mobile Home Park                            |
|  B-2, General Business         |  E-1, Lowland Resource Conservation                   |
|  I-1, Industrial               |  LMDCOD Lake Michigan Dr. Commercial Overlay District |
|   |  LSOD Lincoln Street Overlay District                 |



## CHAPTER 18

### LMDCOD LAKE MICHIGAN DRIVE COMMERCIAL OVERLAY ZONING DISTRICT

#### Section 18.1 PURPOSE.

The purpose and intent of the Lake Michigan Drive Commercial Overlay Zoning District (LMDCOD) is to implement the vision and recommendations of the M-231 Sub-Area Plan for the Primary Growth Area. The LMDCOD is only applicable to underlying land within its boundaries that is in the B-2 General Business Zoning District or I-1 Industrial Zoning District. Land included in any other Zoning District shall be rezoned to the B-2 or the I-1 Zoning District prior to being developed for commercial or industrial purposes under the LMDCOD.

The intent of the LMDCOD is to accommodate highway commercial, community-serving commercial, and community serving industrial uses within the Primary Growth Area. All uses in the LMDCOD are designated as special uses and must be reviewed in accordance with the process outlined in Chapter 32 of this Ordinance. In addition to all other applicable special use and site plan standards, all uses within the LMDCOD are subject to the requirements and standards listed in this Chapter and the spatial and dimensional requirements included in Chapter 30. Furthermore, development proposals shall be consistent with applicable goals and policies of the M-231 Sub-Area Plan.

#### Section 18.2 USES REQUIRING SPECIAL APPROVAL.

One (1) or more of the following uses may be allowed after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

##### (A) Highway Commercial Sub-District.

- (1) Retail commercial establishments, personal services, and professional offices, except for sexually oriented businesses. Individual buildings are limited to a maximum of three (3) business entities. Drive-thru facilities are permitted.
- (2) Restaurants, including drive-in or drive-thru service.
- (3) Automobile service stations provided the following conditions are met.
  - (a) A maximum of eight (8) pumps is permitted. A single pump serves two (2) vehicles, with one (1) fuel dispensing hose on each side.
  - (b) Outdoor display and storage are prohibited.
  - (c) No automobile service station shall include any of the following uses: general vehicle repair; engine rebuilding; rebuilding or reconditioning of motor



vehicles; vehicle collision services such as body, frame, or fender straightening and repair; vehicle painting and/or undercoating.

- (d) Except for routine servicing of automobiles, all business activities shall be conducted in a completely enclosed building.
- (e) All gasoline, kerosene, diesel fuel, or other flammable and combustible liquids shall be stored in a manner which complies with the Michigan Administrative Rules for the storage of such materials as promulgated by the State Fire Safety Board.

(4) Hotels and motels.

(5) Similar uses.

(B) Community Commercial Sub-District.

- (1) Retail commercial establishments, personal services, and professional offices, except for sexually oriented businesses. Individual buildings are limited to a maximum of three (3) business entities. Drive-thru facilities are not permitted.
- (2) Financial and business service establishments, banks, credit unions, and insurance offices. Drive-thru facilities are permitted.
- (3) Restaurants (not including drive-in or drive-thru service), taverns, and microbreweries.
- (4) Post offices and similar governmental offices.
- (5) Medical and dental services, clinics, and medical offices.
- (6) Theaters.
- (7) Commercial indoor recreational facilities.
- (8) Schools, including public, private, or specialized training.
- (9) Minor vehicle repair and vehicle wash, excluding wrecker service.
- (10) Vehicle sales and rental- automobiles, light trucks, and boats.
- (11) Outdoor display and storage, such as building or garden supplies, excluding lumberyards, limited to no more than ten (10) percent of the first floor gross floor area.

- (12) Churches.
- (13) Similar uses.
- (C) Industrial Uses.
  - (1) Vehicle sales and rental- heavy trucks and equipment.
  - (2) Light manufacturing, processing, and packaging.
  - (3) Warehousing.
  - (4) Wholesale and distribution operations.
  - (5) Mini-warehouses and self-storage facilities.
  - (6) Specialized training schools.
  - (7) Offices and services, such as landscaping and tree removal companies, exterminators, carpet cleaners, and contractor's offices.
  - (8) Automobile repair station, excluding junk and salvage yards and wrecker service.
  - (9) Outdoor display and storage, such as building or garden supplies, excluding lumberyards, limited to no more than twenty (20) percent of the first floor gross floor area.

Section 18.3 HIGHWAY COMMERCIAL AND COMMUNITY COMMERCIAL BUILDINGS.

In addition to the requirements of the underlying Zoning District, all buildings within the Highway Commercial and Community Commercial Sub-Districts of the LMDCOD shall comply with the requirements below. Requirements listed in this Section supersede requirements of the underlying Zoning District.

- (A) Architectural Features/Façade Treatments.
  - (1) Articulation. Long, uninterrupted facades are prohibited. Building bays, storefronts, entrances, columns, pilasters and other vertical elements shall be used in approximately fifteen (15) to twenty-five (25) foot increments to visually alter a building façade. Blank walls shall be avoided by including ground floor windows, recesses, extensions, and breaks in roof elevation.

- (2) Defined Stories. Cornice lines, stringcourses, or other architectural elements shall create recognizable divisions between stories of buildings.
  - (3) Storefronts.
    - (a) Storefront buildings shall be designed to create a distinct and visually separated ground floor through the use of accents such as a base panel between the sidewalk and the display windows, display windows, an entry framed by piers/pilasters, a sign band, a change in materials or textures, or an awning or canopy between the first and second floors.
    - (b) Storefronts and building entrances shall be enhanced by awnings, canopies, or marquees.
  - (4) Loading Areas. Loading docks, overhead doors, and other services entries may not be located on street-facing facades.
- (B) Roofs.
- (1) Flat Roofs. Flat roofs are prohibited unless enclosed by a parapet of at least three (3) feet. Higher parapets may emphasize the primary street level building entrance or corner of a building, but shall remain subject to the height restrictions of the LMDCOD.
  - (2) Mechanical Equipment. Rooftop mechanical equipment shall be screened on all sides or concealed by a parapet so it is not visible from the ground as observed from the curb or pavement edge of the street and any sidewalks.
- (C) Window Transparency. Transparency requirements shall apply to the area of the façade between two (2) feet and ten (10) feet above the sidewalk regardless of where windows are located.
- (1) Tint and Reflection. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent.
  - (2) Interior View. Ground floor windows shall contain displays that are meant for viewing from the outside, or shall be unobstructed for a depth of not less than four (4) feet into the building.

Section 18.4 HIGHWAY COMMERCIAL AND COMMUNITY COMMERCIAL SITES.

- (A) Required Yards. Front building lines shall fall within a build-to zone (Section 30.2). Front yards shall be minimized within this Zoning District to bring uses closer to the street. The yard of any lot fronting Lake Michigan Drive or 120<sup>th</sup> Avenue is considered a front yard.

- (B) Building Orientation.
- (1) Storefronts shall be oriented to address and enhance public areas and pedestrian pathways.
  - (2) Buildings shall face and be parallel to the street, with major roof ridges either parallel or perpendicular to the street.
  - (3) In the Highway Commercial Sub-District, buildings shall be placed to define street edges, development entry points, and public gathering places. In the Community Commercial Sub-District, buildings shall be oriented toward the main frontage street or internal driveway system.
  - (4) Development sites with multiple buildings totaling twenty thousand (20,000) square feet floor area or more shall be configured in one (1) or more of the following ways.
    - (a) Break up the site into a series of smaller areas defined by on-site streets, pedestrian walkways, or other circulation routes.
    - (b) Frame the corner of an adjacent street intersection or entry point to the development.
    - (c) Frame and enclose parking areas, public spaces, or other site amenities on at least three (3) sides.
    - (d) Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.
- (C) Parking. In the Highway Commercial Sub-District, parking lots shall be located in side or rear yards.
- (D) Civic Space. At least one (1) civic space shall be provided per site plan, including but not limited to small parks, playgrounds, sitting areas, plazas, courtyards, or other similar common areas provided for public gathering and interaction. Amenities such as benches, planters, lighting, fountains, art, and landscaping that further the design theme of the project and encourage interaction shall be provided. The developer shall provide civic space that is designed and sized commensurate with the scale of the proposed development, intended user, level of public access, occupant load, and type of lot. The Township shall determine the appropriateness of the type, size, and extent of the required civic space based on these factors. The civic space may be part of any open space required for the development.
- (E) Compatibility.

- (1) Development shall be planned so land uses and densities create an appropriate transition to existing or planned uses and densities on adjoining properties.
  - (2) An appropriate relationship between the various uses and structures within a development shall be designed and constructed through the use of complementary materials, unified streetscape treatment, buffering, connectivity for vehicular and pedestrian movement, building orientation, parking location, and height.
  - (3) All structures shall be fully integrated into the development through common design themes, including but not limited to lighting, benches, walkways, commons spaces, landscaping, and other decorative features.
- (F) Pedestrian Accessibility. Development shall be concentrated in a compact and walkable area, subject to the following standards.
- (1) Uses are concentrated to promote convenient pedestrian access.
  - (2) Pedestrian circulation is clearly defined and connects all uses.
  - (3) Connectivity for bicycle and pedestrian access is provided to adjacent developments.
  - (4) Sidewalks are provided on each side of streets, private roads, and driveways throughout the development.
- (G) Strip Commercial. Strip commercial development characterized by single-story, uncoordinated, unconnected buildings with large street frontage parking lots is specifically prohibited. Strip malls with uncoordinated, unconnected out parcels are prohibited.
- (H) Open Space. Within the Community Commercial Sub-District, a minimum of ten (10) percent of each lot shall be preserved as open space.
- (1) Streets, sidewalks, parking lots, and other impervious surfaces shall be excluded from required open space.
  - (2) Outside of streets or private roads, lands occupied by bike paths or recreational amenities may be counted as dedicated open space; provided, such impervious surfaces shall not constitute more than ten (10) percent of the total required open space.
  - (3) Up to twenty-five (25) percent of the dedicated open space requirement may be satisfied with land covered by water or by stormwater detention or retention basins if the Township determines that such a water body or basin constitutes an amenity that contributes to the character of the development and offers an active or passive leisure experience.

Section 18.5 INDUSTRIAL SITES.

- (A) Outdoor Use. All manufacturing, processing, and packaging operations shall occur within an enclosed building.
- (B) Truck Circulation. Industrial sites shall be designed to ensure adequate room for vehicle stacking, circulation, and turning movements.
- (C) Impacts. Activities shall not create noise, vibration, odor, fumes, or electrical or communications interference that can be detected to an unreasonable level by a reasonable person with normal senses off the premises.

Section 18.6 ASSESSMENT AGREEMENT.

According to the M-231 Sub-Area Plan, on-site treatment is not the desired long-term solution to sanitary sewage in the Primary Growth Area and the LMDCOD. As a condition of any special use permit issued by the Township, landowners shall agree to a special assessment agreement if they do not immediately connect to a public sanitary sewer system. This agreement will be a precursor to a future special assessment district that will fund construction of the public sanitary sewer system, as sewer infrastructure may not be feasible or cost-effective prior to a critical mass of development. As projects are approved within the LMDCOD, they may be developed with on-site treatment facilities built to be expandable and ultimately convertible to connect to a public system.

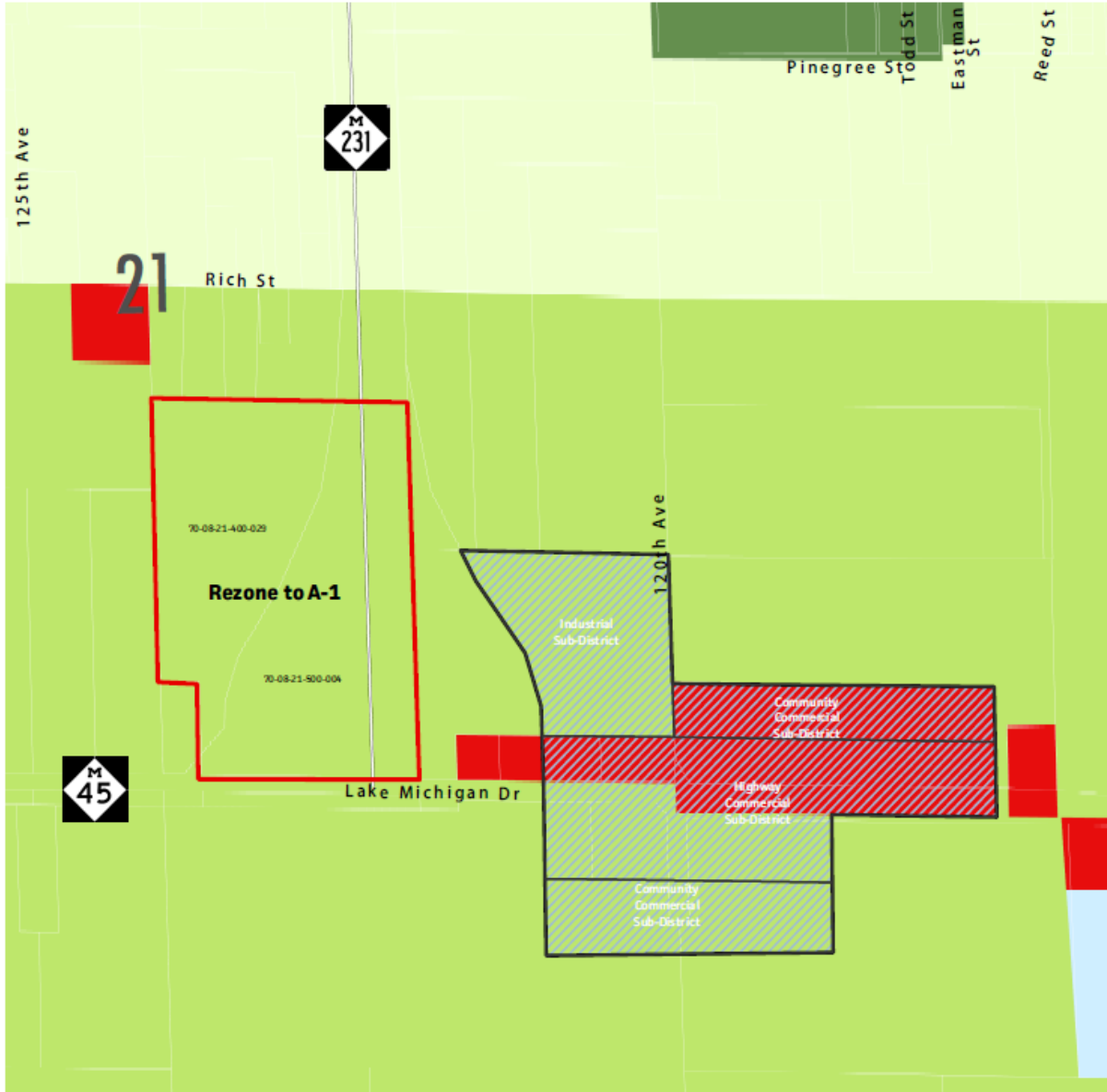














Exhibit A:  
Zoning Map Amendment - Primary Growth Area

Draft: October 2, 2015

 A-1, Agricultural	 I-2, Industrial
 A-2, Agricultural Service	 M-1, Mining
 RR, Rural Residential	 PUD C, Clustered Residential
 R-1, One-Family Residential	 PUD NC, Non-Clustered Residential
 R-2, Multi-Family Residential	 PUD RP, Recreational Park
 B-1, Neighborhood Commercial	 PUD MHP, Mobile Home Park
 B-2, General Business	 E-1, Lowland Resource Conservation
 I-1, Industrial	 LMDCOD Lake Michigan Dr. Commercial Overlay District
	 LSOD Lincoln Street Overlay District



## **CHAPTER 20**

### **PUD PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

#### Section 20.1 **PURPOSE.**

The use, area, height, bulk, and placement regulation of this Ordinance are primarily applicable to the usual situation of one (1) principal use per lot. In certain larger developments these requirements result in a less desirable development for the achievement of the purposes of this Ordinance than if a controlled degree of flexibility is allowed. A development may be of such large size as to justify permitting certain incidental uses not normally permitted in the Zoning District. Permitting these uses within the development can, in certain cases, increase convenience, be compatible with the overall character of the development and not be injurious to adjoining properties. The Planned Unit Development Zoning District is intended to permit and control the development of pre-planned areas as planned unit developments for various compatible uses permitted by this Ordinance, and for other special uses not so permitted. In so doing, a degree of flexibility is allowed in the use, area, height, bulk, and placement regulations for planned unit developments to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and to afford reasonable protection to uses adjacent to the planned unit development.

All planned unit developments approved pursuant to this Chapter shall be one of three (3) general types: Recreational Use, Clustered Residential Development, and Non-Clustered Residential Development. Each planned unit development shall give due consideration to maintenance of reasonable conditions regarding noise, vibration, gas and smoke emissions, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on surrounding property values, light and air quality, overcrowding of persons, sanitation, surface and ground water quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations which have an effect on the achievement of the purposes of this Ordinance.

#### Section 20.2 **PLANNED UNIT DEVELOPMENT PERMITTED USES.**

Land, buildings or structures in the Planned Unit Development Zoning District may be used for the following uses only.

- (A) General type - Recreational.
  - (1) Camps and campgrounds.
  - (2) Recreational resorts.
  - (3) Fair grounds.
  - (4) Marinas.



- (5) Private recreational clubs.
  - (6) Archery ranges, baseball diamonds, basketball courts, beagle clubs, football fields, golf courses, golf driving ranges, horseshoes, miniature golf courses, outdoor tennis courts, picnic grounds, public parks, riding stables, shuffleboard courts, outdoor skating rinks and soccer fields.
  - (7) The following accessory uses when incidental to the above principal uses: arcades (indoor facilities containing amusement devices), ballrooms, day care centers, grocery stores, laundries, propane sales, restaurants, and other similar accessory uses incidental to a permitted principal use.
  - (8) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.
- (B) **[Reserved for future use.]**
- (C) General type - Clustered Residential.
- (1) Clustered residential developments consisting of one-family dwellings and multiple-family dwellings for two (2) families.
  - (2) Recreational uses incidental to a clustered residential development.
  - (3) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.
- (D) General type - Non-Clustered Residential.
- (1) Residential developments consisting of one-family dwellings.
  - (2) Recreational uses incidental to a non-clustered residential development.
  - (3) Small tower-mounted wind energy turbines and small structure-mounted wind energy turbines.

Section 20.3 PROCEDURES.

Planned unit developments shall be approved in accordance with the procedures and requirements hereinafter specified. Any lot or parcel of land or portion thereof is eligible for Planned Unit Development Zoning District rezoning, provided it meets the minimum size specified. The Planning Commission in making its report and recommendation to the Township Board as provided in Section 20.6 hereinafter and the Township Board in granting or denying approval of the Planned Unit

Development Zoning District as provided in Section 20.9 hereinafter shall each consider the following standards.

- (A) Whether the proposed planned unit development is consistent with and promotes the intent and purpose of this Ordinance and the considerations referenced in Section 20.1 hereinbefore.
- (B) Whether the proposed planned unit development is compatible with adjacent uses and population densities of land, adjacent concentrations of populations, the natural environment, and the capacities of public services and facilities affected by the planned unit development.
- (C) Whether the planned unit development is consistent with the public health, safety, and welfare of the Township.
- (D) Whether the planned unit development is compatible with the Township's Master Land Use Plan and existing zoning.
- (E) Whether the planned unit development meets the requirements, terms and conditions of the Robinson Township Earth Change Ordinance, as amended, as if the Earth Change Ordinance applied to the planned unit development.

Section 20.4 PRELIMINARY DEVELOPMENT PLAN - SUBMISSIONS AND CONTENT.

Applicants for Planned Unit Development Zoning District rezoning shall prepare and submit to the Building Inspector seventeen (17) copies of a preliminary development plan for the planned unit development. The Building Inspector shall promptly transmit copies of this plan to the Planning Commission, the Township Board, the Building Department, the Zoning Department, and the Township Attorney. The Building Inspector shall retain one (1) copy for personal use and another copy for public inspection. This development plan shall set forth, in general terms, the proposed uses to be developed in the planned unit development and the following specific information.

- (A) Legal description of the land included in the Planned Unit Development Zoning District.
- (B) Small-scale sketch of properties, streets, and uses within one-half (1/2) mile of the proposed Planned Unit Development Zoning District.
- (C) A map to scale showing any existing or proposed arrangement of:
  - (1) Streets;
  - (2) Lots, condominium sites, buildings and structures;
  - (3) Access points;

- (4) Other transportation arrangements;
  - (5) Buffer strips or common areas such as recreational grounds, nature preserves or open space easements; and
  - (6) Any on-site sewage treatment facilities and water supplies; proposed routing of transmission or distribution systems of any utilities; location of any water retention facilities (i.e., storm water); underground utilities, including without limitation electric and telephone.
- (D) A narrative describing:
- (1) The overall objectives of the planned unit development;
  - (2) Method of financing;
  - (3) Number of acres allocated to each use;
  - (4) Gross and net densities of each use (density shall be calculated using methods of greatest applicability to each use and net density shall be calculated to most closely reflect only those areas clearly assigned and usable by each use);
  - (5) Proposed method of providing necessary sewer and water services, as well as other public and private utilities; and
  - (6) Proposed method of providing storm drainage.

Section 20.5 REVIEW OF PRELIMINARY DEVELOPMENT PLAN.

The Planning Commission shall review the preliminary development plan and make recommendations to the applicant based on:

- (A) The requirements of this Ordinance; and
- (B) The following specific considerations where applicable.
  - (1) Ingress and egress to the property and proposed buildings and structures thereon, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. Right-of-way widths and construction details for public streets shall be governed by the rules and specifications of the Ottawa County Road Commission for County roads; right-of-way widths and construction details for private driveways shall at a minimum conform to the following requirements:

- (a) The driveway shall be constructed in a good and workmanlike manner upon and parallel to the center line of an easement which is established by a duly recorded conveyance and which is not less than sixty-six (66) feet in width for its entire length.
  - (b) The driveway shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the driveway, by sloping the sides of the driveway from the center thereof, or by other effective methods.
  - (c) The driveway shall have a sand and gravel base of not less than twelve (12) inches in depth of which not less than six (6) inches in depth shall be only gravel.
  - (d) The driveway shall have a road bed not less than twenty-four (24) feet wide for its entire length.
  - (e) The driveway shall be constructed over adequate culverts where necessary and as may be required by the Ottawa County Road Commission (or as would be required by the Ottawa County Road Commission if the driveway were a public street).
  - (f) The driveway shall be covered with bituminous blacktop paving material of not less than one and one-half (1-1/2) inches in depth at any point and of not less than twenty (20) feet in width for its entire length.
- (2) Off-street parking and loading areas where required, with particular reference to the items in Section 20.5 (B)(1) and the economic, noise, glare, or odor effects of each use in the proposed planned unit development.
  - (3) Refuse and service areas, with particular reference to the items in Section 20.5 (B)(1) and Section 20.5 (B)(2).
  - (4) Utilities, with reference to locations, availability, and compatibility (potable private water supplies and on-site disposal of sewage or household wastewater shall be governed by the rules of the Ottawa County Department of Public Health).
  - (5) Screening and buffering with reference to type, dimensions, and character.
  - (6) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties in the proposed planned unit development.

- (7) The usefulness and value of open spaces and the need for deviations from the minimum required yards which would be required by the underlying zoning district.
- (8) General compatibility with adjoining properties and properties in the proposed planned unit development.
- (9) Compatibility of the Township's Master Land Use Plan and existing zoning with the proposed planned unit development.
- (10) Any potential interference with adjacent permitted uses.

Section 20.6 TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATION.

The Planning Commission shall transmit its recommendations pertaining to the preliminary development plan along with any recommended changes or modifications thereof to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In the course of its consideration of the preliminary development plan, the Planning Commission may call an advisory public hearing and give such notice thereof as it shall deem appropriate.

Section 20.7 FINAL DEVELOPMENT PLAN SUBMISSION.

After receiving the recommendation of the Planning Commission on the preliminary development plan, the applicant shall submit seventeen (17) copies of the final development plan to the Building Inspector. The Building Inspector shall promptly transmit copies to the Planning Commission, the Township Board, the Building Department, the Zoning Department, and the Township Attorney. The Building Inspector shall retain one (1) copy for personal use and another copy for public inspection. Simultaneously, with the submission of a final development plan, the applicant shall submit to the Township Clerk an application for rezoning requesting that the land included in the final plan for the planned unit development be rezoned to the Planned Unit Development Zoning District. Consideration of the requested rezoning amendment shall then proceed in accordance with Chapter 41, as amended, of this Ordinance and the Zoning Act.

Section 20.8 FINAL SITE PLAN CONTENT.

The final development plan shall comply with the requirements for a detailed site plan, as such requirements are set forth in Section 31.7 of this Ordinance. The final development plan shall also provide the following information.

- (A) The plan shall state if any of the present buildings are non-conforming.
- (B) The plan shall show each tree over twelve (12) inches in diameter measured at a point five (5) feet off the ground.
- (C) The plan shall show the location of all lot lines or condominium sites.

- (D) The plan shall show the gross area in buildings and the parking ratios.
- (E) The plan shall describe all of its aspects which might have an adverse effect on public health, safety and welfare.
- (F) The plan shall include a copy or detailed summary of any proposed easements, restrictive covenants, condominium master deeds, maintenance agreements or other similar legal documents pertaining to significant improvements or proposals of the development.
- (G) The plan shall include additional information which the Planning Commission or the Township Board may request which is reasonably necessary to evaluate the proposed planned unit development and its effect on the surrounding neighborhood and the Township in general.

Section 20.9 PLANNING COMMISSION AND TOWNSHIP BOARD ACTION.

The Planning Commission shall review the final development plan and make a report and recommendation to the Township Board concerning the Planned Unit Development Zoning District rezoning request. Such report shall state the conclusions of the Planning Commission concerning the planned unit development, the basis for the Planning Commission's recommendation to the Township Board, and any conditions or restrictions relevant to an affirmative decision. Before making its report and recommendation, the Planning Commission shall hold a public hearing on the proposed Planned Unit Development Zoning District rezoning and shall give notice thereof in the same manner as is required by the Zoning Act.

The Township Board shall receive and review the Planning Commission's report and recommendation concerning the planned unit development request and concerning the application for rezoning to the Planned Unit Development Zoning District. Further, the Township Board shall hold a public hearing after appropriate notice is given in accordance with the manner required by law. After such review and public hearing, the Township Board shall grant or deny the rezoning request for the Planned Unit Development Zoning District, or else refer such request back to the Planning Commission for further consideration. If approved, a copy of the final rezoning amendment shall be transmitted to the Township Clerk for publication as required by the Zoning Act.

If the Township Board grants the rezoning request for the Planned Unit Development Zoning District, it shall then consider the proposed planned unit development. The Township Board shall deny, approve, or approve with conditions the planned unit development request. If the request is denied, the Township Board shall initiate proceedings for the purpose of rezoning the land previously zoned as the Planned Unit Development Zoning District. All conditions of the planned unit development approval shall remain unchanged except upon the mutual consent of the Township Board and the land owner. The Township Board shall maintain a record of all conditions which are changed and said record shall be filed with the Building Inspector and the Zoning Administrator. The breach of or noncompliance with any conditions of the planned unit development shall, unless such

breach or noncompliance is specifically waived by the Township Board, automatically invalidate any permits issued for the planned unit development. In the event of such invalidation, the Township Board shall direct the Planning Commission to start the rezoning process to rezone the land previously zoned as Planned Unit Development Zoning District.

Section 20.9A PUD AMENDMENTS.

Once a planned unit development has been approved, any proposed amendments to the final development plan or any proposed revisions to the conditions of approval shall be submitted to the Planning Commission and the Township Board according to the procedure described in Section 20.9 above. The Planning Commission shall make a recommendation to the Township Board after a public hearing, and the Township Board shall make its decision after a public hearing. This Section shall not apply if the planned unit development amendment qualifies as a minor change to an approved Detailed Site Plan pursuant to Section 31.11.

Section 20.10 MINIMUM SIZE.

The proposed area of land for a Planned Unit Development shall be no less than fifteen (15) acres, the proposed area of land for a Recreational Use Planned Unit Development shall be no less than seven (7) acres, the proposed area of land for a Clustered Residential Use Planned Unit Development shall be no less than forty (40) acres, and the proposed area of land for a Non-Clustered Residential Use Planned Unit Development shall be no less than twenty (20) acres.

Section 20.11 TIME LIMITATIONS ON DEVELOPMENT.

Each planned unit development shall be under construction within one (1) year after the date a final development plan is approved by the Township Board. Further, the Township Board public hearing concerning the planned unit development request shall be held within one (1) year after the Planning Commission public hearing on the proposed Planned Unit Development Zoning District rezoning. If these requirements are not met, the Township Board may, in its discretion, grant an extension. In considering such authorization, the Township Board shall consider the following standards:

- (A) Whether or not the planned unit development as requested or as approved has encountered unforeseen difficulties;
- (B) Whether or not the planned unit development or the request for such is now ready to proceed; and
- (C) The length of extension requested by the applicant.

If there is no extension thereof, or any extended deadline is not met, any permit issued for the planned unit development shall be automatically invalid and void and the Township Board shall initiate proceedings for the purpose of rezoning the land previously zoned as the Planned Unit Development Zoning District. Alternatively, if no extension is granted or any extended deadline is

not met, any Planning Commission recommendation shall become invalid if the Township Board public hearing is not held within one (1) year after the Planning Commission public hearing.

Section 20.12 ISSUANCE OF OCCUPANCY PERMIT.

In approving a building permit for a planned unit development, the Township Board may, in addition to other matters, require that all or any part of the improvements and other elements of the planned unit development be constructed and completed prior to the issuance of an Occupancy Permit. In the event that these buildings, improvements, or other elements are partially completed to a point where occupancy will not impair the health, safety, and general welfare of all parties concerned, then the Building Inspector may grant an Occupancy Permit on such reasonable conditions relating to completion as the Township Board shall establish. The Building Inspector shall have the discretion to decline to determine whether or not an Occupancy Permit should be granted and to refer any such decision concerning the conditional Occupancy Permit to the Township Board.

Section 20.13 FINANCIAL GUARANTEES.

To ensure compliance with the Zoning Ordinance and any conditions imposed thereunder, the Township Board may, in granting approval of a Planned Unit Development Zoning District rezoning, require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township, covering the estimated cost of improvements associated with the planned unit development, be deposited with the Clerk of the Township to ensure faithful completion of the improvements. This performance guarantee shall be deposited at the time of the issuance of the permit authorizing the planned unit development. If the performance guarantee is a cash deposit, it shall be rebated periodically by the Township Board on application by the depositor in reasonable proportion to the ratio of the work completed on the required improvements. For purposes of this subsection, the word "improvements" shall mean those features and actions associated with the planned unit development which are considered necessary by the Township Board to protect natural resources, or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed planned unit development and the area surrounding the planned unit development, including roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire planned unit development.

Section 20.14 ADDITIONAL PROVISION.

All provisions of this Ordinance and the other ordinances of the Township shall apply to the planned unit developments except where inconsistent therewith, in which case the provisions of this Chapter shall control.

Section 20.15 RESERVED FOR FUTURE USE.



Section 20.16 CLUSTERED RESIDENTIAL DEVELOPMENTS - GENERAL PROVISIONS.

Clustered residential developments are permitted planned unit developments provided they are in conformance with all State statutes and regulations governing clustered residential developments and the regulations of this Ordinance.

- (A) **FIRST OCCUPANCY.** At first occupancy, the infrastructure of the entire development, or any approved phase thereof, shall be complete. The infrastructure includes all roads, accesses, utilities, sidewalks, lighting, screening, storm drainage, or other features which are intended for general use within the development.
- (B) **MAXIMUM DENSITY.** The maximum number of condominium sites or lots within a clustered residential development which are used for one-family dwellings shall be equal to the net area (in square feet) divided by the minimum area for a lot in the underlying zoning district before the property is rezoned to the Planned Unit Development Zoning District. The maximum number of condominium sites or lots within a clustered residential development which are used for multiple-family dwellings for two (2) families shall be equal to the net area (in square feet) divided by twice the product of the minimum depth and the minimum width for a lot in the underlying zoning district before the property is rezoned to the Planned Unit Development Zoning District. Net area is the total or gross area of the clustered residential development, including street rights-of-way but excluding: navigable waters, land within the one hundred (100) year flood plain, and designated wetlands under State law or Federal law or Township ordinance. If a clustered residential development includes both one family dwellings and multiple-family dwellings for two (2) families, the net area for computing the maximum number of condominium sites or lots which are used for one family dwellings shall exclude the net area used for multiple-family dwellings for two (2) families; in that same event, the net area for computing the maximum number of condominium sites or lots which are used for multiple-family dwellings for two (2) families shall exclude the net area used for single family dwellings.
- (C) **LANDSCAPED BUFFER.** A one hundred (100) foot landscaped buffer shall be maintained around the entire perimeter of the clustered residential development. Yards of a condominium site or lot may not be included in the area required for a landscaped buffer.
- (D) **MINIMUM CONDOMINIUM SITE OR LOT AREA.** Each clustered residential development shall be developed with not less than fifteen thousand (15,000) square feet per condominium site or lot for a one-family dwelling and not less than thirty thousand (30,000) square feet per condominium site or lot for a multiple-family dwelling for two (2) families.
- (E) **MINIMUM CLUSTERED RESIDENTIAL DEVELOPMENT DWELLING SIZE.** The minimum floor area is one thousand eighty (1080) square feet for any one-family dwelling of two (2) bedrooms or less, outside dimensions, at the first floor level exclusive of attached garages, unenclosed porches or other accessory structures. The minimum floor area is increased by one hundred twenty (120) square feet for each bedroom in excess of two (2).

The minimum floor area is one thousand eighty (1080) square feet for each dwelling contained within a multiple-family dwelling for two (2) families of two (2) bedrooms or less, outside dimensions, at the first floor level exclusive of attached garages, unenclosed porches or other accessory structures. The minimum floor area is increased by one hundred twenty (120) square feet for each bedroom in excess of two (2).

- (F) **REQUIRED YARDS.** The required front yard of each one-family dwelling or multiple-family dwelling for two (2) families on a condominium site or lot shall be forty (40) feet as measured from the condominium site or lot front line to the nearest wall of the dwelling (i.e., seventy-three [73] feet as measured from the center line of the street to the nearest wall of the building, if the street is located on a sixty-six [66] feet right-of-way). Each required side yard of the condominium site or lot shall be no less than ten (10) feet as measured from the condominium site or lot side line to the nearest side wall of the one-family dwelling or multiple-family dwelling for two (2) families. Each required rear yard of the condominium site or lot shall be no less than twenty-five (25) feet as measured from the condominium site or lot rear line to the nearest rear wall of the one-family dwelling or multiple-family dwelling for two (2) families.
- (G) **CORNER CONDOMINIUM SITES OR LOTS.** Where a condominium site or lot is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence, structure or planting over thirty (30) inches in height shall be located within the required front yards of any corner condominium site or lot.
- (H) **STREET REQUIREMENTS.** Each street which provides or may provide access to one (1) or more principal buildings, including one-family dwellings or multiple-family dwellings for two (2) families, shall meet the following conditions.
  - (1) The street shall be constructed in a good and workmanlike manner upon and be bisected by the center line of an easement which is established by a duly recorded conveyance and which is not less than sixty-six (66) feet in width for its entire length.
  - (2) The street shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the street, by sloping the sides of the street from the center thereof, or by other effective methods.
  - (3) The street shall have a sand and gravel base of not less than twelve (12) inches in depth of which not less than six (6) inches in depth shall be only gravel.
  - (4) The street shall have a road bed not less than twenty-four (24) feet wide for its entire length.

- (5) The street shall be constructed over adequate culverts where necessary and as may be required by the Ottawa County Road Commission (or as would be required by the Ottawa County Road Commission if the street were a public rather than a private street).
  - (6) The street shall be covered with bituminous blacktop paving material of not less than one and one-half (1-1/2) inches in depth at any point and of not less than twenty (20) feet in width for its entire length (alternate hard surfaces will be allowed following submission to and approval by the Township Board).
  - (7) The street shall be subject to a joint maintenance agreement among the condominium site or lot owners (this joint maintenance agreement must be acceptable to the Township Board and recorded with the Ottawa County Register of Deeds).
- (I) **PARKING AND SIDEWALKS.** Two (2) parking spaces shall be provided for each dwelling on a condominium site or lot. If on-site vehicle parking is provided, the parking spaces may either be in tandem or side by side. If in tandem, the width shall be not less than ten (10) feet and the combined length shall not be less than forty (40) feet. If side by side, the combined width of the two (2) parking spaces shall be not less than nineteen (19) feet and the combined length shall not be less than twenty (20) feet. Under either alternative, the length shall be measured from the curb or inner walkway edge. Each parking space shall be conveniently located in relation to the one-family dwelling or multiple-family dwelling for two (2) families for which it is provided and shall be similarly constructed in accordance with current construction standards and specifications for subdivision streets of the AASHTO; provided, however, that not less than a two (2) inch bituminous aggregate surface shall be required in any event. If sidewalks are provided to facilitate pedestrian movement within the clustered residential development, such sidewalks shall be a minimum of three (3) feet in width and shall consist of three (3) inches of concrete in thickness.
- (J) **ACCESS FROM MAJOR STREETS.** Each clustered residential development shall have one (1) or more access streets that enter from a paved local or primary road which does not lie within a platted subdivision.
- (K) **SIGNS.** A maximum of one (1) identification sign is allowed at each access point to the clustered residential development. Each sign shall not exceed thirty (30) square feet in area and shall not be illuminated by any light source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the total area of any one (1) side shall not exceed thirty (30) square feet.
- (L) **UNDERGROUND UTILITIES.** All public and private utilities, including central television antenna cables, in any clustered residential development shall be installed underground.
- (M) **REFUSE DISPOSAL.** Each clustered residential development shall provide an effective system of garbage and rubbish storage, collection, and disposal approved by and satisfactory

to the Ottawa County Health Department in accordance with Michigan Department of Public Health standards.

- (N) **DRAINAGE.** An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in all clustered residential developments. All proposed storm drainage systems and construction plans for clustered residential developments shall be approved by the Ottawa County Drain Commissioner and shall be in accordance with Michigan Department of Public Health standards.
- (O) **STORAGE AREAS.** Accessory buildings, if erected or moved upon any condominium site or lot, shall be situated within the rear yard.
- (P) **RECREATIONAL VEHICLE STORAGE.** The outdoor storage of campers, trailers, motor homes, boats, snowmobiles and other vehicles ordinarily towed or driven for a recreational purpose is specifically prohibited in all clustered residential developments, except in a storage area. A storage area shall be screened by a solid type fence five (5) feet in height around its perimeter or by some other screening device which is approved by the Township Board as part of its approval of the planned unit development.
- (Q) **OPEN SPACE AREA.** Each clustered residential development shall include an open space area or areas equal in size to no less than fifty (50) percent of the development's gross acreage. Yards on condominium sites or lots may not be used for the required open space areas. All open space areas shall be centrally located, well drained, and available to all residents of the clustered residential development.
- (R) **ZONING DISTRICT.** Unless otherwise provided, the clustered residential development shall comply with the requirements of the Zoning District deemed most appropriate by the Township Board.

#### Section 20.17 NON-CLUSTERED RESIDENTIAL DEVELOPMENTS - GENERAL PROVISIONS.

Non-clustered residential developments consisting of one-family dwellings are permitted planned unit developments provided they are in conformance with all State statutes and regulations governing residential developments and the regulations of this Ordinance.

- (A) **FIRST OCCUPANCY.** At first occupancy, the infrastructure of the entire development, or any approved phase thereof, shall be complete. The infrastructure includes all roads, accesses, utilities, sidewalks, lighting, screening, storm drainage, or other features which are intended for general use within the development.
- (B) **MINIMUM NON-CLUSTERED RESIDENTIAL DEVELOPMENT DWELLING SIZE.** The minimum floor area is one thousand eighty (1,080) square feet for any one-family

non-clustered residential development dwelling, outside dimensions, at the first floor level exclusive of attached garages, unenclosed porches or other accessory structures.

- (C) **CORNER CONDOMINIUM SITES OR LOTS.** Where a condominium site or lot is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence, structure or planting over thirty (30) inches in height shall be located within the required front yards of any corner condominium site or lot.
- (D) **STREET REQUIREMENTS.** Each street which provides or may provide access to one (1) or more principal buildings, including one-family dwellings, shall meet the following requirements (however, the Township Board reserves the right to require any street to fully comply with all Ottawa County Road Commission specifications for public streets).
  - (1) The street shall be constructed in a good and workmanlike manner upon and be bisected by the center line of an easement which is established by a duly recorded conveyance and which is not less than sixty-six (66) feet in width for its entire length.
  - (2) The street shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the street, by sloping the sides of the street from the center thereof, or by other effective methods.
  - (3) The street shall have a sand and gravel base of not less than twelve (12) inches in depth of which not less than six (6) inches in depth shall be only gravel.
  - (4) The street shall have a road bed not less than twenty-four (24) feet wide for its entire length.
  - (5) The street shall be constructed over adequate culverts where necessary and as may be required by the Ottawa County Road Commission (or as would be required by the Ottawa County Road Commission if the street were a public rather than a private street).
  - (6) The street shall be covered with bituminous blacktop paving material of not less than one and one-half (1-1/2) inches in depth at any point and of not less than twenty (20) feet in width for its entire length (alternate hard surfaces will be allowed following submission to and approval by the Township Board).
  - (7) The street shall be subject to a joint maintenance agreement among the condominium site or lot owners (this joint maintenance agreement must be acceptable to the Township Board and recorded with the Ottawa County Register of Deeds).
- (E) **SIGNS.** A maximum of one (1) identification sign is allowed at each access point to the non-clustered residential development. Each sign shall not exceed thirty (30) square feet in

area and shall not be illuminated by any light source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the total area of any one (1) side shall not exceed thirty (30) square feet.

- (F) **UNDERGROUND UTILITIES.** All public and private utilities, including central television antenna cables, in any non-clustered residential development shall be installed underground.
- (G) **REFUSE DISPOSAL.** Each non-clustered residential development shall provide an effective system of garbage and rubbish storage, collection, and disposal approved by and satisfactory to the Ottawa County Health Department in accordance with Michigan Department of Public Health standards.
- (H) **DRAINAGE.** An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in all non-clustered residential developments. All proposed storm drainage systems and construction plans for non-clustered residential developments shall be approved by the Ottawa County Drain Commissioner and shall be in accordance with Michigan Department of Public Health standards.
- (I) **ZONING DISTRICT.** Unless otherwise provided, the non-clustered residential development shall comply with the requirements of the Zoning District deemed most appropriate by the Township Board.

## CHAPTER 21

### REVIEW AND APPROVAL OF SITE CONDOMINIUM PROJECTS

#### Section 21.1 PURPOSE AND SCOPE.

Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a lot for purposes of determining compliance with the requirements of this Ordinance and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets and other available areas for use by all owners of condominium units within the project.

This Chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium project plans. These procedures are necessary to ensure that site condominium projects comply with this Ordinance and other applicable laws, ordinances and regulations. Site condominium projects may be approved as provided by this Chapter only for the support of land uses that are permitted in the Zoning District in which the project is proposed.

#### Section 21.2 DEFINITIONS.

- (A) For purpose of determining compliance with the applicable requirements of this Ordinance (including, without limitations, building height, lot area, yard and density requirements) or with other applicable laws, ordinances or regulations, a building site shall be considered to be the equivalent of a lot.
- (B) Except as otherwise provided by this Ordinance, the following words and phrases, as well as any other words or phrases used in this Chapter which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: "common elements"; "condominium documents"; "condominium unit"; "contractible condominium"; "convertible area"; "expandable condominium"; "general common elements"; and "master deed."
- (C) Other terms specific to site condominium projects are defined as follows.
  - (1) **Building Envelope:** The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory buildings or structures, as described in the master deed for the site condominium project. In a one

family dwelling site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory buildings or structures may be built.

- (2) Building Site: A building site as related to a site condominium project may be considered as either:
  - (i) The area within the site condominium unit itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
  - (ii) The area within the site condominium unit itself, with any appurtenant limited common element.
- (3) Condominium Act: Public Act 59 of the Michigan Public Acts of 1978, as amended.
- (4) Limited Common Element: 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.
- (5) Site Condominium Project: A plan or project consisting of not less than two (2) site condominium units established in compliance with the Condominium Act.
- (6) Site Condominium Project Plan: 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 Ordinance for review of the project by the Planning Commission.
- (7) Site Condominium Unit: A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or sub-surface vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

### Section 21.3 PRE-QUALIFICATION FOR APPLICATION.

- (A) Before submitting a formal application for a site condominium project, an applicant shall submit a pre-qualification request intended to demonstrate to the satisfaction of the Zoning Administrator that the proposed site condominium project will satisfy the intent of this Chapter, as set forth in Section 21.1, and that the applicant has the necessary qualifications.
- (B) An applicant shall submit a pre-qualification request to the Zoning Administrator. If the Zoning Administrator determines that the pre-qualification request is complete as to content and form, the Zoning Administrator shall schedule a meeting with the Planning Commission to consider the pre-qualification request.



- (C) The pre-qualification request shall include, but not necessarily be limited to, the following:
- (1) A graphic representation of the regional context of the proposed site condominium project;
  - (2) A description of the basic character of the proposed site condominium project;
  - (3) Evidence that the resources necessary for construction of the proposed site condominium project are, or will be, available;
  - (4) A map showing legal boundaries of the site condominium project, roads, easements, and other pertinent legal indications of the property and its abutting parcels;
  - (5) An aerial orthographic photograph of the site and its vicinity, with the same graphic scale as is used for the map in (4) above (additional aerial views may also be submitted to further describe the nature of the existing site);
  - (6) A topographic map of the site, with the same graphic scale as is used for the map in (4) above, at contour intervals of no more than five (5) feet if the site is hilly or irregular, and two (2) feet if it is nominally flat;
- (D) All of the information in (C) above shall be in written or graphic form. The applicant shall furnish seventeen (17) copies of the entire presentation for distribution to the Township. Alternatively, the applicant may submit a graphic presentation large enough to be seen throughout the meeting area in the Township Hall. In that event, the applicant shall furnish two (2) hard copies to the Township, plus a digital copy in a common format acceptable to the Zoning Administrator.
- (E) Digital, projected presentation material is strongly encouraged, as it can be readily observed by the Township staff and public attendees, and it provides an easily-stored, permanent record.

Section 21.4 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION.

- (A) Prior to final review and approval of a site condominium project plan by the Township Board, a preliminary site condominium project plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this Chapter.
- (B) Application for review and approval of a site condominium project plan shall be initiated by submitting the following to the Township Clerk:

- (1) A minimum of seventeen (17) copies of a preliminary site condominium project plan which complies with the requirements of Article III, Section 3.1, of the Robinson Township Subdivision Control Ordinance, as amended; and
  - (2) An application fee in accordance with the fee schedule established by resolution of the Township Board.
- (C) The Township Clerk shall forward the seventeen (17) copies of the preliminary site condominium project plan to the Zoning Administrator, who shall then forward them to the Planning Commission along with the Zoning Administrator's report.
- (D) The Planning Commission shall review the preliminary site condominium project plan in accordance with the following additional standards and requirements.
- (1) In its review of a site condominium project plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, other aspects of the proposed project, and compliance of the proposed project with all requirements of the Condominium Act and other applicable laws, ordinances and regulations.
  - (2) Prior to acting on a preliminary site condominium project plan, the Planning Commission shall hold a public hearing on it. Notice of the time and place of the hearing will be published in a newspaper of general circulation in the Township and mailed to the owner of the land proposed for development and to the owners of immediately adjoining land, and to those owning land and/or occupying structures within three hundred (300) feet of the proposed project land area. The notice will specify the place, time and date of the hearing. The notice shall be published and mailed not less than fifteen (15) days before the date of the public hearing.
  - (3) The building site for 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. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. The building site is considered to be a lot which must comply with the zoning district in which the land exists. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope. With regard to building height, the condominium documents shall expressly provide that no building shall exceed the maximum building height permitted by the applicable regulations of this Ordinance.

- (4) If a site condominium project is proposed to have 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 Ottawa County Road Commission. All private roads in a site condominium project shall be reviewed for compliance with, and shall be developed to the minimum design, construction, inspection and maintenance requirements of, Section 4.9B of this Ordinance and any other applicable standards for private roads. Notwithstanding any other provisions to the contrary, all private roads within a site condominium project shall be paved.
- (5) Unless specifically waived by the Planning Commission, each site condominium project shall be developed with the subdivision improvements that are required for platted subdivisions as outlined in Article V of the Robinson Township Subdivision Control Ordinance.
- (6) The Planning Commission shall require that portions of the preliminary site condominium project plan relevant to the reviewing authority in question be submitted to and approved by the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Drain Commission, Michigan Department of Environmental Quality, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium project.

#### Section 21.5 PLANNING COMMISSION RECOMMENDATION.

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 21.6 REVIEW OF FINAL PLANS BY THE TOWNSHIP BOARD.

- (A) After receiving the Planning Commission's recommendations on the preliminary site condominium project plan, the applicant shall submit to the Township Clerk a minimum of seventeen (17) copies of a final site condominium project plan which complies with the requirements of Article III, Section 3.2, of the Robinson Township Subdivision Control Ordinance. The final plan shall then be forwarded to the Zoning Administrator, who shall then forward the final plan to the Township Board.
- (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 site condominium project 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 that was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be clearly identified by the applicant and then reviewed by the Township Board as provided by this Chapter.

- (C) After receiving the Planning Commission's recommendations on the preliminary site condominium project plan and receiving a final site condominium project 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 applicable procedures, standards and requirements provided by this Chapter.
- (D) As a condition of approval of a final site condominium project plan, the Township Board shall require that the plan be submitted to and approved by the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Drain Commission, Michigan Department of Natural Resources, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies or their successors, to the extent these agencies or their successors have direct authority over any aspect of the proposed site condominium project.
- (E) As a condition of approval of a final site condominium project plan, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township Board covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township as provided by Section 505 of the Zoning Act.

#### Section 21.7 CONTENTS OF SITE CONDOMINIUM PROJECT PLAN.

A site condominium project plan shall include the documents and information required by Section 66 of the Condominium Act and by Article III, Section 3.1 and Section 3.2 of the Robinson Township Subdivision Control Ordinance as applicable and as determined necessary by the Planning Commission for review of a preliminary plan or for review of a final plan, and shall also include the following:

- (A) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed;
- (B) 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;
- (C) A utility plan showing all water and sanitary sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities;

- (D) A narrative describing the overall objectives of the proposed site condominium project;
- (E) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities;
- (F) A construction, paving and maintenance plan for all private roads within the proposed site condominium project;
- (G) A complete list of other review and approval agencies and copies of any comments, recommendations or letters of approval of any agencies of the county, state or federal government having jurisdiction over any element of the plan or its construction.

Section 21.8 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT 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 proposed 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 21.9 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS.

No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced by any person and no building, construction or grading permits shall be issued 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; and
- (C) All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

Section 21.10 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 21.11 REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECTS.

Any change proposed in connection with a project for which the Township Board has previously approved a final site condominium project plan shall be subject to review as provided by this Chapter for the original review and approval of preliminary and final plans.

Section 21.12 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED.

All provisions of a final site condominium project plan which are approved by the Township Board as provided by this Chapter shall be incorporated by reference in the master deed for the site condominium project. A copy of the master deed as filed with the Ottawa County Register of Deeds for recording shall be provided to the Township within ten (10) days after filing the plan with the County.

Section 21.13 APPROVAL EFFECTIVE FOR ONE (1) YEAR.

No approval of a final site condominium project plan by the Township Board shall be effective for a period of more than one (1) year, unless construction of the project commences within that one (1) year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. The Planning Commission in its discretion may extend this one (1) year period for additional periods of time as determined appropriate by the Planning Commission if the applicant applies for the extension within the effective period of the approval.

Section 21.14 EXEMPTION OF EXISTING PROJECT.

- (A) This Chapter shall not apply to a site condominium project which is determined by the Planning Commission to have met both of the following conditions as of the effective date of this Chapter (an "existing" project):
- (1) A condominium master deed was recorded for the project with the Ottawa County Register of Deeds in accordance with the requirements of the Condominium Act and other applicable laws and ordinances; and
  - (2) The project fully complied with all other applicable requirements under Township ordinances in effect on the date when the condominium master deed was recorded.
- (B) The exemption provided by this Section shall apply only to an existing project as described in the condominium master deed recorded for the project on the effective date of this Chapter, and not to any subsequent expansion, conversion or re-platting of the project, or subsequent modification or amendment to the master deed which shall be fully subject to the review and approval requirements as provided by this Chapter.

## CHAPTER 30

### SCHEDULE OF REGULATIONS

#### Section 30.1 SCHEDULE OF REGULATIONS.

The following schedule of regulations includes minimum standards, restrictions, and requirements for various types of buildings and structures and uses thereof. Regulations as established for each of the Zoning Districts indicated on the schedule are the official record of such regulations and are hereby adopted as an official part of this Ordinance.

This schedule is intended to include only the most frequently required building and use restrictions and does not include all zoning regulations for the uses listed, nor does it include a complete listing of all structures and uses regulated by other Sections of this Ordinance.

#### Section 30.2 TABLE OF MINIMUM LOT SIZES AND YARDS.

ZONING DISTRICT	Minimum Lot Size - all criteria to be met			Minimum Required Yard, Feet		
	Width (Feet)	Depth (Feet)	Area	Front	Sides	Rear
A-1, Agricultural	250 <sup>(a)</sup>	330 <sup>(a)</sup>	82,500 square feet	75	25	25
A-2, Agricultural Service	250 <sup>(a)</sup>	330 <sup>(a)</sup>	82,500 square feet	75	25	25
RR, Rural Residential	250 <sup>(a)</sup>	330 <sup>(a)</sup>	82,500 square feet	75 <sup>(f)</sup>	20 <sup>(g)</sup>	25 <sup>(h)</sup>
E-1, Lowland Resource Conservation	330	330	108,900 square feet	75	25	25
R-1, Residential One-Family	150 <sup>(b)</sup>	250 <sup>(b)</sup>	37,500 square feet	75 <sup>(f)</sup>	20 <sup>(g)</sup>	25 <sup>(h)</sup>
R-2, Residential Multiple-Family	(c)	(c)	(c)	75 <sup>(f)</sup>	20 <sup>(g)</sup>	25 <sup>(h)</sup>
B-1, Neighborhood Commercial	200	250	1.15 acres	75	25	25

ZONING DISTRICT	Minimum Lot Size - all criteria to be met			Minimum Required Yard, Feet		
	Width (Feet)	Depth (Feet)	Area	Front	Sides	Rear
B-2, General Business	200	250	1.15 acres	75	25	25
I-1, Industrial	250	250	2 acres	100	50 <sup>(e)</sup>	25
I-2, Industrial	330	300	5 acres	100	100 <sup>(e)</sup>	100
M-1, Mining	330	330	20 acres	100	100	100
PUD, Planned Unit Development <sup>(d)</sup>	(d)	(d)	(d)	(d)	(d)	(d)
LSOD	200	200	1 acre	50 minimum, 70 maximum (build-to zone adjacent to Lincoln St. and 124 <sup>th</sup> Ave.) <sup>(i)</sup> ; 20 feet for internal access roads	15	15
LMDCOD Highway Commercial Sub-District, North of M-45	200	200	1 acre	100 minimum, 120 maximum (build-to zone adjacent to M-45); 50 minimum, 70 maximum (build-to zone adjacent to 120 <sup>th</sup> Ave.) <sup>(j), (k)</sup> ; 20 feet for internal access roads	15	20
LMDCOD Highway Commercial Sub-District, South of M-45	200	200	1 acre	155 minimum, 175 maximum (build-to zone adjacent to M-45); 50 minimum, 70 maximum (build-to zone adjacent to 120 <sup>th</sup> Ave.) <sup>(j), (k)</sup> ; 20 feet for internal access roads	15	20



ZONING DISTRICT	Minimum Lot Size - all criteria to be met			Minimum Required Yard, Feet		
	Width (Feet)	Depth (Feet)	Area	Front	Sides	Rear
LMDCOD Community Commercial Sub-District	250	250	2 acres	50 minimum, 70 maximum (build-to zone adjacent to 120 <sup>th</sup> Ave.); 20 for internal access roads	15	20
LMDCOD Industrial Sub-District	250	250	2 acres	75	50	50
					25 adjacent to industrial	25 adjacent to industrial

- (a) The minimum width shall be 330 feet if the minimum depth is equal to or greater than 250 feet but less than 330 feet.
- (b) The minimum width shall be 250 feet if the minimum depth is equal to or greater than 150 feet but less than 250 feet.
- (c)
  - (1) For a lot with a one-family dwelling, the minimum width and depth shall be 150 feet and 250 feet, respectively. However, the minimum width shall be 250 feet if the minimum depth is equal to or greater than 150 feet but less than 250 feet. In either event, the minimum lot area shall be 37,500 square feet.
  - (2) For a lot with a multiple family dwelling having two dwelling units, the minimum width and depth shall be 200 feet and 250 feet, respectively. However, the minimum width shall be 250 feet if the minimum depth is equal to or greater than 200 feet but less than 250 feet. In either event, the minimum lot area shall be 50,000 square feet.
  - (3) For a lot with a multiple family dwelling having three or four dwelling units, the minimum width and depth shall be established on a case-by-case basis by the Township Board in the course of the required special use process established by Chapter 32 of this Ordinance.
  - (4) For a lot with more than one multiple family dwelling, each having two or three or four dwelling units, the minimum width and depth shall be established on a case-by-case basis by the Township Board in the course of the required special use process established by Chapter 32 of this Ordinance.

- (d) Areas are governed by the specifications as provided in the PUD Chapter.
- (e) May be reduced to 25 if the adjoining parcel is zoned I-1 or I-2.
- (f) Shall be reduced to 40 for any existing non-standard lot which meets the requirements of Section 4.24(A) of this Ordinance.
- (g) Shall be reduced to 15 for any existing non-standard lot which meets the requirements of Section 4.24(A) of this Ordinance; shall be further reduced to 10 for an accessory building located on any lot within the Village of Robinson Plat.
- (h) Shall be reduced to 20 for any existing non-standard lot which meets the requirements of Section 4.24(A) of this Ordinance; shall be further reduced to 10 for an accessory building located on any lot within the Village of Robinson Plat.
- (i) A build-to zone is an area designated by minimum and maximum front yard requirements. The front building line of a structure shall be placed within this zone. Required front yards shall be measured from the right-of-way line.
- (j) The build-to zone is measured from the street centerline for the LMDCOD when fronting M-45. All other required front yards shall be measured from the right-of-way line.
- (k) A build-to zone is an area designated by minimum and maximum front yard requirements. The front building line of a structure shall be placed within this zone.

**Section 30.3 TABLES OF PRINCIPAL AND ACCESSORY BUILDING REGULATIONS.**

ZONING DISTRICT	Principal Building		Accessory Building			Structure
	Maximum Building Height		Maximum Building Size (Feet Squared)	Maximum Height (Feet)	Minimum Distance From Principal Building and All Other Accessory Buildings (Feet)	Maximum Height (Feet)
	(Feet)	Stories				
A-1, Agricultural	50	3	(a)	35	20	35
A-2, Agricultural Service	50	3		20	20	35
RR, Rural Residential	35	3	(a)	20	20	35

ZONING DISTRICT	Principal Building		Accessory Building			Structure
	Maximum Building Height		Maximum Building Size (Feet Squared)	Maximum Height (Feet)	Minimum Distance From Principal Building and All Other Accessory Buildings (Feet)	Maximum Height (Feet)
	(Feet)	Stories				
E-1, Lowland Resource Conservation	35	3		20	20	35
R-1, Residential One-Family	35	3	(b)	18	20	35
R-2, Residential Multiple-Family	35	3	(b)	18	20	35
B-1, Neighborhood Commercial	35	3		20	20	35
B-2, General Business	35	3		20	20	35
I-1, Industrial	35	3		20	20	35
I-2, Industrial	35	3		20	20	35
M-1, Mining	40	2		20	20	35
PUD, Planned Unit Development	(c)	(c)	(c)	(c)	(c)	35

Zoning District	Principal Building			Accessory Building - one per lot			Structure
	Maximum Building Height		Maximum Building Size (Feet Squared)	Maximum Building Size (Feet Squared)	Maximum Height (Feet)	Minimum Distance From Principal Building and All Other Accessory Buildings (Feet)	Maximum Height (Feet)
	Feet	Stories					
LSOD	20	2	5,000 (first story)	5% of principal building, but not less than 150	18	20	20

Zoning District	Principal Building			Accessory Building - one per lot			Structure
	Maximum Building Height		Maximum Building Size (Feet Squared)	Maximum Building Size (Feet Squared)	Maximum Height (Feet)	Minimum Distance From Principal Building and All Other Accessory Buildings (Feet)	Maximum Height (Feet)
	Feet	Stories					
LMDCOD Highway Commercial	30	2	10,000	5% of principal building, but not less than 150	30	20	30
LMDCOD Community Commercial	30	2	40,000	5% of principal building, but not less than 150	30	20	30
LMDCOD Industrial	30	2	50,000	5% of principal building, but not less than 150	30	20	30

- (a) Either 1,000 square feet per acre or 1,200 square feet, whichever is larger.
- (b) Either 1,200 square feet or 5 percent of lot area, whichever is smaller.
- (c) This information will be established by and/or covered in the restrictive covenants for the PUD, the PUD application, or the PUD approval.

Section 30.4 TABLE OF MINIMUM REQUIRED FLOOR AREA FOR DWELLINGS.

ZONING DISTRICT	Minimum Floor Area, Square Feet	
	Up to 2 Bedroom	Add for Each Additional Bedroom
A-1, Agricultural	1080 (800 on main floor)	120
A-2 , Agricultural Service		
RR, Rural Residential	1080 (800 on main floor)	120

ZONING DISTRICT	Minimum Floor Area, Square Feet	
	Up to 2 Bedroom	Add for Each Additional Bedroom
E-1, Lowland Resource Conservation	1080 (800 on main floor)	120
R-1, Residential One-Family	1080 (800 on main floor)	120
R-2, Residential Multiple-Family	900	120
B-1, Neighborhood Commercial <sup>(a)</sup>		
B-2, General Business <sup>(b)</sup>		
I-1, Industrial		
I-2, Industrial		
M-1, Mining		
PUD, Planned Unit Development <sup>(c)</sup>	1080 (800 on main floor)	120

(a) For regulations see Chapter 12.

(b) For regulations see Chapter 13.

(c) Mobile home specifications as provided in PUD Chapter 20. Recreational Use PUD does not permit dwellings.

## CHAPTER 31

### SITE PLAN REVIEW

#### Section 31.1 BUILDINGS, STRUCTURES, ALTERATIONS AND USES REQUIRING SITE PLAN.

No building, construction, or topographical alteration of any of the following kinds shall be permitted unless a Detailed Site Plan has been received and approved by the Township Planning Commission and the Township Board and such approval is in effect.

- (A) Any building or structure or any parking area or other topographical alteration within the A-2, E-1, B-1, B-2, I-1 or I-2 Zoning District.
- (B) Any special use, any planned unit development, and any open space preservation development application.
- (C) Any mobile home park.
- (D) Such other buildings, structures and topographical alteration as the Township Board may from time to time specify by amendment to this Ordinance.

#### Section 31.2 APPLICATION AND FEE.

A request for a site plan review by the Township Planning Commission may be made by filing with the Township Clerk the completed application upon the forms therefore furnished by the Clerk and payment of the preliminary fee as determined by resolution of the Township Board. As an integral part of said application, the applicant shall file at least seventeen (17) copies of a Preliminary Sketch Plan which shall conform to the minimum requirements described in Section 31.5.

#### Section 31.3 PUBLIC INSPECTION OF APPLICATION.

Upon receiving an application for Site Plan Review, the Township Clerk shall make available for public inspection at least one (1) copy of the Preliminary Sketch Plan.

#### Section 31.4 PLANNING COMMISSION REVIEW OF PRELIMINARY SKETCH PLAN.

Upon receipt of such application and fee, the Township Clerk shall transmit the application and Preliminary Sketch Plan drawing(s) to the Planning Commission prior to its next regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall, within ninety (90) days from the date of the Planning Commission meeting at which the application is received from the Township Clerk, give its approval or disapproval of the Preliminary Sketch Plan. The Planning Commission shall advise the applicant, in writing, of any violations of this Ordinance found in the Preliminary Sketch Plan that need to be corrected to achieve conformity to the standards specified in this Ordinance.

Section 31.5 REQUIRED DATA FOR PRELIMINARY SKETCH PLAN.

Every Preliminary Sketch Plan submitted to the Planning Commission shall be in accordance with the requirements of this Section.

- (A) It shall provide the general description, location, size and shape of the property involved.
- (B) It shall be drawn in such a manner and to such scale as will adequately reflect the general shape, size, elevation, and location of proposed buildings, structures, and topographical alterations. In addition, it shall include location of existing and proposed buildings, structures and improvements, location of existing and proposed public streets serving the property, and natural features including general topography.
- (C) It shall also include a vicinity sketch and show land use of adjoining properties.

Section 31.6 DETAILED SITE PLAN.

Following approval of the Preliminary Sketch Plan by the Planning Commission, the applicant shall submit to the Township Clerk seventeen (17) copies of the proposed Detailed Site Plan as well as the other data, exhibits and information hereinafter required.

The Township Clerk, upon receipt of such Detailed Site Plan drawings and other necessary data, shall forthwith transmit the copies to the Planning Commission prior to its next regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall, within ninety (90) days from the date of the Planning Commission meeting at which the application is received from the Township Clerk, approve or disapprove the Detailed Site Plan. Advance written notice shall be sent to the applicant stating the time and place of review of the Detailed Site Plan by the Planning Commission.

The Township Clerk shall make available for public inspection at least one (1) copy of the Detailed Site Plan. The Planning Commission will submit its recommendation for approval or disapproval of the Detailed Site Plan to the Township Board for its review and approval or disapproval at the Township Board's next regular meeting.

Section 31.7 REQUIRED DATA FOR DETAILED SITE PLAN.

Every Detailed Site Plan submitted to the Planning Commission shall be in accordance with the requirements of this Section.

- (A) The Detailed Site Plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, of such accuracy that the Planning Commission can readily interpret it, and shall include more than one (1) drawing if required for clarity.

- (B) The Detailed Site Plan shall identify the site by lot lines and location, including dimensions, angles and size, correlated with the legal description of the property. If the Planning Commission or the Township Board is unable to interpret the Detailed Site Plan, either may require that it be redrawn. The Detailed Site Plan shall further include the name(s) and address(es) of the property owner(s), developer(s), engineer(s), and architect(s).
- (C) The Detailed Site Plan shall show the scale; north point; boundary dimensions; natural features such as wood lots, streams, rivers, lakes, shorelines, floodplains, wetlands, drains and topography (at least two [2] feet but not more than five [5] feet contour intervals); and similar features of the site.
- (D) The Detailed Site Plan shall show existing man-made features such as buildings, structures, easements, streets, driveways, sidewalks, parking spaces, high tension towers, pipe lines, excavations, bridges, culverts, drains, docks, paths, and other improvements relative to the site.
- (E) The Detailed Site Plan shall identify properties adjacent to the site, the uses of those properties, and any structures within one hundred (100) feet of the site's boundaries.
- (F) The Detailed Site Plan shall show the location, proposed finished floor and grade line elevations and size of proposed principal and accessory buildings; their relation to each other and to any existing structures to remain on the site and to the shoreline, if applicable; and the heights of all buildings and structures.
- (G) The Detailed Site Plan shall show the proposed streets, driveways, curb cuts, access easements, acceleration lanes, deceleration lanes, passing lanes, sidewalks, walkways, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site. The Detailed Site Plan shall also show the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and loading/unloading zones.
- (H) The Detailed Site Plan shall show the proposed location, use and size of open spaces and the location of any landscaping, screening, buffering, fences or walls on the site. Any proposed alterations to the topography, vegetation and other natural features of the site shall be indicated.
- (I) The Detailed Site Plan shall show the location and size of all existing utilities (public and private) serving the site, as well as the location and size of all proposed utilities, specifically including without limitation existing and proposed water lines or wells, sewer lines or septic systems, telephone lines, gas lines, electric lines and cable television lines.
- (J) The Detailed Site Plan shall include a vicinity map showing the location of the site in relation to the surrounding street system, and to the shoreline if applicable.



- (K) The Detailed Site Plan shall show the location and design of storm sewers and any retention or detention ponds.
- (L) The Detailed Site Plan shall show the elevation and location of existing and proposed storm water drainage courses and County drains.
- (M) The Detailed Site Plan shall show the location and type of existing soils on the site and any certification of borings.
- (N) The Detailed Site Plan shall show the location and type of existing vegetation.
- (O) The Detailed Site Plan shall show the location and any applicable screening of all proposed structures on the site, including but not limited to flagpoles, lightpoles, docks, transformers, air conditioners, generators, etc.
- (P) The Detailed Site Plan shall show the location, dimensions and details of common open spaces and common facilities on the site.
- (Q) The Detailed Site Plan shall show the location, size and specifications of all signs and advertising features on the site.
- (R) The Detailed Site Plan shall show exterior lighting locations, the area of illumination and the type of fixtures and shielding to be used.
- (S) The Detailed Site Plan shall show the location, size and specification for screening of all trash receptacles and other solid waste disposal facilities.
- (T) The Detailed Site Plan shall show the location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any contaminant structures or clear zones required by governmental authorities.
- (U) The Detailed Site Plan shall specify its date of preparation and the dates of all revisions to it.
- (V) The Detailed Site Plan shall include proof of property ownership, and information concerning any options on or liens against the property.
- (W) The Detailed Site Plan shall include the name of the project, as well as a project description. The latter shall include the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreational facilities to be provided and related information as pertinent or otherwise required by this Ordinance.

- (X) The Detailed Site Plan shall include a construction schedule, including any development phases and the timing of those phases.
- (Y) The Detailed Site Plan shall include written statements relative to the impact of the project on existing infrastructures (e.g., traffic capacity of streets, schools, existing utilities, etc.) and on the natural environment of the site of the project and the surrounding property.
- (Z) The Detailed Site Plan shall include preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in any proposed buildings and other structures. The height and the area of proposed buildings and other structures shall be described.
- (AA) The Detailed Site Plan shall show the one hundred (100) year flood plain and any proposed uses thereon.
- (BB) The Detailed Site Plan shall show the method of financing or proof of ability to obtain financing for the project.
- (CC) The Detailed Site Plan shall include any other information deemed necessary by the Planning Commission or the Township Board.

Section 31.8 STANDARDS FOR SITE PLAN REVIEW.

Approval of the Detailed Site Plan shall be granted only if it meets all applicable requirements set forth in this Ordinance. Unless a more specific design standard is provided for in this Ordinance, all uses, sites, and structures subject to site plan review shall comply with the following standards.

- (A) Master Plan and M-231 Sub-Area Plan. Proposed uses and development activity shall be substantially consistent with the Robinson Township Master Plan, as supplemented by the M-231 Sub-Area Plan.
- (B) Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between internal uses and with adjacent properties.
- (C) Traffic Circulation. The number, location, size of access and entry points, and internal vehicular 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 features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.
- (D) Interior Street Connectivity. Streets or private roads may be required to be extended to exterior lot lines in order to allow connection to existing or planned streets on adjacent

parcels, to provide for secondary access, to establish continuity of the circulation system, and to reduce traffic and impact to the transportation network.

- (E) Natural Resource Preservation. Site design shall prioritize the preservation of natural features, such as steeper slopes, wetlands, significant hardwood tree stands, streams, and other significant site characteristics. Applicants must demonstrate how alternatives were considered during the planning process and shall provide justification for the selected development alternative.
- (F) Stormwater. Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems and shall maintain or improve predevelopment conditions.
- (G) 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. Provision or preservation of landscaping may be required to ensure that the proposed uses will be adequately buffered from one another internally and from surrounding property.
- (H) Screening. Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, opaque fencing or equivalent landscaping shall be provided to shield residential properties from noise, headlights, and glare.
- (I) On-site Treatment. Outside of utility service areas or prior to sanitary sewer availability, land use intensity shall be scaled appropriately based on the capability of on-site systems to adequately accommodate usage. On-site treatment systems shall be designed to protect groundwater and surface water quality to the maximum extent possible.
- (J) Utility Service. All utility service shall be underground, unless deemed impractical by the Township, on the basis of the size of the development, the cost of placing utility service underground, the character of the area, and such other factors as are deemed important by the Township.
- (K) 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 to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
- (L) Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles. Prior to approval or as a condition of approval, building layouts, internal circulation, and other site characteristics that affect life safety shall be reviewed and approved by the appropriate public safety official or fire marshal.

- (M) Water and Sanitary Sewer. Water and sanitary sewer installations shall comply with all Township, County and State specifications and requirements, and the utility service area policies outlined in the M-231 Sub-Area Plan, as applicable.
- (N) Signs. Signs shall be located to avoid the creation of distraction and visual clutter. They shall be designed to be visually compatible with the architecture of the principal structure. Sites with multiple signs should incorporate common design theme.
- (O) Building Design. To the maximum extent reasonable, new or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity or development.
- (P) Civic Space. At least one (1) civic space shall be provided per development, including but not limited to small parks, playgrounds, fountains and sitting areas, or other similar elements. The developer shall provide civic space that is designed and sized commensurate with the scale of the proposed development, intended user, level of public access, occupant load, and type of lot.

Section 31.9 TOWNSHIP APPROVAL OF A DETAILED SITE PLAN.

If the Detailed Site Plan is approved by the Township Board, the applicant shall present the Detailed Site Plan in its final approved form and shall sign a statement that the Detailed Site Plan shall be binding on the applicant and any heirs and assigns. Approval of the Detailed Site Plan shall not become effective until such a signed statement has been received by the Township Clerk. The statement, together with a copy of the Detailed Site Plan, shall be kept on file in the office of the Township Clerk with a copy furnished to the Zoning Administrator and the Building Inspector, and it shall be available for public inspection. If the Detailed Site Plan is disapproved by the Township Board, explanation and notification of such disapproval shall be given to the applicant within thirty (30) days after such Township Board action.

Section 31.10 EXPIRATION OF SITE PLAN APPROVAL.

The Detailed Site Plan approval shall expire and be of no effect three hundred and sixty-five (365) days after the date of approval, unless within such time construction has begun on the property.

Section 31.11 AMENDMENT, REVISION OF DETAILED SITE PLAN.

- (A) Minor changes to an approved Detailed Site Plan may be approved by the Zoning Administrator, provided such changes comply with all applicable requirements of this Zoning Ordinance and all other federal, state, county and Township laws and regulations.
  - (1) Before approving a minor change to an approved Detailed Site Plan, the Zoning Administrator shall advise the Township Supervisor and the Planning Commission Chair in writing of the proposed minor change.

- (2) If neither the Township Supervisor or the Planning Commission Chair objects to the proposed minor change within ten (10) days of receiving the written notice, the Zoning Administrator may proceed with granting approval of the minor change.
  - (3) If the Township Supervisor, the Planning Commission Chair or both object to the proposed minor change within ten (10) days of receiving the written notice, the Zoning Administrator shall seek a review and determination from the Township Board during a scheduled Township Board meeting. The Township Board shall make a decision as to whether the request must be reviewed in the same manner as the original application was submitted or whether the circumstances are such that the actual change should be considered minor. The decision of the Township Board shall be recorded in the Township Board minutes and shall be considered final.
- (B) If the Zoning Administrator determines that a proposed amendment is major, that decision shall be forwarded in writing to the applicant and shall be considered final, unless the applicant appeals the decision in writing within twenty-one (21) days to the Township Board. If the applicant appeals the decision of the Zoning Administrator, the applicant shall submit in writing a request to appear before the Township Board. The Township Board shall make a decision as to whether the request must be reviewed in the same manner as the original application was submitted or whether the circumstances are such that the actual change should be considered minor. The decision of the Township Board shall be recorded in the Township Board minutes and shall be considered final.
- (C) Major changes to an approved Detailed Site Plan must be submitted to the Township for review in the same manner as the original application was submitted and reviewed. When reviewing the proposed change, the Township must limit the review to the proposed change and may not open the entire Detailed Site Plan for additional amendments or contingencies, unless otherwise specified by this Ordinance. Any contingencies on the approval of the proposed change must be directly related to the proposed change.
- (D) The following standards are delineated to help the Township determine if a request should be considered a major change. None of these standards are individually determinative that a request is a major change. However, any proposed amendment which would increase the density of a residential development shall not be considered a minor change.
- (1) Does the proposed amendment increase a building size by more than two (2) percent?
  - (2) Does the proposed amendment add additional uses and/or buildings?
  - (3) Does the proposed amendment reduce front yard setbacks?
  - (4) Does the proposed amendment shift the arrangement of lot lines or building locations by more than ten (10) feet?

- (5) Does the proposed amendment change the character, function or number of access drives?
- (6) Does the proposed amendment create any significant change(s) in the concept of the development or improvement?
- (E) If the Zoning Administrator determines that a request, which would be considered a major change pursuant to the standards of the previous subsection, has unique or extenuating circumstances that affect the request, the Zoning Administrator may seek a decision from the Township Board during a scheduled Township Board meeting. The Township Board shall make a decision as to whether the request must be reviewed in the same manner as the original application was submitted or whether the circumstances are such that the actual change should be considered minor. The decision of the Township Board shall be recorded in the Township Board minutes and shall be considered final.
- (F) All minor changes to an approved Detailed Site Plan shall be communicated by the Zoning Administrator to both the full Township Board and Planning Commission after they are processed.

Section 31.12 VIOLATIONS.

The signed statement described in Section 31.9 shall have the same effect as a provision of this Ordinance. Any deviation from the Approved Detailed Site Plan shall be a violation of this Ordinance, shall be grounds for requiring all construction to be stopped until the violation is removed, and shall cause the violator to be subject to all penalties for violation of this Ordinance as provided.

Section 31.13 CONDITIONS.

In approving a Detailed Site Plan, the Township Board may impose and attach such conditions and restrictions and require such improvements as shall be determined to be necessary and/or appropriate.

Section 31.14 IMPROVEMENTS; FINANCIAL GUARANTEES.

To ensure compliance with the Zoning Ordinance and any conditions imposed thereunder, the Township Board may require a financial guarantee to consist of a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township covering the estimated cost of the improvements associated with the project for which Detailed Site Plan approval is sought be deposited with the Clerk of the Township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the project for which Detailed Site Plan approval is sought. In the case of a cash deposit, the Township shall rebate portions of the cash deposit to the depositor, on request, in reasonable proportion to the

ratio of work completed on the required improvements as work progresses. For purposes of this Section, the word "improvements" is defined to mean those features and actions associated with the project which are considered necessary by the Township Board to protect natural resources, or the health, safety and welfare of the residents of the Township and future users or inhabitants of the project for which Detailed Site Plan approval is sought and the area surrounding such project, including roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project for which Detailed Site Plan approval is sought.

## CHAPTER 32

### SPECIAL USES

#### Section 32.1 INTENT.

Various land uses and activities possess unique characteristics which under certain conditions require special limitations and controls to ensure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses or activities. Therefore, such uses and activities have been designated as "special uses." The intent of this Chapter is to allow land to be used for special uses only after the Township Board reviews each such use and, if necessary, imposes reasonable controls to ensure that public services and facilities will be capable of accommodating increased service and facilities loads, to protect the natural environment and conserve natural resources and energy, and to promote the use of land in a socially and economically desirable manner. No special use shall be engaged in unless a special use permit has been obtained from the Township Board in accordance with the procedures set forth by the terms of this Ordinance.

#### Section 32.2 ADDITIONAL SPECIAL USES. RESERVED FOR FUTURE USE

#### Section 32.3 APPLICATION PROCEDURE.

The following procedures shall be followed in making application for a special use permit.

- (A) **WRITTEN APPLICATION.** A written application for a special use permit shall be submitted to the Township Clerk with the following information.
  - (1) The name, address and telephone number of the applicant; the address and legal description of the property intended for the proposed special use; and the date of application.
  - (2) A statement indicating the Sections of this Ordinance under which the special use is sought and the grounds upon which it is requested.
- (B) **PERMIT FEES.** Fees for a special use permit shall accompany the application. The fee schedule shall be established by the Township Board.
- (C) **DETAILED SITE PLAN REQUIRED.** A Detailed Site Plan as described in Section 31.7 shall accompany the application.

#### Section 32.4 PUBLIC HEARING.

The Township Board shall hold at least one (1) public hearing on all special use requests it receives and shall give notice for said hearing in the manner required by law.



Section 32.5 GENERAL STANDARDS FOR CONSIDERING SPECIAL USES.

Except as they reasonably do not apply, the following standards shall be used by the Township Board when considering applications for a special use permit.

- (A) The size, character and nature of any buildings or structures to be erected, constructed or located upon the lot shall not create serious social, economic or visual conflicts with adjacent land uses or the immediate neighborhood.
- (B) The proposed use of land, buildings or structures shall not create substantial adverse or hazardous environmental conditions for adjacent property owners or the surrounding neighborhood. For the purposes of special use review only, "environmental conditions" shall include, but not be limited to the following general categories.
  - (1) Dispersion of light, heat or other forms of radiant energy.
  - (2) Soil, air, and water quality and movement.
  - (3) Noise, both volume and pitch.
  - (4) Abundance and type of wildlife and vegetation.
- (C) The concentration of population or land use resulting from a special use shall not be so substantially greater than the population or use density prevailing in the surrounding area so as to increase the likelihood of further requests for other land use changes which, if granted, would not conform to the land use types, patterns or density proposed for the surrounding area by the Township Master Land Use Plan.
- (D) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property involved and to provide safe and convenient parking in relation to streets, pedestrian walkways and adjoining properties or parking areas. Parking and loading space shall be provided according to the needs of the particular use.
- (E) Safe and adequate water supply and sewage disposal facilities shall be provided as required by County and State regulations and shall be designed for compatibility with existing systems and future development.
- (F) The period of day and times of the year during which a special use activity commences or continues should be reasonably related to both the use and the neighborhood or area in which it is proposed.
- (G) The proposed use shall not create excessive additional demand, at public cost, for public facilities and services.

- (H) The proposed use shall meet all additional standards or conditions of eligibility which are specified elsewhere in this Ordinance.
- (I) The proposed use shall be consistent with the intent and purpose of the Zoning District in which it is proposed to be located, with the overall intent and purpose of this Ordinance, and with other applicable ordinances and statutes.
- (J) The proposed use shall comply with any standards specified in the Chapters of this Ordinance corresponding to the Zoning District wherein the special use is proposed.
- (K) The proposed use shall comply with any standards specified in Chapter 3, Definitions, and Chapter 4, General Provisions.
- (L) The proposed use shall comply with the requirements, terms and conditions of the Robinson Township Earth Change Ordinance, as amended, as if the Earth Change Ordinance applied to special uses.

Section 32.6 ISSUANCE OF A SPECIAL USE PERMIT.

The Township Board shall issue a special use permit upon the finding that the proposed special use is in compliance with the standards specified in Section 32.5. However, the Township Board may stipulate additional conditions and guarantees that all conditions will be complied with when, in order to fully comply with the intent of this Ordinance, such additional conditions may be deemed necessary. Before rendering such a decision, said use shall be thoroughly reviewed, using reliable, pertinent information. Upon making a decision on whether to deny, approve, or approve with conditions a special use permit, the Township Board shall incorporate its decision in a statement containing the conclusions relative to the special use which specifies the basis for the decision and all additional conditions, limitations and requirements upon which the special use permit is granted (if it is). The statement shall be recorded and shall be filed together with the special use application and Detailed Site Plan with the Zoning Administrator and a copy shall be furnished to the Building Inspector. The Township Board shall have the right to impose conditions which limit the duration of the special use where the same is of a temporary nature. If deemed necessary to meet the purpose and intent of this Ordinance, the Township Board may require that the special use be periodically reviewed for the purpose of determining whether or not the original conditions are being complied with and whether or not to suspend, revoke or require further conditions or limitations, depending upon the degree of compliance then prevailing. Except for further conditions subsequently added, all conditions of the special use approval shall remain unchanged except upon the mutual consent of the Township Board and the special use applicant. The Township Board shall maintain a record of all conditions which are changed and said record shall be filed with the Zoning Administrator. The breach of or noncompliance with any conditions of the special use permit shall automatically invalidate the permit.

Section 32.7 TRANSFERABILITY.

No special use permit authorized by this Chapter shall be transferred to another person or entity unless such transfer is first considered and approved by the Township Board. In considering a request for transfer of such permit, the Township Board may consider, among other matters, whether the terms of the required performance bond are sufficient to assure compliance by the transferee, and whether the amount of such bond is sufficient to compel such compliance or to fund the cost of compliance in the event of default or other noncompliance by the transferee.

Section 32.8 EXPIRATION.

Any special use permit for which all construction work has not been completed within one (1) year from the date of its issuance shall expire automatically, unless the special use permit conditions provide otherwise.

Section 32.9 REAPPLICATION.

Any application for a special use permit which has been denied wholly or in part by the Township Board shall not be resubmitted until the expiration of two (2) years from the date of such denial except on the grounds of newly discovered evidence, proof of changed conditions or other reasons found by the Township Board to be sufficient to justify reconsideration of the request.

Section 32.10 AMENDMENTS.

Once a special use has been approved, any proposed amendments to the Detailed Site Plan or any proposed revisions to the conditions of approval shall be submitted to the Township Board according to the procedure described in this Chapter. The Township Board shall make its decision after a public hearing. This Section shall not apply if a special use amendment qualifies as a minor change to an approved Detailed Site Plan pursuant to Section 31.11.

## CHAPTER 33

### WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

#### Section 33.1 BACKGROUND.

- (A) The Township has received or expects to receive requests to site wireless communications towers and antennas within its boundaries.
- (B) The Township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries.
- (C) It is the Township's intent to permit the siting of wireless communications towers and antennas within its boundaries.
- (D) It is the Township's intent to protect and promote the public health, safety and welfare by regulating the siting of wireless communications towers and antennas within its boundaries.

#### Section 33.2 PURPOSE AND GOALS.

This Chapter's purpose is to establish general guidelines for siting wireless communications towers and antennas. This Chapter's goals are to: (A) protect residential areas and land uses from potential adverse impacts of towers and antennas; (B) encourage the location of towers and antennas in non-residential areas; (C) minimize the total number of towers and antennas throughout the Township; (D) promote the joint use of existing tower sites rather than construction of additional towers; (E) promote the location of towers and antennas in areas where the adverse impact on the Township is minimal; (F) promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques; (G) promote telecommunications services to the Township which are quick, effective, and efficient; (H) protect the public health and safety of the Township and its residents; and (I) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. To further these goals, the Township shall consider its General Development Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

#### Section 33.3 DEFINITIONS.

For purposes of this Chapter only, the following terms shall have the following meanings.

- (A) **ALTERNATIVE TOWER STRUCTURE.** Man-made trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

- (B) ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.
- (C) FAA. The Federal Aviation Administration.
- (D) FCC. The Federal Communications Commission.
- (E) HEIGHT. When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.
- (F) LATTICE TOWER. A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.
- (G) PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the amendment to the Ordinance adding this Chapter, or any tower or antenna for which no building and/or special use permit was required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- (H) TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting (i.e., without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.

Section 33.4 APPLICABILITY.

- (A) NEW TOWERS AND ANTENNAS. All new towers and new antennas in the Township shall be subject to this Chapter, except as otherwise provided in this Section.
- (B) EXEMPTED TOWERS AND ANTENNAS. This Chapter shall not govern any tower, or the installation of any antenna, that is under one hundred (100) feet in height.
- (C) PRE-EXISTING TOWERS AND ANTENNAS. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Chapter, other than the requirements of Section 33.5(F) and (G), and the general requirements of this Ordinance concerning pre-existing structures (i.e., Section 4.31).

(D) MINOR MODIFICATIONS TO ACCOMMODATE CO-LOCATION.

- (1) The Zoning Administrator may approve minor modifications to previously-permitted Antennas or Towers, including the co-location of an Antenna on an existing Tower, provided that the modifications are designed to accommodate the co-location of an additional Antenna, and provided that the modification otherwise complies with the requirements of this Chapter.
- (2) No modification shall be considered minor if the modification will result in any one (1) or more of the following conditions:
  - (i) A Tower or Antenna is located closer to a residential use or Zoning District;
  - (ii) A height increase of ten (10) feet or more; or
  - (iii) Any other material change that may substantially affect the original basis of approval.

Modifications that are not deemed minor shall be processed according to Section 33.6 or Section 33.7 of this Ordinance, whichever is applicable.

Section 33.5 GENERAL REQUIREMENTS.

- (A) PRINCIPAL OR ACCESSORY USE. Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot.
- (B) LOT SIZE. Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable Zoning District, including but not limited to setback requirements, lot-coverage requirements, and other such requirements.
- (C) INVENTORY OF EXISTING SITES. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one (1) mile of the Township border, including specific information about the location, height, and design of each tower or antenna.
- (D) TOWER FINISH. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

- (E) **TOWER SITE.** At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (F) **ANTENNA COLOR.** An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (G) **LIGHTING.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (H) **STATE OR FEDERAL REQUIREMENTS.** All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the tower or antenna at the owner's expense.
- (I) **BUILDING CODES; SAFETY STANDARDS.** The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable State or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the Township suspects that a tower or an antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e., Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.
- (J) **MEASUREMENT.** Tower setbacks and separation distances shall be measured and applied to facilities located in the Township without regard to municipal and County jurisdictional boundaries.
- (K) **NOT ESSENTIAL SERVICES.** Towers and antennas shall be regulated and permitted pursuant to this Chapter. They shall not be regulated or permitted as essential services, public utilities, or private utilities.

- (L) **USES OF THE TOWERS OR ANTENNAS AND FRANCHISES.** Owners and/or operators of towers or antennas shall disclose all of the uses of the towers or antennas and all types of communications transmitted from or received by the towers or antennas, and shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained; they shall file a copy of all required franchises with the Zoning Administrator.
- (M) **SIGNS.** No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign designating a person to contact in an emergency, together with the person's telephone number and address.
- (N) **METAL TOWERS.** Metal towers shall be constructed with a corrosion-resistant material.
- (O) **NO INTERFERENCE.** Towers shall not interfere with television or radio reception on surrounding properties.
- (P) **PAVING REQUIREMENT.** All parking and drive areas must be paved as provided in this Ordinance.

Section 33.6 PERMITTED USES.

- (A) **GENERAL.** The uses listed in this Section are deemed to be permitted uses by right in any Zoning District and shall not require a special use permit.
- (B) **PERMITTED USES.**
  - (1) Antennas or towers located on property owned, leased, or otherwise controlled by the Township are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Township. This provision shall not be interpreted to require the Township to approve a license or lease.
  - (2) Antennas which are themselves not more than thirty (30) feet in height and located upon legally-existing lattice electric transmission towers are permitted uses.

Section 33.7 SPECIAL USE PERMITS.

- (A) **GENERAL.** The following provisions shall govern the issuance of special use permits for towers or antennas by the Township Board.
  - (1) If the tower or antenna is not a permitted use under Section 33.6 of this Ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in any Zoning District.



- (2) Applications for special use permits under this Section shall be subject to the general procedures and requirements of this Ordinance for special uses, except as modified in this Section.
- (3) In granting a special use permit, the Township Board may impose such conditions that the Township Board concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.

(B) PROCESSING SPECIAL USE APPLICATIONS.

- (1) INFORMATION REQUIRED. Applicants for a special use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this Ordinance.
  - (i) A scaled site plan showing the location, type and height of the proposed tower or antenna; on-site land uses and zoning; adjacent land uses and zoning (even if adjacent to another municipality); General Development Plan classification of the site and all properties within the applicable separation distances set forth in Table 2 in this Chapter; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower or antenna and any other structures; topography; parking; and other information deemed necessary by the Zoning Administrator or Township Board to assess compliance with this Ordinance.
  - (ii) Legal description of the lot and the leased portion of the lot (if applicable), together with a copy of the deed or lease pertaining to that lot.
  - (iii) The setback distance between the proposed tower or antenna and the nearest dwelling, platted residentially zoned properties, and unplatted residentially zoned properties.
  - (iv) The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to Section 33.5(c), the type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known.
  - (v) A landscape plan showing specific landscape materials.

- (vi) Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
  - (vii) A description of compliance with the requirements of this Chapter, and of all applicable Federal, State, County or Township laws, rules, regulations and ordinances.
  - (viii) A notarized statement by the applicant for a tower, indicating if the tower will accommodate collocation of additional antennas for future users.
  - (ix) A description of the services to be provided by the proposed new tower or antenna, and any alternative ways to provide those services without the proposed new tower or antenna.
  - (x) A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.
- (2) **FACTORS CONSIDERED IN GRANTING SPECIAL USE PERMITS FOR TOWERS OR ANTENNAS.** In addition to any other standards specified in this Ordinance for considering special use permit applications, the Township Board shall consider the following factors in determining whether to issue a special use permit under this Chapter.
- (i) Height of the proposed tower or antenna;
  - (ii) Proximity of the proposed tower or antenna to residential structures and Residential District boundaries;
  - (iii) Nature of uses on adjacent and nearby properties;
  - (iv) Surrounding topography;
  - (v) Surrounding tree coverage and foliage;
  - (vi) Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (vii) Proposed ingress and egress to the proposed tower or antenna;

- (viii) Availability of suitable existing towers or antennas, alternative tower structures, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed below in this Section;
  - (ix) The effect of the proposed tower or antenna on the conforming properties and the surrounding neighborhood; and
  - (x) Whether or not the proposed tower or antenna is located in Zoning Districts or on structures where the Township intends at least most towers and antennas in the Township to be located, as subsequently described in this Section.
- (3) TOWNSHIP INTENTIONS CONCERNING THE LOCATION OF MOST IF NOT ALL TOWERS AND ANTENNAS. The Township intends that most if not all towers and antennas will be located as described below.
- (i) The Township encourages the location of towers and antennas, including the placement of additional buildings or other supporting equipment used in connection with them, in the B-2, I-1 or I-2 Zoning Districts.
  - (ii) The Township encourages the location of antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.
    - (a) The Township encourages antennas on existing structures which are not towers, as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure;
    - (b) The Township encourages antennas on existing towers, provided that:
      - (I) A tower which is modified or reconstructed to accommodate the collocation of one (1) or more additional antennas shall be of the same tower type as the existing tower or a monopole;
      - (II) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna may be modified or rebuilt to a taller height, not more than once per tower and not to exceed thirty (30) feet over the tower's existing height (this additional height shall not require an additional distance separation per Table 2 of this Chapter; rather the tower's premodification height shall be used to calculate such distance separations); and

- (III) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna may be moved on site within fifty (50) feet of its existing location, provided that only one (1) tower remains on the lot (a relocated tower shall continue to be measured from its original location for purposes of calculating separation distances between towers pursuant to Table 2 of this Chapter).
  - (iii) The Township encourages the location of new towers in Non-Residential Zoning Districts, even when such Districts do not include the B-2, I-1 or I-2 Zoning Districts, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; and provided the tower is no more than one hundred (100) feet in height if for a single user, no more than one hundred twenty (120) feet in height if for two (2) users, and no more than one hundred fifty (150) feet in height if for three (3) or more users.
- (4) AVAILABILITY OF SUITABLE EXISTING TOWERS, ANTENNAS, ALTERNATIVE TOWER STRUCTURES, OTHER STRUCTURES, OR ALTERNATIVE TECHNOLOGY. No new tower or antenna shall be permitted unless the applicant demonstrates to the Township Board that no existing tower, antenna, alternative tower structure or alternative technology can provide the services sought by the applicant without the erection of the applicant's requested new tower or antenna. Evidence that no existing tower, antenna, alternative tower structure, structure, or alternative technology can provide the services sought by the applicant may consist of the following.
- (i) The applicant could demonstrate that no existing towers, antennas, alternative tower structures, alternative technology, or other structures are available within the geographical area which meet the applicant's engineering requirements.
  - (ii) The applicant could demonstrate that existing towers, antennas, alternative tower structures, or other structures are not of sufficient height to meet the applicant's engineering requirements, and that their height cannot be increased to meet such requirements.
  - (iii) The applicant could demonstrate that existing towers, alternate tower structures, or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support.
  - (iv) The applicant could demonstrate that the proposed antenna would cause electromagnetic interference with existing towers or antennas, or that existing

towers or antennas would cause interference with the applicant's proposed antenna.

- (v) The applicant could demonstrate that the costs to collocate an antenna exceed the costs of erecting a new tower or antenna.
  - (vi) The applicant could demonstrate that there are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable.
  - (vii) The applicant could demonstrate that an alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.
- (5) **SETBACKS.** The following setback requirements shall apply to all towers for which a special use permit is required.
- (i) Towers must be set back a distance equal to at least seventy-five (75) percent of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.
  - (ii) Guys and accessory buildings must satisfy the minimum setback requirements for the applicable Zoning District.
- (6) **SEPARATION.** The following separation requirements shall apply to all towers for which a special use permit is required.
- (i) Separation of towers from off-site uses/designated areas.
    - (a) Tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1. The separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the off-site uses or designated areas, pursuant to a site plan of the proposed tower.
    - (b) Separation requirements for towers shall comply with the minimum standards (listed in linear feet) established in Table 1.

**Table 1:**

Off-Site Use/Designated Area	Separation Distance <sup>2</sup>
Single-family or two-family dwelling units <sup>1</sup> :	200 feet or three times the height of the tower, whichever is greater.
Unimproved "R-1" or "R-2" land which is platted, has preliminary subdivision plan approval which is not expired, or has PUD approval which is not expired:	200 feet or three times the height of the tower, whichever is greater.
Existing multiple-family dwelling units:	100 feet or the height of the tower, whichever is greater.
Non-residentially zoned lands or non-residential uses, if not covered by any of the above categories:	None; only setbacks established by this Ordinance apply.

<sup>1</sup> Includes modular homes and mobile homes used for living purposes.

<sup>2</sup> Separation measured from base of tower to closest building setback line.

(ii) Separation distances between towers.

(a) Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower.

(b) Separation distances between towers shall comply with the minimum distances (listed in linear feet) established in Table 2.

**Table 2: Existing Towers - Types**

Proposed Tower	Lattice and Guyed	Monopole 100 Feet in Height or Greater
Lattice and Guyed	5,000	1,500
Monopole 100 Feet in Height or Greater	1,500	1,500

- (7) SECURITY FENCING. Towers for which a special use permit is required shall be enclosed by security fencing not less than six (6) feet in height. The towers shall also be equipped with appropriate anti-climbing devices.
- (8) LANDSCAPING. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required. The required landscaping shall be maintained for the duration of the special use permit.
  - (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property then used for dwellings, one-family or multiple-family, or included in a Residential Zoning District. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
  - (ii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Township Board may conclude that natural growth around the property perimeter may be a sufficient buffer.

#### Section 33.8 ACCESSORY UTILITY BUILDINGS.

All utility buildings and structures accessory to a tower or an antenna shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the Zoning District where the tower or antenna is located. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

#### Section 33.9 REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

Notwithstanding anything to the contrary elsewhere in this Ordinance, any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

#### Section 33.10 EXPANSION OF NON-CONFORMING USE.

Notwithstanding any other provisions of this Ordinance to the contrary, towers that are constructed and antennas that are installed in accordance with this Chapter shall not be deemed to be the expansion of a non-conforming use or structure.

## **CHAPTER 40**

### **ZONING BOARD OF APPEALS**

#### Section 40.1 **MEMBERSHIP AND APPOINTMENT.**

The Zoning Board of Appeals previously created by prior ordinance is continued as constituted. Pursuant to the Zoning Act, there shall be a Zoning Board of Appeals consisting of five (5) members.

- (A) The first member of the Zoning Board of Appeals shall be a member of the Planning Commission and appointed by the Township Board. The remaining members of the Zoning Board of Appeals shall be selected from the electors of the Township residing outside of the incorporated cities or villages. The members selected shall be representative of the population distribution of the various interests present in the Township. One member may be a member of the Township Board. An employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals. An elected officer of the Township shall not serve as chairman of the Zoning Board of Appeals.
- (B) The total amount allowed such Zoning Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- (C) Members of the Zoning Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.
- (D) A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute malfeasance in office.

#### Section 40.2 **GENERAL GRANT OF POWER.**

The Zoning Board of Appeals shall perform all the duties and have all the powers prescribed by the Statutes of Michigan and by this Ordinance. It shall adopt Rules of Procedure consistent with the provisions of the Statutes of Michigan and local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

#### Section 40.3 **MEETING AND ATTENDANCE.**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals in its Rules of Procedure may specify. The Chairman, or in the Chairman's absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning



Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.

Section 40.4 APPEALS.

The following provisions apply to appeals.

- (A) Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order of the Building Inspector, Zoning Administrator or other administrative agency where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector, Zoning Administrator or other administrative agency in the carrying out of the provisions of this Ordinance. However, decisions concerning a special use request or a planned unit development application may not be appealed to the Zoning Board of Appeals.
- (B) Nine (9) copies of a notice of appeal specifying the grounds thereof shall be filed with the Chairman of the Zoning Board of Appeals within thirty (30) days after the date of the action appealed from. Copies of the notice shall promptly be served upon the remaining members of the Zoning Board of Appeals, the Building Department, the Zoning Department, and the Township Attorney. A copy of the notice shall also promptly be served upon the officer from whom the appeal is taken who shall forthwith transmit to the Zoning Board of Appeals all records upon which the action appealed from was taken.
- (C) An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Zoning Board of Appeals or by the Circuit Court.

Section 40.5 VARIANCES.

In accordance with the provisions of this Chapter, the Zoning Board of Appeals shall have jurisdiction to vary or modify any of the provisions of this Ordinance in the following circumstances.

- (A) Where by reason of exceptional narrowness in width, breadth, length or shape of a parcel of land or by reason of exceptional topographic conditions thereof, the literal enforcement of the requirements of this Ordinance would cause practical difficulties or unnecessary hardship.
- (B) Where by reason of extraordinary or exceptional situation or condition of land, building or structure or the use thereof, or for other reasons there are practical difficulties or unnecessary hardship in complying with the provisions of this Ordinance, and if variance and/or modification of such provisions would promote general welfare, secure public safety and accomplish substantial justice, while observing the intent and purpose of this Ordinance.

Section 40.6 STANDARDS FOR VARIANCES.

The Zoning Board of Appeals may grant a dimension variance or a use variance from the provisions or requirements of this Ordinance, only if the Zoning Board of Appeals finds from reasonable evidence that all of the applicable facts and conditions exist.

- (A) For a dimension variance, the Zoning Board of Appeals must find that all of the following facts and conditions exist.
  - (1) There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to the intended use thereof, that do not apply generally to other properties or classes of uses in the same zone.
  - (2) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.
  - (3) Such variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
  - (4) The condition or situation of the property or the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such condition or situation.
  - (5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- (B) For a use variance, two-thirds of the members of the Zoning Board of Appeals must find that all of the following facts and conditions exist.
  - (1) There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to the intended use thereof, that do not apply generally to other properties or classes of uses in the same zone.
  - (2) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.
  - (3) Such variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

- (4) The condition or situation of the property or the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such condition or situation.
- (5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- (6) The property in question cannot be reasonably used as zoned and therefore a use variance is necessary.

#### Section 40.7 SITE PLANS AND SPECIAL CONDITIONS.

In considering any application, the Zoning Board of Appeals shall review the case within the intent of the Ordinance. The Zoning Board of Appeals may, in its discretion, require the applicant to submit a site plan prepared in accordance with the content requirements of this Ordinance pertaining to site plan review. Before authorizing a use, the Zoning Board of Appeals shall determine whether the proposal would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. In making such a determination, the Zoning Board of Appeals may require the applicant to first receive a complete site plan review as provided in this Ordinance and, if necessary, to enlist the assistance of experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance. Any site plans reviewed and approved as part of a request to the Zoning Board of Appeals shall become a condition of the approved use and site development shall proceed only in accordance with the approved site plan.

#### Section 40.8 PUBLIC HEARING.

When an application for hearing or appeal has been filed in proper form and the fee paid with the required data, the Secretary of the Zoning Board of Appeals shall immediately 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. Such notices shall be served in the manner required by law.

#### Section 40.9 DECISIONS.

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises. To that end, the Zoning Board of Appeals shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

Upon the date for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing to a specified time and date in order to permit the obtaining of additional information, or to cause such further notices it deems proper to be served. In the case of an adjourned hearing, persons

previously notified and persons already heard need not be notified of the resumption of said hearing unless the Zoning Board of Appeals so decides.

Section 40.10 POST DECISION HEARINGS.

There shall only be one (1) hearing per application or one (1) hearing per appeal. Any subsequent hearings on the same or similar issues must be raised by a new application or new appeal, alleging new or different facts or circumstances. There is no right to a rehearing on any issue. However, the Zoning Board of Appeals may, by majority vote of its total membership, grant a rehearing on any matter within its jurisdiction and upon which matter the Zoning Board of Appeals has already rendered a decision. Notice of such a rehearing shall be given as required by law for the original hearing. After such a rehearing, the Zoning Board of Appeals may redecide any such matter; in that event, the redecision rather than the prior decision shall be controlling.

Section 40.11 FEES.

The required fees for a hearing before the Zoning Board of Appeals are not a part of the cost of any building permit and are in addition to other building permit fees. The required fee for requesting a hearing before the Zoning Board of Appeals is set forth in the fee schedule as adopted by the Township Board and amended from time to time. Said fee shall be paid to the Township Clerk before any action shall be taken on said petition. Said amount so received shall be retained, whether the requested relief is granted or not, and shall be used as provided by law.

Section 40.12 TIME LIMIT.

If a variance is granted or other action requested by the applicant is authorized, the necessary building permit shall be secured, and the authorized action begun within one (1) calendar year after the date the variance is granted and completed within eighteen (18) months of said date. The Board of Appeals may, upon good cause shown, extend either the one (1) year or the eighteen (18) month period. If the Zoning Board of Appeals further finds that conditions have altered or changed in the interval since the action was granted, the Zoning Board of Appeals may revoke or rescind or revise its approval. Should applicant fail to obtain the necessary permit or fail to commence work within such one (1) year period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned the appeal; in that event, all permissions, variances and permits shall be deemed automatically rescinded.

Section 40.13 VOTE NECESSARY FOR DECISION.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision or determination of the Zoning Administrator or other administrative agency, or to decide in favor of the applicant any matter upon which the Zoning Board of Appeals has authority. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

Section 40.14 MINUTES AND RECORDS.

The Secretary shall keep minutes of Zoning Board of Appeal proceedings showing the vote of each member upon every question, or so indicating if a member is absent or fails to vote. The Secretary shall keep records of the Zoning Board of Appeal examinations and official actions, all of which shall be filed with the Township Clerk and be a public record to the extent required by law. The grounds for determination made shall be so stated in any motion of approval or denial. A copy of each determination shall be sent to the Building Inspector, the Zoning Administrator and the Planning Commission. No building permit shall be issued to the appellant until such copy has been received by the Building Inspector.

Section 40.15 LIMITATION OF BOARD.

The Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provision of this Ordinance except as specified. Where the Zoning Board of Appeals finds recurrent requests for relief from specific provisions of this Ordinance, or where the Zoning Board of Appeals considers specific provisions are creating unnecessary hardship, the Zoning Board of Appeals shall recommend action to amend such provision as provided by law.

Section 40.16 ALTERNATE MEMBERS.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

## CHAPTER 41

### ORDINANCE AMENDMENT

#### Section 41.1 INITIATION OF AMENDMENTS.

Only the Township Board may amend this Ordinance or the Zoning Map. Proposals for the amendment of this Ordinance or the Zoning Map may be initiated by the Township Board on its own motion, by the Planning Commission on its own motion, or by any interested person or persons by petition filed according to the following procedure.

#### Section 41.2 AMENDMENT PETITION PROCEDURE.

All petitions for an amendment to this Ordinance or the Zoning Map shall be in writing, signed, and filed with the Township Clerk for presentation to the Planning Commission. Seventeen (17) copies of a petition should be filed with the Township Clerk. Such petitions shall be accompanied by the required fee and shall include the following information.

- (A) The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned.
- (B) The nature and effect of the proposed amendment.
- (C) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present Zoning District of the land, the Zoning District of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
- (D) The alleged error in this Ordinance or the Zoning Map which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same.
- (E) The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
- (F) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment (in this regard, an advisory petition on forms available from the Township in favor of the proposed amendment is recommended but not required).

#### Section 41.3 AMENDMENT PROCEDURE.

After initiation, amendments to this Ordinance or the Zoning Map shall be considered as provided in this Section and as provided in the Zoning Act. To the extent there is a conflict, the provisions of the Zoning Act shall control.

- (A) The Planning Commission shall not authorize the preparation of the proposed amendment until the Township Clerk has verified the payment of the application fee.
- (B) The Planning Commission shall set a time and a place for a public hearing. Notice of the hearing shall be given as required by law.
- (C) The Planning Commission shall hold the public hearing, unless otherwise required or allowed by this Ordinance or by the Zoning Act.
- (D) When required by the provisions of the Zoning Act or the regulations of Ottawa County or the regulations of the Ottawa County Planning Commission, the Planning Commission shall submit a proposed amendment to this Ordinance or to the Zoning Map to such Ottawa County Planning Commission.
- (E) The Planning Commission shall transmit a summary of comments received at the public hearing, and its recommendation for approval or denial of the proposed Ordinance or Zoning Map amendment, to the Township Board.

Before finally voting to recommend approval or denial of the proposed amendment to this Ordinance or the Zoning Map, the Planning Commission may revise such proposed amendment as deemed appropriate. However, while the Planning Commission may recommend the rezoning of less than the land originally requested or considered for rezoning, it may not recommend the rezoning of more than the land originally requested or considered for rezoning without again giving the notices and holding the public hearing required by the Zoning Act and this Ordinance.

- (F) The Township Board may accept the recommendation of the Planning Commission and thereby approve or deny the proposed amendment to this Ordinance or the Zoning Map, as the case may be. If the Township Board considers amendments, changes, additions or departures from the recommendation of the Planning Commission relative to the proposed amendment to the Ordinance or the Zoning Map, the Township Board shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board. After receiving the report, and after holding any additional hearing(s) required by Section 11 of the Zoning Act, the Township Board shall approve or deny the proposed amendment to this Ordinance or the Zoning Map. Any adoption of an amendment to this Ordinance or the Zoning Map must be approved by a majority of the Township Board's membership (not merely a majority of the quorum present at the Township Board meeting in question). Any such amendment so adopted shall take effect thirty (30) days after publication, unless another effective date is indicated.

## CHAPTER 42

### ADMINISTRATION AND ENFORCEMENT

#### Section 42.1 PURPOSE.

The purpose of this Chapter is to provide for the organization and procedures for the administration of the Ordinance, including the submittal and review of certificates of zoning compliance, issuance of building permits, inspections of properties for compliance with the Zoning Map and regulations, the handling of violators and the enforcement of the provisions of this Ordinance and any amendments to it.

#### Section 42.2 OFFICE OF ZONING ADMINISTRATOR.

There is hereby established the office of Zoning Administrator, who shall be appointed by the Township Board for such terms and at such rate of compensation and subject to such conditions as the Township Board shall determine.

#### Section 42.3 ZONING ADMINISTRATOR, DUTIES.

- (A) The Zoning Administrator (including any designated representative), shall administer and enforce the provisions of this Ordinance and any other ordinance as determined by the Township Board.
- (B) The Zoning Administrator shall review and receive all applications for Zoning Certificates of Compliance and approve or disapprove such applications based on compliance with the provisions of this Ordinance; (s)he shall further issue such certificates if the use requirements and all other provisions of this Ordinance are met.
- (C) The Zoning Administrator shall assist the Township Board, Planning Commission, Zoning Board of Appeals and the Building Inspector in the processing and administration of zoning appeals, special use permits, site plan review, variances from and amendments to this Ordinance.
- (D) The Zoning Administrator shall update and keep current the Zoning Map.
- (E) The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all Zoning Certificates of Compliance issued during the month. The record shall state the owner's name, the location and the intended use of the property.



Section 42.4 ZONING CERTIFICATE AND BUILDING PERMIT.

Prior to any structure being constructed, reconstructed, erected, moved, enlarged, added to or structurally altered or any person proposing a structure or use, a Zoning Certificate of Compliance or Building Permit must be obtained.

- (A) **ZONING CERTIFICATE OF COMPLIANCE.** The Zoning Administrator shall certify the conformance of all applications for Building Permits, or activities otherwise regulated by this Ordinance which do not require a Building Permit, with the applicable provisions of this Ordinance. The Zoning Administrator shall make all such investigations and inspections as deemed necessary to discharge the duties required herein and shall have a reasonable period of time of up to seven (7) business days to review all applications and specifications prior to taking appropriate action.
- (B) **APPLICATIONS.** An application for any use, structure or alteration thereto shall be filed by the owner or the owner's agent. The application shall:
- (1) state the intended use of the land or structure;
  - (2) be accompanied by two (2) sets of plot plans drawn to scale of one (1) inch to twenty (20) feet, showing the actual dimensions of the lot/land to be built upon; the distance of the proposed structure from the lot lines; the exact sizes and locations of structures already existing on the lot, if any; and the location and dimensions of the proposed structure and/or alteration;
  - (3) the width of all abutting streets and highways, private streets and driveways, easements and any other ways of ingress/egress; and
  - (4) such additional sketches, descriptions or other materials which are deemed necessary by the Zoning Administrator to determine conformance with this Ordinance. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as set by the Township Board to defray the costs of administration and enforcement shall accompany any plans or applications.
- (C) **BUILDING PERMITS.** No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, added to or structurally altered until a building permit has been issued by the Building Inspector.
- (1) No building permit shall be issued unless the plans or intended use conforms in all respects to the provisions of this Ordinance and the Certificate of Zoning Compliance has been obtained.
  - (2) No building permit shall be issued until the owner verifies: ownership of the lot through a legal instrument of record; that the lot involved has been created in

conformance with State and Township subdivision regulations; and that a permanent parcel number has been issued for the lot.

- (3) No building permit shall be issued until the owner obtains a street address in accordance with Robinson Township Ordinance No. 90-1, as amended.
- (4) The Building Inspector shall have a reasonable period of time, up to seven (7) business days to review all plans and specifications prior to taking appropriate action thereon.
- (5) All building permits shall expire one (1) year from their date of issuance. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable once for an additional term of one (1) year upon payment of one-half (1/2) the original building fee, if satisfactory progress in construction is shown. A copy of all approved building permits shall be sent to the Assessor.
- (6) A building permit shall be displayed so as to be visible from a public street at the site where the authorized action is to be undertaken.

#### Section 42.5 INSPECTIONS.

The construction of any structure or usage of any lot affected by any Permit received under the provisions of this Chapter shall be subject to the following inspections: at the time footings are placed; when framing is underway; and at the completion of the construction or alteration as authorized.

#### Section 42.6 CERTIFICATE OF OCCUPANCY.

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector, stating that the premises or building complies with the provisions of the approved plans and all ordinances of the Township, specifically including this Ordinance without limitation. Where any special conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector. A report of Certificates of Occupancy granted shall be sent to the Assessor and the Zoning Administrator.

#### Section 42.7 VOIDING OF PERMITS.

Any Permit granted under this Chapter shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting such permit. The Zoning Administrator or Building Inspector may suspend or revoke a Permit issued in error or on the basis of incorrect information supplied by the applicant or his agent or in violation of this Ordinance, or any other Township ordinance or regulation.

Section 42.8 ADMINISTRATION AND ENFORCEMENT.

In no case shall any Zoning Certificate of Compliance or Building Permit be issued nor any Occupancy Permit be granted where the proposed structure, alteration or use has not first been certified as provided for in Section 42.4 of this Ordinance, or if said structure, alteration or use would otherwise be in violation of any provisions of this Ordinance, except under written order of the Zoning Board of Appeals or a court of competent jurisdiction.

- (A) VIOLATIONS. The Zoning Administrator shall investigate any alleged violation of this Ordinance coming to the attention of the Zoning Administrator. If a violation is found to exist, the Zoning Administrator shall serve written notice upon the owner to cease said violation. If said owner fails to act diligently to correct said violation and does not correct such violation within the time specified within the Notice of Violation or any extension of time authorized by the Township Board, the Zoning Administrator may serve notice upon the owner, notify the Township Board, and prosecute before a court of proper jurisdiction such violator to terminate said violation.
- (B) INSPECTIONS. The Building Inspector and the Zoning Administrator shall make such additional inspections as are deemed necessary to ensure compliance with the provisions of this Ordinance. Matters of violation involving the requirements of the Township Building Code shall be enforced by the Building Inspector, with appropriate notifications and proceedings. Any violations of this Ordinance found by the Building Inspector which pertain to zoning compliance shall promptly be reported to the Zoning Administrator for enforcement.
- (C) RECORDS. The office of Zoning Administrator shall keep records of all applications and permits issued, with a notation of all special conditions involved. The Zoning Administrator shall file and safely keep copies of all plans and records of all fees submitted with applications. The same shall form a part of the records of the Zoning Administrator's office and shall be available to the Township Board and all other officials of the Township. The Building Inspector shall, on a monthly basis, report to the Zoning Administrator all permits, approvals and Certificates of Occupancy granted.

Section 42.9 VIOLATION AND PENALTY.

Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, as amended, shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and a fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeated violations

of the Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased civil fines for repeat violations shall be as follows:

- (A) The fine for any offense which is a first repeat offense shall be two hundred fifty (\$250.00) dollars, plus costs and other sanctions;
- (B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be five hundred (\$500.00) dollars, plus costs and other sanctions.

The Township Zoning Administrator, members of the Ottawa County Sheriff's Department assigned to the Township, members of any law enforcement agency whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board, are hereby designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Robinson Township Municipal Ordinance Violations Bureau).

#### Section 42.10 SEPARABILITY.

In case any Chapter, Article, Section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other Chapter, Article, Section or provision of this Ordinance, except so far as the Chapter, Article, Section or portion so declared invalid shall be inseparable from the remainder or any portion thereof. Should any ruling by a court of competent jurisdiction fail to provide alternative standards or conditions to replace any Chapter, Article, Section or provision held invalid, the relevant provisions of the Zoning Ordinance of 1949, as amended, shall supplement or replace this Ordinance, as the case may be until this Ordinance is amended to comply with said ruling.

#### Section 42.11 PRIOR VIOLATIONS.

The adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any previously existing ordinance.

#### Section 42.12 FEES, CHARGES AND EXPENSES.

The Township Board shall establish a schedule of costs, fees, charges, and expenses, and a collection procedure for permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township office and may be altered or amended only by resolution of the Township Board. No permit, certificate, special use approval, or variance shall be issued nor shall any appeal be heard until such costs, charges, fees or expenses have been paid in full.

Section 42.13 FINANCIAL SECURITY.

The Township Board, Planning Commission, Board of Appeals, Zoning Administrator or Building Inspector may, in issuing or approving a zoning certificate of compliance, building permit, variance, site plan, special use permit and/or planned unit development, require the posting of a cash bond, irrevocable letter of credit or certified check in such amount and/or form as determined appropriate by such approving body or official to guarantee conformance with this Ordinance and any such special conditions placed upon such approval.

Section 42.14 ADMINISTRATIVE LIABILITY.

No officer, agent, employee, or member of the Planning Commission, Township Board or Zoning Board of Appeals shall be personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of such individual's duties and responsibilities pursuant to this Ordinance.

Section 42.15 VESTED RIGHTS.

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein; rather, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 42.16 REPEAL.

Subject to the separability provisions of Section 42.10, the existing Robinson Township Zoning Ordinance of 1949, as amended, is hereby repealed in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed to the extent of such conflict as of the effective date of this Ordinance.

Section 42.17 EFFECTIVE DATE.

This Ordinance was approved and adopted by the Township Board on November \_\_\_\_\_, 1995, after a public hearing as required by the Zoning Act, and after a first reading on October \_\_\_\_\_, 1995. This Ordinance is ordered to take effect immediately upon official publication.

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Christopher Kuncaitis, Township Supervisor

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Jackie Frye, Township Clerk

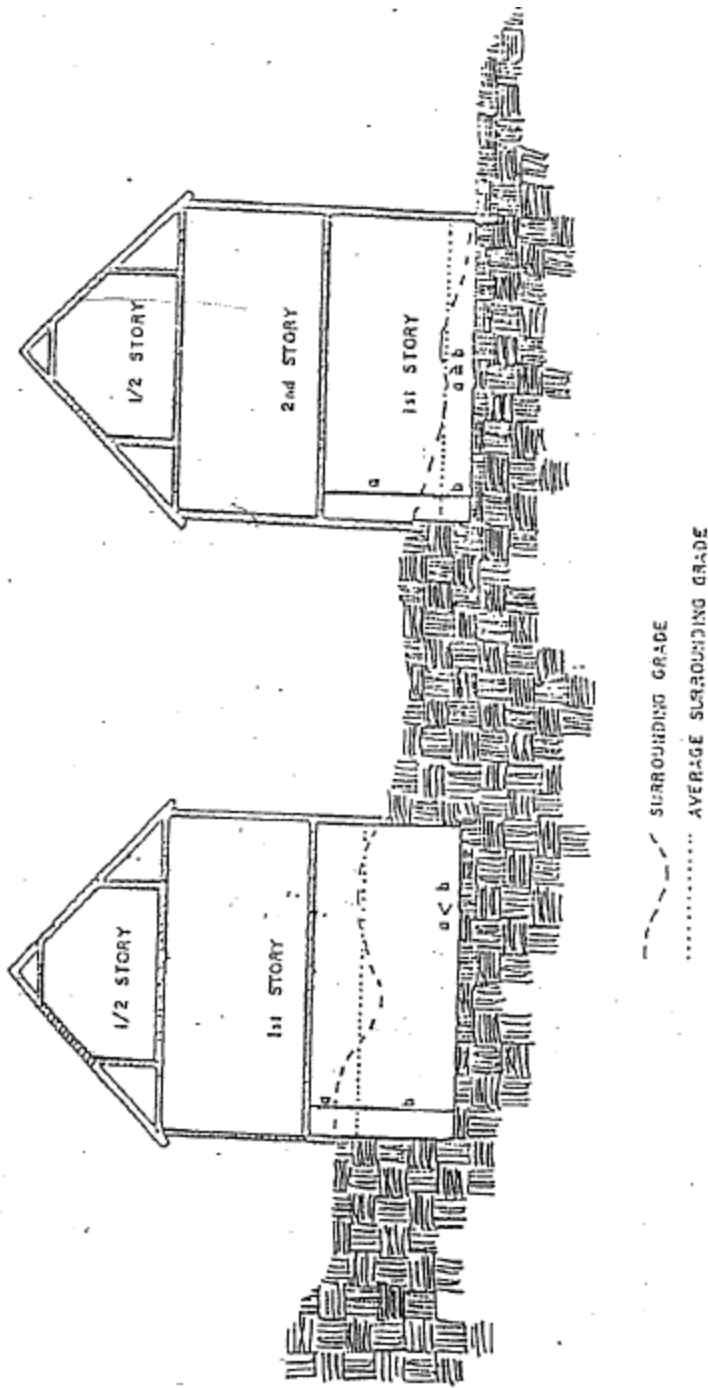
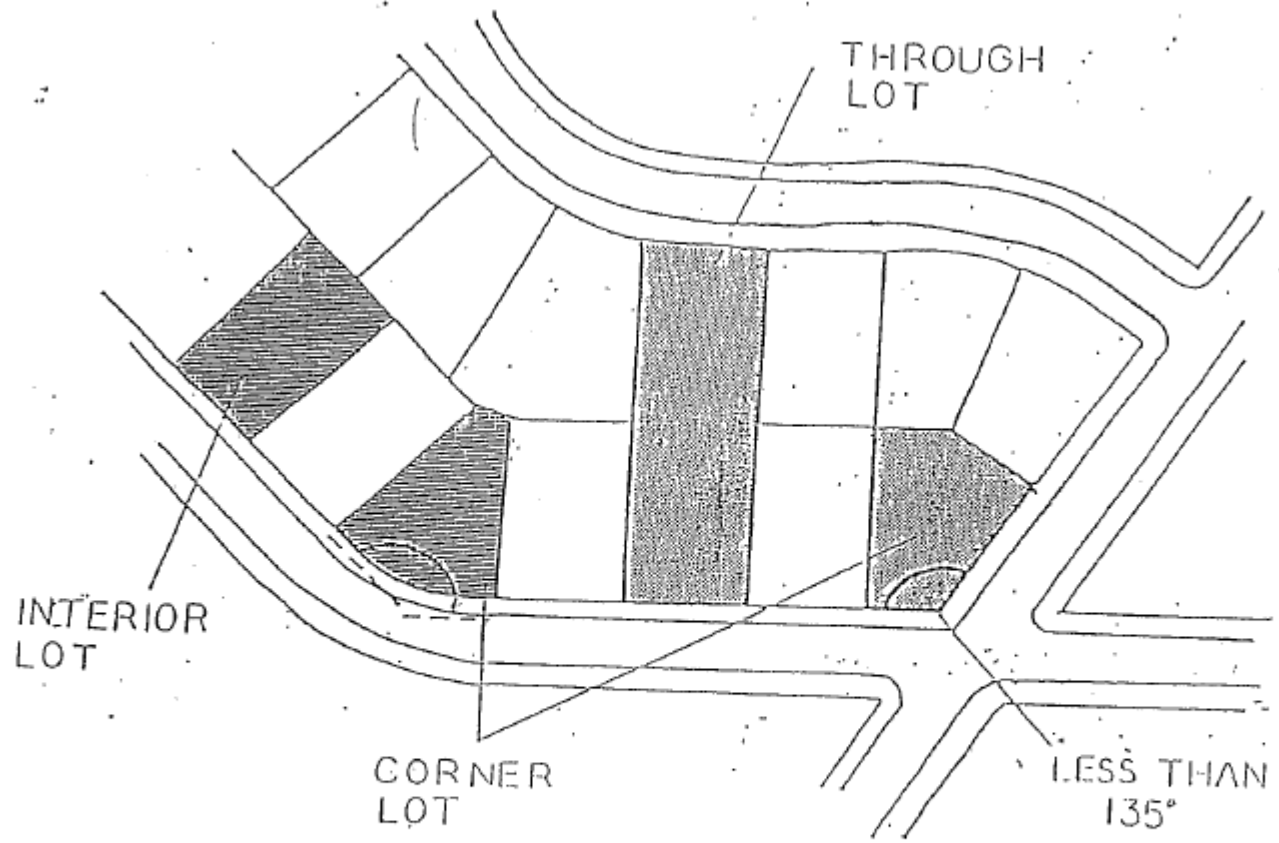


FIGURE A

Figure A

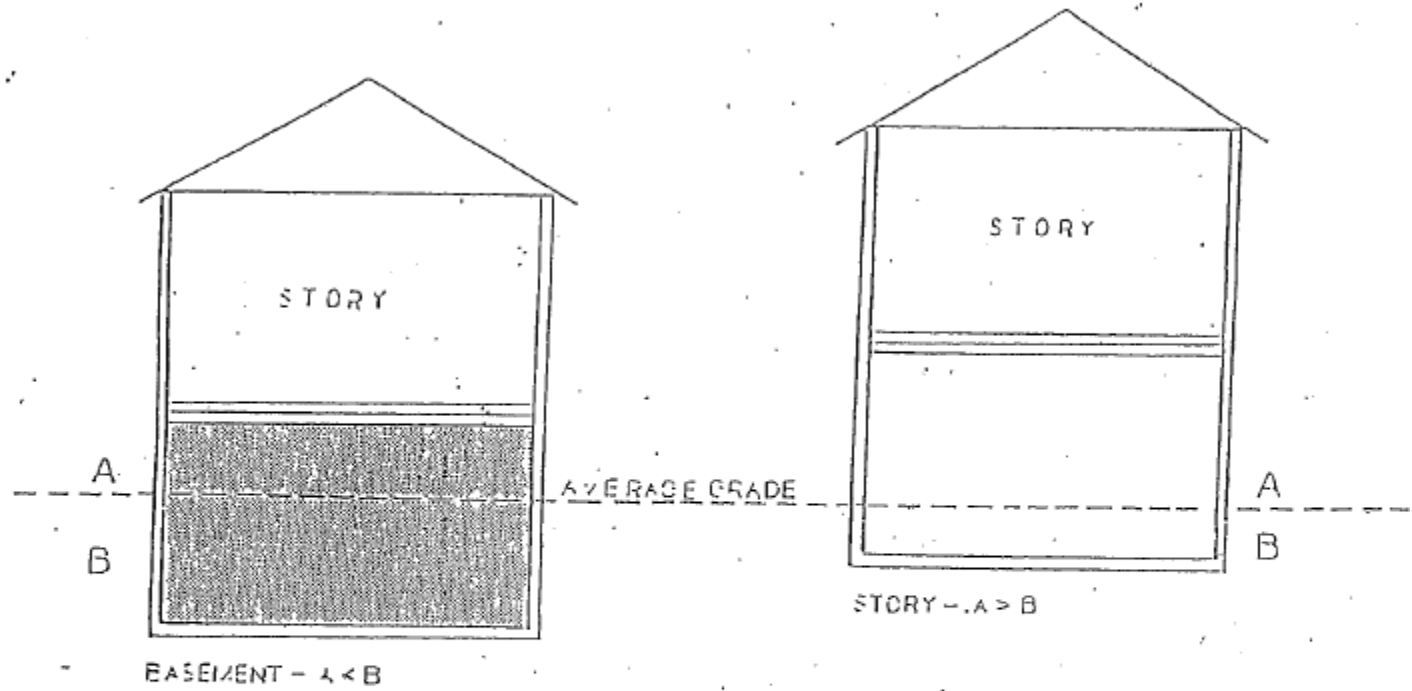
Figure B



INTERIOR, THROUGH, <sup>or</sup> CORNER LOTS

FIGURE B

Figure C



# BASEMENT AND STORY

FIGURE C



REQUIRED YARDS  
LOT LARGER THAN REQUIRED MINIMUM

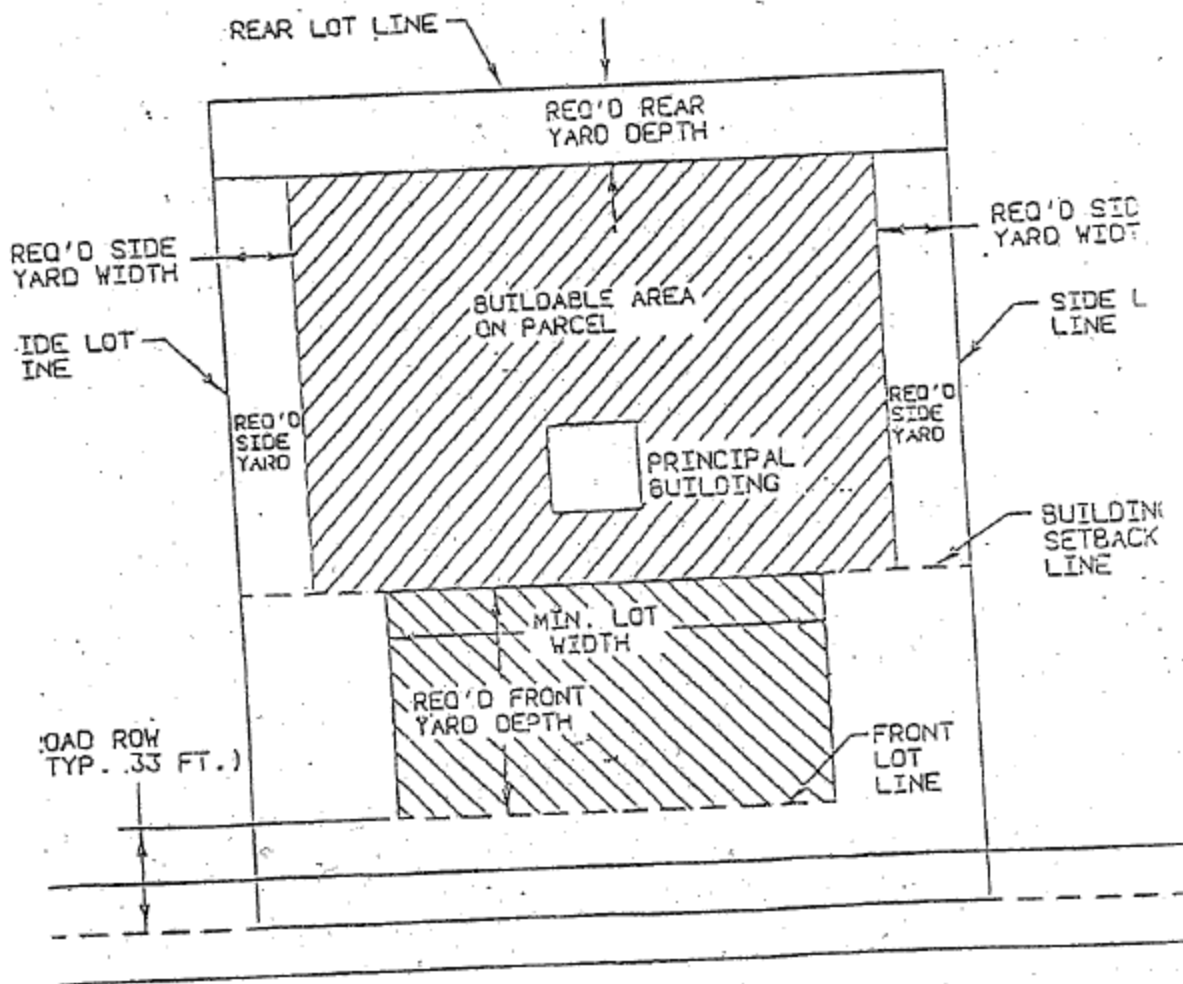


FIGURE D 1 of 3

Figure D - 1 of 3

REQUIRED YARDS  
RECTANGULAR LOT

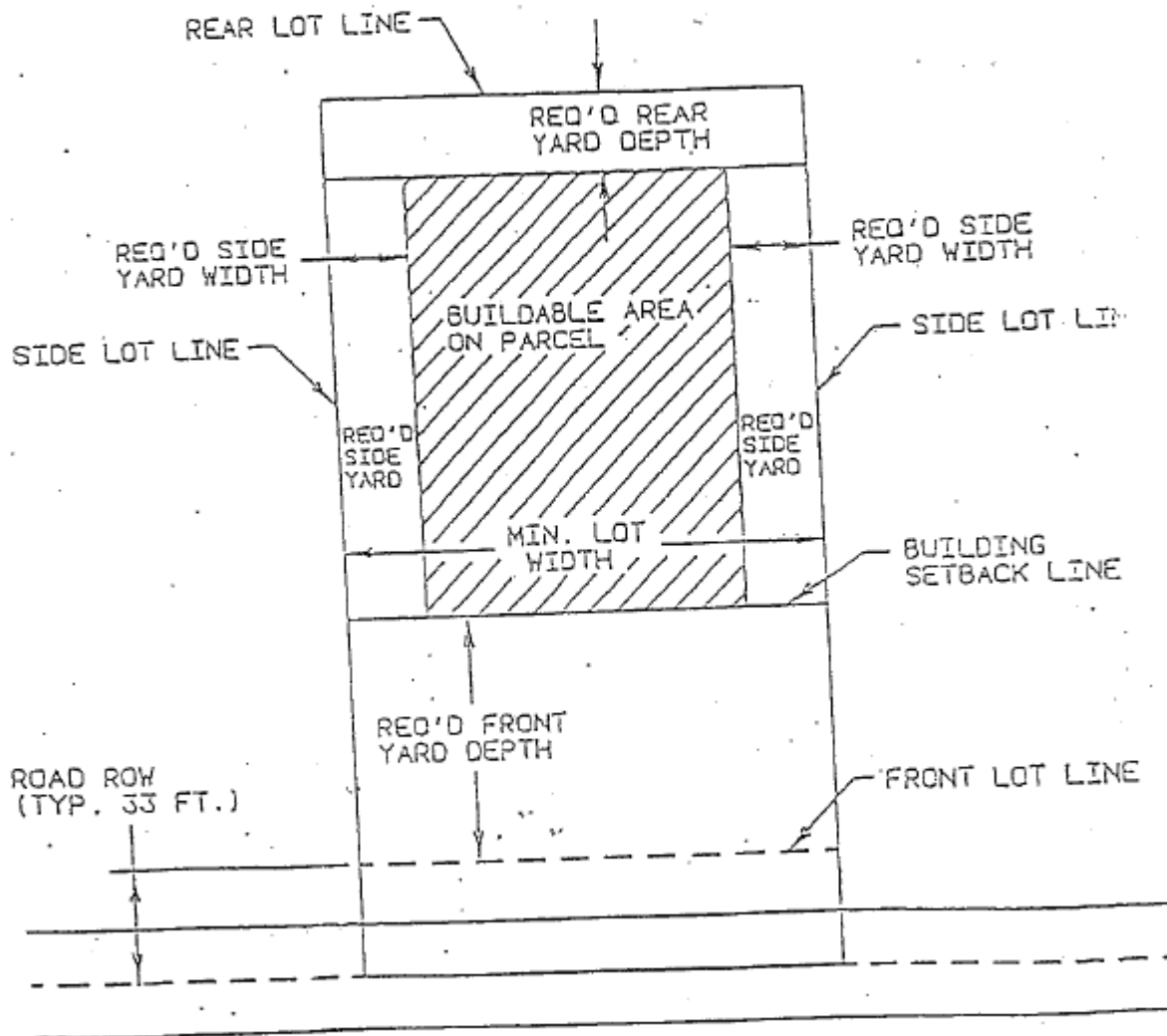
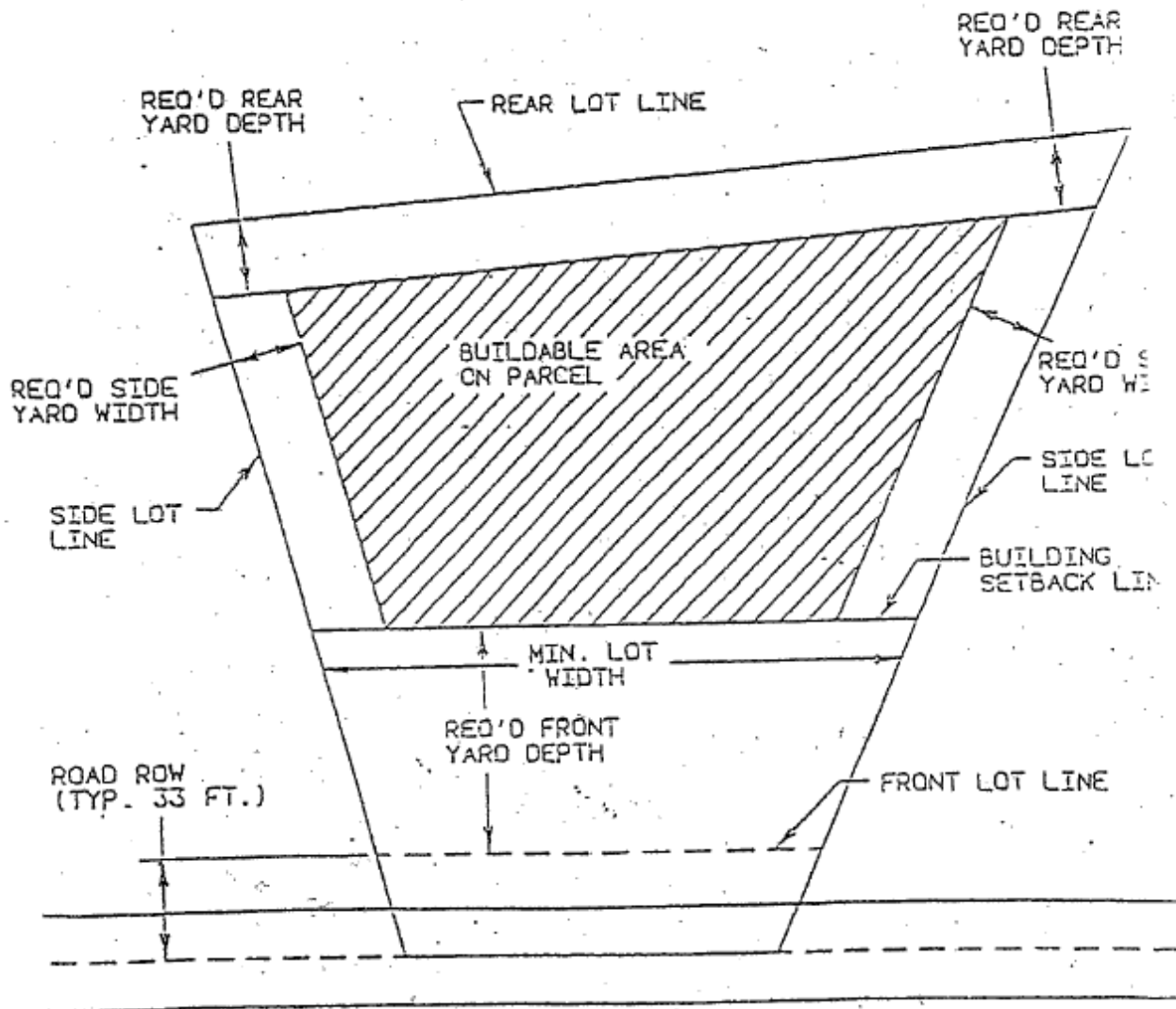


FIGURE D - 2 of 3

Figure D - 2 of 3

REQUIRED YARDS  
IRREGULARLY SHAPED LOT



NOTES:

1. REQUIRED MINIMUM FRONT YARD DEPTH TO BE PARALLEL TO FRONT LOT LINE.
2. REQUIRED MINIMUM REAR YARD DEPTH LINE TO BE PARALLEL TO REAR LOT LINE.
3. REQUIRED MINIMUM SIDE YARD WIDTH LINES TO BE PARALLEL TO SIDE PROPERTY LINES.

FIGURE D - 3 of 3