

Chapter 38 - ZONING

Footnotes:

--- (1) ---

State Law reference— *Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.*

ARTICLE I. - IN GENERAL

Sec. 38-1. - Purpose.

This chapter is based upon the township general master plan and is designed:

- (1) To promote the public health, safety and general welfare;
- (2) To encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
- (3) To conserve natural resources and energy, to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
- (4) To ensure that uses of land shall be situated in appropriate locations and relationships;
- (5) To avoid the overcrowding of population;
- (6) To provide adequate light and air;
- (7) To lessen congestion on the public roads and streets;
- (8) To reduce hazards to life and property;
- (9) To facilitate the adequate provision of a system of transportation, sewage, disposal, safe and adequate water supply, education, recreation and other public requirements; and
- (10) To conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.

The ordinance from which this chapter is derived is adopted with reasonable consideration, among other things, of the character of each rezoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

(Ord. No. 16, § 2.01, 3-4-1981)

Sec. 38-2. - Scope and interpretation.

This chapter shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the township is a party. The provisions of this chapter shall control where this chapter imposes greater restrictions, limitations, or requirements upon:

- (1) The use of buildings, structures, or land;
- (2) The height of buildings or structures;
- (3) Lot coverage;

- (4) Lot areas;
- (5) Yards or other open spaces; or
- (6) Any other use or utilization of land than is imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants.

(Ord. No. 16, § 2.02, 3-4-1981)

Sec. 38-3. - Legal basis.

This chapter is enacted pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 16, § 2.03, 3-4-1981; Ord. No. 145, § 1, 2-14-2007)

Sec. 38-4. - Rules applying to text.

The following listed rules of construction apply to the text of this chapter:

- (1) The term "building" or "structure" includes any part thereof.
- (2) The term "used" or "occupied", as applied to any land or building, shall be construed to include the term "intended," "arranged," or "designed to be used," or "occupied."
- (3) Any dispute over any language contained in the zoning chapter may be resolved under article II of this chapter, pertaining to zoning authority and procedure before the township zoning board of appeals.

Sec. 38-5. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory dwelling unit, attached (AADU) means a room or set of rooms in a single-family dwelling that has been designed or configured to be used as a separate dwelling unit and is subordinate in size to the principal dwelling unit on the same lot. AADUs generally include living, sleeping, kitchen, and bathroom facilities and have a lockable entrance door. The lot owner owns the PDU and the AADU, but does not reside in the AADU.

Accessory dwelling unit, detached (DADU) means a room or set of rooms in a separate building, normally in a rear yard but in any event located in compliance with a permitted accessory building, that has been designed or configured to be used as a separate dwelling unit and is subordinate in size to the principal dwelling unit on the same lot. DADUs generally include living, sleeping, kitchen, and bathroom facilities and have a lockable entrance door. The lot owner owns the DADU and the PDU, but does not reside in the DADU.

Accessory use or structure means a use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure. The term "lot," under this definition, may consist of more than one parcel of land provided all parcels are contiguous and the required area for such accessory building complies at all times with the minimum area requirements of [section 38-471](#).

Accretion means the gradual buildup of new sand by wind or water action.

Alterations, structural, means:

- (1) Any change in the supporting members of a building or structure, such as, bearing walls, columns, beams, or girders;
- (2) Any substantial change in the roof; or

- (3) An addition to or demolition of a structure or building.

Animals, domestic, includes the following categories:

- (1) Large-hoofed animals, including, but not limited to, horses, donkeys, burros, mules, cattle, llamas, elk, deer, and swine;
- (2) Small-hoofed animals, including, but not limited to, goats and sheep;
- (3) Small animals, including, but not limited to, dogs, cats and house pets;
- (4) Poultry and small fur-bearing animals, including, but not limited to, chickens, ducks, geese, turkeys, quail, pigeons, pheasant, and small fur-bearing mammals.

In the event that a person disagrees with the zoning inspector determination that an animal is a domestic animal or in the event that a person disagrees with the zoning inspector's determination of what kind of domestic animal an animal is (e.g., large-hoofed animal, small-hoofed animal, etc.), that person may appeal to the township zoning board of appeals for a determination pursuant to section 603 of the Michigan zoning enabling act (MCL 125.3603).

Animals, exotic, means animals that are not normally considered to be domestic animals, including, but not limited to, lions, tigers, panthers, cougars, bobcats, bears, ostriches, emus, wolves, reptiles, and apes. In the event that a person disagrees with the zoning inspector's determination that an animal is an exotic animal, that person may appeal to the township zoning board of appeals for a determination pursuant to section 603 of the Michigan zoning enabling act (MCL 125.3603).

Automobile repair, major, means general repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering or vehicle steam-cleaning and undercoating.

Automobile repair, minor, means minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two-ton capacity; provided, however, there is excluded any repair or work included in the definition of the term "automobile repair,-major."

Basement means a portion of a building partly or entirely below grade. If it is partly below grade, the vertical distance from the established grade at the center of the front of the building to the floor shall be greater than the vertical distance from that established grade to the ceiling. If that is not true, or if the vertical distance from that established grade to the ceiling is five feet or more, that portion of the building shall not be counted as a basement.

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

Billboards and signs.

- (1) *Billboard* means any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising either:
 - a. A business, service, entertainment, activity, or event which is not conducted on the land upon which the structure is located;
 - b. A product which is not primarily sold, manufactured, processed or fabricated on the land upon which the structure is located;
 - c. A second structure which is not located on the land upon which the first structure is located;
 - d. A geographical location or place which is not located on the land upon which the structure is located; or
 - e. A person.

However, any structure which meets the definition of an informational sign shall not be considered to be a billboard.

- (2) *Business sign* means any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- (3) *Real estate sign* means any temporary structure used only to advertise, with pertinent information, the sale, rental, or leasing of the premises upon which it is located.
- (4) *Identifying sign* means any structure on the same premises it identifies which serves only:
 - a. To tell the name or use of any public or semipublic building or recreation space, club, lodge, church, or institution;
 - b. To tell the name or address of an apartment house, hotel, or motels; or
 - c. To inform the public as to the use of a parking lot.
- (5) *Nameplate* means a structure affixed flat against the wall of a building, which serves solely to designate the name or the name and profession or business occupation of a person occupying the building.
- (6) *Informational sign* means any structure erected adjacent to a street which identifies, points toward and gives the distance to any public or open-to-the-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity, or event.

Building means anything which is constructed or erected, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind.

Building height means the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of flat roofs, to the deck line of mansard roofs, and to the mean height level between the eaves and the ridge of gable, hip, and gambrel roofs.

Building setback means the minimal horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

Crest means the highest natural plane which crowns a dune.

Dwelling means any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins, or mobile homes.

- (1) *Dwelling, single-family*, means a building designed for use and occupancy by one family only.
- (2) *Dwelling, two-family*, means a building designed for use and occupancy by two families only.
- (3) *Dwelling, multifamily*, means a building designed for use and occupancy by three or more families.

Dwelling unit means one room or suite of two or more rooms designed for use of occupancy by one family for living and sleeping purposes with housekeeping facilities.

Family means:

- (1) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster and step children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- (2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient, domestic character and who are cooking and living as a single nonprofit housekeeping unit. The

term "family" 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 other similar determinable period.

Farm, general, means any tract of land, regardless of size or area, devoted to general agricultural activities not involving animals for general commercial purposes, such as field crops, truck farming, orchards and nurseries. Such farms may include related dwelling units, customary barns, and similar buildings. Infrequent casual sales shall not be construed as general commercial purposes under this definition.

Farm, specialized, means any tract of land used for specialized animal operations, such as apiaries, chicken hatcheries, poultry farms, dairying, beef farms, animal husbandry, stockyards, livestock feed lots, swine farms or hatcheries. Such farms may include related dwelling units, customary barns, and similar buildings.

Floor area means the gross floor area of all floors of a building or an addition to an existing building. For all buildings not used for dwelling purposes, the basement floor area shall be included, except that part which contains heating and cooling equipment and other basic utilities. For all buildings used for dwelling purposes, the basement floor area shall not be included. The floor area measurement is made from the exterior faces of the exterior walls and is exclusive of areas of unfinished attics, private attached garages, breezeways, and enclosed and unenclosed porches.

Foredune ridge means the first landward sand dune formation along the shoreline of Lake Michigan.

High dune means higher in elevation and older in age than the foredune, located landward to the foredune.

High-water mark means the high-water mark as determined by the Michigan Department of Natural Resources and Environment or some successor state agency having jurisdiction. If no determination has been made, then the term "high-water mark" shall be the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Home occupation means a routine accessory and customary non-residential use conducted within or administered from a portion of a principal dwelling unit or its permitted accessory building. The home occupation:

- (1) Is conducted primarily by a permanent resident of the PDU;
- (2) Only employs persons working on the lot who are permanent residents of the PDU plus a maximum of one non-resident working on the lot at any point in time;
- (3) Only includes uses that are clearly incidental and secondary to the principal residential use;
- (4) Does not include retail or wholesale sales on the lot other than via telecommunication or through the mail;
- (5) Does not include any industrial use;
- (6) Does not generate any traffic that will have a detrimental effect on the surrounding area; and
- (7) Does not use mechanical equipment generating noise audible beyond the boundaries of the lot.

Home office means a space within an individual's principal dwelling unit that is used for business purposes. A home office may not have any employees working there who do not reside in the PDU, and no clients may visit the home office.

Improvements means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

Junkyard means 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.

Kenel means any land, building or structure where small animals are kept in numbers that exceed those automatically permitted by right (i.e., without a special land use permit) according to the terms of this chapter.

Lot and lot width mean a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses together with such open spaces as are required by this chapter.

- (1) *Area, lot*, means the total area encompassed within the lines of a parcel or place of property, excluding street or road rights-of-way.
- (2) *Corner lot* means a lot located at the intersection of two or more streets where the corner interior angle, formed by the intersection of the centerlines of the streets, is 135 degrees or less, or a lot abutting upon a curved street if tangents to the curve at the two points where the lot lines meet the centerline curve form an interior angle of 135 degrees or less.
- (3) *Depth, lot*, means the distance between the front and rear lot lines. In case of irregularly shaped parcels, the depth shall be measured to the most remote part of the parcel which contains the minimum lot width required by this chapter.
- (4) *Double frontage lot* means any lot excluding a corner lot, which fronts on two streets which do not intersect.
- (5) *Width, lot*, means the continuous distance between the side lot lines, measured at the minimum building setback line and at right angles to the lot depth.

Mobile home or house trailer means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation, and other minor work, construction or installation. In the event of any controversy concerning whether or not a particular unit is included within the foregoing definition, the zoning board of appeals shall have the right and authority to determine whether the same is so included, based upon the similarity of the unit involved to the customary dwelling unit known as a mobile home or to a standard constructed home.

- (1) *Single-wide* means a mobile home with a longitudinal width of no greater than 14 feet for its full length.
- (2) *Double-wide* means a combination of two mobile homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single-wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

Mobile home lot means a measured parcel of land within a mobile home park which is delineated by lot lines on a final master plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

Mobile home pad means that portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures, or additions.

Mobile home park means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for nontransient use.

Mobile home subdivision means a mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Modular home means a dwelling which consists of prefabricated units transported to the building site upon a separate vehicle or flatbed trailer and having no wheels, metal undercarriage or chassis, as distinguished from a mobile home. Such modular home shall be considered a single-family dwelling under the zoning chapter of the township and subject to all requirements thereof.

Motel means a building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term "motel" shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

Motor vehicle means every vehicle which is self-propelled.

Parking area, space, or lot means an off-street, open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. The term "parking area" shall include access drives within the actual parking area.

Parking bay means a hard surface area adjacent and connected to but distinct from, a street intended for parking motor vehicles.

Pier means concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

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

Principal or main use means the primary or predominant use of a lot.

Principal dwelling unit (PDU) means a room or set of rooms in a dwelling that has been designed or configured to be used as a separate dwelling unit generally include living, sleeping, kitchen, and bathroom facilities and has a lockable entrance door. The PDU is superior in size to any AADU or DADU on the lot. The owner of the PDU must also own any AADU or DADU on the lot.

Roadside market or stand means a temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

Satellite dish antenna means a spherical dish antenna intended to receive communication signals from a satellite or transmitter or transmitter relay located in planetary orbit.

Short-term rental means the rental or subletting of any dwelling for a term of less than 28 days, but the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

Stables means any land, building or structure where large-hoofed animals or small-hoofed animals are kept in numbers that exceed those automatically permitted by right (i.e., without a special land use permit) according to the terms of this chapter, or where large- or small-hoofed animals are available for hire by the general public.

Street means a publicly or privately owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

Structure means anything, except a building, which is constructed or erected on the ground or attached to something having location on the ground or underground.

Tourist home means a building, other than a hotel, boardinghouse, lodginghouse, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Travel trailer means a transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

Usable floor area means the floor area of a dwelling exclusive of garages, porches, basement, or utility area.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

Yard means a required open space unoccupied and unobstructed by any building or structure. Fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture unattached to any building may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, front, means a yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the nearest portion (excluding any roof overhang) of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

Yard, rear, means a yard, unoccupied except for accessory buildings and except for structures 16 inches or less above the general ground level of the lot, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest portion (excluding any roof overhang) of the main building.

Yard, side, means a yard between a 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 portion (excluding any roof overhang) of the building.

(Ord. No. 16, §§ 3.01—3.52, 3-4-1981; Ord. No. 26, § 3.53, 5-8-1985; Ord. No. 30, § 1, 6-14-1989; Ord. No. 45, § 1(3.07A), 4-10-1991; Ord. No. 59, §§ 1—4, 11-11-1992; Ord. No. 62, §§ 1, 2, 7-14-1993; Ord. No. 68, §§ 1—4, 5-11-1994; Ord. No. 74, § 1, 4-12-1995; Ord. No. 89, §§ 1, 2, 3-12-1997; Ord. No. 105, §§ 1—7, 5-12-1999; Ord. No. 138, § 1, 8-10-2005; Ord. No. 145, § 2, 2-14-2007; Ord. No. 192, § 1, 4-10-2019; Ord. No. 198, § 1, 3-11-2020)

Secs. 38-6—38-28. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 38-29. - Zoning administration.

The provisions of this chapter shall be administered and enforced by the zoning inspector.

(Ord. No. 16, § 19.01, 3-4-1981)

Sec. 38-30. - Zoning inspector.

The zoning inspector shall be appointed by the township board for such term and subject to such conditions and at such rate of compensation as the township board shall determine. To be eligible for appointment to the post of zoning inspector, the applicant must:

- (1) Be generally informed of the provisions of this chapter;
- (2) Have a general knowledge of the building arts and trades; and
- (3) Be physically capable of fulfilling the duties of the zoning inspector.

The applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

(Ord. No. 16, § 19.02, 3-4-1981)

Sec. 38-31. - Permits.

- (a) *Required.* No building or structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, unless a permit therefore has been issued by the zoning inspector. An application for a permit shall be in writing and upon forms furnished by the township. A permit issued by the zoning inspector is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the zoning inspector and shall be furnished upon request. If the application is approved, the zoning inspector shall so mark both copies of the application over the signature and file one copy with the township clerk and return the other copy to the applicant.
- (b) *Contents of application.* Each application shall include reasonable information as may be requested by the zoning inspector in order to determine compliance with the terms and provisions of this chapter and shall include as a minimum, the following information:
 - (1) The location and actual dimensions of the lot or premises to which the permit is to apply;
 - (2) The kind of buildings or structures to which the permit is to apply;
 - (3) The width of all abutting streets;
 - (4) The area, size and location of all buildings or structures to which the permit is to apply;
 - (5) The type of use to be made of the building or structure to which the permit is to apply; and
 - (6) The use of buildings or structures on adjoining lands.

The zoning inspector may exercise discretion to waive the inclusion of any of the foregoing information in an application if the inspector should determine that such information is not reasonably necessary to determine compliance with the terms and provisions of the chapter.

- (c) *Accessory buildings or structures.* Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged, or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require the issuance of a separate permit. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises.
- (d) *Planning commission approval.* When the terms and provisions of this chapter require authorization by the planning commission as a special use and such authorization is given, then both copies of the application shall be marked approved by the secretary of the planning commission in addition to being so marked as provided above by the

zoning inspector.

- (e) *Issuance of permit.* Within ten days after the receipt of any application, the zoning inspector shall either:
- (1) Issue a permit if the proposed work is in conformance with the terms and provisions of this chapter; or
 - (2) Deny issuance of a permit and state the reason or cause for such denial in writing.

In each case the permit or the written reason or cause for denial shall be transmitted to the owner or the agent of the owner.

- (f) *Expiration of permits.* A permit for a single-family dwelling for which all construction work has not been completed within one year from the date of its issuance shall expire automatically; a permit for any other building or structure for which all construction work has not been completed within two years from the date of issuance shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable once for additional terms of one and two years, respectively (one year for single-family dwelling, two years for any other building or structure), on payment of an additional fee equal to one-half of the original permit fee.
- (g) *Cancellation of permits.* The zoning inspector shall have the power to remove and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this chapter or remove in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.
- (h) *Fees.* Fees shall be charged and collected by the zoning inspector in accordance with the fee schedule adopted by resolution of the township board.

(Ord. No. 16, § 19.03, 3-4-1981)

Sec. 38-32. - Inspection of buildings and structures.

- (a) As work progresses under a permit, the holder thereof or the authorized agent of such owner shall cause the zoning inspector to be notified of the following stages of construction:
- (1) Upon completion of the footing and foundation walls.
 - (2) Upon completion of the rough frame of the building or structure and the electrical wiring.
 - (3) Upon total completion of the work authorized by the permit and before occupancy or use.
- (b) Should the permit holder fail to comply with all of the terms and provisions of the chapter at any stage of construction, the zoning inspector is authorized to revoke and cancel the permit and cause notice of such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

(Ord. No. 16, § 19.04, 3-4-1981)

Sec. 38-33. - Certification of compliance.

No change in use shall be permitted and no building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be allowed to be used or occupied in whole or in part until the owner thereof has been issued a certificate by the zoning inspector affirming that such building or structure conforms in all respects to the provisions of this chapter and pertinent decisions of the zoning board of appeals.

(Ord. No. 16, § 19.05, 3-4-1981)

Sec. 38-34. - Penalties.

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 of provision of this chapter, 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 chapter or any amendment thereof shall be guilty of a misdemeanor.

(Ord. No. 16, § 22.01, 3-4-1981)

Sec. 38-35. - Procedure.

The township board and/or township supervisor may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this chapter. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

(Ord. No. 16, § 22.02, 3-4-1981)

Secs. 38-36—38-58. - Reserved.

DIVISION 2. - SITE PLAN REVIEW

Footnotes:

--- (2) ---

State Law reference— *Submission and approval of site plan, MCL 125.3501.*

Sec. 38-59. - Purpose.

The intent of this section is to provide for consultation and cooperation between the applicant and the township planning commission in order that the applicant may accomplish the objectives of the applicant in the utilization of the applicant's land within the regulations of this zoning chapter and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

(Ord. No. 16, § 15.01, 3-4-1981)

Sec. 38-60. - Site plan review and approval.

Notwithstanding the failure of this zoning chapter to specifically provide elsewhere for site plan approval of a particular use, site plan review and approval is required in each of the following instances:

- (1) A site plan shall be submitted to the planning commission for any use permitted in the C-1, C-2, C-3, MU, or I-1 zoning districts.
- (2) A site plan shall be submitted to the planning commission for any multifamily dwelling in the R-3 zoning district.
- (3) A site plan shall be submitted to the planning commission for any church, school, library, athletic ground, park, playground, cemetery, museum, art gallery, community center, governmental or administration or service building, or mobile home park to be constructed in the AG, R-1, R-1.5, R-2, R-3, or R-4 zoning district.
- (4) A site plan shall be submitted for any special use and also for any planned unit development.
- (5) A site plan shall be submitted when any other section of this zoning chapter requires site plan approval.

(Ord. No. 16, § 15.02, 3-4-1981; Ord. No. 70, § 8, 9-14-1994; Ord. No. 166, § 1, 1-11-2012; Ord. No. 204, § 1, 9-8-2021)

Sec. 38-61. - Application procedures.

An application for site plan review, plus either a preliminary or final site plan, shall be submitted 20 days prior to the next scheduled planning commission meeting through the zoning inspector who will review the application and plans for completeness, then transmit to the planning commission.

(Ord. No. 16, § 15.03, 3-4-1981; Ord. No. 33, § 2, 10-11-1989)

Sec. 38-62. - Preliminary plan review.

Preliminary sketches of proposed site and master plans may be submitted for review to the planning commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the planning commission to better inform the applicant of the acceptability of the proposed plans of the applicant prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans shall include the following as deemed necessary by the zoning inspector:

- (1) Legal description of the property.
- (2) Small-scale sketch of properties, streets and use of land within one-half mile of the area.
- (3) A generalized map showing any existing or proposed arrangement of:
 - a. Streets;
 - b. Lots;
 - c. Access points;
 - d. Other transportation arrangement;
 - e. Buffer strips screening;
 - f. Natural characteristics including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets;
 - g. Signs - location and lighting;
 - h. Buildings.
- (4) A narrative describing:
 - a. The overall objectives of the proposed development.
 - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - c. Dwelling unit densities by type.
 - d. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - e. Proposed method of providing storm drainage.
 - f. Proposed method of revegetating open sand areas, both preexisting and newly created, to a stable condition.

In addition to the above, the applicant shall submit a fee in accordance with the fee schedule established by the township board to cover the normal and specially incurred expenses of the planning commission. One-half of such fee shall be paid upon submission of the preliminary site plan and the balance upon submission of the final site plan.

(Ord. No. 16, § 15.04, 3-4-1981)

Sec. 38-63. - Planning commission review of preliminary site plan.

The planning commission shall review the preliminary site plan and make recommendations to the applicant at the regular planning commission meeting based on the purposes, objectives and requirements of this chapter, and specifically, the following considerations when applicable:

- (1) Ingress and egress to the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow control, and access in cases of fire, catastrophe, or emergency.
- (2) Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development. The first 25 feet of the front yard shall be landscaped according to the site plan submitted to the planning commission.
- (3) Sewer, water and storm drainage with reference to locations, availability and compatibility.
- (4) Screening and buffering with reference to type, dimensions and character.
- (5) Signs. If any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- (6) Required yards.
- (7) General compatibility with adjacent properties.
- (8) The general purposes and spirit of this chapter and the general master plan of the township.

(Ord. No. 16, § 15.05, 3-4-1981; Ord. No. 70, § 9, 9-14-1994; Ord. No. 183, § 1, 1-11-2017)

Sec. 38-64. - Final site plan review.

The site plan shall include the following information and such items as may be requested by the planning commission from its review of the optional preliminary site plan:

- (1) Legal description of the property.
- (2) Small scale sketch of properties, streets and use of land within one-half mile of the area.
- (3) A map at a scale not to exceed one inch equals 200 feet. The following items shall be shown on the map:
 - a. Date site plan was prepared.
 - b. Name and address of the preparer.
 - c. The topography of the site at a minimum of five-foot intervals and its relationship to adjoining land.
 - d. Existing manmade features.
 - e. Dimensions of setbacks, locations, heights and size of buildings and structures.
 - f. Street rights-of-way, indicating proposed access routes, internal circulation, and relationship to existing rights-of-way.
 - g. Proposed grading.
 - h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - i. Location and type of fences, landscaping, buffer strips, and screening.
 - j. Location and type of signs and on-site lighting.
 - k. Proposed parking areas and drives. Parking areas shall be designed by lines showing individual spaces and shall conform with the provisions of article X of this chapter.
 - l. Easements, if any.

m. Dimensions and number of proposed lots.

(4) A narrative describing the items indicated in section 38-62(4).

(Ord. No. 16, § 15.06, 3-4-1981)

Sec. 38-65. - Planning commission review of final site plan.

The planning commission shall review the final site plan and either approve, deny, or approve with conditions, the final site plan based on the purposes, objectives, and requirements of this chapter and specifically the considerations listed in section 38-63.

- (1) Further, the planning commission is empowered to require a performance bond or certified check in an amount equal to the estimated cost of improvements (as defined in section 38-5) associated with the project. Such performance guarantee shall be deposited with the clerk of the township at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan; if not, the performance bond shall be forfeited. The township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the zoning inspector. In cases where the provisions of section 38-469(b) have not been met, the amount of the aforementioned performance guarantee shall be used by the township to return the property to a safe and healthy condition; and the balance, if any, shall be returned to the applicant.
- (2) Each development shall be under construction within one year after the date of final approval by the planning commission. If the applicant does not fulfill this provision, the commission may grant a 60-day extension provided the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or a 60-day extension has expired without construction underway, the site master plan shall be null and void.
- (3) The planning commission shall undertake and complete all site plan reviews within 60 days of submission of all required information by the applicant. Upon approval of the plan, the chair of the planning commission shall sign three copies thereof. One signed copy shall be made a part of the commission's file and one shall be forwarded to the building inspector for issuance of a building permit. The third copy shall be returned to the applicant.

(Ord. No. 16, § 15.07, 3-4-1981)

Secs. 38-66—38-88. - Reserved.

DIVISION 3. - SPECIAL USES

Footnotes:

--- (3) ---

State Law reference— *Special land uses, MCL 125.3501 et seq.*

Sec. 38-89. - Purpose.

Special uses are those uses of land which are not essentially incompatible with uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is

to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special uses. The criteria for decision and requirements provided for under the provisions of the chapter shall be in addition to those required elsewhere in this chapter which are applicable to the special use under consideration.

(Ord. No. 16, § 17.01, 3-4-1981)

Sec. 38-90. - Application procedures.

An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- (1) *Application.* Applications for a special use shall be submitted 30 days prior to the next scheduled planning commission meeting through the zoning inspector who will review the application for completeness, then transmit it to the planning commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the township board to cover the costs of processing the application.
- (2) *Required information.* An application for a special use permit shall be accompanied by the following documents and information:
 - a. A special use application form supplied by the zoning inspector which has been completed in full by the applicant.
 - b. A site plan, as specified in division 2 of this article.
 - c. A statement with regard to compliance with the criteria required for approval in section 38-91, and other criteria imposed by this chapter affecting the special use under consideration.
- (3) *Public hearing.* Upon receipt of an application for a special use, the planning commission shall call a public hearing for the purpose of receiving comments relative to the special use application. The public hearing shall be noticed in the manner required by law.
- (4) *Review and approval.* The planning commission shall review the application for a special use, comments received at the public hearing, the site plan and other materials submitted in relation to the application, and make a determination on the special use application in section 38-91, and such standards contained in this chapter which relate to the special uses under consideration. Upon the approval or approval with conditions by the planning commission, the applicant may apply for a building permit.

(Ord. No. 16, § 17.02, 3-4-1981; Ord. No. 105, § 27, 5-12-1999; Ord. No. 145, § 4, 2-14-2007)

Sec. 38-91. - Basis of determination.

Prior to approval of a special use application, the planning commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this chapter, shall be satisfied by the completion and operation of the special use under consideration.

- (1) *General standards.* The planning commission shall review the particular circumstances of the special use application under consideration in terms of the following standards, and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this chapter:
 - a. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

- b. The special use shall not change the essential character of the surrounding area.
 - c. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
 - d. The special use shall not place demands on public services and facilities in excess of current capacity.
- (2) *Conditions.* The planning commission may impose conditions with the approval of a special use which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter. Such conditions shall be considered an integral part of the special use application and shall be enforced by the zoning inspector.

(Ord. No. 16, § 17.03, 3-4-1981)

Sec. 38-92. - Existing special situations.

Uses of land and/or development projects granted special exception status by the township prior to the adoption of the ordinance upon which this zoning chapter is based may continue this status, provided the rules, regulations, requirements, and conditions of the special exception are met.

(Ord. No. 16, § 17.04, 3-4-1981)

Secs. 38-93—38-112. - Reserved.

DIVISION 4. - ZONING BOARD OF APPEALS

Footnotes:

--- (4) ---

State Law reference— *Zoning board of appeals, MCL 125.3601 et seq.*

Sec. 38-113. - Creation.

There is hereby created under the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), a zoning board of appeals, referred to in this chapter as the "zoning board of appeals." The zoning board of appeals shall be constituted and appointed as provided in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 16, § 20.01, 3-4-1981)

Sec. 38-114. - Jurisdiction and powers.

The zoning board of appeals shall have all powers and jurisdiction granted by the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), all powers and jurisdiction prescribed in other divisions of this article and the following specific powers and jurisdiction:

- (1) The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the zoning inspector. 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 done, and to that end it:
 - a. Shall have all the powers of the zoning inspector; and

- b. May issue or direct the issuance of a permit.
- (2) The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this chapter, including interpretation to the zoning map and text of the zoning chapter.
- (3) The jurisdiction and power to authorize, upon appeal, a variance or modification of this chapter where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.

(Ord. No. 16, § 20.02, 3-4-1981)

Sec. 38-115. - Adoption of rules of procedure.

The zoning board of appeals shall fix rules and regulations governing its procedures sitting as the zoning board of appeals. Such rules and regulations shall be made available to the public and shall be in conformance with the terms of this chapter and the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 16, § 20.03, 3-4-1981)

Sec. 38-116. - Conditions.

In granting a variance, the zoning board of appeals may impose and attach such conditions, restrictions and requirements as the board shall determine are necessary and/or appropriate. Such conditions, restrictions and requirements may impose greater or more restrictive conditions, restrictions and requirements than are included in this chapter. Violation of such conditions, restrictions and requirements shall be deemed a violation of this chapter. Such conditions, restrictions and requirements may include the provisions of financial security to guarantee performance.

(Ord. No. 16, § 20.04, 3-4-1981)

Sec. 38-117. - Alternate members.

The township board shall appoint not more than two alternate members to serve the same term as regular members of the zoning board of appeals. The alternate members shall be appointed by resolution of the township board. The chairperson of the zoning board of appeals, or the acting chairperson, shall call an alternate member to serve as a regular member of the zoning board of appeals in the following situations:

- (1) An alternate member shall be called to serve as a regular member of the zoning board of appeals in the absence of a regular member if that regular member is absent from or will be unable to attend one or more meetings of the zoning board of appeals.
- (2) An alternate member shall be called to serve as a regular member of the zoning board of appeals for the purpose of reaching a decision on a case in which the regular member has abstained from participating for reasons of a conflict of interest.

An alternate member called to serve as a regular member shall have the same voting rights as a regular member of the zoning board of appeals. An alternate member called to serve on a zoning board of appeals case shall serve in that case until a final decision is made by the zoning board of appeals.

(Ord. No. 105, § 28(20.05), 5-12-1999; Ord. No. 145, § 5, 2-14-2007)

Sec. 38-118. - Standards for variances.

The zoning board of appeals may grant a dimension variance or a use variance from the provisions or requirements of this chapter, only if the zoning board of appeals finds from reasonable evidence that all of the applicable facts and conditions exist.

- (1) For a dimension variance, the zoning board of appeals must find that all of the following facts and conditions exist:
 - a. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
 - b. The 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.
 - c. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.
 - d. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
 - e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- (2) 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:
 - a. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
 - b. The 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.
 - c. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.
 - d. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
 - e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
 - f. The property in question cannot be reasonably used as zoned and therefore a use variance is necessary.

(Ord. No. 145, § 6(20.06), 2-14-2007)

Sec. 38-119. - Application procedures.

An application to the zoning board of appeals shall be submitted and acted upon in accordance with the following procedures:

- (1) *Application.* Applications to the zoning board of appeals shall be submitted 30 days prior to the next scheduled zoning board of appeals meeting through the zoning inspector who will review the application for completeness, then transmit it to the zoning board of appeals. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the township board to cover the costs of processing the application.
- (2) *Required information.* An application to the zoning board of appeals shall be accompanied by the following documents and information:
 - a. A zoning board of appeals application form supplied by the zoning inspector which has been completed in

full by the applicant.

- b. A site plan, as specified in division 2 of this article.
 - c. A statement concerning compliance with the standards for a variance, either a dimension variance or a use variance as the case may be, as set forth in section 38-118.
- (3) *Public hearing.* Upon receipt of an application to the zoning board of appeals, the zoning board of appeals shall call a public hearing for the purpose of receiving comments relative to the application. The public hearing shall be noticed in the manner required by law.
- (4) *Review and approval.* The zoning board of appeals shall review the application, comments received at the public hearing, the site plan and other materials submitted in relation to the application, and make a determination pursuant to the applicable factors in section 38-118.

(Ord. No. 145, § 7(20.07), 2-14-2007)

Secs. 38-120—38-136. - Reserved.

DIVISION 5. - ORDINANCE AMENDMENT

Footnotes:

--- (5) ---

State Law reference— *Zoning adoption, MCL 125.3401 et seq.*

Sec. 38-137. - Initiation of amendments.

Amendments to this chapter will be directed to the planning commission for review and may be initiated by the township board by resolution, by the planning commission by motion, or by any interested person or persons by petition to the township clerk.

(Ord. No. 16, § 21.01, 3-4-1981)

Sec. 38-138. - Amendment petition procedure.

All petitions for amendment to this chapter shall be in writing, signed, and filed in triplicate with the township clerk for presentation to the planning commission. Such petitions shall include the following:

- (1) 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;
- (2) The nature and effect of the proposed amendment;
- (3) 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 right-of-way and easements bounding and intersecting the land to be rezoned;
- (4) The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
- (5) The changed or changing conditions in the area or in the township that make the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the

same;

(6) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

(Ord. No. 16, § 21.02, 3-4-1981)

Sec. 38-139. - Amendment procedure.

After initiation, amendments to this chapter shall be considered as provided in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 16, § 21.03, 3-4-1981)

Secs. 38-140—38-161. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 38-162. - Zone districts.

The township is hereby divided into the following zoning districts:

- (1) AG Agricultural District.
- (2) R-1 Rural Estate District.
- (2a) R-1.5 Rural Estate District.
- (3) R-2 Low Density Residential District.
- (4) R-3 Medium Density Residential District.
- (5) R-4 Mobile Home Park Residential District.
- (6) C-1 Neighborhood Business District.
- (7) C-2 General Business District.
- (8) C-3 Highway Commercial District.
- (9) MU Mixed Use District.
- (10) I-1 Industrial District.
- (11) FP Floodplain District.

(Ord. No. 16, § 4.01, 3-4-1981; Ord. No. 166, § 2, 1-11-2012; Ord. No. 204, § 2, 9-8-2021)

Sec. 38-163. - Zoning map.

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled the "Zoning Map of Laketown Township, Allegan County, Michigan," which is on file in the office of the township clerk. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

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

- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- (4) Boundaries indicated as approximately following shorelines or lake or streambeds shall be construed as following such shorelines or lake or streambeds, and in the event of change in the location of shorelines or lake or streambeds, shall be construed as moving with the shoreline and lake or streambed.
- (5) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
- (6) Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a governmental survey as they exist as of the effective date of the ordinance of the applicable amendment thereto.

(Ord. No. 16, § 4.02, 3-4-1981)

Sec. 38-164. - Areas not included within a district.

In every case where land has not been included within a district on the zoning map, such land shall be in the AG zoning district.

(Ord. No. 16, § 4.03, 3-4-1981)

Secs. 38-165—38-181. - Reserved.

DIVISION 2. - AG AGRICULTURAL DISTRICT

Footnotes:

--- (6) ---

State Law reference— *Michigan right to farm act, MCL 286.471 et seq.*

Sec. 38-182. - Description and purpose.

This zoning district is intended for large tracts of land used for farming, animal husbandry, dairying, horticultural, or other agricultural activities.

(Ord. No. 16, § 5.01, 3-4-1981)

Sec. 38-183. - Use regulation.

Land, buildings and structures in this zoning district may be used for the following purposes only:

- (1) Farms for both general and specialized farming, including greenhouses and nurseries, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers; provided such housing and its sanitary facilities are in conformance with all requirements of the county health department and/or any other federal, state, and/or local regulating agency having jurisdiction.
- (2) Single-family dwellings.
- (3) The keeping of domestic animals on parcels of land which meet or exceed the minimum 20 acre AG Agricultural District lot area requirement. On parcels of less than 20 acres of lot area, the regulations in section 38-212(9) and

(14) for land in the R-1 Rural Estate District, section 38-212(14) shall govern.

- (4) Reserved.
- (5) State-licensed residential facilities and family child care homes only as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (6) Group child care homes, with a special use permit, only as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206) and article II, division 3 of this chapter.
- (7) Parks, playgrounds, cemeteries, community centers, and governmental or administration or service buildings, owned and operated by a governmental agency or a noncommercial organization, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
 - a. The necessity for such use for the surrounding neighborhood;
 - b. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;
 - c. The size, nature and character of the proposed use;
 - d. Potential traffic congestion which might be occasioned by the intended use;
 - e. Parking facilities to be provided for the proposed use; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (8) Home occupations in single-family dwellings when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, the requirements of section 38-488, and the following standards:
 - a. The nature of the home occupation must be compatible with the surrounding neighborhood;
 - b. The home occupation will not cause a noticeable increase in traffic in the surrounding neighborhood;
 - c. The home occupation will not cause negative environmental effects on the surrounding neighborhood such as noise or odors; and
 - d. The home occupation will have minimal visual impact on the surrounding neighborhood for reasons such as signage, storage, and outside activity.
- (9) Removal and processing of topsoil, stone, etc.
 - a. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall consider the following and article II, division 3 of this chapter:
 1. The size of the property from which such topsoil, sand, gravel, or other such materials are to be removed;
 2. The amount of top soil, sand gravel or other such materials which is to be removed shall not exceed 25 percent of the total area of a recorded parcel;
 3. The purpose of such removal;
 4. The effect of such removal on adjoining property;
 5. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table;
 6. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;
 7. The effect of such removal on the environment and the natural topography, and the potential destruction

- of any natural resource;
8. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.
- b. Operations granted a special use permit by the planning commission shall meet the following conditions:
1. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other persons having reason to be within the area of activity;
 2. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the area of activity;
 3. No storage or truck parking shall be located within 200 feet of any adjacent residence or within 50 feet of any other adjacent property;
 4. All of the operation shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property;
 5. As the natural resources are being removed, the property shall be restored by the replacement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a 30 degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. The excavation area shall be planted with a suitable ground cover sufficient to control erosion;
 6. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible;
 7. The planning commission may require such bond as deemed necessary to ensure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained;
 8. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building, structure or pond on the lot, provided a permit is first obtained from the zoning inspector. If any removal from a parcel shall exceed 500 cubic yards of material, then the applicant shall comply with the provisions of subsection (9)a.1—8, (9)b.1—7 and (9)b.9 of this section. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties;
 9. The applicant shall secure all necessary permits from county, state, and federal authorities prior to application to the township planning commission.
- (10) Roadside stands which sell products grown or produced on the premises.
- (11) Reserved.
- (12) The keeping of exotic animals as a special land use authorized by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3:
- a. The size, nature and character of the exotic animal.
 - b. The proximity of the exotic animal to adjoining properties.
 - c. Potential traffic congestion caused by the exotic animal.
 - d. The effect of the exotic animal on the surrounding neighborhood.
 - e. The nature and character of the land, buildings or structures to be utilized for the keeping of the exotic animal.
- (13) Home offices.
- (14) Short-term rentals. A short-term rental must comply with the limitations established by other provisions of this

Code, and in any event may not have an occupancy in excess of 16 persons unless granted a special use by the planning commission upon consideration of the standards in article II, division 3.

(Ord. No. 16, § 5.02, 3-4-1981; Ord. No. 29, § 1, 5-11-1988; Ord. No. 30, § 2, 6-14-1989; Ord. No. 59, §§ 5, 6, 11-11-1992; Ord. No. 105, § 8, 5-12-1999; Ord. No. 118, § 1, 2-13-2002; Ord. No. 192, §§ 2, 3, 4-10-2019; Ord. No. 198, § 2, 3-11-2020; Ord. No. 204, §§ 3, 4, 9-8-2021)

Sec. 38-184. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. 16, § 5.03, 3-4-1981; Ord. No. 89, § 3, 3-12-1997)

Sec. 38-185. - Area regulations.

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

- (1) *Front yard.* There shall be a front yard of not less than 40 feet. Also see section 38-477, pertaining to additional setbacks for structures adjacent to major streets.
- (2) *Side yard.* For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings, there shall be two side yards of not less than 50 feet each.
- (3) *Rear yard.* There shall be a rear yard of not less than 40 feet between the rear lot line and the nearest portion of the main building, excluding any roof overhang but including the nearest portion of a deck or porch which has structural walls or a roof, and not less than 25 feet between the rear lot line and the nearest portion of a deck which has no structural walls or roof.
- (4) *Lot area.* The minimum lot area and width for all uses in this district, unless specified elsewhere, shall be 20 acres and 330 feet, respectively; provided, however, that any lot created for a single-family dwelling by the division or splitting of any platted lot or parcel otherwise of record as of the effective date of the ordinance from which this division is derived may be used if such division or splitting is accomplished in such a manner as to create not more than two separate additional lots in total, with no lot having less than 200 feet of road frontage nor a greater front-to-depth ratio than one to three nor shall be less than 2½ acres in area. Any combination of contiguous lots or parcels under one ownership containing less than 20 acres in the AG Agricultural District shall be controlled by the provisions and standards contained in the R-1 Rural Estate District.

(Ord. No. 16, § 5.04, 3-4-1981; Ord. No. 30, § 3, 6-14-1989; Ord. No. 68, § 5, 5-11-1994)

Sec. 38-186. - Minimum floor area.

Each dwelling unit, unless specified elsewhere, shall have a minimum of 1,000 square feet of usable floor area and a minimum of 800 square feet of ground coverage.

(Ord. No. 16, § 5.05, 3-4-1981)

Secs. 38-187—38-210. - Reserved.

DIVISION 3. - R-1 RURAL ESTATE DISTRICT

Sec. 38-211. - Description and purposes.

This zoning district is intended for large rural residential estates and farming.

(Ord. No. 16, § 6.01, 3-4-1981)

Sec. 38-212. - Use regulations.

Land, buildings or structures in the zoning district may be used for the following purposes only:

- (1) General farming, together with farm dwellings and buildings and other installations necessary to such farms, but excluding greenhouses and nurseries except as provided in subsection (2) of this section. Temporary housing for migratory workers is prohibited.
- (2) Greenhouses and nurseries, if operated primarily as wholesaling operations, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
 - a. The size, nature and character of the operation;
 - b. The proximity of the operation to adjoining properties;
 - c. Potential traffic congestion on account of the operation; and
 - d. The effect of the operation on the surrounding neighborhood.
- (3) Single-family dwellings.
- (4) State-licensed residential facilities and family child care homes, only as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (5) Group child care homes, with a special use permit, only as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206) and article II, division 3 of this chapter.
- (6) Home occupations in single-family dwellings when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, the requirements of section 38-488, and the following standards:
 - a. The nature of the home occupation must be compatible with the surrounding neighborhood;
 - b. The home occupation will not cause a noticeable increase in traffic in the surrounding neighborhood;
 - c. The home occupation will not cause negative environmental effects on the surrounding neighborhood such as noise or odors; and
 - d. The home occupation will have minimal visual impact on the surrounding neighborhood for reasons such as signage, storage, and outside activity.
- (7) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other such soil or mineral resources when authorized as a special use by the planning commission utilizing the same standards as are provided in section 38-183; provided, however, in addition to any standards and/or limitations provided in section 38-183, the removal and processing of topsoil, stone, rock, sand, gravel, lime or other such soil or mineral resources in this zoning district may only be accomplished when incidental to the preparation of or use of a parcel of land for those purposes otherwise specifically allowed in this zoning district, and in any event such removal and processing of such soil or mineral resources may not exceed 15,000 cubic yards from any specific parcel of land or 25 percent of the total area of a specific parcel of land, whichever is less.

- (8) Parks, playgrounds, cemeteries, community centers, and governmental or administration or service buildings, owned or operated by a governmental agency or a noncommercial organization, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall consider the following standards and division 3 of this chapter:
- a. The necessity for such use for the surrounding neighborhood;
 - b. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;
 - c. The size, nature and character of the proposed use;
 - d. Potential traffic congestion which might be occasioned by the intended use;
 - e. Parking facilities to be provided for the proposed use; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (9) The keeping of domestic animals as an accessory use as per section 38-485.
- (10) Reserved.
- (11) Reserved.
- (12) Bed and breakfast operations, when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards, in addition to article II, division 3 of this chapter:
- a. The number of bed and breakfast sleeping rooms;
 - b. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood;
 - c. Potential traffic which will be generated by the proposed bed and breakfast operation;
 - d. Available parking; and
 - e. The ability of the proposed bed and breakfast operation to comply with all requirements of the township bed and breakfast licensing article, as amended.
- All bed and breakfast operations shall comply at all times with all requirements and other provisions of this Code pertaining to the licensing of bed and breakfast operations.
- (13) Kennels and stables and the keeping of poultry and small fur bearing animals in excess of the number allowed by the table in section 38-485 as a special land use authorized by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. The size, nature and character of the proposed special land use.
 - b. The proximity of the proposed special land use to adjoining properties.
 - c. Potential traffic congestion caused by the proposed special land use.
 - d. The effect of the operation of the proposed special land use on the surrounding neighborhood.
 - e. The nature and character of the land, buildings or structures to be utilized for the operation of the proposed special land use.
- (14) The keeping of exotic animals as a special land use authorized by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. The size, nature and character of the exotic animal.
 - b. The proximity of the exotic animal to adjoining properties.

- c. Potential traffic congestion caused by the exotic animal.
 - d. The effect of the exotic animal on the surrounding neighborhood.
 - e. The nature and character of the land, buildings or structures to be utilized for the keeping of the exotic animal.
- (15) Private and public schools, libraries, museums, art galleries and similar uses, when owned, operated, licensed or chartered by a governmental agency or nonprofit organization and when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. Size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;
 - c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazards which will be occasioned by the proposed use; and
 - e. How well the proposed use harmonizes with, and enhances adjoining properties and the surrounding neighborhood.
- (16) Churches when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. The size, character and nature of the church building;
 - b. The proximity of the church to adjoining properties;
 - c. The off-street parking which is to be provided for the church;
 - d. The potential traffic congestion and hazards which will be caused by the church use;
 - e. The degree with which the church harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and
 - f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (17) Special use.
- a. One or more lots may be permitted in this zoning district, even if the lots do not meet the area regulations in section 38-214, if authorized as a special use by the planning commission. The planning commission may issue a special use for such a lot only if all of the following requirements are met:
 - 1. The property upon which the lot or lots will be located must be designated for low-density residential (LDR) use by the township's future land use map in the township's master plan, as amended.
 - 2. Each lot must have not less than 125 feet of road frontage, and not less than 1¼ acres in area.
 - 3. The lot must meet all other requirements of this article III.
 - b. When considering a special use request for such a lot, the planning commission shall consider the standards in article II, division 3 of this chapter, as well as the following standards:
 - 1. Whether or not the property should, at the time of the request, be rezoned to the R-2 zoning district or retained in the R-1 zoning district;
 - 2. The accessibility of the property;
 - 3. The accessibility of the surrounding property if the special land use is granted; and
 - 4. The nature of the surrounding neighborhood.
- (18) Home offices.
- (19) Attached accessory dwelling units in single-family dwelling units if limited to 30 percent of the usable floor area

of the principal dwelling unit and when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, and considering the following standards:

- a. The exterior appearance of the AADU shall not appear to be cobbled together as an addition, but shall instead be integrated architecturally into the PDU;
- b. The method of accessing the interior of the AADU shall not negatively impact the character of the surrounding neighborhood (e.g. the PDU shall still appear to be a single-family dwelling);
- c. The lot shall have adequate provisions for parking; and
- d. The AADU shall have adequate access for emergency services.

(20) Detached accessory dwelling units on lots with single-family dwelling units when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, and considering the following standards:

- a. The exterior appearance of the DADU shall be compatible with the PDU and the surrounding neighborhood;
- b. The lot shall have adequate provisions for parking;
- c. The proportion of land area to the size of the DADU and PDU is appropriate and consistent with the surrounding neighborhood;
- d. If the lot is five acres or less in lot area, the DADU shall be limited to the smaller of 1,000 square feet or 50 percent of the usable floor area of the principal dwelling unit on the same lot; and
- e. The DADU shall have adequate access for emergency services.

(21) Short-term rentals. A short-term rental must comply with the limitations established by other provisions of this Code, and in any event may not have an occupancy in excess of 16 persons unless granted a special use by the planning commission upon consideration of the standards in article II, division 3.

(Ord. No. 16, § 6.02, 3-4-1981; Ord. No. 36, § 1, 2-14-1990; Ord. No. 45, § 2, 4-10-1991; Ord. No. 47, § 1, 7-10-1991; Ord. No. 54, § 1, 4-8-1992; Ord. No. 59, §§ 7—9, 11-11-1992; Ord. No. 105, §§ 9—11, 5-12-1999; Ord. No. 118, § 2, 2-13-2002; Ord. No. 134, § 1, 7-14-2004; Ord. No. 192, §§ 2—5, 4-10-2019; Ord. No. 198, § 3, 3-11-2020; Ord. No. 204, §§ 3, 4, 9-8-2021)

Sec. 38-213. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. 16, § 6.03, 3-4-1981; Ord. No. 89, § 4, 3-12-1997)

Sec. 38-214. - Area regulations.

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

- (1) *Front yard.* There shall be a front yard of not less than 40 feet. Also see section 38-477, pertaining to additional setbacks for structures adjacent to major streets.
- (2) *Side yard.* For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings, there shall be two side yards of not less than 50 feet each.
- (3) *Rear yard.* There shall be a rear yard of not less than 40 feet between the rear lot line and the nearest portion of the main building (excluding any roof overhang but including the nearest portion of a deck or porch which has structural walls or a roof), and not less than 25 feet between the rear lot line and the nearest portion of a deck

which has no structural walls or roof.

- (4) *Road frontage and area.* No parcel of land shall have less than 200 feet of road frontage nor shall be less than 2½ acres in area.

(Ord. No. 16, § 6.04, 3-4-1981; Ord. No. 54, § 2, 4-8-1992; Ord. No. 68, § 6, 5-11-1994)

Sec. 38-215. - Minimum floor area.

Each dwelling unit, unless specified elsewhere, shall have a minimum usable floor area of 1,000 square feet, and a minimum of 800 square feet of ground coverage.

(Ord. No. 16, § 6.05, 3-4-1981; Ord. No. 174, § 1, 4-9-2014)

DIVISION 3A. - R-1.5 RURAL ESTATE DISTRICT

Sec. 38-216. - Description and purpose.

This zoning district is intended for somewhat smaller rural residential estates and farming.

(Ord. No. 204, § 5, 9-8-2021)

Sec. 38-217. - Use regulations.

Land, buildings or structures in the zoning district may be used for the following purposes only:

- (1) General farming, together with farm dwellings and buildings and other installations necessary to such farms, but excluding greenhouses and nurseries except as provided in subsection (2) of this section. Temporary housing for migratory workers is prohibited.
- (2) Single-family dwellings.
- (3) State-licensed residential facilities and family child care homes, only as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (4) Group child care homes, with a special use permit, only as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206) and article II, division 3 of this chapter.
- (5) Home occupations in single-family dwellings when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, the requirements of section 38-488, and the following standards:
 - a. The nature of the home occupation must be compatible with the surrounding neighborhood;
 - b. The home occupation will not cause a noticeable increase in traffic in the surrounding neighborhood;
 - c. The home occupation will not cause negative environmental effects on the surrounding neighborhood such as noise or odors; and
 - d. The home occupation will have minimal visual impact on the surrounding neighborhood for reasons such as signage, storage, and outside activity.
- (6) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other such soil or mineral resources when authorized as a special use by the planning commission utilizing the same standards as are provided in section 38-183; provided, however, in addition to any standards and/or limitations provided in section 38-183, the

removal and processing of topsoil, stone, rock, sand, gravel, lime or other such soil or mineral resources in this zoning district may only be accomplished when incidental to the preparation of or use of a parcel of land for those purposes otherwise specifically allowed in this zoning district, and in any event such removal and processing of such soil or mineral resources may not exceed 15,000 cubic yards from any specific parcel of land or 25 percent of the total area of a specific parcel of land, whichever is less.

- (7) Parks, playgrounds, cemeteries, community centers, and governmental or administration or service buildings, owned and operated by a governmental agency or a noncommercial organization, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. The necessity for such use for the surrounding neighborhood;
 - b. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;
 - c. The size, nature and character of the proposed use;
 - d. Potential traffic congestion which might be occasioned by the intended use;
 - e. Parking facilities to be provided for the proposed use; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (8) The keeping of domestic animals as an accessory use as per section 38-485.
- (9) Bed and breakfast operations, when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards, in addition to article II, division 3 of this chapter:
- a. The number of bed and breakfast sleeping rooms;
 - b. The effect of the proposed operation on the adjoining properties and the surrounding neighborhood;
 - c. Potential traffic which will be generated by the proposed bed and breakfast operation;
 - d. Available parking; and
 - e. The ability of the proposed bed and breakfast operation to comply with all requirements of the township bed and breakfast licensing article, as amended.
- All bed and breakfast operations shall comply at all times with all requirements and other provisions of this Code pertaining to the licensing of bed and breakfast operations.
- (10) Private and public schools, libraries, museums, art galleries and similar uses, when owned, operated, licensed or chartered by a governmental agency or nonprofit organization and when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. Size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;
 - c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazards which will be occasioned by the proposed use; and
 - e. How well the proposed use harmonizes with, and enhances adjoining properties and the surrounding neighborhood.
- (11) Churches when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:

- a. The size, character and nature of the church building;
 - b. The proximity of the church to adjoining properties;
 - c. The off-street parking which is to be provided for the church;
 - d. The potential traffic congestion and hazards which will be caused by the church use;
 - e. The degree with which the church harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and
 - f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (12) Home offices.
- (13) Attached accessory dwelling units in single-family dwelling units if limited to 30 percent of the usable floor area of the principal dwelling unit and when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, and considering the following standards:
- a. The exterior appearance of the AADU shall not appear to be cobbled together as an addition, but shall instead be integrated architecturally into the PDU;
 - b. The method of accessing the interior of the AADU shall not negatively impact the character of the surrounding neighborhood (e.g. the PDU shall still appear to be a single-family dwelling);
 - c. The lot shall have adequate provisions for parking; and
 - d. The AADU shall have adequate access for emergency services.
- (14) Detached accessory dwelling units on lots with single-family dwelling units when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, and considering the following standards:
- a. The exterior appearance of the DADU shall be compatible with the PDU and the surrounding neighborhood;
 - b. The lot shall have adequate provisions for parking;
 - c. The proportion of land area to the size of the DADU and PDU is appropriate and consistent with the surrounding neighborhood;
 - d. If the lot is five acres or less in lot area, the DADU shall be limited to the smaller of 1,000 square feet or 50 percent of the usable floor area of the principal dwelling unit on the same lot; and
 - e. The DADU shall have adequate access for emergency services.
- (15) Short-term rentals. A short-term rental must comply with the limitations established by other provisions of this Code, and in any event may not have an occupancy in excess of 16 persons unless granted a special use by the planning commission upon consideration of the standards in article II, division 3.

(Ord. No. 204, § 5, 9-8-2021)

Sec. 38-218. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. 204, § 5, 9-8-2021)

Sec. 38-219. - Area regulations.

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

- (1) *Front yard.* There shall be a front yard of not less than 40 feet. Also see section 38-477, pertaining to additional setb structures adjacent to major streets.
- (2) *Side yard.* For residential buildings and structures, there shall be side yards of not less than 20 feet.
- (3) *Rear yard.* There shall be a rear yard of not less than 40 feet between the rear lot line and the nearest portion of the main building (excluding any roof overhang but including the nearest portion of a deck or porch which has structural walls or a roof), and not less than 25 feet between the rear lot line and the nearest portion of a deck which has no structural walls or roof.
- (4) *Road frontage and area.* No parcel of land shall have less than 150 feet of road frontage nor shall be less than one and one-half acres in area.

(Ord. No. 204, § 5, 9-8-2021)

Sec. 38-220. - Minimum floor area.

Each dwelling unit, unless specified elsewhere, shall have a minimum usable floor area of 1,000 square feet, and a minimum of 800 square feet of ground coverage.

(Ord. No. 204, § 5, 9-8-2021)

Secs. 38-221—38-238. - Reserved.

DIVISION 4. - R-2 LOW DENSITY RESIDENTIAL DISTRICT

Sec. 38-239. - Description and purpose.

This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.

(Ord. No. 16, § 7.01, 3-4-1981)

Sec. 38-240. - Use regulations.

Land, buildings or structures in this zoning district may be used for the following purposes only:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) State-licensed residential facilities and family child care homes only as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (4) Group child care homes, with a special use permit, only as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206) and article II, division 3 of this chapter.
- (5) Private and public schools, libraries, museums, art galleries and similar uses, when owned, operated, licensed or chartered by a governmental agency or nonprofit organization and when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
 - a. The size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;

- c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazards which will be occasioned by the proposed use; and
 - e. How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.
- (6) Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. The necessity for such use for the surrounding neighborhood;
 - b. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;
 - c. The size, nature and character of the proposed use;
 - d. Potential traffic congestion which might be occasioned by the intended use;
 - e. Parking facilities to be provided for the proposed use; and
 - f. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
- (7) Churches when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. The size, character and nature of the church building;
 - b. The proximity of the church to adjoining properties;
 - c. The off-street parking which is to be provided for the church;
 - d. The potential traffic congestion and hazards which will be caused by the church use;
 - e. The degree with which the church harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and
 - f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (8) Home occupations in single-family dwellings when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, the requirements of section 38-488, and the following standards:
- a. The nature of the home occupation must be compatible with the surrounding neighborhood;
 - b. The home occupation will not cause a noticeable increase in traffic in the surrounding neighborhood;
 - c. The home occupation will not cause negative environmental effects on the surrounding neighborhood such as noise or odors; and
 - d. The home occupation will have minimal visual impact on the surrounding neighborhood for reasons such as signage, storage, and outside activity.
- (9) Reserved.
- (10) Reserved.
- (11) Bed and breakfast operations, when authorized by the planning commission as a special use in accordance with section 38-212(12).
- (12) The keeping of domestic animals as an accessory use as per section 38-485.
- (13) Kennels as a special land use authorized by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:

- a. The size, nature and character of the kennel.
 - b. The proximity of the kennel to adjoining properties.
 - c. Potential traffic congestion caused by the kennel.
 - d. The effect of the kennel on the surrounding neighborhood.
 - e. The nature and character of the land, buildings or structures to be utilized for the operation of the kennel.
- (14) The keeping of exotic animals as a special land use authorized by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. The size, nature and character of the exotic animal.
 - b. The proximity of the exotic animal to adjoining properties.
 - c. Potential traffic congestion caused by the exotic animal.
 - d. The effect of the exotic animal on the surrounding neighborhood.
 - e. The nature and character of the land, buildings or structures to be utilized for the keeping of the exotic animal.
- (15) Home offices.
- (16) Attached accessory dwelling units in single-family dwelling units if limited to 30 percent of the usable floor area of the principal dwelling unit and when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, and considering the following standards:
- a. The exterior appearance of the AADU shall not appear to be cobbled together as an addition, but shall instead be integrated architecturally into the PDU;
 - b. The method of accessing the interior of the AADU shall not negatively impact the character of the surrounding neighborhood (e.g. the PDU shall still appear to be a single-family dwelling);
 - c. The lot shall have adequate provisions for parking; and
 - d. The AADU shall have adequate access for emergency services.
- (17) Short-term rentals. A short-term rental must comply with the limitations established by other provisions of this Code, and in any event may not have an occupancy in excess of 16 persons unless granted a special use by the planning commission upon consideration of the standards in article II, division 3.

(Ord. No. 16, § 7.02, 3-4-1981; Ord. No. 45, § 3, 4-10-1991; Ord. No. 59, §§ 10—12, 11-11-1992; Ord. No. 105, § 12, 5-12-1999; Ord. No. 192, §§ 2—4, 4-10-2019; Ord. No. 198, § 4, 3-11-2020; Ord. No. 204, § 4, 9-8-2021)

Sec. 38-241. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. 16, § 7.03, 3-4-1981; Ord. No. 89, § 5, 3-12-1997)

Sec. 38-242. - Area regulations.

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

- (1) *Front yard*. There shall be a front yard of not less than 40 feet. Also see section 38-477, pertaining to additional setbacks for structures adjacent to major streets.

- (2) *Side yard.* No side yard shall be less than ten feet.
- (3) *Rear yard.* There shall be a rear yard of not less than 40 feet (50 feet in the case of lake-front lots) between the rear lot line and the nearest portion of the main building (excluding any roof overhang but including the nearest portion of a deck or porch which has structural walls or a roof), and not less than 25 feet between the rear lot line and the nearest portion of a deck which has no structural walls or roof.
- (4) *Lot area and width, single-family.* The minimum lot area and width for a single-family dwelling shall be 12,500 square feet and 100 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 25,000 square feet and 125 feet, respectively. The minimum lot width must comply with the requirements of section 38-478.
- (5) *Lot area and width, two-family.* The minimum lot area and width for a two-family dwelling shall be 25,000 square feet and 125 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 30,000 square feet and 150 feet, respectively. The minimum lot width must comply with the requirements of section 38-478.

(Ord. No. 16, § 7.04, 3-4-1981; Ord. No. 63, § 1, 2, 7-14-1993; Ord. No. 68, § 7, 5-11-1994)

Sec. 38-243. - Minimum floor area.

Each dwelling unit shall have minimum usable floor area as follows:

- (1) Single-family dwelling: 1,000 square feet; and a minimum of 800 square feet of ground coverage.
- (2) Two-family dwelling: 720 square feet per unit; and a minimum 720 square feet of ground coverage for the two family unit.

(Ord. No. 16, § 7.05, 3-4-1981)

Secs. 38-244—38-264. - Reserved.

DIVISION 5. - R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 38-265. - Description and purpose.

This zoning district is intended for medium density one- and two-family and low-density multifamily residential and related uses.

(Ord. No. 16, § 8.01, 3-4-1981)

Sec. 38-266. - Use regulations.

Land, buildings, or structures in this zoning district may be used for the following purposes only:

- (1) Any use permitted in the R-2 zoning district; subject, except as specifically provided otherwise in this division, to the same conditions, restrictions and requirements as are provided in the R-2 zoning district; also subject to the requirement that single-family dwellings are not allowed in the R-3 zoning district except as a planned unit development approved pursuant to the requirements of division 11 of this article.
- (2) Multifamily dwellings, if the site plan is reviewed by the planning commission in accordance with division 2 of article II of this chapter.

- (3) Nursing homes, senior citizen housing, foster care facilities, and similar group housing if the site plan is reviewed by planning commission in accordance with division 2 of article II of this chapter.
- (4) Home occupations in single-family dwellings when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, the requirements of section 38-488, and the following standards:
 - a. The nature of the home occupation must be compatible with the surrounding neighborhood;
 - b. The home occupation will not cause a noticeable increase in traffic in the surrounding neighborhood;
 - c. The home occupation will not cause negative environmental effects on the surrounding neighborhood such as noise or odors; and
 - d. The home occupation will have minimal visual impact on the surrounding neighborhood for reasons such as signage, storage, and outside activity.
- (5) Bed and breakfast operations, when authorized by the planning commission as a special use in accordance with section 38-212(12).
- (6) Short-term rentals. A short-term rental must comply with the limitations established by other provisions of this Code, and in any event may not have an occupancy in excess of 16 persons unless granted a special use by the planning commission upon consideration of the standards in article II, division 3.

(Ord. No. 16, § 8.02, 3-4-1981; Ord. No. 45, § 4, 4-10-1991; Ord. No. 105, §§ 13, 14, 5-12-1999; Ord. No. 116, § 1, 11-14-2001; Ord. No. 166, § 3, 1-11-2012; Ord. No. 192, § 3, 4-10-2019; Ord. No. 198, § 5, 3-11-2020)

Sec. 38-267. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. 16, § 8.03, 3-4-1981; Ord. No. 89, § 6, 3-12-1997)

Sec. 38-268. - Area regulations.

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

- (1) *Front yard.* There shall be a front yard of not less than 40 feet. Also see section 38-477, pertaining to additional setbacks for structures adjacent to major streets.
- (2) *Side yard.* There shall be total side yards as follows:
 - a. For single- and two-family dwellings, no side yard shall be less than ten feet.
 - b. For multifamily dwellings and all other permitted uses, each side yard shall be not less than 20 feet.
- (3) *Rear yard.* There shall be a rear yard of not less than 40 feet (50 feet in the case of lake-front lots) between the rear lot line and the nearest portion of the main building (excluding any roof overhang but including the nearest portion of a deck or porch which has structural walls or a roof), and not less than 25 feet between the rear lot line and the nearest portion of a deck which has no structural walls or roof.
- (4) *Lot area and width, single-family.* The minimum lot area and width for a single-family dwelling shall be 8,500 square feet and 85 feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be 15,000 square feet and 100 feet, respectively.
- (5) *Lot area and width, two-family.* The minimum lot area and width for a two-family dwelling shall be 17,000 square feet and 100 feet, respectively; provided, however, that the minimum lot area and width for lots not served with

public water and sewer shall be 24,000 square feet and 150 feet, respectively.

- (6) *Lot area and width, other than one and two family.* The minimum lot width shall be 150 feet. The minimum lot area for multifamily dwellings shall be 8,500 square feet per dwelling unit; provided, however, that the minimum lot area for multifamily dwellings not served with public sewer and water shall be 10,000 square feet per dwelling unit. The minimum lot area for all other permitted uses shall be 15,000 square feet.

(Ord. No. 16, § 8.04, 3-4-1981; Ord. No. 68, § 8, 5-11-1994; Ord. No. 116, § 2, 11-14-2001)

Sec. 38-269. - Minimum floor area.

Each single-family and two-family dwelling shall have minimum usable floor area as is required in the R-2 district. Each multifamily dwelling shall have minimum usable floor area as follows:

- (1) One bedroom unit, 650 square feet per unit;
- (2) Two bedroom unit, 750 square feet per unit;
- (3) Three bedroom unit, 900 square feet per unit;
- (4) Additional bedrooms shall require an additional 100 square feet of usable floor area for each additional bedroom.

(Ord. No. 16, § 8.05, 3-4-1981)

Secs. 38-270—38-286. - Reserved.

DIVISION 6. - R-4 MOBILE HOME PARK RESIDENTIAL DISTRICT

Footnotes:

--- (7) ---

State Law reference— *Mobile home commission act (MCL 125.2301 et seq.).*

Sec. 38-287. - Description and purpose.

This zoning district is designed for mobile home parks. Although a mobile home is a single-family unit, mobile home parks typically have a higher density impact than conventional single-family developments. In order to not adversely impact other areas of the township, certain land areas are hereby recognized as appropriate for continued mobile home use, provided that proper site design standards and requirements are met.

(Ord. No. 105, § 15(8A.01), 5-12-1999)

Sec. 38-288. - Use regulations.

Land, buildings or structures in this zoning district may be used for the following purposes only:

- (1) Mobile homes located in a mobile home park.
- (2) State-licensed residential facilities and family child care homes located in a mobile home park only as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (3) Group child care homes located in a mobile home park, with a special use permit, only as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206) and article II, division 3 of this chapter.

- (4) Mobile home parks and support services for mobile home park residences.
- (5) Private and public schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization and when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
 - a. Size, nature and character of the proposed use;
 - b. The proximity of the proposed use to adjoining properties;
 - c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazards which will be occasioned by the proposed use; and
 - e. How well the proposed use harmonizes with, and enhances adjoining properties and the surrounding neighborhood.
- (6) Parks, playgrounds, cemeteries, community centers, and governmental or administration or service buildings, owned and operated by a governmental agency or a noncommercial organization, when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
 - a. The necessity for such use for the surrounding neighborhood;
 - b. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;
 - c. The size, nature and character of the proposed use;
 - d. Potential traffic congestion which might be occasioned by the intended use;
 - e. Parking facilities to be provided for the proposed use; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (7) Churches when authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
 - a. The size, character and nature of the church building;
 - b. The proximity of the church to adjoining properties;
 - c. The off-street parking which is to be provided for the church;
 - d. The potential traffic congestion and hazards which will be caused by the church use;
 - e. The degree with which the church harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and
 - f. The effect of the church on adjoining properties and the surrounding neighborhood.
- (8) Home offices.
- (9) Home occupations in single-family dwellings when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, the requirements of section 38-488, and the following standards:
 - a. The nature of the home occupation must be compatible with the surrounding neighborhood;
 - b. The home occupation will not cause a noticeable increase in traffic in the surrounding neighborhood;
 - c. The home occupation will not cause negative environmental effects on the surrounding neighborhood such as noise or odors; and
 - d. The home occupation will have minimal visual impact on the surrounding neighborhood for reasons such as

signage, storage, and outside activity.

(Ord. No. 105, § 15(8A.02), 5-12-1999; Ord. No. 192, §§ 2, 3, 4-10-2019)

Sec. 38-289. - Installation and occupation of mobile homes.

- (a) No mobile home shall be placed or parked or installed in a mobile home park until such time as a building permit is obtained. Such permit shall be issued by the zoning inspector after finding that the mobile home meets construction standards as approved by the Department of Housing and Urban Development (HUD) Code, or has been certified by a manufacturer as constructed according to the requirements of the HUD Code.
- (b) No mobile home shall be occupied by any person as a residence or for any other purpose until such time as the mobile home is placed or situated on a specific lot in the mobile home park and has been inspected by the zoning inspector and issued a certificate of occupancy.
- (c) The inspection by the zoning inspector shall include the placement of the mobile home, its connection to utilities, and its compliance with all necessary state, township, or other ordinances and regulations. The certificate of occupancy shall be issued by the zoning inspector upon payment of the inspection fee as may be authorized by resolution of the township board from time to time.
- (d) In the event the mobile home is moved to another lot or another mobile home is replaced on the specific lot, a new certificate of occupancy must be obtained by the owner or resident from the zoning inspector.

(Ord. No. 105, § 15(8A.03), 5-12-1999)

Sec. 38-290. - Application procedures.

- (a) *Rezoning approval.* The application for rezoning for a mobile home park requires the approval of the township board upon recommendation from the planning commission. In reviewing the application, the following shall be among the major considerations of both bodies prior to official action being taken:
 - (1) Whether the proposal is in general accord with the master plan;
 - (2) Whether the proposal meets all the design standards of this division and other applicable codes, regulations, or ordinances;
 - (3) Whether the density of the proposed development could adversely affect adjacent properties and land uses;
 - (4) Whether the proposed development can reasonably be expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities;
 - (5) Whether the proposed development produces an extreme or undue demand on available fire and police protection or other township or county services;
 - (6) Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on adjacent vehicular and/or pedestrian circulation facilities;
 - (7) Whether the proposed development creates undue impacts to the site's natural features, such as woodlots, wetlands, watercourses, groundwater resources, topography, or other resources; and
 - (8) Any other consideration that the planning commission and/or township board may deem relevant to the specific proposal.
- (b) *Site plan.* Any application for the extension, alteration, or construction of a mobile home park shall be accompanied by a site plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. The site plan shall be in conformance with the provisions and requirements of division 2 of this article.

(Ord. No. 105, § 15(8A.04), 5-12-1999)

Sec. 38-291. - Standards and regulations.

- (a) Each mobile home park shall have at least one direct access to a county primary road, as defined in the township master plan. Additional access points may be required by the township as necessary to accommodate additional traffic and safety vehicle access.
- (b) No mobile home or other building for residential purposes shall be in excess of 2½ stories, or exceed a height of 35 feet.
- (c) Each mobile home lot, exclusive of streets, shall have a minimum size of 5,000 square feet and a minimum width of 40 feet, as measured at the minimum building setback line. No more than one mobile home shall be parked on any one lot, and no mobile home shall be occupied by more than one family.
- (d) Each lot shall provide a minimum of 400 square feet of paved off-street parking.
- (e) The front, back, and side yards of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be at least one shade tree provided for every lot.
- (f) All streets within the mobile home park shall be of bituminous aggregate or similar surface meeting American Association of State Highway and Transportation Offices (AASHTO) public street construction specifications, and they shall be provided with proper curbing.
- (g) The mobile home park shall contain one or more open space areas intended primarily for the use of park residents on a minimum ratio of 250 square feet for every mobile home lot; provided that buffer zone areas and wetlands shall not be included as part of such requirement.
- (h) The mobile home park shall provide one or more storm shelters of size and capacity so as to accommodate all the residents of the park.

(Ord. No. 105, § 15(8A.05), 5-12-1999)

Sec. 38-292. - Utility standards.

- (a) All utilities shall be underground.
- (b) All lots shall be provided with public water and sanitary sewer services, or such water and sanitary sewer services that may be approved by the county health department and other applicable agencies. All mobile homes shall be connected to such services, and all expenses of installation and connection shall be borne by the owner of the mobile home park. No costs shall be applied or taxed against owners of any adjacent property or along any main extended from the mobile home park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.
- (c) The mobile home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the state department of public health, or its successor. All storm drainage and surface drainage facilities flowing from the park to adjacent areas shall be approved by the county drain commissioner. On site stormwater retention shall be provided so that the rate of discharge shall not exceed undeveloped discharge rates.

(Ord. No. 105, § 15(8A.06), 5-12-1999)

Sec. 38-293. - Mobile home standards.

- (a) Every mobile home shall be supported on a permanent four-inch-thick reinforced concrete mobile home pad or

foundation at least 12 feet in width with a minimum of 600 square feet; all areas between the mobile home and the ground shall be enclosed by a fire-resistant skirting.

- (b) In the event the soil or topographic conditions of the proposed mobile home park are such that other foundations or support are appropriate, and the developer provides to the zoning inspector a report by a certified engineer that piers are equal to or superior to the specifications as set forth by the manufacturer, then piers may be used. Such foundations shall be inspected by the zoning inspector.
- (c) Every mobile home shall be at least 12 feet in width and have a minimum of 720 square feet of living area, exclusive of porches, decks, carports, garages, and cabanas.
- (d) Each mobile home lot shall be limited to one detached storage building, not including a garage or carport.

(Ord. No. 105, § 15(8A.07), 5-12-1999)

Sec. 38-294. - Mobile home sales.

- (a) No person desiring to rent a mobile home lot shall be required, as a condition to such rental, to purchase a mobile home from the owner or operator of the park as long as the mobile home intended to be located on such rented site conforms in size, style, shape, price, etc., as may be required by any reasonable rules and regulations governing the operation of the mobile home park.
- (b) Nothing contained in this division shall be deemed to prohibit the sale of a mobile home by the individual owner or the owner's agent, or to prohibit those home occupations as permitted in this division, provided such sales and occupations are permitted by the mobile home park regulations. A commercial mobile home sales lot shall not be permitted in this zoning district.

(Ord. No. 105, § 15(8A.08), 5-12-1999)

Sec. 38-295. - Signs.

A maximum of one identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed 32 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 combined total area of both sides shall not exceed 32 square feet.

(Ord. No. 105, § 15(8A.09), 5-12-1999)

Sec. 38-296. - Refuse disposal.

Each mobile home park shall provide an effective system of garbage and rubbish storage, collection and disposal approved by and satisfactory to the county health department in accordance with Michigan department of natural resources and environment standards.

(Ord. No. 105, § 15(8A.10), 5-12-1999)

Sec. 38-297. - Groundcover.

All exposed ground surface in the mobile home park must be sodded, seeded, or covered with ornamental stone.

(Ord. No. 105, § 15(8A.11), 5-12-1999)

Sec. 38-298. - Recreational equipment storage.

The storage of recreational vehicles, boats, boat trailers, snowmobiles, snowmobile trailers, and other vehicles ordinarily towed or driven for a recreational purpose is specifically prohibited in all mobile home parks, except in a storage area. A storage area shall be screened by a solid type fence five feet in height around its perimeter or by some other screening device which is approved by the township as part of its approval of the site plan.

(Ord. No. 105, § 15(8A.12), 5-12-1999)

Secs. 38-299—38-329. - Reserved.

DIVISION 7. - C-1 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 38-330. - Description and purpose.

This zoning district is intended to accommodate various types of offices, as well as retail and service commercial establishments which supply commodities or perform services for the daily needs of the immediate neighborhood. These uses can serve as a transitional use between more intensive and less intensive uses. This zoning district is intended to be limited to uses which do not generate large volumes of traffic or have extended hours of operation.

(Ord. No. 16, § 9.01, 3-4-1981; Ord. No. 70, § 1, 9-14-1994)

Sec. 38-331. - Use regulations.

Land, buildings or structures in this zoning district may be used for the following purposes only:

- (1) Those nonresidential uses which are permitted in the R-2 and R-3 zoning districts, subject (unless specifically provided otherwise in this division) to the same conditions, restrictions and requirements as are provided in the R-2 and R-3 zoning districts, as the case may be.
- (2) Funeral homes.
- (3) Offices for the following professions and occupations, but excluding the sale of any goods on the premises: executive, administrative, scientific, scholarly, artistic, architectural, engineering, insurance, accounting, law, secretarial, drafting, designing, real estate, sales, and other similar professions and occupations.
- (4) Medical and dental clinics and offices and laboratories.
- (5) Research, development and testing laboratories and offices, but excluding any manufacturing.
- (6) Veterinary clinics.
- (7) Retail and service commercial establishments, if authorized as a special use by the planning commission. In considering whether or not to grant such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
 - a. The size, nature, character and location of the proposed use;
 - b. The proximity of the proposed use to adjoining property and to uses on such adjoining property.
 - c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazard which would be occasioned by the proposed use;
 - e. How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
 - f. The need or necessity for the proposed use to service the needs of the neighborhood;

- g. The hours of operation of the proposed use;
- h. The location and character of any storage areas and facilities to be provided for the proposed use;
- i. The location and character of any display facilities to be provided for the proposed use; and
- j. The effect of the proposed use on the adjoining properties and the surrounding neighborhood.

(Ord. No. 16, § 9.02, 3-4-1981; Ord. No. 70, § 2, 9-14-1994)

Sec. 38-332. - Reserved.

Editor's note— Ord. No. 166, § 4, adopted January 11, 2012, repealed the former section 38-332 in its entirety, which pertained to required conditions and derived from Ord. No. 16, § 9.03, adopted March 4, 1981.

Sec. 38-333. - Height regulation.

No building or structure shall exceed 35 feet in height.

(Ord. No. 16, § 9.04, 3-4-1981)

Sec. 38-334. - Area regulations.

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

- (1) *Front yard.* In all cases, there shall be a front yard of not less than 50 feet.
- (2) *Side yard.*
 - a. Each side yard shall be not less than 25 feet, except as provided in subsection (2)b of this section.
 - b. There shall be a side yard of not less than 50 feet on the street side of a corner lot.
- (3) *Rear yard.*
 - a. Subject to subsection (4) below, which shall control if applicable, where the rear of a lot in a C-1 zoning district abuts upon the side yard of a lot in any R zoning district or AG zoning district, there shall be a rear yard of not less than 25 feet.
 - b. In all other cases, there shall be a rear yard of not less than ten feet.
 - c. No accessory building shall be allowed closer than five feet from the rear lot line.
- (4) *Screening and building location.* Side yards and rear yards adjoining any lot in the AG or any R zoning district shall be adequately screened. An adequate screen would be a solid wall or tight bound fence six feet in height. Alternatively, an adequate screen would be two staggered rows of evergreen trees, at least six feet in height and planted eight feet apart (i.e., from tree center to tree center). No building used for commercial purposes shall be located closer than the height of the building or 50 feet, whichever is greater, to any property line adjoining any lot in the AG or any R zoning district.
- (5) *Lot area.* The minimum lot area shall be 35,000 square feet. The minimum lot width shall be 110 feet.

(Ord. No. 16, § 9.05, 3-4-1981; Ord. No. 70, §§ 3, 4, 9-14-1994; Ord. No. 105, §§ 16—18, 5-12-1999; Ord. No. 166, § 5, 1-11-2012)

Secs. 38-335—38-356. - Reserved.

DIVISION 8. - C-2 GENERAL BUSINESS DISTRICT

Sec. 38-357. - Description and purpose.

This zoning district is intended as a general commercial district containing uses which include those permitted in the C-1 zoning district, as well as additional retail and service commercial establishments which supply commodities or perform services for the daily needs of the entire community (as opposed to the immediate neighborhood). This zoning district is intended to be limited to uses which are not unreasonably offensive to abutting property or adjoining land uses.

(Ord. No. 16, § 10.01, 3-4-1981; Ord. No. 70, § 5, 9-14-1994)

Sec. 38-358. - Use regulations.

Land, buildings, or structures in this zoning district may be used for the following purposes:

- (1) All uses which are permitted in the C-1 zoning district, subject (unless specifically provided otherwise in this division) to the same conditions, restrictions and requirements as are provided in the C-1 zoning district.
- (2) Retail commercial establishments (intended for the sale of convenience goods such as groceries, prescription drugs, hardware, and other similar commodities) and retail service establishments, which retail commercial or retail service establishments do not require a special use permit as described below. The number of such stores may not exceed three per building. No building which houses one or more such establishments may exceed 75,000 square feet or be located on a lot exceeding three acres.
- (3) If granted a special use permit by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter, any of the following uses:
 - a. Outdoor amusement or recreation activities (the hours of operation shall be limited to between 9:00 a.m. and 10:30 p.m. if the use is located within 1,000 feet of the R-1, R-1.5, R-2, R-3, or R-4 zoning district; the use shall be located upon a county primary road or a state highway which has an asphalt or similar hard surface; and the use shall be completely fenced or screened by natural plantings at least six feet in height);
 - b. Motor vehicle repair shop or garage;
 - c. Drive-in bank facility;
 - d. Motor vehicle wash facility;
 - e. Dry cleaning and laundry facilities;
 - f. Restaurants, including drive-throughs and drive-ins;
 - g. Florist and gift shop, including nursery;
 - h. Hotels and motels;
 - i. Marinas;
 - j. Service stations;
 - k. Warehousing and storage structures;
 - l. Contractors (plumbing, heating, electrical, etc.), provided all operations and storage are within completely enclosed buildings;
 - m. Roller rinks, bowling alleys, and other inside recreational facilities;
 - n. Parking lots;
 - o. Retail commercial establishments and/or retail service establishments which exceed three stores in a

building;

- p. One or more retail commercial establishment or retail service establishment housed in a building which exceeds 75,000 square feet or is located on a lot exceeding three acres; and
- q. Trucking or transport operations. In deciding whether or not to grant each authorization, the planning commission shall also consider the following standards:
 1. The size, nature, character and location of the proposed use;
 2. The proximity of the proposed use to adjoining property and to uses on such adjoining property;
 3. The parking facilities provided for the proposed use;
 4. Any traffic congestion or hazard which would be occasioned by the proposed use;
 5. How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood;
 6. The need or necessity for the proposed use to service the needs of the community;
 7. The hours of operation of the proposed use;
 8. The location and character of any storage areas and facilities to be provided for the proposed use;
 9. The location and character of any display facilities to be provided for the proposed use; and
 10. The effect of the proposed use on the adjoining properties and the surrounding neighborhood.

(Ord. No. 16, § 10.02, 3-4-1981; Ord. No. 70, § 6, 9-14-1994; Ord. No. 204, § 6, 9-8-2021)

Sec. 38-359. - Height regulations and area regulations.

The height regulations for the C-1 zoning district (as set forth in section 38-333) and the area regulations for the C-1 zoning district (as set forth in section 38-334) are incorporated herein for the C-2 zoning district, as if set forth in their entirety.

(Ord. No. 16, § 10.03, 3-4-1981; Ord. No. 70, § 7, 9-14-1994; Ord. No. 166, § 6, 1-11-2012)

Editor's note— Ord. No. 166, § 6, adopted January 11, 2012, changed the title of section 38-359 from "Required conditions, height regulations and area regulations" to "Height regulations and area regulations." The historical notation has been preserved for reference purposes.

DIVISION 8A. - C-3 HIGHWAY COMMERCIAL DISTRICT

Sec. 38-360. - Description and purpose.

This zoning district is intended as a mixed-use district containing a wide range of high quality retail, office, recreation, hospitality and open space uses. This zoning district is intended to allow greater flexibility in the range of permitted land uses and promote a high quality of development through the establishment of specific standards that are consistent with the Blue Star Highway Sub Area Master Plan.

(Ord. No. 166, § 7, 1-11-2012)

Sec. 38-361. - Use regulations.

Land, buildings or structures in this zoning district may be used for the following purposes:

- (1) Private and public schools, libraries, museums, art galleries and similar uses.

- (2) Parks, playgrounds, community centers, governmental, administration, or service buildings.
- (3) Religious institutions.
- (4) Funeral homes.
- (5) Offices for the following professions and occupations: Executive, administrative, scientific, scholarly, artistic, architectural, engineering, insurance, medicine, dentistry, accounting, law, secretarial, drafting, designing, real estate, sales, and other similar professions and occupations.
- (6) Research, development and testing laboratories and offices.
- (7) Retail commercial establishments and retail service establishments, provided the number of such stores may not exceed three per building. No building which houses one or more such establishments may exceed 75,000 square feet or be located on a lot exceeding three acres.
- (8) Banks and financial institutions, with or without drive-in service.
- (9) Nursing home facilities licensed under Public Act No. 368 of 1978.
- (10) If granted a special use permit by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter, any of the following uses:
 - a. On-site dry cleaning and laundry facilities;
 - b. Restaurants, including drive-throughs and drive-ins;
 - c. Florist and gift shop, including nursery;
 - d. Hotels and motels;
 - e. Parking lots;
 - f. Retail commercial establishments or retail service establishments which exceed three stores in a building;
 - g. One or more retail commercial establishment or retail service establishment housed in a building which exceeds 75,000 square feet or is located on a lot exceeding three acres;
 - h. Other uses not specifically listed above but similar to those allowed by right or by special use permit.

(Ord. No. 166, § 7, 1-11-2012)

Sec. 38-362. - Height regulations.

No building or structure shall exceed 35 feet in height. Buildings or structures exceeding 35 feet in height may be permitted if authorized as a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter.

(Ord. No. 166, § 7, 1-11-2012)

Sec. 38-363. - Area regulations.

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

- (1) *Front yard.* In all cases, there shall be a front yard of not less than 50 feet, unless a lesser front yard is authorized as a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter.
- (2) *Side yard.* Except for corner lots, each side yard shall be not less than 25 feet, unless a lesser side yard is authorized as a special use by the planning commission based upon a consideration of the factors in article II,

division 3 of this chapter.

- (3) *Rear yard.* The following rear yard requirements must be met, unless a lesser side yard is authorized as a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter:
- a. Subject to subsection (4) below, which shall control if applicable, where the rear of a lot in a C-3 zoning district abuts upon the side yard of a lot in any R zoning district or AG zoning district, there shall be a rear yard of not less than 25 feet.
 - b. In all other cases, there shall be a rear yard of not less than ten feet.
 - c. No accessory building shall be allowed closer than five feet from the rear lot line.
- (4) *Building location.* No building used for commercial purposes shall be located closer than the height of the building or 50 feet, whichever is greater, to any property line adjoining any lot in the AG or any R zoning district.
- (5) *Lot area.* The minimum lot area shall be 35,000 square feet and the minimum lot width shall be 110 feet, unless a lesser area or width or both are authorized by a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter.

(Ord. No. 166, § 7, 1-11-2012)

Sec. 38-364. - Purpose, scope, general requirements, landscaping and screening.

When reviewing any site plan for a development in the C-3 zoning district, the planning commission shall consider the highway commercial district guidelines approved at that time by the planning commission, and shall require compliance with those guidelines unless the planning commission finds that the applicant has submitted an alternative which promotes the purpose of the guidelines and of the C-3 zoning district better than the guidelines and the zoning district as drafted.

(Ord. No. 166, § 7, 1-11-2012)

Sec. 38-365. - Reserved.

DIVISION 8B. - MU MIXED-USE DISTRICT

Sec. 38-366. - Description and purpose.

This zoning district is intended as a mixed-use district containing a wide range of retail, office, industrial, institutional, multifamily residential, single family residential, recreation, and open space uses. This zoning district is intended to allow greater flexibility in the range of permitted land uses and promote a high quality of development and protect abutting property through the establishment of specific standards that are consistent with the Blue Star Highway Sub Area Master Plan.

(Ord. No. 166, § 8, 1-11-2012)

Sec. 38-367. - Use regulations.

Land, buildings or structures in this zoning district may be used for the following purposes:

- (1) Single family dwellings.
- (2) Two family dwellings.
- (3) Private and public schools, libraries, museums, art galleries and similar uses.
- (4) Parks, playgrounds, community centers, governmental, administration, or service buildings.

- (5) Religious institutions.
- (6) Home occupations.
- (7) Bed and breakfast operations.
- (8) Funeral homes.
- (9) Offices for the following professions and occupations: Executive, administrative, scientific, scholarly, artistic, architectural, engineering, insurance, medicine, dentistry, accounting, law, secretarial, drafting, designing, real estate, sales, and other similar professions and occupations.
- (10) Research, development and testing laboratories and offices.
- (11) Veterinary clinics.
- (12) Retail commercial establishments and retail service establishments, provided the number of such stores may not exceed three per building. No building which houses one or more such establishments may exceed 75,000 square feet or be located on a lot exceeding three acres.
- (13) Banks and financial institutions, with or without drive-in service.
- (14) Nursing home facilities licensed under Public Act No. 368 of 1978.
- (15) If granted a special use permit by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter, any of the following uses:
 - a. Outdoor amusement or recreation activities;
 - b. Motor vehicle repair shop or garage;
 - c. Motor vehicle wash facility;
 - d. One-site dry cleaning and laundry facilities;
 - e. Restaurants, including drive-throughs and drive-ins;
 - f. Florist and gift shop, including nursery;
 - g. Hotels and motels;
 - h. Service stations;
 - i. Warehousing and storage structures;
 - j. Contractors (plumbing, heating, electrical, etc.);
 - k. Roller rinks, bowling alleys, and other inside recreational facilities;
 - l. Parking lots;
 - m. Retail commercial establishments and retail service establishments which exceed three stores in a building;
 - n. One or more retail commercial establishment or retail service establishment housed in a building which exceeds 75,000 square feet or is located on a lot exceeding three acres;
 - o. Trucking or transport operations;
 - p. Multifamily dwellings;
 - q. Conference centers;
 - r. Industrial facilities; and
 - s. Other uses not specifically listed above but similar to those allowed by right or by special use permit.
- (16) Attached accessory dwelling units in single-family dwelling units if limited to 30 percent of the usable floor area of the principal dwelling unit and when authorized as a special use by the planning commission, considering the standards in article II, division 3 of this chapter, and considering the following standards:

- a. The exterior appearance of the AADU shall not appear to be cobbled together as an addition, but shall instead be architecturally integrated into the PDU;
- b. The method of accessing the interior of the AADU shall not negatively impact the character of the surrounding neighborhood (e.g. the PDU shall still appear to be a single-family dwelling);
- c. The lot shall have adequate provisions for parking; and
- d. The AADU shall have adequate access for emergency services.

(17) Short-term rentals. A short-term rental must comply with the limitations established by other provisions of this Code, and in any event may not have an occupancy in excess of 16 persons unless granted a special use by the planning commission upon consideration of the standards in article II, division 3.

(Ord. No. 166, § 8, 1-11-2012; Ord. No. 192, § 4, 4-10-2019; Ord. No. 198, § 6, 3-11-2020)

Sec. 38-368. - Height regulations.

No building or structure shall exceed 35 feet. Buildings or structures exceeding 35 feet in height may be permitted if authorized as a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter.

(Ord. No. 166, § 8, 1-11-2012)

Sec. 38-369. - Area regulations.

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

- (1) *Front yard.* In all cases, there shall be a front yard of not less than 50 feet, unless a lesser front yard is authorized as a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter.
- (2) *Side yard.* Except for corner lots, each side yard shall be not less than 25 feet, unless a lesser side yard is authorized as a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter.
- (3) *Rear yard.* The following rear yard requirements must be met, unless a lesser side yard is authorized as a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter:
 - a. Subject to subsection (4) below, which shall control if applicable, where the rear of a lot in a MU zoning district abuts upon the side yard of a lot in any R zoning district or AG zoning district, there shall be a rear yard of not less than 25 feet.
 - b. In all other cases, there shall be a rear yard of not less than ten feet.
 - c. No accessory building shall be allowed closer than five feet from the rear lot line.
- (4) *Building location.* No building used for industrial or commercial purposes shall be located closer than the height of the building or 50 feet, whichever is greater, to any property line adjoining any lot in the AG or any R zoning district.
- (5) *Lot area.* The minimum lot area shall be 35,000 square feet, and the minimum lot width shall be 110 feet, unless a lesser area or width or both are authorized as a special use by the planning commission based upon a consideration of the factors in article II, division 3 of this chapter.

(Ord. No. 166, § 8, 1-11-2012)

Sec. 38-370. - Purpose, scope, general requirements, landscaping and screening.

When reviewing any site plan for a development in the MU zoning district, the planning commission shall consider the highway commercial district guidelines approved at that time by the planning commission, and shall require compliance with those guidelines unless the planning commission finds that the applicant has submitted an alternative which promotes the purpose of the guidelines and of the zoning district better than the guidelines and the zoning district as drafted.

(Ord. No. 166, § 8, 1-11-2012)

Secs. 38-371—38-376. - Reserved.

DIVISION 9. - I-1 INDUSTRIAL DISTRICT

Sec. 38-377. - Description and purpose.

This district permits by right certain listed industrial uses. This district also allows, as a special use, other industrial uses not specifically listed herein.

(Ord. No. 16, § 11.01, 3-4-1981; Ord. No. 40, § 1, 6-13-1990)

Sec. 38-378. - Use regulations.

- (a) Land, buildings and structures in this zoning district may be used for the following purposes only:
- (1) The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay;
 - (2) Bottling plants and dairies;
 - (3) Crating and packing services;
 - (4) Dry cleaning and laundries;
 - (5) Printing shops;
 - (6) Sign painting and servicing shops;
 - (7) Warehouses and storage;
 - (8) Reserved.
- (b) Each use described in (a)(1) through (7) of this section shall be conducted within a completely enclosed building. All of the above uses shall be conducted so that no noise, smoke, dust, vibration, or any other like nuisance shall adversely affect the surrounding neighborhood.
- (c) Other industrial uses shall be allowed if authorized by the planning commission as a special use. In considering such authorization, the planning commission shall comply with the requirements of article II, division 3 of this chapter and any other applicable provisions of the zoning chapter, and shall consider the following factors:
- (1) Ingress and egress to the land in question and the proposed buildings and structures thereon, with particular attention to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency;
 - (2) Off-street parking and loading areas where required, with particular attention to the items in subsection (c)(1) of this section;

- (3) Refuse and service areas, with particular attention to the items in subsection (c)(1) and (2) of this section;
- (4) Utilities, with particular attention to location, availability, and compatibility;
- (5) Screens and buffers, with particular attention to type, dimensions, and character;
- (6) Any signs and proposed exterior lighting, with particular attention to glare, traffic safety, economic effect, and compatibility and harmony with the surrounding neighborhood;
- (7) Required yards and other open spaces;
- (8) General compatibility with and proximity to the surrounding neighborhood;
- (9) The size, nature and character of the proposed use;
- (10) Any hazard which would be occasioned by the proposed use;
- (11) Any environmental effect of the proposed use, such as noise, smoke, dust, vibration or other similar effect; and
- (12) The physical appearance of the proposed use and its compatibility with adjoining land uses and land uses in the surrounding neighborhood.

(Ord. No. 16, § 11.02, 3-4-1981; Ord. No. 40, § 2, 6-13-1990; Ord. No. 204, § 4, 9-8-2021)

Sec. 38-379. - Height regulations.

No building or structure shall exceed 45 feet in height.

(Ord. No. 16, § 11.03, 3-4-1981; Ord. No. 89, § 7, 3-12-1997)

Sec. 38-380. - Area regulations.

No building or structure nor the enlargement of any building or structure shall be hereafter erected, unless the following requirements are provided and maintained in connection with such building, structure, or enlargement:

- (1) *Front yard.* There shall be a front setback of not less than 50 feet.
- (2) *Side yards.*
 - a. Where the side yard of a lot abuts the side of a lot in the industrial zone, there shall be a side yard of not less than ten feet.
 - b. In all other cases, there shall be a side yard of not less than 50 feet.
- (3) *Rear yard.* There shall be a rear yard of not less than 50 feet.
- (4) *Lot area and width.* The minimum lot area shall be one acre, and the minimum lot width shall be 110 feet.
- (5) *Building location.* No building shall be located closer than the height of the building or 50 feet, whichever is greater, to any property line adjoining any lot in the AG or any R zoning district.
- (6) *Screening.* Each side yard and each rear yard of lots in the I-1 zoning district shall be screened with two staggered rows of evergreen trees, at least six feet in height and planted eight feet apart (i.e., from tree center to tree center).

(Ord. No. 16, § 11.04, 3-4-1981; Ord. No. 105, §§ 19—21, 5-12-1999)

Secs. 38-381—38-403. - Reserved.

DIVISION 10. - FP FLOODPLAIN DISTRICT

Footnotes:

--- (8) ---

State Law reference— *Soil erosion and sedimentation control, MCL 324.9101 et seq.; soil conservation districts law, MCL 324.9301 et seq.; building and construction in floodplain, MCL 324.3108; plat requirements for subdivision within or abutting floodplain, MCL 560.138; conditions for approval of subdivisions within floodplain, MCL 560.194.*

Sec. 38-404. - Description and purpose.

This zoning district is intended to control the placement of buildings and structures and the use of land in areas subject to periodic inundation. The district is located as designated on the flood insurance rate map (FIRM) as prepared by the Federal Emergency Management Agency and as may be amended from time to time. As the density of the population in the township increases and the rural area develops, the importance of preserving drainage basins and areas around drainage streams for their intended purpose becomes acutely obvious. When the land is developed, a greatly increased amount of water runoff results from the replacement of open land with streets and buildings. The purpose of this zoning district is to preserve drainage basins in the township and to prevent or regulate building in areas subject to flooding and upon land which exhibits unstable soil characteristics.

(Ord. No. 16, § 12.01, 3-4-1981)

Sec. 38-405. - Use regulations.

In the FP district, no land or buildings shall be used, and no buildings or structures shall be erected or converted for any use, or under any condition, other than the foregoing:

- (1) Agricultural uses permitted in the AG Agricultural District.
- (2) Residential supportive uses such as lawns, gardens, parking areas, or play areas.
- (3) Boat landings or docks for pleasure use.
- (4) Parks and playgrounds.
- (5) Parking lots, loading areas, and storage areas for equipment and machinery easily moved or not subject to flood damage.
- (6) Golf courses, if the site plan is reviewed by the planning commission in accordance with article II, division 2 of this chapter.
- (7) Structures designed and constructed to accommodate a 100-year flood which might occur in the area as shown on the FIRM or calculated from other official data without material damage to the structure and without material obstruction of the floodplain to the detriment of other properties. Permissible construction hereunder shall include, among others, structures in which the lowest habitable floor area (including basement floors, mobile home floors and attached garage floors but excluding detached garages or storage buildings when constructed and designed in a floodproof manner) is above the documented base 100-year flood elevation. The building and zoning inspector of the township is authorized and directed to determine the acceptability of any proposed construction hereunder, subject to appeal to the zoning board of appeals by an aggrieved applicant, which board shall be governed in its decision by the criteria that the proposed construction complies with the spirit and intent of the purposes of the FP Floodplain District, is not contrary to public health and safety, and would afford substantial justice to all parties involved, including the general public. Any such proposed structure shall also be subject to site plan review by the planning commission of the township in accordance with article II, division 2 of this chapter.

(Ord. No. 16, § 12.02, 3-4-1981)

Sec. 38-406. - Height regulations.

No building or structure shall exceed 35 feet in height.

(Ord. No. 16, § 12.03, 3-4-1981; Ord. No. 89, § 8, 3-12-1997)

Sec. 38-407. - Area regulations.

Yard and lot requirements in the FP district shall be the same as set forth in section 38-214, pertaining to the R-1 Rural Estate District except as may be specifically modified in this division.

(Ord. No. 16, § 12.04, 3-4-1981)

Sec. 38-408. - State compliance.

No new construction in the FP district shall be permitted until the same has received approval from the pertinent state agency or official under the provisions, where applicable, of the shorelines protection and management laws, part 323 of Public Act No. 451 of 1994 (MCL 324.32301 et seq.), the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), the water resources protection laws, part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.), or other applicable state statutes and any and all amendments thereto.

(Ord. No. 16, § 12.05, 3-4-1981)

Secs. 38-409—38-429. - Reserved.

DIVISION 11. - PUD - PLANNED UNIT DEVELOPMENT

Footnotes:

--- (9) ---

State Law reference— *Planned unit development, MCL 125.3503.*

Sec. 38-430. - Description and purpose.

- (a) The use, area, height, bulk and placement regulations of this division are primarily applicable to the usual situation of one principal building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The PUD, Planned Unit Development is intended to permit and control the development of preplanned areas for various compatible uses allowed by this division and for other exceptional uses not so provided.
- (b) Uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection shall be afforded to uses adjacent to a PUD.
- (c) Under this division, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light

and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

(Ord. No. 16, § 13.01, 3-4-1981; Ord. No. 112, § 1(13.01), 11-8-2000)

Sec. 38-431. - Objectives.

The following objectives shall be met by any PUD application in order to realize the inherent advantages of coordinated, flexible, comprehensive and long-range planning and development:

- (1) The PUD shall provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as reasonably possible, including but not limited to open space, stands of trees, brooks, ponds, floodplain, hills and similar natural assets.
- (2) The PUD shall encourage the provision of open space and the development of recreational and/or other support facilities in a generally accessible location within reasonable distance of all dwelling units.
- (3) The PUD shall encourage developers to use a more creative and imaginative approach in the development of areas.
- (4) The PUD shall encourage underground utilities which can be more efficiently designed when master planning a larger area.
- (5) The PUD shall allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the township.
- (6) The PUD shall promote flexibility in design and permit planned diversification in the location of structures.
- (7) The PUD shall promote a reasonable balance between the efficient use of land to facilitate an economic arrangement of buildings, circulation systems, land use and utilities, and the preservation of a rural atmosphere with open spaces and reasonable distances between buildings.
- (8) The PUD shall encourage the combination and coordination of architectural styles, building forms, and building relationships within the development.
- (9) The PUD shall ensure a quality of construction commensurate with other developments within the township.

(Ord. No. 16, § 13.02, 3-4-1981; Ord. No. 112, § 1(13.02), 11-8-2000)

Sec. 38-432. - Required open space.

- (a) As of approximately the date this section is added to this division, the mean average area of lots in the R-1 district which are less than five acres and therefore not able to be divided is 3.3 acres, the median average of these lots in the R-1 district is 3.07 acres, and the mode average of these lots in the R-1 district is 2.5 acres. The mean average of 3.3 acres, 3.07 acres and 2.5 acres is 2.96 acres, which exceeds the required area of 2.5 acres in the R-1 district by over 18 percent. Therefore, for any PUD in the R-1 district, at least 15 percent of the total area of the project must be set aside as open space.
- (b) In the R-1.5 district, at least 15 percent of the total area of the project shall be preserved in the PUD.
- (c) In the R-2 district, at least 750 square feet of open space per dwelling unit shall be preserved in the PUD.
- (d) In the R-3 district, at least 300 square feet of open space per dwelling unit shall be preserved in the PUD.

(Ord. No. 112, § 1(13.03), 11-8-2000; Ord. No. 204, § 7, 9-8-2021)

Sec. 38-433. - Maximum density.

In calculating these maximum densities described below, required open space and any area used for roads, streets, alleys and right-of-way easements shall not be included in the calculations.

- (1) In the R-1 district, the maximum density for a PUD shall be four-tenths of a dwelling unit per acre, unless governed by subsection (2) of this section.
- (2) In the R-1 district, if the property is designated for low-density residential (LDR) use by the township's future land use map in the township's master plan, as amended, the maximum density for a PUD shall be eight-tenths of a dwelling unit per acre.
- (3) In the R-1.5 district, the maximum density for a PUD shall be 0.67 dwelling unit per acre.
- (4) In the R-2 district, the maximum density for a PUD shall be 3.5 dwelling units per acre.
- (5) In the R-3 district, the maximum density for a PUD shall be five dwelling units per acre.

(Ord. No. 16, § 13.03, 3-4-1981; Ord. No. 47, § 2, 7-10-1991; Ord. No. 112, § 1(13.04), 11-8-2000; Ord. No. 116, § 3, 11-14-2001; Ord. No. 136, § 1, 3-9-2005; Ord. No. 204, § 8, 9-8-2021)

Sec. 38-434. - Open space and maximum density adjustments.

In considering a proposed PUD in the R-1, R-1.5, R-2 or R-3 zoning district, the planning commission shall have the discretion to allow an increase in the maximum density in return for an increase in the required open space. However, in any event, the maximum density may not exceed the following:

- (1) In the R-1 district, the increased maximum density for a PUD shall be five tenths of a dwelling unit per acre, unless governed by subsection (2) of this section.
- (2) In the R-1 district, if the property is designated for low-density residential (LDR) use by the township's future land use map in the township's master plan, as amended, the increased maximum density for a PUD shall be one dwelling unit per acre.
- (3) In the R-1.5 district, the increased maximum density for a PUD shall be 0.84 dwelling unit per acre.
- (4) In the R-2 district, the increased maximum density for a PUD shall be four dwelling units per acre.
- (5) In the R-3 district, the increased maximum density for a PUD shall be six dwelling units per acre.

(Ord. No. 112, § 1(13.05), 11-8-2000; Ord. No. 116, § 4, 11-14-2001; Ord. No. 136, § 2, 3-9-2005; Ord. No. 204, § 9, 9-8-2021)

Sec. 38-435. - Open space requirements.

- (a) To the extent reasonably possible, dedicated open space areas shall be continuous and contiguous throughout the PUD with adequate access, through easements or other similar arrangements, so that all properties within the entire PUD may utilize the available open space.
- (b) Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.
- (c) Designated open space shall consist of contiguous land area which is restricted to non-developmental uses. The following land within the boundaries of a PUD shall not be included as meeting the requirements for open space:
 - (1) Any area which is used for roads, streets, alleys, right-of-way easements, etc.;
 - (2) Any area devoted to a building lot, accessory use or building, vehicle parking and any approved land development;

- (3) Any area less than 75 feet in width, unless specifically permitted by the planning commission; and
- (4) Fifty percent of any pond area.
- (d) Any significant natural features of the land shall be included within the designated open spaces if reasonably feasible. Examples include: dunes, wetlands, woodlands, steep slopes, etc.
- (e) Minor structures or buildings which are accessory to the designated open space may be erected in accordance with the requirements of this division for accessory buildings.
- (f) The township may require that designated open space be under common ownership or control, so a single entity has proprietary responsibility. Documentation of any such common ownership or control shall be provided to the township.
- (g) The township may require that designated open space be set aside by means of a conveyance approved by the township, and may require the conveyance to contain any or all of the following provisions:
 - (1) The open space is protected from all forms of development except as shown on the approved site plan;
 - (2) The open space shall not be changed to another use without the consent of the township;
 - (3) The proposed allowable use of the designated open space shall be specified in the PUD approval;
 - (4) The designated open space shall be maintained by the parties who have an ownership interest in the open space;
 - (5) The scheduled maintenance of the open space shall be described and accomplished by the parties with an ownership interest in the open space; and
 - (6) The maintenance of open space may be undertaken by the township in the event that the open space is inadequately maintained or becomes a nuisance, in which event any costs incurred by the township for the maintenance shall be assessed against the property owners.

(Ord. No. 112, § 1(13.06), 11-8-2000)

Sec. 38-436. - Application procedures.

An application for a planned unit development shall be submitted and acted upon in accordance with the following procedures:

- (1) *Application.* Applications for a planned unit development shall be submitted 30 days prior to the next scheduled planning commission meeting through the zoning inspector. The zoning inspector will review the application for completeness and then transmit it to the planning commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the township board to cover the costs of processing the application.
- (2) *Required information.* An application for planned unit development shall be accompanied by the following documents and information:
 - a. A planned unit development application form supplied by the zoning inspector which has been completed in full by the applicant;
 - b. A site plan as specified in article II, division 2 of this chapter; and
 - c. A statement of compliance with the criteria required for approval in section 38-437, and any other criteria imposed by this division affecting the planned unit development under consideration.
- (3) *Public hearing.* Upon receipt of an application for a planned unit development, the planning commission shall hold a public hearing for the purpose of receiving comments on the application. The public hearing shall be

noticed in the manner required by law.

- (4) *Review and decision.* Within a reasonable period of time, but possibly over several meetings following the public hearing, the planning commission shall review the application for a planned unit development, comments received at the public hearing, the site plan, and other materials submitted in relation to the application. The planning commission shall then deny, approve, or approve with conditions the planned unit development application in accordance with the purpose of this division and the criteria for approval stated in section 38-437, and any other standards contained in this division which relate to the planned unit development under consideration. The planning commission shall prepare a report stating its decision on the request for a planned unit development, the basis for this decision, and any conditions relating to an affirmative decision.

(Ord. No. 16, § 13.04, 3-4-1981; Ord. No. 33, § 1, 10-11-1989; Ord. No. 112, § 1(13.07), 11-8-2000; Ord. No. 145, § 3, 2-14-2007)

Sec. 38-437. - Basis for determination.

Prior to approval of a planned unit development application, the planning commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this division, shall be satisfied by the completion of the planned unit development under consideration.

- (1) *General standards.* The planning commission shall review the particular circumstances of the planned unit development application under consideration in terms of the following standards and shall approve a planned unit development only upon a finding of compliance with each of the following standards, as well as any applicable standards established elsewhere in this division:
- a. The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - b. The planned unit development shall not change the essential character of the surrounding area.
 - c. The planned unit development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fume or glare.
 - d. The planned unit development shall not place demands on public services and facilities in excess of current capacity.
 - e. The planned unit development shall comply with the general purposes described in section 38-430.
 - f. The planned unit development shall comply with the objectives described in section 38-431.
- (2) *Conditions.* The planning commission may impose conditions upon the approval of a planned unit development which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this division. Such conditions shall be considered an integral part of the planned unit development approval and shall be enforced by the zoning inspector.

(Ord. No. 16, § 13.05, 3-4-1981; Ord. No. 112, § 1(13.08), 11-8-2000)

Sec. 38-438. - Permitted uses.

All uses permitted in any zoning district by this division, either by right or by special use permit, as well as any other uses, may be authorized as planned unit developments.

(Ord. No. 105, § 22(13.06), 5-12-1999; Ord. No. 112, § 1(13.09), 11-8-2000)

Sec. 38-439. - Expiration of approval.

Approval of the PUD shall expire and be of no effect unless substantial construction has begun within one year after the approval of the PUD. Once the construction is begun, it shall be completed in accordance with any timeframe established as a condition of the PUD approval, including the time frames established for any phases of a PUD. An extension for a specific period, either for the PUD as a whole or any phase of the PUD, may be granted by the planning commission upon good cause shown.

(Ord. No. 112, § 1(13.10), 11-8-2000)

Secs. 38-440—38-461. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

Sec. 38-462. - Application of provisions.

These general provisions shall apply to all zoning districts.

Sec. 38-463. - The effect of zoning.

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

(Ord. No. 16, § 14.01, 3-4-1981)

Sec. 38-464. - Restoration of unsafe building.

Subject to the provisions of the nonconforming uses article, nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

(Ord. No. 16, § 14.02, 3-4-1981)

State Law reference— Dangerous buildings, MCL 125.538 et seq.

Sec. 38-465. - Area, height and use conditions and exceptions.

(a) *Required area of space.* A lot shall not be divided, altered, or reduced so as to make it not in conformance with the minimum requirements of this article. If already less than the minimum requirements of this article, a lot shall not be divided, altered, or reduced so as to increase its noncompliance with the minimum requirements.

(b) *Existing lots of record.*

(1) Subject to subsection (2) below, in all zoning districts, where two or more lots do not comply with the area or width requirements of the applicable zoning district as of the effective date of the ordinance from which this article is derived or of any amendment to this article, and where the lots are adjacent to each other and are in common ownership, 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.

In all zoning districts, a lot subject to this subsection shall be considered in compliance with the applicable zoning district and thus not subject to the lot combination requirement in the first paragraph of this subsection (1) if a proposed use of the lot is authorized by the planning commission as a special use. In considering this authorization, the planning commission shall consider the following standards, in addition to article II, division 3 of this chapter:

- a. The size, character, and nature of any buildings to be erected and constructed on the lot;
 - b. The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - c. Available parking for the intended use; and
 - d. The size of the lot in question compared to the lots in the surrounding neighborhood.
- (2) A lot which is platted or otherwise of legal record as of the effective date of the ordinance from which this article is derived or of any amendment to this article which is located in the R-2 or R-3 district but which does not comply with the area or width requirements of its zoning district may be used for a single-family dwelling only without authorization from the planning commission, and without compliance with the lot combination requirement in subsection (1), if the lot has a minimum lot area of 8,500 square feet (or 15,000 square feet if the lot is not served with public water and sewer) and if there is compliance with all yard requirements for the R-3 district. Otherwise, the lot may not be used unless first authorized by the planning commission as a special use, based upon a consideration of the standards in article II, division 3 of this chapter, and the standards in subsection (1) above.
- (3) If a lot in the R-4, C-1, C-2, C-3, MU, or I-1 district which is platted or otherwise of legal record as of the effective date of the ordinance from which this article is derived or of any amendment to this article does not comply with the area or width requirements of its zoning district, then the lot may be used only if first authorized by the planning commission as a special use. In considering this authorization, the planning commission shall consider the following standards, in addition to article II, division 3 of this chapter:
- a. The size, character, and nature of the proposed use and any principal and accessory buildings to be constructed on the lot;
 - b. The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - c. The effect of any increased density of the intended use on the surrounding neighborhood; and
 - d. Available parking for the intended use.
- (c) *Exceptions.* The following buildings and structures shall be exempt from height regulations in all zoning districts, provided they are located at least the same distance as their height from any adjoining property line: parapet walls not exceeding four feet in height; chimneys; silos; farm barns; water towers; elevator bulkheads; cooling and fire towers; church spires; and penthouses for necessary mechanical appurtenances.

(Ord. No. 178, § 1, 6-10-2015)

Editor's note— Ord. No. 178, § 1, adopted June 10, 2015, repealed the former § 38-465 and enacted a new § 38-465 as set out herein. The former § 38-465 pertained to similar subject matter and derived from Ord. No. 16, § 14.03, adopted March 4, 1981; Ord. No. 73, § 1, adopted January 11, 1995; Ord. No. 89, § 9, March 12, 1997; Ord. No. 95, § 1, November 12, 1997; Ord. No. 166, § 9, January 11, 2012.

Sec. 38-466. - Essential service.

The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district. Notwithstanding the exceptions contained in the immediately preceding sentence, the following regulations apply:

- (1) Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
- (2) Electrical substations, gas regulator stations, water collection and/or treatment plants, wastewater treatment plants, utility pump and metering stations, and gasoline or oil pipelines are permitted in any zoning district but only with the prior approval of the planning commission as a special use. Other public utility or governmental unit facilities which are not specifically listed above but which are potentially hazardous or obnoxious are also permitted in any zoning district but only with the prior approval of the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards, in addition to article II, division 3 of this chapter:
 - a. The location of the public utility or governmental unit facility and particularly its proximity to adjoining properties;
 - b. The purpose of the public utility or governmental unit facility, including, without limitation, the extent of the utility's or the facility's service area;
 - c. The character, nature and size of the public utility or governmental unit facility;
 - d. The security of the public utility or governmental unit facility from invasion or interference by persons or materials;
 - e. Any environmental or other consequences of the public utility or governmental unit facility;
 - f. The effect of the public utility or governmental unit facility on adjoining properties and the surrounding neighborhood; and
 - g. Whether or not there are any prudent and feasible alternatives to the public utility or governmental unit facility.
- (3) An essential service shall 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; 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.
- (4) Above-ground utility equipment also shall be subject to the provisions of article VIII of this chapter.
- (5) An essential service shall not include wind energy conversion systems or wind energy conversion system testing facilities which are subject to the requirements of article IX of this chapter.

(Ord. No. 16, § 14.04, 3-4-1981; Ord. No. 95, § 2, 11-12-1997; Ord. No. 112, § 2, 11-8-2000; Ord. No. 118, § 3, 2-13-2002; Ord. No. 144, § 1, 2-14-2007)

Sec. 38-467. - Required yard or lot.

All lots, yards, parking areas or other spaces created after the effective date of the ordinance from which this article is derived shall comply with the minimum requirements of the zoning district in which they are located.

(Ord. No. 16, § 14.05, 3-4-1981)

Sec. 38-468. - Control of heat, glare, fumes, dust, noise, vibration and odors.

Every use shall be conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

(Ord. No. 16, § 14.06, 3-4-1981)

Sec. 38-469. - Temporary uses of structures requiring zoning inspector authorization.

- (a) Upon application, the zoning inspector may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the zoning inspector for four additional successive periods of six calendar months or less at the same location if such building or yard is still incidental and necessary to construction of the site where located.
- (b) Upon application, the zoning inspector may issue a permit for a temporary office which is both incidental and necessary for the sale of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the zoning inspector for four additional successive periods of six calendar months or less of the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- (c) In considering such authorization under subsections (a) and (b) of this section, the zoning inspector shall consider the following standards:
 - (1) No unreasonable detrimental effect upon adjacent properties;
 - (2) Necessary for the convenience and safety of the construction proposed;
 - (3) The nature of the surrounding neighborhood;
 - (4) The least offensive access point.

(Ord. No. 16, § 14.07, 3-4-1981)

Sec. 38-470. - Accessory uses.

In any zoning district, accessory uses, incidental only to a permitted use, are permitted when located on the same lot.

(Ord. No. 16, § 14.08, 3-4-1981)

Sec. 38-471. - Accessory buildings.

All accessory buildings shall conform to the following requirements, except farm buildings in an AG Agricultural District:

- (1) No accessory building may be built on any R-1, R-1.5, R-2, R-3, or R-4 zoned lot on which there is no principal building. No portion of an accessory building shall be utilized as a dwelling or as sleeping quarters.
- (2) An accessory building built in a front yard shall be set back at least 200 feet from, and fully screened from view from, the street right-of-way line, unless authorized by the planning commission as a special use. In considering

this authorization, the planning commission shall consider the following standards in addition to article II, division 3 of this chapter:

- a. The availability of other locations on the lot for the accessory building in question;
 - b. The size of the lot in question;
 - c. The area and height of the accessory building;
 - d. The screening proposed for the accessory building;
 - e. Whether or not the accessory building will affect light and air circulation of any adjoining property; and
 - f. Whether or not the accessory building will adversely affect the view of any adjoining property.
- (3) An accessory building in a side yard shall meet the side yard provisions of its zone.
- (4) Notwithstanding the provisions of subsection (3) of this section, if an accessory building is located in a side or rear yard, the accessory building shall be at least a distance equal to its height from both the side lot line and the rear lot line, but in no event shall this distance be less than ten feet.
- (5) No accessory building may be closer than ten feet to any other accessory building or to any principal building.
- (6) An accessory building shall not exceed the following area and height limitations:
- a. On lots of less than 20,000 square feet in area, the accessory building shall not exceed a total of 480 square feet in area or 12 feet in height.
 - b. On lots equal to or greater than 20,000 square feet, but less than one acre in area, the accessory building shall not exceed a total of 768 square feet in area or 14 feet in height.
 - c. On lots equal to or greater than one acre in area but less than 1.25 acres (54,450 square feet) in area, the accessory building shall not exceed a total of 1,280 square feet in area or 16 feet in height.
 - d. On lots equal to or greater than 1.25 acres (54,450 square feet) in area, the accessory building shall not exceed a total of 1,000 square feet times the number of acres (and fraction of an acre) upon which the same is located, nor shall it exceed 20 feet in height. The maximum size allowed for the accessory building shall be 20,000 square feet in area.
 - e. After the construction of a building upon a parcel of land, no subsequent division of such parcel of land shall be made which would cause the building located thereon to be in violation of the terms of this article.
 - f. One or more accessory buildings in excess of the square footage limitations or in excess of the height limitations described above may be allowed if authorized by the planning commission as a special use. In considering such a special use application, the planning commission shall consider the following standards, in addition to article II, division 3 of this chapter:
 1. The area and/or height of the accessory building in relation to the size of the lot on which it is to be placed;
 2. The area and/or height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;
 3. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;
 4. Whether or not the accessory building will affect light and air circulation of any adjoining property; and
 5. Whether the accessory building will adversely affect the view of any adjoining property.
- (7) An accessory building shall not include a mobile home, vehicle, trailer, or other such substitute and no such substitutes shall be permitted to be used as an accessory building.

(Ord. No. 16, § 14.09, 3-4-1981; Ord. No. 24, § 1(14.09), 2-8-1984; Ord. No. 30, §§ 4—6, 6-14-1989; Ord. No. 48, § 1, 9-11-1991; Ord. No. 112, §§ 3, 4, 11-8-2000; Ord. No. 121, § 1, 7-10-2002; Ord. No. 177, § 1, 6-10-2015; Ord. No. 188, § 1, 11-14-2018; Ord. No. 204, § 10, 9-8-2021)

Sec. 38-472. - Attached garages.

A private attached garage for the storage of an automobile or automobiles and other garden and household equipment incidental to a residence may be located upon the residential premises, provided its enclosed area does not exceed 85 percent of the ground floor area of the residence on the site.

(Ord. No. 48, § 2(14.09A), 9-11-1991)

Sec. 38-473. - Principal building on a lot.

In the R-1, R-1.5, R-2 or R-3 zoning district, no more than one principal building shall be placed upon a single lot or parcel unless the same is located in a planned unit development, as provided in this township zoning chapter.

(Ord. No. 16, § 14.10, 3-4-1981; Ord. No. 204, § 11, 9-8-2021)

Sec. 38-474. - Double frontage lots.

Buildings on lots having frontage on two intersecting or nonintersecting streets shall comply with front yard requirements on both such streets.

(Ord. No. 16, § 14.11, 3-4-1981)

Sec. 38-475. - Signs.

(a) Signs not explicitly permitted are prohibited. A permit shall be obtained for the erection, construction, alteration or replacement of any sign unless otherwise provided in this chapter. All regulated signs shall be subject to the approval of the zoning inspector as to their conformance with the requirements of this chapter. As part of the zoning compliance permit, the applicant shall provide the following:

- (1) Total display area of the sign in square feet;
- (2) Proposed setback of the sign from the street right-of-way, drives and adjacent properties;
- (3) Sign type, purpose and height, and ground clearance if applicable;
- (4) Height and width of building if the sign is a wall sign or wall projecting type;
- (5) Site area and frontage;
- (6) Site and building photos.

(b) The following signs are prohibited in all zoning districts:

- (1) A sign resembling the flashing lights customarily used in traffic signals; or flashing lights resembling police, fire, ambulance, or rescue vehicles; or flashing lights resembling traffic directional signs or devices.
- (2) A sign using the words, "stop," "danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse a vehicle driver.
- (3) Signs on parked vehicles where the sign is the primary use of the vehicle.
- (4) Signs greater than two square feet that are affixed to trees, shrubs or similar natural features.
- (5) Signs affixed to fences or utility poles or structural elements not capable of supporting such signs.

- (6) Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
 - (7) Banners used as permanent signs.
 - (8) Temporary signs and devices including inflatable devices, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed 15 days.
 - (9) Electronic message centers which use electronic message center display methods involving extended video messages, flashing, rapid scrolling, or strobe lights (see subsection 38-475(h) for definitions of the terms).
- (c) All signs and sign structures shall conform to all applicable codes. Signs shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frames, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- (d) Signs erected in the township shall not obstruct the clear view of traffic. If the location or design of a sign may result in a conflict with pedestrian or vehicular movement or circulation, the township may require a clearance of up to ten feet from the finished grade level or curb elevation to the lowest part of such sign or a front setback of up to ten feet.
- (e) If a sign advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and the sign faces shall be removed and replaced with blank faces within 60 days after written notification from the township to the sign owner, owner of the property where the sign is located, or other party having control over the sign.
- (f) The following signs are permitted in all zoning districts, without a permit:
- (1) Non-illuminated no trespassing, no hunting, safety, directional, caution or announcement signs each not exceeding two square feet in area or signs announcing the sale of agricultural products each not exceeding six square feet in area.
 - (2) Name plates of fewer than two square feet.
 - (3) Street name signs and other signs established by state, county, or township units of government when necessary for giving proper directions or otherwise safeguarding the public in any zoning district.
 - (4) Non-advertising signs erected by any person that are needed to warn the public of dangerous conditions and unusual hazards including: Caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, or other physical hazards which create imminent danger.
- (g) Temporary signs.
- (1) No temporary signs shall be erected unless authorized as a special use by the planning commission, except for the following temporary signs which are exempt from the permit requirements of this chapter. All other signs must be permanently located on the ground or permanently attached to something permanently located on the ground.
 - a. Subdivision signs not exceeding 32 square feet in area are exempt. However, any such sign shall be subject to the approval of the zoning inspector at the time it is erected, and any such sign shall be removed when 50 percent or more of the lots in the subdivision are sold or after five years, whichever first occurs. The sign shall not be illuminated by any light source other than a continuous indirect white light.
 - b. One construction sign per project, not exceeding 32 square feet in area, denoting architects, engineers, or contractors in conjunction with the work under construction is exempt. For one-family dwellings under construction, the construction sign may not exceed nine square feet in area. Any such construction sign shall be subject to the approval of the zoning inspector at the time it is erected, and it shall be removed within 14 days after completion of construction.

- c. Temporary real estate signs are exempt. The total area of a real estate sign or signs advertising one lot shall not square feet in area. The total area of a real estate sign or signs advertising more than one lot shall not exceed 32 square feet in area. Such signs shall be removed within 14 days after the lot or lots in question are no longer for sale, rent or lease.
 - d. Signs for political advertising are exempt, provided they are temporary, not illuminated, and do not exceed 32 square feet in area. All political signs shall be removed within ten days after the election with which they are concerned.
 - e. Temporary signs in the commercial or industrial zoning districts are exempt, provided that each such temporary sign meets the following conditions:
 - 1. No such temporary sign may have a surface area which exceeds 32 square feet.
 - 2. No such temporary sign may exceed ten feet in height.
 - 3. No such temporary sign may violate any of the prohibitions in subsection (b) of this section.
 - 4. No lot may have a temporary sign erected upon it more than 90 total full or partial days per calendar year.
 - 5. No such temporary sign may be erected without a zoning certificate of compliance from the zoning inspector.
 - f. Garage and estate sale signs are exempt, subject to the following restrictions:
 - 1. One sign per lot is permitted, located on the lot on which such sale is being conducted, and erected outside of any public right-of-way.
 - 2. The sign shall not exceed six square feet in area.
 - 3. The sign may be erected no more than seven days prior to the day(s) of the sale and shall be removed within one day after the completion of the sale.
- (2) In considering whether or not to issue a special use permit for a temporary sign under this subsection, the planning commission shall consider the following standards and article II, division 3 of this chapter:
- a. The size, character and nature of the sign;
 - b. The duration of time period during which the sign will be utilized;
 - c. The purpose(s) for which the sign is to be erected;
 - d. The arrangements made for the removal of the sign after the termination of its usefulness;
 - e. 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;
 - f. Whether or not the sign will constitute a traffic hazard; and
 - g. The effect of the sign on the surrounding neighborhood.
- (h) Electronic message centers (EMCs; signs capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means) may be used as signs when otherwise allowed pursuant to this section, subject to the requirements of this subsection.
- (1) Defined terms for this subsection.
- a. *Static message*: The display on the entire electronic message center stays constant for a period of at least ten minutes. The display does not appear to change, move, scroll, vary color, or vary light intensity.
 - b. *Alternating message*: The display on the entire electronic message center is held constant for a period of at least five seconds. The display does not appear to change, move, scroll, vary color, or vary light intensity during that period. The display transitions to another image instantly or in a transition of less than one-half

second.

- c. *Animated message:* The display on all or part of the electronic message center changes or appears to move, scroll, vary color or vary light intensity. Animated message excludes static messages, alternating messages, extended video messages and flashing or rapid scrolling.
- d. *Extended video message:* A display on an electronic message center that contains images that vary in a continuous, non-repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over ten seconds in duration. It excludes images that serve as a background display, where a foreground display comprising at least 50 percent of the EMC surface is held constant for continuous one-second intervals. It also excludes flashing or rapid scrolling displays.
- e. *Flashing or rapid scrolling:* Flashing means a display that includes a pattern of sudden alteration, less than one-half second, between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly, again in less than one-half second. Rapid scrolling means any letter or character in a message moves or appears to move across an EMC face faster than ten feet in two seconds. Flashing or rapid scrolling excludes a transition of less than one-half second between messages on an alternating message display.
- f. *Strobe lights:* Strobe lights are high intensity flashing lights that may impair vision.

(2) Electronic message centers (EMCs) are permitted subject to the following limitations below, and subject to the general regulations pertaining to signs:

| ZONING | MAXIMUM SIZE OF EMC | EMC DISPLAY METHOD | | |
|--|---------------------|--------------------|---------------------|------------------|
| | | Static Message | Alternating Message | Animated Message |
| a. Agricultural | 24 sq. ft. | Special use | | |
| b. Residential | 24 sq. ft. | Special use | | |
| c. Commercial | 32 sq. ft. | Allowed | | |
| d. Mixed Use | Subject to Approval | Special use | | |
| e. Industrial | 32 sq. ft. | Allowed | | |
| f. Electronic message centers are not permitted as billboards. | | | | |

(3) If an EMC is allowed as a special use, the planning commission must find that the EMC will be compatible with surrounding uses, based on all of the following factors, as well as the standards in article II, division 3 of this chapter:

- a. The EMC shall have a setback of at least 15 feet from the front lot line.
- b. The EMC must be turned off from 12:01 a.m. until 5:00 a.m. if in any residential district or if within 500 feet of

a dwelling.

- c. Freestanding EMCs must include at least three of the following design elements:
1. Prominent brickwork, masonry, naturally-finished wood, or naturally-finished metal in frame or supports;
 2. Two support poles or a full width support structure;
 3. The EMC outline or top of the frame is predominantly non-rectangular or curved;
 4. Landscaping around the EMC base is equal in area to the size of the sign;
 5. More than 40 percent of the sign is an EMC;
 6. The EMC height is 20 percent lower than required;
 7. All setbacks are 20 percent more than required; and
 8. The EMC will be used by two or more businesses on the same lot.
- (4) If a freestanding EMC includes four of the design elements listed in subsection (3) above, then the allowable size is increased by ten percent, as long as none of the design elements previously met is not thereby lost. If a freestanding EMC includes five or more of those design elements listed above, then the allowable size is increased by 20 percent as long as none of the design elements previously met is not thereby lost.
- (5) Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs if they are oriented inward to the playing field.
- (6) All electronic message centers shall be kept in good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible.
- (7) Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the EMC according to the ambient light conditions.
- (i) Non-conforming but previously conforming signs in use on the effective date of this chapter or any amendment to it shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered a rebuilding of the sign. Extensive repairs constituting rebuilding must meet the requirement of the pertinent zoning district.
- (j) In the AG district, the following sign regulations apply:
- (1) *Permitted signs.*
 - a. Internally illuminated monument signs of up to 24 square feet for lawful institutional uses such as churches, schools and parks. Signs shall not exceed eight feet in height. One non-illuminated wall sign of up to 24 square feet may also be permitted.
 - b. One non-illuminated sign of up to four square feet for a home occupation.
 - c. One non-illuminated sign of up to 16 square feet for a farm market.
 - (2) *Standards.*
 - a. Signs shall be located outside the street right-of-way, and at least ten feet from side property lines.
 - b. Sign design shall respect the rural character of the district. As examples, sign colors shall be natural and subdued and sign materials shall be natural looking (e.g., wood and field stone versus glossy metals and plastics).
- (k) In the R-1, R-1.5, R-2, R-3, and R-4 districts, the following sign regulations apply:
- (1) *Permitted signs.*
 - a. Entranceway monument signs (i.e., 32 square feet) are permitted for residential developments. One sign for each street on which there is frontage and from which there is direct access may be provided. Signs shall not

exceed six feet in height from established grade.

- b. Monument signs are permitted for lawful institutional uses such as churches, schools and parks. They may be 32 square feet if not illuminated, or 24 square feet if illuminated (i.e., one per use). Signs shall not exceed six feet in height. One non-illuminated wall sign of up to 24 square feet may also be permitted.
- c. One non-illuminated sign of up to four square feet is permitted for a home occupation.
- d. One non-illuminated monument sign of up to 16 square feet may be permitted for all other authorized non-residential uses, unless otherwise regulated in this chapter. Signs shall not exceed six feet in height.

(2) *Standards.*

- a. Signs shall be located outside the street right-of-way and at least ten feet from side property lines.
- b. Sign design shall respect the character of the district. As examples, sign colors shall be natural and subdued and sign materials shall be natural looking (e.g., wood and field stone vs. glossy metals and plastics).

(l) In the C-1, C-2 and C-3 districts, the following sign regulations apply:

(1) *Permitted signs.*

- a. Unless billboards are otherwise allowed, signs shall pertain exclusively to the business carried on at the lot.
- b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.
- c. One freestanding sign is permitted per lot. For multiple businesses on a lot, regardless of the number of businesses there, one additional freestanding sign may be erected per accessible street frontage when the development has over 500 linear feet of street frontage.
- d. One-half square foot of freestanding sign area is permitted for every one foot of street frontage of the lot except that signs shall not exceed 200 square feet.
- e. Monument signs shall not exceed eight feet in height. All other freestanding (pole) signs shall not exceed 20 feet in height. The 20 feet limit shall be extended to 50 feet for signs on a limited access highway (a highway 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).
- f. Wall, awning or bracket signs shall not cumulatively exceed 15 percent of the surface area of the commercial portion of the front building face and may be placed on any wall. In the case where the building is over 100 feet from the street, this allotment may be 20 percent of the front face of the building. In the case where the building is over 300 feet from the street, this allotment may be 25 percent of the front face of the building. In no case, shall any one wall sign exceed 150 square feet.
 - 1. Canopy signs shall be considered wall signs and a sign attached to a mansard shall be considered a wall sign.
 - 2. Signs shall not project above the roof line or cornice.

(2) *Standards.* Signs shall be located outside the street right-of-way, and at least ten feet from side lot lines.

(m) In the MU district, the following sign regulations apply:

(1) *Permitted signs.*

- a. Signs shall pertain exclusively to the business carried on at the lot.
- b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.

- c. One monument sign for a business center (i.e., more than one business on the lot, if permitted) not exceeding 3 in area and eight feet in height.
- d. Individual business may only have a wall, awning or bracket sign which shall not exceed 15 percent of the surface area of the commercial or industrial portion of the front building face. Wall signs may be placed on any wall.
- e. Signs shall be placed against the main building or on a canopy.
- f. Canopy signs shall be considered wall signs.
- g. A sign attached to a mansard shall be considered a wall sign.
- h. Signs shall not project above the roof line or cornice.

(2) *Standards.* Signs shall be located outside the street right-of-way, and at least ten feet from side lot lines.

(n) In the I-1 district, the following sign regulations apply:

(1) *Permitted signs.*

- a. Signs shall pertain exclusively to the business carried on at the lot.
- b. Signs may be illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.
- c. One pole or monument sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be erected per street frontage when the development has parallel frontage on more than one street or corner frontages on streets totaling over 500 linear feet. Sign area shall be limited to 64 square feet.
- d. Monument signs shall not exceed eight feet in height.
- e. All other freestanding (pole) signs shall not exceed 20 feet in height.
- f. Wall, awning or bracket signs shall not exceed 20 percent of the surface areas of the front building face and may be placed on any wall. In no case shall the signs exceed 150 square feet in area.
- g. Signs shall be placed against the principal building or on a canopy.
- h. A sign attached to a mansard shall be considered a wall sign.

(2) *Standards.* Signs shall be located outside the street right-of-way, and at least ten feet from side lot lines.

(o) In the FP district, the sign regulations shall be the same as in the R-1 district.

(Ord. No. 16, § 14.12, 3-4-1981; Ord. No. 40, § 3, 6-13-1990; Ord. No. 62, §§ 3—5, 7-14-1993; Ord. No. 89, § 10, 3-12-1997; Ord. No. 105, § 23, 5-12-1999; Ord. No. 166, § 10, 1-11-2012; Ord. No. 204, § 12, 9-8-2021)

Sec. 38-476. - Regulation of billboards.

Billboards may be erected adjacent to I-196 or U.S. 31, 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 billboard. Otherwise, billboards having more than one 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 in this section. A billboard's surface display area containing or able to contain advertising shall be considered to be the billboard's face.

- (1) Not more than three billboards may be located per 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.

- (2) No billboard may be located within 1,000 feet of another billboard. The 1,000 feet measurement shall not be limited to the township's boundaries.
- (3) No billboard may be located within 200 feet of any preexisting dwelling, preexisting church or preexisting school. If the billboard is illuminated, the required distance shall be increased to 300 feet.
- (4) No billboard may be located closer than 75 feet from a property line adjoining a public right-of-way; further, no billboard may be located closer than ten feet from any other property line of the lot on which the billboard is located.
- (5) A billboard's face may not exceed 300 square feet. Double-faced billboards and V-shaped billboards may have two faces which individually do not exceed 300 square feet.
- (6) A billboard's height (measured to its highest point) may not exceed 20 feet above the grade of the ground upon which the billboard sits, or above the grade of the abutting street, whichever is higher.
- (7) No billboard may be placed on top of, cantilevered from or otherwise suspended above the roof of any building.
- (8) A billboard may be illuminated, but only if such illumination is concentrated on the billboard's face and is located so as to avoid glare or reflection onto any portion of an adjacent street, the path of oncoming vehicles, or any adjacent lot. No rotating or oscillating beam, beacon, flashing illumination or intermittent lights may be used in connection with any billboard. No billboard illumination may obscure or interfere with the effectiveness of an official traffic sign, device or signal.
- (9) A billboard shall be securely anchored and otherwise adequately constructed in order to withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard shall be adequately maintained to ensure its continued structural soundness and the continued readability of its message.
- (10) A billboard adjacent to the interstate highway, freeway and primary highway systems of the state, as such terms are defined in the highway advertising act of 1972, Public Act No. 106 of 1972 (MCL 252.301 et seq.), shall comply with all of the above requirements as well as the applicable provisions of the highway advertising act of 1972 and any applicable regulations promulgated thereunder, as such provisions and/or regulations may be amended from time to time.

(Ord. No. 62, § 6(14.12A), 7-14-1993)

Sec. 38-477. - Additional setbacks for structures adjacent to major streets.

Notwithstanding any other provision of this article, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the township general master plan, as the same shall be amended from time to time, unless a 100-foot minimum building setback, measured from the street centerline, is maintained for a county primary street.

(Ord. No. 16, § 14.13, 3-4-1981)

Sec. 38-478. - Minimum public street frontage.

- (a) Except as hereinafter provided, minimum lot widths for building sites in all districts shall be measured along the lot line abutting a public street and shall not be diminished below such minimum throughout the lot or parcel.
- (b) In the case of lots abutting public cul-de-sac streets, the minimum lot width shall be measured at the required setback distance for buildings and structures from abutting public streets and the minimum width shall not be diminished throughout the remainder of the lot. Such cul-de-sac lots shall have a minimum width of 50 feet at the

abutting street line, which minimum shall not be diminished within the required setback area for structures and buildings.

- (c) Minimum lot widths for irregular, flag, or T-shaped lots which are not abutting a cul-de-sac street shall be measured along the lot line abutting a public street and shall not be diminished below such minimum throughout the lot.
- (d) No new, irregularly-shaped lots shall be created that do not meet required lot width and area requirements of the zoning chapter, unless they are part of an approved, recorded subdivision, have been the subject of an approved variance by the zoning board of appeals under article II, division 4 of this chapter or are part of a planned unit development under division 11 of this article.

(Ord. No. 16, § 14.14, 3-4-1981; Ord. No. 24, § I(14.14), 2-8-1984; Ord. No. 30, § 7, 6-14-1989)

Sec. 38-479. - Governmental improvements.

The provisions of this article shall be applicable to and enforceable against the township itself and all other governmental agencies and units, federal, state or local.

(Ord. No. 16, § 14.15, 3-4-1981)

Sec. 38-480. - Health department approval.

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

(Ord. No. 16, § 14.16, 3-4-1981)

Sec. 38-481. - Ponds.

- (a) No pond shall be constructed, erected, installed, located or maintained, unless it has first been authorized by a permit from the zoning inspector. In considering such authorization, the zoning inspector shall consider the following standards:
 - (1) The location of the pond and particularly its proximity to adjoining properties;
 - (2) The purpose of the pond;
 - (3) The character, nature and size of the pond;
 - (4) Any potential of the pond to result in stagnant water or other such difficulties or problems; and
 - (5) The effect of the pond on adjoining properties and the surrounding neighborhood.
- (b) If the zoning inspector determines, in considering the authorization of a pond, that the protection and safety of the general public requires that the pond be enclosed, then it shall be enclosed by a fence or wall constructed and erected to such specifications as shall be established by the zoning inspector.
- (c) No pond shall be used unless adequate public health measures are periodically taken to ensure that the existence and/or use thereof will not cause or spread a disease or otherwise provide conditions dangerous to the public health.
- (d) The discharge pipe leading from any pond shall not exceed six inches in diameter and shall be composed of galvanized iron or such other standard and durable material as may be approved by the zoning inspector. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon other property. No pond shall

discharge into the public sanitary sewer. If a storm drain is readily accessible to the lot on which the pond is located, then the pond shall be emptied in such a manner as to utilize such storm drain.

- (e) The slope to the banks or sides of a pond shall in no event exceed a minimum of four feet horizontal to one foot vertical. This slope must be maintained and extended into the water to a depth of four feet.
- (f) No pond shall be constructed, erected, installed, maintained or located that will cause or contribute to the erosion of any adjoining property.
- (g) Each pond shall be located on one lot and shall be at least 40 feet from any lot line (i.e., no lot line may be closer than 40 feet to any portion of the pond).
- (h) The pond may not exceed 25 percent of the total area of the lot in question.
- (i) The pond shall comply with all of the regulations in this zoning chapter, pertaining to the removal of natural resources from the premises.
- (j) The zoning inspector may not authorize any pond which exceeds any of the limitations in this section. If an applicant proposes a pond which will be located on more than one lot and therefore will not meet the requirements of subsection (g) of this section, then the pond may not be constructed, erected, installed, maintained or located, unless authorized as a special use by the planning commission. In considering such a special use application, the planning commission shall consider the standards in subsection (a) of this section, in addition to article II, division 3 of this chapter.

(Ord. No. 16, § 14.17, 3-4-1981; Ord. No. 74, § 2, 4-12-1995)

Sec. 38-482. - Razing of building.

No building shall be razed until a permit has been obtained from the zoning inspector who shall be authorized to require a performance bond in any amount not to exceed \$1,000.00 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Such bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the zoning inspector may from time to time prescribe, including filling of excavations and proper termination of utility connections.

(Ord. No. 16, § 14.18, 3-4-1981)

Sec. 38-483. - Moving of building.

- (a) No existing building or structure of any type or kind shall be moved into the township or moved from one lot in the township to another lot in the township, unless authorized by the planning commission as a special use. In considering whether or not to grant such a special use permit, the planning commission shall consider the following standards, in addition to article II, division 3 of this chapter:
 - (1) The type and kind of construction of the existing structure or building in relation to its strength to tolerate the move, in relation to whether or not it may be a fire hazard, and in relation to its compatibility with the type and kind of buildings and structures adjoining and in the neighborhood surrounding the lot to which the building or structure is to be moved;
 - (2) Whether or not the type and age of the building or structure to be moved is in keeping with the type and age of such buildings and structures which are adjoining and in the neighborhood surrounding the lot to which the building or structure is to be moved;
 - (3) The type and kind of materials used in the construction of the structure or building desired to be moved as such construction materials relate and compare to the type and kind of materials used in the construction of other

buildings and structures adjoining and in the neighborhood surrounding the lot to which the building or structure is to be moved;

- (4) The reports and/or conclusions of any township, county or state inspectors concerning whether or not the building or structure, if moved as proposed, would meet the required standards of any and all required construction codes, including without limitation the applicable building, electrical, plumbing and mechanical codes;
 - (5) Whether or not the building or structure, if moved as proposed, would meet the required standards of this article and any other relevant township ordinance or provision of this Code; and
 - (6) Whether or not the lot onto which the building or structure is to be moved would be appropriately graded and landscaped so as to be compatible with the surrounding neighborhood.
- (b) As a condition to any special use permit granted by the planning commission to move an existing building or structure, the planning commission may require the person granted the permit to file with the township a security deposit (consisting of cash, certified check, or irrevocable bank letter of credit) for the following purposes and conforming to the following provisions and requirements:
- (1) The security deposit shall be conditioned upon the faithful performance of the person holding the permit. In the event the person fails to comply with any one or more of the provisions of the permit or of this article, the township may use the security deposit or require the person to use the security deposit to comply with all of the provisions of the permit and this article. The township may also recover from the security deposit any damages or losses suffered by the township and any costs or expenses incurred by the township as a result of the person's fees and costs, up to the full amount of the security deposit. The township shall not be precluded from claiming additional damages or losses against the person holding the permit, over and above the full amount of the security deposit.
 - (2) The security deposit shall insure strict compliance with any regulations contained herein or required as a condition of the issuance of the permit hereunder. The security deposit shall be maintained in full force and effect until all of the conditions of the permit and requirements of this article have been met, although the security deposit may be reduced on a proportional basis as the conditions or requirements are partially met.
 - (3) The security deposit shall be in such form and in an amount determined by the planning commission to be reasonably necessary to insure compliance hereunder.

(Ord. No. 16, § 14.19, 3-4-1981; Ord. No. 82, § 1, 4-10-1996)

Sec. 38-484. - Fences.

- (a) No fence in excess of six feet in height shall be erected, constructed, located or maintained in any R-1, R-1.5, R-2, R-3, or R-4 zoning district. In addition, no fence in excess of 48 inches in height shall be erected, constructed, located or maintained in a front yard in any R-1, R-1.5, R-2, R-3, or R-4 zoning district or in the front or rear yard of any waterfront lot in any R-1, R-1.5, R-2, R-3, or R-4 zoning district. Any fence constructed in a front yard, or in a front yard or a rear yard of any waterfront lot, shall not be a solid barrier which completely obstructs view; rather, any such fence shall allow at least 75 percent visibility through the fence itself. No fence shall contain barbed wire, unless the fence is used as part of a farming operation. The zoning board of appeals may, in its discretion pursuant to section 603 of the Michigan zoning enabling act (MCL 125.3603), authorize a fence of a height greater than six feet or 48 inches, as the case may be. In granting such authorization, the zoning board of appeals shall consider the following standards:
 - (1) The effect upon adjoining properties;

- (2) Whether the fence will affect the light and air circulation of any adjoining properties;
 - (3) Whether the fence will adversely affect the view from any adjoining property;
 - (4) The reason for the request to construct a fence higher than permitted by this article;
 - (5) The size, type and kind of construction, proposed location and general character of the fence; and
 - (6) The size of other fences on properties which are adjoining and in the surrounding neighborhood.
- (b) No fence, hedge or other landscaping shall be erected, constructed, located or maintained in any zoning district which constitutes a traffic hazard because of obstruction or visibility or any other reason.
- (c) No fence shall be erected, constructed, located or maintained on any waterfront lot within 20 feet of the high-water mark for that lot. No hedge or other landscaping over three feet in height shall be erected, constructed, located or maintained on any waterfront lot within 20 feet of the high-water mark for that lot.

(Ord. No. 16, § 14.20, 3-4-1981; Ord. No. 30, § 8, 6-14-1989; Ord. No. 105, § 24, 5-12-1999; Ord. No. 204, § 13, 9-8-2021)

Sec. 38-485. - Keeping of animals.

- (a) The keeping of domestic animals shall be permitted in the R-1, R-1.5, R-2, and R-3 districts per the regulations of the following table:

| | R-1 | R-1.5 | R-2 | R-3 |
|--|--|--------------|-------------|-------------------|
| Number of large-hoofed and small-hoofed animals | Two large-hoofed/acre; or four small-hoofed/acre; or combination thereof | None | None | None |
| Number of small animals | Two/acre, with a maximum of ten per parcel | Eight/parcel | Four/parcel | Two/dwelling unit |
| Number of poultry and small, fur-bearing animals | Eight/parcel | Eight/acre | Four/parcel | None |

- (b) Buildings for housing large-hoofed and small-hoofed animals shall not be closer than 100 feet to a neighboring dwelling unit, nor closer than 50 feet to an abutting property line.
- (c) The keeping of exotic animals is permitted as a special land use in the AG Agricultural (as per section 38-183), R-1 Rural Estate (as per section 38-212), R-1.5 Rural Estate (as per section 38-217), R-2 Low Density Residential (as per section 38-240), and R-3 Medium Density Residential (as per section 38-266) zoning districts.
- (d) Beekeeping (apiaries): Bees may be kept in the R-1.5 and R-2 zoning district, subject to compliance with the following criteria.
- (1) Hive density. Two hives are permitted on a lot with at least 12,500 square feet in lot area; one additional hive is permitted for each additional 6,000 square feet in lot area.
 - (2) Hive placement. Hive placement shall be at least 25 feet from any lot line, unless the hive is separated from the lot line by a solid fence or vegetative screen at least six feet tall. In no event may a hive be closer than ten feet from a lot line.
 - (3) Review. A review from a professional beekeeper may be required by the township to ensure that there are no safety issues, based on a consideration of the lot area, the location of the hives, the number of hives, the use of adjacent property, and such other factors as the township deems relevant.
 - (4) Hive size. Hive size shall be a maximum of 20 cubic feet.
 - (5) Water. Hives shall be provided a constant source of water.

(6) AG and R-1. Bees may be kept as a matter of right on lots in the AG zoning district, and on lots of at least 2-1/2 acre zoning district.

(Ord. No. 16, § 14.21, 3-4-1981; Ord. No. 59, § 13, 11-11-1992; Ord. No. 89, § 11, 3-12-1997; Ord. No. 174, § 2, 4-9-2014; Ord. No. 204, § 14, 9-8-2021)

Sec. 38-486. - Swimming pools.

- (a) Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than 24 inches deep or having a surface area less than 250 square feet, except where such pools are permanently equipped with a water recirculation system or involve structural materials.
- (b) A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a permit has been obtained from the zoning inspector.
- (c) The outside edge of the pool wall shall not be located closer than six feet from any rear or side property line; provided that, if any part of the pool walls are more than two feet above the surrounding grade level, such pool shall be placed or erected not less than ten feet from any lot line. No pool shall be located under any electrical wiring or in a front yard.
- (d) Each pool shall be enclosed by a fence or wall with a height of at least four feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four feet above the underlying ground; all gates must be self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from the outside to small children. A natural barrier, hedge, pool cover, or other protective device approved by the zoning board of appeals may be used as long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein.
- (e) All swimming pool installations shall comply with the state construction code and all standard codes referred to therein.

(Ord. No. 16, § 14.22, 3-4-1981)

Sec. 38-487. - Sand dune development.

In all zoning districts, uses within one-half-mile of the Lake Michigan shoreline, or as determined by the zoning inspector, shall be subject to the following regulations:

- (1) A site plan shall be submitted as specified in article II, division 2 of this chapter.
- (2) Minimum setback requirements as established by the state department of natural resources and environment for high-risk erosion areas shall be enforced.
- (3) Buildings, structures or roads shall be located in areas where vegetation has stabilized the dunes.
- (4) Raised construction techniques shall be utilized in areas of unstable or sparsely vegetated sand dunes.
- (5) Roads or driveways may be located behind the high dune, in the trough between the high dune and the foredune ridge, and/or through natural gaps within the dune system. The natural topography of the dune crest shall not be altered.
- (6) Non-vehicular pathways and trails shall be primarily sited in the trough behind the foredune or behind the high dune. These pathways and trails may only cross the dune treat where natural gaps exist. If a pathway or trail causes erosion or damage to nonvegetated or vegetated sand areas, raised boardwalks or stairs shall be used.

- (7) When practical, shared access drives, roads and utility easements will be encouraged.
- (8) Nonpaved and paved roads or driveways shall have beach grass (*Ammophlla Breviligulata* Fernald) or other suitable material planted an areas of open sand 50 feet on each side of the road or driveway.
- (9) Buildings, structures, and roads or driveways shall be sited to minimize the disturbance of natural vegetation.

(Ord. No. 16, § 14.24, 3-4-1981)

State Law reference— Sand dunes protection and management, MCL 324.35301 et seq.

Sec. 38-488. - Home occupations.

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

- (1) The occupation shall be operated in its entirety within the dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in or use of a residential-type garage upon the premises.
- (2) The occupation shall be conducted only by the person occupying the premises as the principal residence a major portion of each month; provided, however, that the zoning board of appeals shall have the authority to permit additional subordinate assistants who do not so reside within that dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event shall such additional assistants exceed three in number.
- (3) The dwelling has no exterior evidence, other than a permitted four square feet sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
- (4) The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
- (5) No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- (6) No occupation shall be conducted upon, or from, the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- (7) Any such home occupation shall be subject to annual inspection by the zoning inspector and may be terminated by order of such inspector whenever the same fails to comply with the zoning chapter.
- (8) The planning commission shall have authority to determine whether or not a proposed use complies with the zoning chapter and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety and general welfare of the neighborhood will not thereby be impaired under and in accordance with the procedure set forth in article II, division 3 of this chapter.

(Ord. No. 16, § 14.25, 3-4-1981; Ord. No. 166, § 11, 1-11-2012)

State Law reference— Single-family residence, instruction in craft or fine art as home occupation, MCL 125.3204.

Sec. 38-489. - Clear vision corners.

On any corner, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 3½ feet and eight feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points 25 feet from the intersection of the right-of-way lines.

(Ord. No. 16, § 14.26, 3-4-1981)

Sec. 38-490. - Litter.

No person shall dump or cause to be dumped or deposited on any public or private land situated in the township any tin cans, automobile bodies, appliances, junk, moveable structures or other litter or waste material of any kind of description, unless such area is a municipally owned or operated public landfill, dumping ground or waste collection depot. No dumping, depositing, littering, placing or permitting to be so deposited of any such waste material of any kind or nature in violation of part 89 of Public Act No. 451 of 1994 (MCL 324.8901 et seq.), shall be allowed within the township.

(Ord. No. 16, § 14.27, 3-4-1981)

Sec. 38-491. - Satellite dish antennas.

No satellite dish antenna shall be erected, constructed, installed, maintained or operated in the township, except in conformance with the following restrictions and regulations:

- (1) Only one satellite dish antenna shall be permitted per lot or premises (AG, R-1, R-1.5, R-2, R-3, R-4).
- (2) A satellite dish antenna shall only be permitted in a rear yard, except that a satellite dish antenna shall also be permitted on the top of a building used for a commercial or industrial purpose and located in a commercial or industrial district.
- (3) A satellite dish antenna shall be securely anchored through the use of a concrete pad or other system approved by the zoning inspector as being adequate to secure the satellite dish antenna during high winds.
- (4) A satellite dish antenna shall be located in compliance with the rear yard setback regulations applicable to accessory buildings not used as garages as specified in section 38-471.
- (5) A satellite dish antenna shall not exceed 15 feet in height or 12 feet in diameter.
- (6) No portion of a satellite dish antenna shall contain any name, message, symbol or other graphic representation, with the exception of warning signs and manufacturers labels, unless it is located in a commercial or industrial district.
- (7) A satellite dish shall be a neutral color approved in writing in advance of installation by the zoning inspector.
- (8) A satellite dish antenna shall not be erected, constructed, or installed until a permit has been obtained from the zoning inspector in accordance with article II of this chapter, section 38-31. The application shall be accompanied by drawings showing the proposed method of erection, construction and installation, including details concerning anchoring, and by a site plan showing the proposed location of the satellite dish antenna, its proposed height and foundation details.

(Ord. No. 26, § 14.28, 5-8-1985; Ord. No. 204, § 15, 9-8-2021)

Sec. 38-492. - Sleeping quarters.

No travel trailer, boat, motor home, house trailer, bus, trailer home, camper, trailer coach, or similar transportable unit parked or stored on private or public property in the R-1, R-1.5, R-2, R-3, or R-4 zoning district shall be used as sleeping quarters, be connected to utilities or be used for human habitation in any manner. The same prohibition shall apply to such units in any other zoning district unless the unit is in a properly licensed and lawfully operated park or marina designed for use by such units, or unless the zoning inspector issues a permit authorizing specifically named individuals to use such a unit for a specifically designated period of time in a way which would otherwise violate the terms of this section.

(Ord. No. 30, § 9(14.29), 6-14-1989; Ord. No. 204, § 16, 9-8-2021)

Sec. 38-493. - Prohibition of marihuana establishments.

- (a) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "MRTMA"), are prohibited in all zoning districts, and shall not be permitted as home occupations under section 38-458.
- (b) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the MRTMA, that was engaged in prior to the enactment of this chapter or prior to the addition of this section to the chapter, shall be deemed to have been a legally established use under the provisions of this chapter; that use shall not be entitled to claim legal nonconforming status.
- (c) Violations of this section are subject to the violations and penalties pursuant to section 38-34 of this chapter and may be abated as nuisances.

(Ord. No. 191, § 1, 4-10-2019)

Sec. 38-494. - Short-term rentals.

Short-term rentals have historically been considered a commercial use, which have not historically been permitted in residential districts. Furthermore, the township is committed to preserving its neighborhoods' residential character, minimizing potential nuisances, and maintaining its small-town character and scenic beauty. It intends to protect its residents and visitors from the potentially negative or harmful effects that can arise from commercial rentals, including the potential impact on the appearance, tranquility, and standard of living in its prime residential areas.

However, the township also recognizes the potential benefits of tourism and additional lodging opportunities for visitors, as well as the financial benefit that short-term rentals can bring to property owners in the township. Therefore, the township wishes to obtain a balance between these considerations and allow short-term rentals as set forth in this chapter.

(Ord. No. 198, § 7, 3-11-2020)

Editor's note— Ord. No. 198, § 7, adopted March 11, 2020, enacted provisions intended for use as section 38-493. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as section 38-494.

Sec. 38-495. - Non-motorized pathways.

- (a) *Purposes.* Non-motorized pathways promote and provide for the public health, safety, and general welfare by achieving various public purposes.
 - (1) Non-motorized pathways provide a safer location for travel along streets for bicyclists and pedestrians, rather than the edge of a street.

- (2) Non-motorized pathways encourage and promote aerobic exercise.
 - (3) Non-motorized pathways conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian rather than utilizing a motor vehicle.
 - (4) Non-motorized pathways reduce traffic congestion by lowering the number of motor vehicles on a street.
 - (5) The township has invested significant resources developing non-motorized pathways, and linking new developments to existing non-motorized pathways will help create a multimodal community.
- (b) *Scope and applicability.* Non-motorized pathways shall be required along the entire site frontage of a street on a section line in the township (i.e. "section line street") for any site plan and any residential development (i.e., planned unit development, site condominium, subdivision, or any other development with more than two dwellings).
- (c) *Location.* Non-motorized pathways shall be located within the right-of-way of a section line street.
- (d) *Design standards.*
- (1) Non-motorized pathways shall meet the standards of the Allegan County Road Commission and American Association of State Highway and Transportation Officials (AASHTO); they shall be hard-surfaced according to the approval of the planning commission; and they shall be subject to approval by the township engineer. Specific AASHTO requirements may be waived or relaxed by the planning commission upon a finding that the public health, safety, and general welfare will be adequately protected.
 - (2) Residential developments shall provide one or more pedestrian connections to adjacent residential developments, as described above, unless determined by the planning commission to not be feasible.
 - (3) Non-motorized pathways shall consider universal design criteria to ensure access to disabled persons.
- (e) *Installation.*
- (1) No building permits shall be issued until the construction of any required non-motorized pathways along the entire site frontage of a section line street for any site plan and any residential development.
 - (2) In lieu of completing the non-motorized pathway construction, a performance guarantee may be allowed by the township for up to a two-year period if subsequent utility improvements or other construction activities would conflict with the non-motorized pathway.
 - (3) The planning commission has the option to not require a non-motorized pathway upon considering the following circumstances.
 - a. A non-motorized pathway already exists on the other side of the street.
 - b. The adjacent street has widened shoulders which connect to a nearby non-motorized pathway.
 - c. The property is industrially zoned, located within an industrial park, and is on a dead end street.
 - d. The proposed improvements to the lot are minor in nature and do not involve a new building or parking lot.
 - e. The non-motorized pathway, if constructed, would not connect to any other non-motorized pathway, and there are no non-motorized pathways constructed or planned to be constructed within the reasonably near future in the general area.

(Ord. No. 204, § 17, 9-8-2021)

Sec. 38-496. - Maximum occupancy of dwellings.

The maximum occupancy of a dwelling shall comply with the requirements of the International Property Maintenance Code, as adopted by the township.

(Ord. No. 204, § 18, 9-8-2021)

Secs. 38-497—38-522. - Reserved.

ARTICLE V. - VESSEL AND DOCK SAFETY

Footnotes:

--- (10) ---

State Law reference— *Marine safety, MCL 324.80101 et seq.; wetlands protection, MCL 324.30301 et seq.*

Sec. 38-523. - Intent and purpose.

- (a) The township after extensive deliberations, discussions and public hearings has recognized and concluded that the use of water resources situated within the township must be considered within the framework of the township's long term costs and benefits. Further, the township has concluded that it is desirable to retain and maintain the physical, cultural, and aesthetic characteristics of lakes within the township.
- (b) Pursuant to its deliberations, discussions and hearings, the township has concluded that a lack of regulation regarding the density of boats and docks on inland lakes within the township has resulted in a nuisance condition and an impairment of irreplaceable natural resources of the township. Further, the lack of regulation is resulting in the destruction of property values and constitutes a threat to the public health, safety and welfare of all persons utilizing the lakes within the township and occupying properties adjacent to the lakes within the township. Consequently, the township desires to adopt reasonable regulations regarding boat and dock density to protect the public health, safety, welfare, and the irreplaceable natural resources of the township.

(Ord. No. 65, § 1(14A.01), 11-10-1993)

Sec. 38-524. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Anchored rafts means all types of nonpowered rafts used for recreational purposes which are anchored seasonally on inland waters of this township.

Dock or *docking* means the mooring of a vessel directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore, and directly accessible to a separate frontage; and also means the regular anchoring of a vessel adjacent to a separate frontage.

Inland waters of this township means Goshorn Lake, Kelly Lake (also known as Tibbie Lake) and Gilligan Lake (also known as Hulst Lake).

Launch means the entry of a vessel into the inland waters of this township, but not including the entry of a vessel into the inland waters of this township from a public launch area approved or designated by the Michigan department of natural resources and environment.

Separate frontage means that portion of a lot or parcel of land existing on documentation recorded with the Allegan County Register of Deeds, which abuts or intersects with the high-water mark of inland waters of this township, whether such lot or parcel is owned by one or more persons. The length of a separate frontage shall be measured along the water's edge at the high-water mark of the lake. The measurement shall be made along a natural shoreline and shall not include any manmade channels, lagoons, canals or the like.

Vessel means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water including individual watercraft such as a kayak, paddleboat or jet ski.

Vessel census means the inventory of all vessels owned by current owners of record of each separate frontage.

(Ord. No. 65, § 1(14A.02), 11-10-1993; Ord. No. 105, § 25, 5-12-1999)

Sec. 38-525. - Vessel regulations.

- (a) Subject only to the provisions of this section, not more than one vessel shall be launched from and/or docked adjacent to each separate frontage at any one time. However, the limitation on docking shall not apply to vessels registered with the township during the vessel census.
- (b) If the continuous length of a separate frontage is greater than 150 feet, one additional vessel may be launched and/or docked for each 100 feet of continuous frontage in excess of the initial 150 feet.
- (c) Following the effective date of the ordinance from which this article is derived, no launching and/or docking shall be permitted with respect to a separate frontage of less than 100 feet. However, this provision shall not apply to lots or parcels constituting a legal building site recorded with the county register of deeds prior to the effective date of the ordinance amendment adding this article (i.e., November 16, 1993).
- (d) Owners of vessels registered with the township during the vessel census may replace registered vessels with other vessels of the same length, propulsion means, horsepower, style or type (i.e., sailboat, powerboat, canoe, etc.) and overall size so long as they remain owners of record of separate frontage. This provision shall not be construed to allow an owner of record at the time of the vessel census to increase the number of vessels exempted from the docking limitation in subsection (a) of this section beyond that number of vessels originally registered with the township by that owner during the vessel census. To constitute a vessel replacement within this provision, the new vessel must be acquired within 30 days of the sale or other disposition of the vessel originally registered with the township through the vessel census.

(Ord. No. 65, § 1(14A.03), 11-10-1993)

Sec. 38-526. - Dock regulations.

- (a) Subject to the provisions below, any seasonal dock extending from the shore shall not extend further than 40 feet into inland waters of the township.
- (b) Subject to the provisions below, prior to the construction or installation of any permanent dock subsequent to the effective date of the ordinance amendment adding this article (i.e., November 16, 1993), the owner of the separate frontage from which the proposed permanent dock would extend must submit the plans for the proposed permanent dock to the township and receive township authorization to construct or install the proposed permanent dock. Authorization will be withheld if the proposed permanent dock extends more than 40 feet from shore or is to extend from a separate frontage of less than 100 feet. (A permanent dock may be authorized to extend from a separate frontage which is less than 100 feet if the separate frontage is a lot or parcel constituting a legal building site recorded with the county register of deeds prior to the effective date of the ordinance amendment adding this article.)
- (c) For the purposes of computing the length of a dock, the measurement shall be from the high-water mark of the inland waters.
- (d) Docks in a place prior to the effective date of the ordinance amendment adding this article (i.e., November 16, 1993) shall be allowed to remain even if the length exceeds 40 feet.

(e) No dock shall be used as a marina, as that term is defined in section 30101 of Public Act No. 451 of 1994 (MCL 324.3010

(f) Anchored rafts shall not be used for vessel docking, launching or mooring purposes.

(Ord. No. 65, § 1(14A.04), 11-10-1993; Ord. No. 105, § 26, 5-12-1999)

Sec. 38-527. - Vessel census.

(a) The township shall promptly appoint a township official or employee to survey the current owners of record of each separate frontage to conduct the vessel census.

(b) When contacted by the township, each owner of record of a separate frontage shall submit a list of all vessels currently owned by that owner of record. This list shall include all vessel identifying information requested by the township. If the owner fails to respond to the township in a timely manner, the owner shall not benefit from the protection accorded to vessels included in the vessel census.

(Ord. No. 65, § 1(14A.05), 11-10-1993)

Secs. 38-528—38-547. - Reserved.

ARTICLE VI. - WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

Sec. 38-548. - Background.

(a) The township has received or expects to receive requests to site wireless communications towers and antennas within the township boundaries.

(b) The township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within the township boundaries.

(c) It is the intent of the township to permit the siting of wireless communications towers and antennas within the township boundaries.

(d) It is the intent of the township to protect and promote the public health, safety and welfare by regulating the siting of wireless communications towers and antennas.

(Ord. No. 95, § 3(14B.01), 11-12-1997)

Sec. 38-549. - Purpose.

The purpose of this article is to establish general guidelines for the siting of wireless communications towers and antennas.

The goals of this article are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in nonresidential areas;
- (3) Minimize the total number of towers throughout the township;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the township is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes their adverse visual impact

through careful design, siting, landscape screening, and innovative camouflaging techniques;

- (7) Enhance the ability of the providers of telecommunications services to provide such services to the township quickly, effectively, and efficiently;
- (8) Consider the public health and safety of the township and its residents; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the township shall give due consideration to its master land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Ord. No. 95, § 3(14B.02), 11-12-1997)

Sec. 38-550. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative tower structure means manmade trees, clock towers, bell steeples, lightpoles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means 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.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, 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.

Lattice tower means 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.

Preexisting tower and preexisting antenna means 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 article, 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.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting (i.e., without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(Ord. No. 95, § 3(14B.03), 11-12-1997)

Sec. 38-551. - Applicability.

- (a) *New towers and antennas.* All new towers or antennas in the township shall be subject to this article, except as otherwise provided in this section.
- (b) *Amateur radio station operators/receive only antennas; television antennas.* This article shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station or is used exclusively for receive only antennas, or is used for television reception.
- (c) *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this article, other than the requirements of section 38-552(f) and (g), and the requirements of this article concerning nonconforming uses.
- (d) *AM array.* For purposes of implementing this article, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(Ord. No. 95, § 3(14B.04), 11-12-1997)

Sec. 38-552. - General requirements.

- (a) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing building or structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (b) *Lot size.* For purposes of determining whether 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, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (c) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the zoning inspector 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 mile of the border thereof, including specific information about the location, height, and design of each tower or antenna. The zoning inspector may share such information with other applicants applying for permits under this article or other organizations seeking to locate towers or antennas within the jurisdiction of the township; provided, however, that the zoning inspector is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (d) *Aesthetics.* Towers and antennas shall meet the following requirements:
 - (1) 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.
 - (2) 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.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and 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.
- (e) *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.

- (f) *State or federal requirements.* All towers and antennas must meet or exceed current standards and regulations of 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 article shall, to the extent required by the FAA or the FCC, bring such towers and antennas into compliance with such revised standards and regulations within six 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 bring towers and antennas into compliance with such standards and regulations shall constitute grounds for the township to seek a court order, authorizing the township or designee to remove the tower or antenna at the owner's expense.
- (g) *State construction codes; safety standards.* To ensure the structural integrity of towers and antennas, the owner of a tower or antenna shall ensure that it is maintained in compliance with standards contained in applicable state construction codes and the applicable standards for towers and antennas that are published by the Electronic Industries Association, or any similar successor organization, as amended from time to time. If, upon inspection, the township believes that a tower or an antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then the township may proceed under Public Act No. 167 of 1917 (MCL 125.538 et seq.) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.
- (h) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the township irrespective of municipal and county jurisdictional boundaries.
- (i) *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (j) *Franchises.* Owners and/or operators of towers or antennas 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 and shall file a copy of all required franchises with the zoning inspector.
- (k) *Public notice.* For purposes of this article, any special use request, variance request, or appeal shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in section 38-555, table 2, in addition to any notice otherwise required by this chapter and the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (l) *Signs.* No signs or advertising shall be allowed on an antenna or tower.
- (m) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of section 38-556.
- (n) *Multiple antenna/tower plan.* The township encourages the users of towers and antennas to submit a single application for approval of as many towers and/or antenna sites as the users deem necessary to provide coverage for the particular use throughout the township. Applications for approval of multiple sites shall be given priority in the review process over applications for approval of single sites.
- (o) *Metal towers.* Metal towers shall be constructed with a corrosion-resistant material.
- (p) *No interference.* Towers and antennas shall not interfere with television or radio reception on surrounding properties.
- (q) *Paving requirements.* All parking and drive areas must be paved as provided in this article.

(Ord. No. 95, § 3(14B.05), 11-12-1997)

Sec. 38-553. - Permitted uses.

- (a) *Generally.* The uses listed in this section are deemed to be permitted uses 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 specifically permitted in any zoning district, 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 30 feet in height and which are located upon legally existing lattice electric transmission towers are permitted uses.

(Ord. No. 95, § 3(14B.06), 11-12-1997)

Sec. 38-554. - Administratively approved uses.

(a) *Generally.* The following provisions shall govern the issuance of administrative approvals for towers and antennas:

- (1) The zoning inspector may administratively approve the uses listed in this section.
- (2) Each applicant for administrative approval shall apply to the zoning inspector providing the information set forth in section 38-555(b)(1) and (3) and a nonrefundable fee as established by resolution of the township board to reimburse the township for the costs of reviewing the application.
- (3) The zoning inspector shall review the application for administrative approval and determine if the proposed use complies with section 38-552, as well as section 38-555(b)(4) and (5).
- (4) The zoning inspector shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the zoning inspector fails to respond to the applicant within 60 days, then the application shall be deemed to be approved.
- (5) In connection with any such administrative approval, the zoning inspector may, in order to encourage shared use, administratively reduce by up to 50 percent any zoning district setback requirements in section 38-555(b)(4) or separation distances between towers in 38-555(b)(5).
- (6) In connection with any such administrative approval, the zoning inspector may, in order to encourage the use of monopoles, administratively allow any existing tower to be reconstructed as a monopole.
- (7) If any administrative approval is denied, the applicant shall file an application for a special use permit pursuant to section 38-555 prior to filing any other appeal that may be available under this article or applicable law.

(b) *List of administratively approved uses.* The following uses may be approved by the zoning inspector after conducting an administrative review:

- (1) The zoning inspector may approve the location of a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna, in any industrial zoning district or the most intensive commercial zoning district provided in this chapter.
- (2) The zoning inspector may approve the location of antennas on existing structures or towers consistent with the terms of subsections (b)(2)a and b of this section.
 - a. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the zoning inspector as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided:
 1. The antenna does not extend more than 30 feet above the highest point of the structure;
 2. The antenna complies with all applicable FCC and FAA regulations; and
 3. The antenna complies with all applicable building and other construction codes;

- b. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the zoning minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antenn than one carrier on existing towers shall take precedence over the construction of new towers, provided such co accomplished in a manner consistent with the following:
1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning inspector allows reconstruction as a monopole.
 2. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna. This height change referred to in this subsection may only occur one time per communication tower. The additional height referred to in this subsection shall not require an additional distance separation as set forth in the section 38-555. The tower's premodification height shall be used to calculate such distance separations.
 3. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within 50 feet of its existing location. However, after the tower is rebuilt to accommodate collocation, only one tower may remain on the site. A relocated on-site tower shall continue to be measured from its original location for purposes of calculating separation distances between towers pursuant to section 38-555. The relocation of a tower pursuant to this subsection shall not be deemed to cause a violation of the section 38-555. However, the on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in the section 38-555 shall only be permitted when approved by the zoning inspector upon the zoning inspector's specific finding that the benefits of collocation outweigh the encroachment upon the residential units or residentially zoned land.
- c. The zoning inspector may approve the location of a new tower in a nonresidential zoning district other than an industrial district or the most intensive commercial zoning district, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the zoning inspector concludes the tower is in conformity with the goals set forth in the first section of this article and with the general requirements section of this article; the tower meets the setback requirements in and the separation distances in section 38-555; and the tower meets the following height and usage criteria:
1. For a single user, up to 90 feet in height;
 2. For two users, up to 120 feet in height; and
 3. For three or more users, up to 150 feet in height.
- d. The zoning inspector may approve the location of an alternative tower structure in a zoning district other than the industrial district or the most intensive commercial district if, in the judgment of the zoning inspector, the alternative tower structure conforms with the goals set forth in the first section of this article.
- e. The zoning inspector may approve the installation of a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wire-line systems, such as conventional cable or telephone wires, or through similar technology that does not require the use of towers.

(Ord. No. 95, § 3(14B.07), 11-12-1997)

Sec. 38-555. - Special use permits.

- (a) *Generally.* The following provisions shall govern the issuance of special use permits for towers or antennas by the

planning commission:

- (1) If the tower or antenna is not a permitted use by right or permitted administratively (i.e., pursuant to section 38-553 or 38-554), 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 special use procedures and requirements of this chapter, except as modified in this section.
- (3) In granting a special use permit, the planning commission may impose conditions to the extent the planning commission concludes such conditions 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.
- (5) An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the township board to reimburse the township for the costs of reviewing the application.

(b) *Processing special use applications.*

- (1) *Information required.* In addition to any information required for applications for special use permits pursuant to this chapter, applicants for a special use permit for a tower or an antenna shall submit the following information:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower or antenna, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master land use plan classification of the site and all properties within the applicable separation distances set forth in this section, 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 by the zoning inspector to be necessary to assess compliance with this chapter;
 - b. 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;
 - c. The setback distance between the proposed tower or antenna and the nearest dwelling, platted residentially zoned properties, and unplatted residentially zoned properties;
 - d. The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to section 38-552(c) shall be shown on an updated site plan or map, and the applicant shall also identify the type of construction of the existing tower or antenna, as well as the owner/operator of the existing tower or antenna, if known;
 - e. A landscape plan showing specific landscape materials;
 - f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination;
 - g. A description of compliance with the requirements of section 38-552, as well as with the requirements of this section, and with all applicable federal, state, county or township laws, rules, regulations and ordinances;
 - h. A notarized statement by the applicant as to whether construction of a tower will accommodate collocation of additional antennas for future users;
 - i. Identification of the entities providing the backhaul network for the tower described in the application and other cellular sites owned or operated by the applicant in the township;
 - j. A description of the suitability for the use of existing towers, antennas, other structures or alternative

- technology not requiring the use of towers or antennas or other structures to provide the services to be provided through the use of the proposed new tower or antenna; and
- k. A description of the feasible location 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 for consideration of special use permit applications pursuant to this chapter, specifically article II, division 3 of this chapter, the planning commission shall consider the following factors in determining whether to issue a special use permit under this article, although the planning commission may waive or reduce the burden on the applicant for one or more of these criteria if the planning commission concludes that the goals of this article are better served thereby:
- a. Height of the proposed tower or antenna;
 - b. Proximity of the tower or antenna to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing towers or antennas, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed in subsection (b)(3) of this section.
- (3) *Availability of suitable existing towers, antennas, other structures, or alternative technology.* No new tower or antenna shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower, antenna, structure or alternative technology can accommodate the applicant without the erection of the applicant's requested new tower or antenna. An applicant shall submit information requested by the planning commission related to the availability of suitable existing towers, antennas or other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, antenna, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- a. No existing towers, antennas or other structures are located within the geographical area which meet the applicant's engineering requirements.
 - b. Existing towers, antennas or other structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower, antenna or other structure or to adapt an existing tower, antenna or other structure for sharing are unreasonable. Costs exceeding new tower or antenna development are presumed to be unreasonable.

- f. The applicant demonstrates that there are other limiting factors that render existing towers, antennas and other unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers, antennas or other structures, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (4) *Setbacks.* The following setback requirements shall apply to all towers and antennas for which a special use permit is required:
- a. Towers must be set back a distance equal to at least 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.
 - b. Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.
- (5) *Separation.* The following separation requirements shall apply to all towers and antennas for which a special use permit is required:
- a. Separation from off-site uses/designated areas.
 - 1. 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.
 - 2. 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 ² |
| Single-family or two-family dwelling units ¹ | 200 feet or 300% height of 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 300% height of tower, whichever is greater |
| Other unimproved residentially zoned lands ³ | 100 feet or 100% height of tower, whichever is greater |
| Existing multiple-family dwelling units and mobile home parks | 100 feet or 100% height of tower, whichever is greater |
| Nonresidentially zoned lands or nonresidential uses, if not covered by any of the above categories | None; only setbacks apply |

¹ Includes modular homes and mobile homes used for living purposes.

² Separation measured from base of tower to closest building setback line.

³ Includes any unplatted residentially zoned properties without a preliminary subdivision plan or development approval and any land zoned for more intensive residential use than duplexes.

b. Separation distances between towers.

1. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting 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.

2. 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 | Guyed | Monopole 75 Feet in Height or Greater | Monopole Less than 75 Feet in Height |
| Lattice | 5,000 | 5,000 | 1,500 | 750 |
| Guyed | 5,000 | 5,000 | 1,500 | 750 |
| Monopole 75 feet in height or greater | 1,500 | 1,500 | 1,500 | 750 |
| Monopole less than 75 feet in height | 750 | 750 | 750 | 750 |

(6) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height. The towers shall also be equipped with appropriate anti-climbing devices.

(7) *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.

a. 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, single-family or two-family or multifamily, or included in a residential zoning district. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

b. 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 planning commission may conclude that natural growth around the property perimeter may be a sufficient buffer.

(Ord. No. 95, § 3(14B.08), 11-12-1997)

Sec. 38-556. - Buildings or other equipment storage.

- (a) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following requirements:
- (1) The cabinet or structure shall not contain more than 120 square feet of gross floor area or be more than ten feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 120 square feet of gross floor area or ten feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent of the roof area.
 - (3) Equipment storage buildings or cabinets shall comply with all applicable state construction codes.
- (b) *Antennas mounted on utility poles or lightpoles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following requirements:
- (1) In residential districts, the equipment cabinet or structure may be located:
 - a. In a front or side yard, provided the equipment cabinet or structure is no greater than eight feet in height or 80 square feet of gross floor area, and the cabinet structure is located a minimum of 20 feet from any side lot line (the cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42 inches and a planted height of at least 36 inches); or
 - b. In a rear yard, provided the equipment cabinet or structure is no greater than ten feet in height or 120 square feet in gross floor area, and the cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least eight feet and a planted height of at least 36 inches.
 - (2) In commercial or industrial districts, the equipment cabinet or structure shall be no greater than ten feet in height or 120 square feet in gross floor area (the structure or cabinet shall be screened by an evergreen hedge with an ultimate height of at least eight feet and a planted height of at least 36 inches).
 - (3) The equipment cabinet or structures shall be screened from view of any property used for residences or included in a residential zone and which abuts or is directly across the street from the cabinet or structure by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- (c) *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 120 square feet of gross floor area or be more than ten feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

(Ord. No. 95, § 3(14B.09), 11-12-1997)

Sec. 38-557. - Removal of abandoned antennas and towers.

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

(Ord. No. 95, § 3(14B.10), 11-12-1997)

Sec. 38-558. - Nonconforming uses.

Towers that are constructed and antennas that are installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

(Ord. No. 95, § 3(14B.11), 11-12-1997)

Secs. 38-559—38-579. - Reserved.

ARTICLE VII. - SPECIAL CONTROLLED USES

Sec. 38-580. - Background.

In the development and execution of this article, the township recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential area or community and neighborhood shopping areas, thereby having a deleterious effect upon such areas. It is also recognized that the controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special regulation of these uses within the C-2 General Business District and the I-1 Industrial District is therefore necessary to ensure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's neighborhood business areas. At the same time, these controls are intended to provide commercially viable locations within the township where these uses are considered more compatible and less deleterious. The controls do not legitimize activities that are otherwise illegal under this chapter or various other local, state and federal statutes.

(Ord. No. 102, § 1(14C.01), 12-9-1998)

Sec. 38-581. - Specific uses.

Uses subject to the special controls of this article are as follows:

- (1) Adult book and video stores;
- (2) Adult cabarets;
- (3) Adult motel;
- (4) Adult motion picture theaters;
- (5) Adult smoking or sexual paraphernalia store;
- (6) Escort agency;
- (7) Host or hostess establishment;
- (8) Massage parlors;
- (9) Nude artist and photography studios;
- (10) Open dancehall;
- (11) Sauna, hot tub, or other similar health or body improvement or enjoyment enterprise; and
- (12) Any combination of the foregoing.

(Ord. No. 102, § 1(14C.02), 12-9-1998)

Sec. 38-582. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Adult book or video store means any establishment having as a substantial or significant part of its stock for sale or display books, videos, magazines, or other periodicals which are distinguished or characterized by emphasis on depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, or an establishment with a segment or section devoted to the sale or display of such material.

Adult cabaret means a cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators or similar entertainers.

Adult motel means a hotel, motel, or similar commercial establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmitters, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas as defined in this section, and has a sign visible from the public right-of-way that advertises the availability of such adult type photographic reproductions;
- (2) Offers a sleeping room for rent for a period of time that is less than 24 hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 24 hours.

Adult motion picture theater means any establishment used for presenting motion pictures, videos or live performances distinguished or characterized by an emphasis on matter or actions depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons.

Adult smoking or sexual paraphernalia store means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

Cabaret means a cafe, restaurant, nightclub or bar where patrons are entertained by performers who dance or sing or play musical instruments.

Escort means 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.

Escort agency means a business association (including a person) which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Host or hostess establishment means an establishment offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

Massage means a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

Massage parlor means an establishment, excluding an establishment where massages are performed only by licensed health care professionals for therapeutic purposes, where persons conduct or permit to be conducted or performed massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding,

vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other parts of the human body, or any other means of preparations to provide relaxation or enjoyment to the recipient.

Nude artist and photography studio means any building, structure or premises, or any part, which offers as a principal or secondary activity the providing of models to display specified anatomical areas as defined in this section for artists, photographers or other persons for a fee or charge.

Nudity or state of nudity means the appearance without a complete and opaque covering of a human buttock, a human anus, human genitals, or human female breast below a point immediately above the top of the areola; or the appearance even with a complete and opaque covering of human male genitals in a discernibly turgid state.

Open dancehall means an establishment where open public dancing by patrons is available with partners furnished by the establishment.

Sauna, hot tub, or other similar health or body improvement or enjoyment enterprise means an establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for customers, with supervision or participation by employees or independent contractors of the business operating the establishment, but excluding any such establishment where such facilities are offered solely pursuant to a medically prescribed therapy program.

Semi-nude means a state of dress in which clothing provides a complete and opaque covering for not more than human buttocks, human anus, human genitals, and human female breasts below a point immediately above the top of the areola.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region; and
 - b. Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy;
- (3) Erotic fondling or other erotic touching of genitals, pubic region, buttock, or female breast.

(Ord. No. 102, § 1(14C.03), 12-9-1998)

Sec. 38-583. - Permitted uses.

Any of the regulated uses subject to this article are permitted only after a public hearing held by the planning commission with notice of that hearing given according to the rules for special uses pursuant to the Michigan zoning enabling act (MCL 125.3101 et seq.). The planning commission must make its determination concerning an application for any of the regulated uses within 75 days after the township receives the application. If a determination of the planning commission is appealed to the zoning board of appeals, the zoning board of appeals must make its determination within 75 days after the township receives the appeal. In order to grant approval to such a regulated use, the planning commission must find that all of the following conditions exist (the special use standards in article II, division 3 of this chapter shall not apply):

- (1) The property is located entirely within either the C-2 General Business District or the I-1 Industrial District.
- (2) The building or structure housing the use is located a minimum of 100 feet from the boundary of all AG, R-1, R-1.5, R-2, R-3 and R-4 districts, and a minimum of 300 feet from a residential use, regardless of the zoning for the

residential use.

- (3) The property is located a minimum of 500 feet from the property line of any public, private or religious primary or secondary school; public park; library or museum; public or licensed private day care or nursery school; or site of religious assembly or worship.
- (4) The use is not located within 1,000 feet of any other special controlled uses subject to this article.

(Ord. No. 102, § 1(14C.04), 12-9-1998; Ord. No. 204, § 19, 9-8-2021)

Sec. 38-584. - Conditions and limitations.

Prior to the granting of any approval under this article, the planning commission may impose any conditions or limitations upon the establishment's location, construction, maintenance, or operation as may, in the planning commission's judgment, be necessary for the protection of the public interest. Appropriate evidence and reasonable guarantees may be required as proof that the conditions or limitations stipulated will be fulfilled. Failure to follow any such condition or limitation will act to immediately terminate any approval granted under this article.

(Ord. No. 102, § 1(14C.05), 12-9-1998)

Sec. 38-585. - Limit on reapplication.

No application for a use regulated by this article which has been denied wholly or in part shall be resubmitted for a period of one year from the date of that order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

(Ord. No. 102, § 1(14C.06), 12-9-1998)

Secs. 38-586—38-603. - Reserved.

ARTICLE VIII. - ABOVE-GROUND UTILITY EQUIPMENT

Sec. 38-604. - Background.

- (a) Above-ground utility equipment exists in the township and the township has received or expects to receive requests to site, expand, rebuild, or install above-ground utility equipment within the township boundaries.
- (b) The township finds that it is in the public interest to permit the siting, expansion, rebuilding or installing of above-ground utility equipment within the township boundaries.
- (c) It is the intent of the township to permit the siting, expansion, rebuilding, or installing of above-ground utility equipment within the township boundaries.
- (d) It is the intent of the township to protect and promote the public health, safety and welfare by regulating the siting, expansion, rebuilding or installing of above-ground utility equipment.

(Ord. No. 112, § 5(14D.01), 11-8-2000)

Sec. 38-605. - Purpose.

The purpose of this article is to establish general guidelines for the siting of above-ground utility equipment. The goals of this article are to:

- (1) Protect residential areas and land uses from potential adverse impacts of above-ground utility equipment;
- (2) Encourage the location of above-ground utility equipment in nonresidential areas;
- (3) Minimize the total amount of above-ground utility equipment throughout the township;
- (4) Strongly encourage the joint use of new and existing above-ground utility equipment sites as a primary option rather than construction of additional above-ground utility equipment;
- (5) Encourage users of above-ground utility equipment to locate it, to the extent possible, in areas where the adverse impact on the township is minimal;
- (6) Encourage users of above-ground utility equipment to configure it in a way that minimizes its adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (8) Enhance the ability of the providers of utility services to provide such services to the township quickly, effectively, and efficiently;
- (9) Consider the public health and safety of the township and its residents; and
- (10) Avoid potential damage to adjacent properties from above-ground utility equipment through engineering and careful siting of above-ground utility equipment.

In furtherance of these goals, the township shall give due consideration to its master land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of above-ground utility equipment.

(Ord. No. 112, § 5(14D.02), 11-8-2000)

Sec. 38-606. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Above-ground utility equipment includes all equipment of any kind through or because of which, in whole or in part, a utility service provider is able to provide utility services to any person or entity and which equipment is located or installed, in whole or in part, above the natural grade or topography of the location at which the equipment is located or installed.

Above-ground utility equipment site means, unless defined to be a specific legally described area in an application filed pursuant to this article, the location of the above-ground utility equipment, supporting buildings, and/or supporting equipment together with the property within a radius of five feet.

Final distribution connection means the above-ground utility equipment that serves only the purpose of connecting the final end consumer of the utility to other equipment owned or operated by the utility service provider.

Height, when referring to above-ground utility equipment, means the distance measured from the finished grade of the parcel at the base of the installed above-ground utility equipment to the highest point on the above-ground utility equipment.

Multiple use above-ground utility equipment means any above-ground utility equipment utilized by more than one utility service provider.

Preexisting above-ground utility equipment means any above-ground utility equipment existing prior to the effective date of the ordinance from which this article is derived.

Rebuilt above-ground utility equipment. Above-ground utility equipment shall constitute rebuilt above-ground utility equipment if, during maintenance or otherwise, 50 percent or more of the then existing above-ground utility equipment is replaced or upgraded or the then existing above-ground utility equipment is expanded or enlarged by 50 percent or more.

Supporting buildings means those structures which are designed, intended, constructed, or utilized primarily for the proper operation, maintenance, and use of associated or connected above-ground utility equipment.

Supporting equipment means equipment designed, installed, or maintained primarily for the proper operation, maintenance, and use of associated or connected above-ground utility equipment.

Utility service provider means any individual, company, partnership, corporation, limited liability company, sole proprietorship, or other business entity of any kind or nature, public or private, which provides to any person or entity, utility service including but not limited to electric, telecommunications, telephone, cable television, Internet, natural gas, water and/or sanitary sewer.

(Ord. No. 112, § 5(14D.03), 11-8-2000)

Sec. 38-607. - Applicability.

- (a) *Above-ground utility equipment.* All new above-ground utility equipment or rebuilt above-ground utility equipment in the township shall be subject to this article, as may be amended from time to time.
- (b) *Preexisting above-ground utility equipment.* Preexisting above-ground utility equipment shall not be required to meet the requirements of this article, other than the requirements of section 38-608(d) and (e).

(Ord. No. 112, § 5(14D.04), 11-8-2000)

Sec. 38-608. - General requirements.

- (a) *Lot size.* For purposes of determining whether the installation of above-ground utility equipment complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the above-ground utility equipment may be located on leased parcels within such lot.
- (b) *Inventory of existing sites.* Each applicant for above-ground utility equipment shall provide to the zoning inspector an inventory of its above-ground utility equipment or sites approved for above-ground utility equipment, that are either within the jurisdiction of the township or within 100 feet of the border thereof, including specific information about the location, height, and design of such above-ground utility equipment. The zoning inspector may share such information with other applicants applying for permits under this article or other organizations seeking to locate above-ground utility equipment within the jurisdiction of the township, provided, however, that the zoning inspector is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (c) *Aesthetics.* Above-ground utility equipment shall meet the following requirements:
 - (1) Above-ground utility equipment shall be designed, constructed and maintained so as to reduce visual obtrusiveness.
 - (2) At an above-ground utility equipment site, the design of the above-ground utility equipment 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.
 - (3) If above-ground utility equipment is installed on a structure, the above-ground utility 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 above-ground utility equipment as visually unobtrusive as possible.
- (d) *State or federal requirements.* All above-ground utility equipment must meet or exceed current standards and regulations of the all agencies of the state or federal government with the authority to regulate above-ground utility equipment. If such standards and regulations are changed, then the owners of above-ground utility equipment

governed by this article shall, to the extent required by such agencies, bring such above-ground utility equipment into compliance with such revised standards and regulations within six 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 bring above-ground utility equipment into compliance with such revised standards and regulations shall constitute grounds for the township to seek a court order, authorizing the township or its designee to remove the above-ground utility equipment at the owner's expense and without liability to the owner of the above-ground utility equipment.

- (e) *State construction codes; safety standards.* To ensure the structural integrity of above-ground utility equipment, the owner of above-ground utility equipment shall ensure that it is maintained in compliance with standards contained in applicable state construction codes and the applicable standards for above-ground utility equipment that are published by the appropriate nationally recognized organization, as amended from time to time. If, upon inspection, the township believes that above-ground utility equipment fails to comply with such codes and standards and constitutes a danger to persons or property, then the township may proceed under Public Act No. 167 of 1917 (MCL 125.538 et seq.) or common law to bring the above-ground utility equipment into compliance or to remove the above-ground utility equipment at the owner's expense and without any liability of the township to the owner.
- (f) *Measurement.* For purposes of measurement, above-ground utility equipment setback distance shall be calculated and applied to facilities located in the township irrespective of municipal and county jurisdictional boundaries.
- (g) *Essential services.* Above-ground utility equipment shall be regulated and permitted pursuant to this chapter and shall be considered as essential services, pursuant to section 38-466.
- (h) *Franchises and permits.* Owners and/or operators of above-ground utility equipment shall obtain and maintain all franchises required by law for the construction and/or operation of above-ground utility equipment.
- (i) *Public notice.* For purposes of this article, any special use request, variance request, or appeal shall require public notice to all abutting property owners and all property owners of properties that are located within 300 yards of the boundary of the above-ground utility equipment, in addition to any notice otherwise required by this article and the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (j) *Signs.* No signs or advertising shall be allowed on above-ground utility equipment other than signs designed to identify the above-ground utility equipment, its ownership, emergency information and necessary safety information.
- (k) *Buildings and support equipment.* Buildings and support equipment associated with above-ground utility equipment shall comply with all applicable requirements of this chapter.
- (l) *Multiple above-ground utility equipment plan.* The township encourages the users of above-ground utility equipment to submit a single application for approval of as many above-ground utility equipment sites as the users deem necessary to provide coverage for the particular use throughout the township.
- (m) *No interference.* Above-ground utility equipment shall not interfere with television or radio or telephone reception.
- (n) *Paving requirements.* All parking and drive areas must be paved, as provided in this chapter.

(Ord. No. 112, § 5(14D.05), 11-8-2000)

Sec. 38-609. - Permitted uses.

- (a) *Generally.* The uses listed in this section are deemed to be permitted uses and shall not require a special use permit.
- (b) *Permitted uses.* Above-ground utility equipment which is less than six feet in height or consists of only final distribution connections and/or meters is specifically permitted in any zoning district, provided a franchise authorizing such above-ground utility equipment has been approved by the township. This provision shall not be

interpreted to require the township to approve a franchise.

(Ord. No. 112, § 5(14D.06), 11-8-2000)

Sec. 38-610. - Administratively approved uses.

- (a) *Generally.* The following provisions shall govern the issuance of administrative approvals for above-ground utility equipment.
- (1) The zoning inspector may administratively approve the uses listed in this section.
 - (2) Each applicant for administrative approval shall apply to the zoning inspector providing the information set forth in sections 38-611(b)(1) and (3) and a nonrefundable fee as established by resolution of the township board to reimburse the township for the costs of reviewing the application.
 - (3) The zoning inspector shall review the application for administrative approval and determine if the proposed use complies with the general requirements of this subsection, as well as sections 38-611(b)(4) and(b)(5).
 - (4) The zoning inspector shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the zoning inspector fails to respond to the applicant within 60 days, then the application shall be deemed to be approved.
 - (5) In connection with any such administrative approval, the zoning inspector may, in order to encourage the use of multiple use above-ground utility equipment, administratively allow any existing above-ground utility equipment to be reconstructed as multiple use above-ground utility equipment.
 - (6) If any administrative approval is denied, the applicant shall file an application for a special use permit pursuant to the section 38-611 prior to filing any other appeal that may be available under this article or applicable law.
- (b) *List of administratively approved uses.* The following uses may be approved by the zoning inspector after conducting an administrative review:
- (1) The zoning inspector may approve the location of above-ground utility equipment, including the placement of supporting buildings or supporting equipment used in connection with the above-ground utility equipment, in any industrial zoning district or the most intensive commercial zoning district provided in this article.
 - (2) The zoning inspector may approve the location of above-ground utility equipment on an existing above-ground utility equipment site consistent with the terms of subsection (b)(2)a and b of this section.
 - a. Above-ground utility equipment on existing structures. Any above-ground utility equipment which is not attached to any supporting building or supporting equipment may be approved by the zoning inspector as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units; provided:
 1. The above-ground utility equipment does not extend more than five feet above the highest point of the structure;
 2. The above-ground utility equipment complies with all applicable state and/or federal regulations; and
 3. The above-ground utility equipment complies with all applicable building, electrical and other construction codes.
 - b. Above-ground utility equipment on existing above-ground utility equipment sites. Above-ground utility equipment which is to be attached to an existing above-ground utility equipment site may be approved by the zoning inspector. To minimize adverse visual impacts associated with the proliferation and clustering of above-ground utility equipment, collocation of above-ground utility equipment by more than one utility

service provider on existing above-ground utility equipment sites shall take precedence over the construction of new above-ground utility equipment, provided such collocation is accomplished in a manner consistent with the following:

1. Above-ground utility equipment which is modified or reconstructed to accommodate the collocation of additional equipment shall be of the same type as the existing equipment, unless the zoning inspector allows reconstruction in another form.
 2. Above-ground utility equipment may be modified or rebuilt to a taller height, not to exceed ten feet over the equipment's existing height, to accommodate the collocation of additional equipment. This height change referred to in this subsection may only occur one time per each above-ground utility equipment site.
 3. Above-ground utility equipment which is being rebuilt to accommodate the collocation of additional above-ground utility equipment may be moved on site within 50 feet of its existing location. However, after the equipment is rebuilt to accommodate collocation, only one above-ground utility equipment may remain on the site. The relocation of equipment pursuant to this subsection shall not be deemed to cause a violation of section 38-611.
- c. The zoning inspector may approve the location of new above-ground utility equipment, provided a licensed professional engineer certifies the above-ground utility equipment can structurally accommodate the number of shared users proposed by the applicant; the zoning inspector concludes the above-ground utility equipment is in conformity with the goals set forth in this article and with the general requirements of subsection (a) of this section; and the equipment meets the following height and usage criteria:
1. For a single utility service provider, up to 25 feet in height;
 2. For two utility service providers, up to 35 feet in height; and
 3. For three or more utility service providers users, up to 45 feet in height.
- d. The zoning inspector may approve the location of alternative above-ground utility equipment in a zoning district if, in the judgment of the zoning inspector, the alternative above-ground utility equipment site conforms with the goals set forth in this article.

(Ord. No. 112, § 5(14D.07), 11-8-2000)

Sec. 38-611. - Special use permits.

- (a) *Generally*. The following provisions shall govern the issuance of special use permits by the planning commission for above-ground utility equipment:
- (1) If the above-ground utility equipment is not a permitted use by right or permitted administratively (i.e., pursuant to either section 38-609 or 38-610), then a special use permit shall be required for the construction of above-ground utility equipment in any zoning district.
 - (2) Applications for special use permits under this section shall be subject to the special use procedures and requirements of this chapter, except as modified in this section.
 - (3) In granting a special use permit, the planning commission may impose conditions to the extent the planning commission concludes such conditions are necessary to minimize any adverse effect of the proposed above-ground utility equipment 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 above-ground utility

equipment will be structurally sound and will comply with all applicable building, electrical and other construction code requirements.

- (5) An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the township board to reimburse the township for the costs of reviewing the application.

(b) *Processing special use applications.*

- (1) *Information required.* In addition to any information required for applications for special use permits pursuant to this chapter, applicants for a special use permit for above-ground utility equipment shall submit the following information:

- a. A scaled site plan clearly indicating the appearance, location, type and height of the proposed above-ground utility equipment, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master land use plan classification of the site and all properties within 300 yards from the boundaries of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed above-ground utility equipment and any other structures, topography, parking, and other information deemed by the zoning inspector to be necessary to assess compliance with this chapter;
- b. Legal description of the above-ground utility equipment site and the leased portion of the above-ground utility equipment site (if applicable), together with a copy of the deed or lease pertaining to that above-ground utility equipment site;
- c. The setback distance between the proposed above-ground utility equipment and the nearest dwelling, platted residentially zoned properties, and unplatted residentially zoned properties;
- d. The identity of the type of construction of the existing above-ground utility equipment as well as the owner/operator of the existing above-ground utility equipment, if known;
- e. A landscape plan showing specific landscape materials;
- f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination;
- g. A description of compliance with the requirements of the general requirements of section 38-610(a) as well as with the requirements of this section, and with all applicable federal, state, county or township laws, rules, regulations and ordinances;
- h. A notarized statement by the applicant as to whether construction of above-ground utility equipment will accommodate collocation of additional equipment for future users;
- i. A description of the suitability for the use of existing above-ground utility equipment or other structures or alternative technology not requiring the use of above-ground utility equipment or other structures to provide the services to be provided through the use of the proposed new above-ground utility equipment; and
- j. A description of the anticipated location of future above-ground utility equipment within the township based upon existing physical, engineering, technological or geographical limitations in the event the proposed above-ground utility equipment is erected.

- (2) *Factors considered in granting special use permits for above-ground utility equipment.* In addition to any other standards for consideration of special use permit applications pursuant to this chapter, specifically article II, division 3 of this chapter, the planning commission shall consider the following factors in determining whether to issue a special use permit under this article, although the planning commission may waive or reduce the burden on the applicant for one or more of these criteria if the planning commission concludes that the goals of this article are better served thereby:

- a. Height of the proposed above-ground utility equipment;
 - b. Proximity of the above-ground utility equipment to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the above-ground utility equipment, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing above-ground utility equipment, other structures, or alternative technologies not requiring the use of above-ground utility equipment or other structures, as discussed in subsection (b)(3) of this section.
- (3) *Availability of suitable existing above-ground utility equipment other structures, or alternative technology.* No new above-ground utility equipment shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing above-ground utility equipment structure or alternative technology can accommodate the applicant without the erection of the applicant's requested new above-ground utility equipment. An applicant shall submit information requested by the planning commission related to the availability of suitable existing above-ground utility equipment or other structures or alternative technology. Evidence submitted to demonstrate that no existing above-ground utility equipment structure or alternative technology can accommodate the applicant's proposed equipment may consist of any of the following:
- a. No existing above-ground utility equipment or other structures are located within the geographical area which meet the applicant's engineering requirements.
 - b. Existing above-ground utility equipment is not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing equipment or other structures do not have sufficient structural strength to support the applicant's proposed above-ground utility equipment.
 - d. The fees, costs, or contractual provisions required by the owner in order to share any existing above-ground utility equipment or other structure or to adapt existing equipment or other structure for sharing are unreasonable.
 - e. The applicant demonstrates that there are other limiting factors that render existing equipment and other structures unsuitable.
 - f. The applicant demonstrates that an alternative technology that does not require the use of above-ground utility equipment or other structures is unsuitable. Costs of alternative technology that exceed new above-ground utility equipment development shall not be presumed to render the technology unsuitable.
- (4) *Security fencing.* Above-ground utility equipment sites shall be enclosed by security fencing, appropriate anti-climbing devices, and/or danger and no trespassing signs as required by applicable state and federal laws or regulations or as required by the planning commission.
- (5) *Landscaping.* The planning commission may require the following landscaping surrounding above-ground utility equipment sites for which a special use permit is required. The required landscaping shall be maintained for the duration of the special use permit.
- a. A buffer of plant materials shall be maintained that effectively screens the view of the equipment compound from property then used for dwellings, single-family or two-family or multifamily, or included in a residential

zoning district. A landscaped strip at least six feet wide outside the perimeter of the above-ground utility equipment site shall be considered a standard buffer.

- b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as above-ground utility equipment sites located on large wooded lots, the planning commission may conclude that natural growth around the property perimeter may be a sufficient buffer.

(Ord. No. 112, § 5(14D.08), 11-8-2000)

Sec. 38-612. - Above-ground utility equipment mounted on structures or rooftops.

Any equipment cabinet or structure used in association with above-ground utility equipment shall comply with the following requirements.

- (1) The cabinet or structure shall not contain more than 20 square feet of gross floor area or be more than five feet in height.
- (2) If the above-ground utility equipment is located on the roof of a building, the area of the above-ground utility equipment shall not occupy more than ten percent of the roof area.
- (3) Above-ground utility equipment supporting buildings and/or cabinets containing above-ground utility equipment shall comply with all applicable state construction codes.

(Ord. No. 112, § 5(14D.09), 11-8-2000)

Sec. 38-613. - Removal of abandoned above-ground utility equipment.

Notwithstanding anything to the contrary in this chapter, any above-ground utility equipment that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such above-ground utility equipment shall remove it within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure to remove abandoned above-ground utility equipment within those 90 days shall be grounds for the township to proceed under applicable state law to remove the above-ground utility equipment at the owner's expense. If there are two or more users of a single item of above-ground utility equipment, then this provision shall not become effective until all users cease using the above-ground utility equipment.

(Ord. No. 112, § 5(14D.10), 11-8-2000)

Sec. 38-614. - Nonconforming uses.

Above-ground utility equipment that is constructed and installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

(Ord. No. 112, § 5(14D.11), 11-8-2000)

Sec. 38-615. - Integration.

- (a) *Existing franchises.* The provisions of this article shall govern the placement, utilization and removal of above-ground utility equipment within the township so long as such provisions are not in conflict with any duly authorized and executed franchise agreement existing as of the effective date of the ordinance from which this article is derived. If

any provision of this article is found to be in conflict with such duly authorized and executed franchise agreement in existence at the effective date of the ordinance from which this article is derived, the terms of the franchise agreement shall govern only to the extent of the conflict.

- (b) *Future franchises*. Subsequent to the effective date of the ordinance from which this article is derived, all franchise agreements shall be subordinate to the terms of this article.

(Ord. No. 112, § 5(14D.12), 11-8-2000)

Secs. 38-616—38-633. - Reserved.

ARTICLE IX. - WIND ENERGY CONVERSION SYSTEMS

Sec. 38-634. - Purpose.

The purpose of this article is to establish standards and procedures by which the installation and operation of a wind energy conversion system (WECS) shall be governed within the township as a special use.

(Ord. No. 144, § 2(14E.01), 2-14-2007)

Sec. 38-635. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person who applies for township approval under this article as well as the applicant's successor, assign and/or transferee of any approved WECS or testing facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or testing facility. The duties and obligations regarding zoning approval for any approved WECS or testing facility shall be with the owner of the WECS or testing facility, and jointly and severally with the operator or lessee of the WECS or testing facility, if different than the owner.

Interconnected WECS means a WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

Testing facility means a structure and the equipment used to determine the potential for the placement of a WECS.

WECS height means the distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade) to the highest point of the WECS (i.e., the tip of the blade, when the blade is in the full vertical position).

Wind energy conversion system (WECS) means a combination of:

- (1) A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power;
- (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy and overspeed control to limit the speed of blade revolution to below the design limits of the WECS;
- (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted; and

(5) Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS or testing facility shall be allowed only in the AG and I-1 zoning districts.
(Ord. No. 144, § 2(14E.02), 2-14-2007)

Sec. 38-636. - Applicability.

- (a) WECS and testing facilities. These structures may be allowed as a special use, subject to the regulations and requirements of this article and the review procedures, standards and criteria of article II, division 3 of this chapter.
- (b) WECS and testing facilities used for commercial purposes (i.e., commercial WECS and testing facilities) shall be allowed only in the AG and I-1 zoning districts.
- (c) Commercial WECS and testing facilities produce electrical energy which is primarily sold to consumers located beyond the lots where commercial WECS and testing facilities are located.
- (d) WECS and testing facilities used for private purposes (i.e., private WECS and testing facilities) shall be allowed in any zoning district.
- (e) Private WECS and testing facilities produce electrical energy which is primarily consumed by uses on the lots where the private WECS or testing facilities are located.

(Ord. No. 144, § 2(14E.03), 2-14-2007)

Sec. 38-637. - Site plan requirements.

All applications for a WECS or testing facility special use approval shall be accompanied by a final site plan drawn to scale and displaying all of the following information:

- (1) All requirements for a final site plan contained in article II, division 2 of this chapter shall also be met.
- (2) All lot lines and dimensions, including a legal description, shall be provided.
- (3) Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above-ground structures associated with the WECS or the testing facility shall be shown.
- (4) Location and height of all adjacent buildings, structures, and above-ground utilities and equipment located within 300 feet of the exterior boundaries of the lot where the proposed WECS or testing facility will be located shall be shown. Specific distances to other on-site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot involved as well as within 1,000 feet of the boundaries of the lot, shall be shown, whether to be utilized or not with the WECS or testing facility. The planning commission may waive this requirement for private WECS or testing facilities.
- (5) Separation distances shall be shown for the WECS or testing facility from all other structures located on the lot where the WECS or testing facility will be located.
- (6) Elevation shall be shown on the lot on which the WECS or testing facility shall be located, accurately depicting the proposed WECS or testing facility location and its relationship to the elevation of all existing and proposed buildings and structures within 300 feet of the proposed WECS or testing facility. The planning commission may waive this requirement for private WECS or testing facilities.
- (7) The access driveway to the WECS and any testing facility shall be shown, together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed driveway. The planning commission may waive this requirement for private WECS or testing facilities.
- (8) Planned security measures to prevent unauthorized trespass and access shall be described. The planning

commission may waive this requirement for private WECS or testing facilities.

- (9) The applicant shall provide to the township a written description of the maintenance program to be used to maintain the WECS and any testing facility. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS or testing facility become obsolete or abandoned. The planning commission may waive this requirement for private WECS or testing facilities.

- (10) The applicant shall provide such additional information as is reasonably required by the planning commission.

(Ord. No. 144, § 2(14E.04), 2-14-2007)

Sec. 38-638. - State construction code compliance.

- (a) The WECS and any testing facility shall be designed and installed in full compliance with the state construction code. A copy of the manufacturer's installation instructions and blueprints shall be provided to the township for the WECS and any testing facility. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECS and support structures, and any testing facility and support structures, including tower, base and foundations. Engineering data and calculations shall be provided to demonstrate compliance with the structural design provisions of the state construction code. Soil borings extended to a minimum depth of ten feet below the base of the proposed foundations should be provided as the basis for foundation design. Drawings and engineering calculations shall be certified by a registered engineer licensed in the state.
- (b) Electrical equipment and connections for the WECS and any testing facility shall be designed and installed in full compliance with the applicable local, state and national electrical codes such as the state construction code, American National Standards Institute (ANSI) and Underwriters Laboratory (UL) and relevant international standards. A copy of the manufacturer's installation instructions and blueprints shall be provided to the township.

(Ord. No. 144, § 2(14E.05), (14E.06), 2-14-2007)

Sec. 38-639. - Design standards.

- (a) *WECS height.* The permitted maximum of the WECS height for commercial WECSs shall be 300 feet, including the blade in the vertical position. For a private WECS, the maximum height shall be 100 feet.
- (1) State and federal regulations may require a lesser maximum for WECS height.
- (2) The applicant shall submit the proposed WECS design to the Federal Aviation Administration (FAA) for comments or required approval.
- (3) As a condition of approval, the township may require a lesser WECS height if reasonably necessary to comply with the special use standards in this article or in article II, division 3 of this chapter.
- (4) A WECS shall be constructed with a tubular tower, not a lattice tower.
- (b) *Testing facility height.* The testing facility height for commercial testing facilities, measured from the ground (at normal grade) to the highest point of the testing facility (i.e., the tip of the blade, when the blade is in the full vertical position), shall be no greater than 110 percent of the WECS' tower height. For private testing facilities, the maximum shall be 110 percent of the WECS' tower height.
- (c) *Setbacks.* No part of a WECS or a testing facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. The setback for placement of a WECS or a testing facility shall be at least 110 percent of the WECS tower height from each property line of the lot where the structure is located and at least

110 percent of the WECS' tower height feet from any public road right-of-way. Furthermore, no WECS or testing facility shall be located within 110 percent of the WECS tower height feet of the high-water mark of Lake Michigan.

- (d) *Rotor or blade clearance.* Blade arcs created by a WECS shall have a minimum of 75 feet of clearance over and from any structure, building, adjoining property or tree. The minimum rotor or blade clearance above ground level shall be 30 feet.
- (e) *Rotor or blade safety.* Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80 percent of the design limits of the rotor.
- (f) *Tower access.* To prevent unauthorized climbing, a WECS and a testing facility must comply with at least one of the following provisions.
- (1) Tower climbing apparatus shall not be located within 12 feet of the ground.
 - (2) A locked anti-climb device shall be installed and maintained.
 - (3) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high.
- (g) *Signs.* Each WECS and testing facility shall have one sign, not to exceed two square feet in area, posted at the base of the tower. However, if the WECS or testing facility is fenced, the sign shall be placed on the fence. The sign shall contain at least the following information:
- (1) High voltage warning;
 - (2) Manufacturer's name;
 - (3) Emergency numbers (list more than one number);
 - (4) Emergency shutdown procedures; and
 - (5) Any sign regulated by the Federal Aviation Administration (FAA) shall include a precise location description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over the township.
- (h) *Lighting.* A lighting plan for each WECS and testing facility shall be subject to the approval of the planning commission as part of the special use approval procedure. The plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. The plan shall include but not be limited to the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights and a strobe effect created by the rotating blades and lights are prohibited.
- (i) *Electromagnetic interference.*
- (1) Prior to the issuance of a building permit, the manufacturer shall provide sufficient data and documentation to establish that the installation will not cause electromagnetic interference to any property owner or resident.
 - (2) The WECS installation shall comply with the regulations of the Federal Communications Commission, or any successor agency, currently located at 47 CFR 15.
 - (3) Upon the complaint of any property owner or resident, an investigation shall be performed by an agent of the township. The agent shall submit a report of the agent's findings to the planning commission for review and evaluation. A fee for the report shall be established by the planning commission. After review and evaluation of the report, the planning commission shall determine if the installation causes electromagnetic interference to any property owner or resident. The fee for the report shall be paid by the complainant, unless the planning commission determines that there is electromagnetic interference to a property owner or resident, in which case the owner of the WECS shall pay the fee.
 - (4) If electromagnetic interference is caused by the installation of a WECS, the installation shall be deemed a public nuisance. The violation shall be corrected within 90 days from the date of notification. If the electromagnetic

interference cannot be remedied, the WECS shall be removed or relocated.

(j) *Noise control.*

- (1) For a commercial WECS or testing facility, a baseline noise emission study of the proposed site and the noise impact upon all areas within one mile of the proposed WECS or testing facility location must be completed (at the applicant's cost) prior to any placement of a WECS or a testing facility, and then submitted to the township. At the time of a special use application the applicant must also provide estimated noise levels at each property line for the lot where the WECS or testing facility is proposed to be located. Prior to the issuance of a building permit, the WECS manufacturer shall provide sufficient data and documentation to establish that the WECS will not produce noise levels in excess of those stipulated in the following table:

| Ambient Reading Without Windmill (decibels) | Maximum Permitted Reading with Windmill Operating (decibels) |
|---|--|
| 45 | 55.4 |
| 50 | 56.2 |
| 55 | 61.0 |
| 60 | 61.2 |
| 65 | 65.4 |

- (2) Decibel level readings shall be measured at the closest property line to the WECS.
 - (3) After the WECS has been approved and installed, sound measurement shall be performed to determine ambient and operating decibel levels. The sound level shall be measured on a sound level meter using the A-weighting network.
 - (4) Upon the complaint of a property owner or resident, ambient and maximum permitted decibel measurements shall be performed by an agent designated by the planning commission. The agent shall submit recorded sound measurements to the planning commission for review and evaluation. A fee for the service shall be established by the planning commission. The fee shall be paid for by the complainant unless maximum permitted decibel readings have been exceeded, in which case the WECS owner shall pay the fee.
 - (5) If maximum readings are exceeded, the installation shall be considered a public nuisance. The violation shall be corrected within 90 days from the date of notification. If the noise violation cannot be remedied, the WECS shall be removed or relocated.
- (k) *Utility company interconnection (interconnected WECS).* All distribution lines from the interconnected WECS to the electrical grid connection shall be located and maintained underground (both on the lot where the WECS will be located and off-site). The planning commission may waive the requirement that distribution lines for the interconnected WECS which are located off-site be located and maintained underground if the planning commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

(Ord. No. 144, § 2(14E.07), 2-14-2007)

Sec. 38-640. - Approval standards.

In addition to other requirements and standards contained in this article, the planning commission shall not approve any WECS or testing facility unless it finds that all of the following standards are met:

- (1) The general special use standards in section 38-91; and

- (2) The WECS and testing facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjacent properties or area wildlife.

(Ord. No. 144, § 2(14E.08), 2-14-2007)

Sec. 38-641. - Water pumping and ornamental wind devices.

Water pumping and ornamental wind devices which are not WECS shall be exempt from this article, so long as they do not exceed the height limitations for permitted accessory structures (i.e., those permitted as of right) within the zoning district where they will be located. Such devices may also be regulated by other provisions of this chapter.

(Ord. No. 144, § 2(14E.09), 2-14-2007)

Sec. 38-642. - Inspections.

The township shall have the right upon issuing any WECS or testing facility special use permit to inspect the lot on which the WECS or testing facility is located at all reasonable times. The township may hire a consultant to assist with any such inspections at the applicant's cost.

(Ord. No. 144, § 2(14E.10), 2-14-2007)

Sec. 38-643. - Good repair and condition.

Each WECS and testing facility must be kept and maintained in good repair and condition at all times. If a WECS or testing facility is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each commercial WECS and testing facility which the township can review on a monthly basis, or a more frequent basis if circumstances warrant.

(Ord. No. 144, § 2(14E.11), 2-14-2007)

Sec. 38-644. - Abandonment.

Any WECS or testing facility which is not used for nine successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the lot. All above and below ground materials must be simultaneously removed. The ground must be restored to its original condition within 60 days of abandonment. The zoning inspector may grant extensions to these deadlines if good cause is shown.

(Ord. No. 144, § 2(14E.12), 2-14-2007)

Sec. 38-645. - Security.

If a special use is approved pursuant to this article, the planning commission may require security in the form of a cash deposit, surety bond, or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the township), which will be furnished by the applicant to the township in order to ensure full compliance with this article and any conditions of approval. When determining the amount of the required security, the township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). The financial guarantee shall be deposited or filed with the township clerk after a special use has been approved but before construction commences upon a WECS or testing facility. At a minimum, the financial security shall be in an amount determined by the township to be sufficient to have the WECS or testing facility fully removed (and all components properly disposed of and the land returned to its original state) should the structure or structures become abandoned, dangerous or obsolete, or not in

compliance with this article or the special use approval. The financial security shall be kept in full force and effect during the entire time while a WECS or testing facility exists or is in place. The financial security shall be irrevocable and noncancelable (except by the written consent of both the township and the then-owner of the WECS or testing facility). Failure to keep such financial security in full force and effect at all times while a WECS or testing facility exists or is in place shall constitute a material and significant violation of a special use approval and this article, and will subject the applicant to all available remedies for the township, including possible enforcement action and revocation of the special use approval.

(Ord. No. 144, § 2(14E.13), 2-14-2007)

Sec. 38-646. - Road repair.

Any damages to a public road located within the township resulting from the construction, maintenance, or operation of a WECS or testing facility shall be repaired at the applicant's expense.

(Ord. No. 144, § 2(14E.14), 2-14-2007)

Sec. 38-647. - Liability.

The applicant shall insure each commercial WECS and testing facility at all times for at least an amount as currently established or as hereafter adopted by resolution of the township board from time to time for liability to cover the applicant, township and landowner. The township shall be specifically named as an additional insured and may not be removed without its prior written notice and consent. Removal of the township as an additional insured without its notice and consent shall constitute a breach of the special use approval conditions.

(Ord. No. 144, § 2(14E.15), 2-14-2007)

Sec. 38-648. - Color.

Each WECS and testing facility shall be painted a non-obtrusive (e.g., white, beige or gray) color that is nonreflective. No striping of color or advertisement shall be visible on the blades or tower.

(Ord. No. 144, § 2(14E.16), 2-14-2007)

Sec. 38-649. - Vibrations or wind current.

Under no circumstances shall a WECS or a testing facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the lot on which the WECS or testing facility is located.

(Ord. No. 144, § 2(14E.17), 2-14-2007)

Sec. 38-650. - Environmental assessment or impact.

At the township's request, the applicant for a WECS which exceeds 200 feet in height shall fund an environmental assessment or impact study and/or other relevant reports or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, or other wildlife) as required by the township for review by the township regarding the area or surrounding areas where the WECS will be located.

(Ord. No. 144, § 2(14E.18), 2-14-2007)

Secs. 38-651—38-673. - Reserved.

ARTICLE X. - PARKING AND LOADING SPACES

Sec. 38-674. - General parking requirements.

(a) *Parking in general, specifically for non-residential purposes unless otherwise noted.*

- (1) Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with the chapter. However, up to ten percent of the minimum required off-street parking spaces may be used for seasonal markets, if approved by the zoning inspector.
- (2) Off-street parking existing at the effective date of this chapter, or any amendment to it, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- (3) The planning commission may defer construction of the required number of parking spaces if the following conditions are met:
 - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this chapter for parking area design and other site development requirements.
 - b. Alterations to the deferred parking area may be initiated by the owner or required by the zoning inspector, but in any event the alterations shall be subject to the requirements of this chapter.
 - c. All or a portion of such deferred parking shall be constructed if required by the zoning inspector upon a finding that such additional parking is needed.
- (4) Shared parking areas.
 - a. The zoning inspector may approve a shared parking arrangement for two or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
 - b. Required parking shall be calculated from the use that requires the greatest number of spaces.
 - c. Should any use involved in the shared parking arrangement change to another use, or an expanded use, the zoning inspector may revoke this approval and require separate parking facilities as required by this chapter.

(b) *Off-street parking lot construction and design requirements.*

- (1) Parking spaces shall be a minimum of ten feet by 19 feet.
- (2) All spaces shall be provided adequate access by means of maneuvering aisles.
- (3) Backing directly onto a street shall be prohibited.
- (4) Parking lot access.
 - a. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
 - b. Ingress and egress to and from a parking lot located in a non-residential district shall not be across land zoned in a residential district or land used for residential purposes.
 - c. Access drives and maneuvering lanes shall be a minimum of 12 feet in width for one-way traffic and 24 feet in width for two-way traffic.
- (5) Construction requirements.
 - a. The entire parking area, including parking spaces and maneuvering lanes, shall be provided with asphalt or concrete surfacing in accordance with approved specifications. However, solid but porous material or porous

pavement may be used for the entire parking area; or grass or gravel may be used for portions of the parking area; subject to the approval of the planning commission, based upon consideration of the particular land use involved, the amount of traffic and parking involved, the drainage of the area, and other factors deemed relevant by the planning commission.

- b. Surfacing of the parking area shall be completed prior to occupancy unless seasonal restrictions apply, in which case a performance guarantee which ensures that surfacing occurs by a specified time the following season shall be required.
- c. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- d. All parking spaces shall be striped with paint or other approved material, at least four inches in width. The striping shall be maintained and clearly visible.

(6) Lighting requirements.

- a. Off-street parking lots shall be adequately lit to ensure security and safety. However, during non-use hours, only security lighting shall be maintained.
- b. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
- c. Lighting shall illuminate only the parking lot or other areas approved for illumination by the planning commission.
- d. Site lighting fixtures shall be limited to 35 feet in height.

(7) Landscaping requirements. These requirements shall be established by the Highway Commercial District and Mixed Use District Guidelines, as amended in accordance with Public Act No. 110 of 2006.

(8) Snow storage. For parking lots having more than 100 spaces, where the planning commission determines that snow removal and storage may pose a problem to traffic circulation or reduce the amount of required parking, the site plan shall designate snow storage areas.

(c) *Off-street parking requirements.*

- (1) Parking space requirements for specific uses are found in subsection (f) below.
- (2) When units or measurements determining the number of required parking spaces or loading spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- (3) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that is similar in type. If there is no requirement that is reasonably applicable to the use, the zoning inspector shall determine the number of parking spaces that must be provided.
- (4) The outdoor storage of merchandise; motor vehicles for sale; trucks or equipment; and wrecked, junked or unlicensed vehicles, and the repair of vehicles in areas designated for parking, including the maneuvering lane, are prohibited.

(d) *Stacking spaces.*

- (1) Certain uses are greatly reliant on vehicle access and possess characteristics that create the need for additional area devoted to stacking of vehicles. This subsection addresses these individual uses and outlines requirements for stacking spaces.
- (2) Each stacking space shall be shown on a site plan.
- (3) Each stacking space shall have a minimum dimension shown of 22 feet in length by nine feet in width. The lane

containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.

- (4) The location of stacking spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
- (5) Regardless of the number of stacking spaces required or provided, in no instance shall the operator permit vehicles to stack into any adjacent street.
- (6) The following minimum stacking spaces shall be provided for the uses noted (stacking spaces for non-designated uses shall be based upon a comparison to the most analogous use listed below, evidence submitted to the planning commission by the applicant, and such other relevant factors determined by the planning commission):

| Use | Required stacking spaces |
|---|---|
| ATM stations | 2 spaces per ATM |
| Vehicle service station | 1 space per service bay |
| Vehicle wash establishment | 1 space for self-serve washes, 2 spaces for automated washes, and 5 spaces for tunnel (moving) automated washes |
| Bank drive-through windows | 3 spaces per service lane |
| Restaurants with drive-through facilities | 7 spaces per ordering station |

(e) *Loading requirements.*

- (1) Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same premises with every building or structure involving the receipt or distribution of vehicles or materials or merchandise.
- (2) Loading, unloading or parking of delivery vehicles and trailers in a non-residential district shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than 48 hours.

(f) *Minimum parking spaces.*

- (1) For the C-1, C-2, C-3, MU and I-1 zoning districts, and for any use which requires a site plan review by the planning commission, each applicant for a zoning permit from the township shall submit a parking plan, which plan shall describe the proposed parking spaces, the justification for the number of proposed parking spaces, and the location of the proposed parking spaces. The planning commission shall determine the number of parking spaces to be provided by the applicant, based on the material submitted by the applicant, the type of land use proposed, the size of the proposed land use and the size of any building on the lot, and the number of any employees working on the lot.
- (2) For all zoning districts and uses which do not require site plan review by the planning commission, following is the minimum parking spaces table:

| Use | Parking requirement spaces |
|--|---|
| <i>Residential</i> | |
| All dwellings | As required by the International Property Maintenance Code, as adopted by the township |
| State licensed residential facilities | 1 per 3 individuals computed on the basis of the licensing limits of the facility |
| <i>Non-Residential</i> | |
| Agricultural operation generally | 1 per employee, plus 1 per truck |
| Confined feedlots and livestock holding facilities | 1 per service vehicle |
| Day care centers where such use is clearly incidental and accessory to the primary use | 1 per 3 clients computed on the basis of the greatest number of clients on-site at a given time |
| Equine boarding stable and training facility | 1 per 2 stalls; parking spaces shall be sized to accommodate vehicles plus trailers |
| Farm market | 1 per 200 sq. ft. of floor area, plus 1 per 2,000 sq. ft. of exterior sales area |

(3) In the case of mixed uses on the same lot, the amount of parking space for each use shall be provided.

(Ord. No. 166, § 12, 1-11-2012; Ord. No. 204, § 20, 9-8-2021)

Editor's note— Ord. No. 166, § 12, adopted January 11, 2012, amended section 38-674 in its entirety to read as herein set out. Formerly, section 38-674 pertained to off-street parking spaces and derived from Ord. No. 16, § 16.01, adopted March 4, 1981.

Sec. 38-675. - Joint use of facilities.

Provision of common parking facilities for several uses in the same vicinity are encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

(Ord. No. 16, § 16.02, 3-4-1981)

Sec. 38-676. - Location of facilities.

Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve.

- (1) For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
- (2) For commercial and all nonresidential buildings and uses in commercial and industrial zoning districts, required parking shall be provided within 300 feet.
- (3) For commercial and industrial zoning districts, no parking shall be allowed in the first 25 feet of the front yard (i.e., the portion closest to the front lot line).

(Ord. No. 16, § 16.03, 3-4-1981; Ord. No. 183, § 2, 1-11-2017)

Sec. 38-677. - Size of parking space.

Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall be a minimum of ten feet in width.

(Ord. No. 16, § 16.04, 3-4-1981)

Sec. 38-678. - Requirements for parking areas.

Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- (1) The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any residential or agricultural zoning district by a greenbelt ten feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season or other suitable screening device.
- (2) The parking lot and its driveways shall be:
 - a. Designed to provide adequate drainage;
 - b. Surfaced with concrete or asphalt pavement, or other suitable material; and
 - c. Maintained in good condition, free of dust, trash, and debris.
- (3) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- (4) The parking lot shall be provided with entrances and exists so located as to minimize traffic congestions.
- (5) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- (6) No part of any public or private parking area regardless of the number of spaces provided shall be closer than ten feet to the street right-of-way.

(Ord. No. 16, § 16.05, 3-4-1981)

Sec. 38-679. - Off-street loading spaces.

For every building or addition to an existing building hereafter erected to be occupied by uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles. Off-street loading spaces shall be required in relation to floor areas as follows:

- (1) Up to 20,000 square feet, one space;
- (2) 20,000 or more but less than 50,000 square feet, two spaces; and
- (3) One additional space for each additional 50,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width, 50 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any residential zoning district. No such space may be located in the front yard. No such space may be located in the side yard unless the planning commission determines it is adequately screened from adjoining properties and passers-by.

(Ord. No. 16, § 16.06, 3-4-1981; Ord. No. 166, § 13, 1-11-2012)

Secs. 38-680—38-701. - Reserved.

ARTICLE XI. - NONCONFORMING USES, BUILDINGS OR STRUCTURES

Footnotes:

--- (11) ---

State Law reference— *Nonconforming uses or structures, MCL 125.3208.*

Sec. 38-702. - Continuance of nonconformity.

Except where specifically provided to the contrary, and subject to the provisions of this article, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of the ordinance from which this article is derived, or in the case of an amendment of this article, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this article or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this article, a building or structure which is existing and lawful on the effective date of the ordinance from which this article is derived, or, in the case of an amendment of this article, 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 article or any amendment thereto.

(Ord. No. 16, § 18.01, 3-4-1981)

Sec. 38-703. - Expansion.

- (a) Structures, buildings or uses nonconforming 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 zoning inspector shall determine that such alteration, remodeling or modernization will not substantially extend the life of any nonconforming building or structure.

Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming 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.

- (b) No nonconforming use of any building or structure or of any land or premises which is nonconforming 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 50 percent of the area of the original nonconforming use; and
 - (2) Unless such extensions or enlargement is authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards and article II, division 3 of this chapter:
 - a. Whether the extension or enlargement will substantially extend the probable duration of such nonconforming use; and
 - b. 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 chapter.

(Ord. No. 16, § 18.02, 3-4-1981)

Sec. 38-704. - Restoration and repair.

All repairs and maintenance work required to keep a nonconforming 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 except for repairs necessary to maintain public safety. In the event any nonconforming building or structure is damaged by fire, wind, act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed the assessed valuation of the nonconforming building or structure prior to its damage or destruction. In the event any nonconforming building or structure is damaged by fire, wind, act of God or public enemy, and the cost of rebuilding or restoration exceeds the assessed valuation of such building or structure prior to its damage or destruction, such rebuilding or restoration shall only be permitted if first authorized by the planning commission as a special use. In considering such authorization, the planning commission shall consider the following standards, in addition to article II, division 3 of this chapter:

- (1) Whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use.
- (2) Whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.

(Ord. No. 16, § 18.03, 3-4-1981)

Sec. 38-705. - Change or discontinuance.

The nonconforming use of a building or structure or of any land or premises shall not be:

- (1) Changed to any other nonconforming use;
- (2) Reestablished after discontinuance, vacancy, lack of operation or otherwise for a continuous period of 12 months; or
- (3) Reestablished after it has been changed to a conforming use.

(Ord. No. 16, § 18.04, 3-4-1981)

Sec. 38-706. - Building or structure under construction on effective date.

Any building or structure shall be considered existing and lawful and for purposes of section 38-702, to have been in use for the purpose for which constructed if on the effective date of the ordinance from which this article is derived, a building permit has been obtained therefore, 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.

(Ord. No. 16, § 18.05, 3-4-1981)

Sec. 38-707. - Nonconformance under previous zoning ordinances.

Any structures or uses which fail to conform to the previous township zoning ordinance prior to the ordinance from which this article is derived; and which were not permissible, nonconforming uses or structures under that previous township zoning ordinance; and which violate this chapter shall not be considered permissible nonconforming uses under this article but shall be considered impermissible nonconforming uses subject to enforcement action by the township.

(Ord. No. 16, § 18.06, 3-4-1981)

Appendix A - FRANCHISES

| Franchisee | Ord. No. | Date | Term |
|---|----------|------------|----------|
| City of Holland Electric | | 11-2-1982 | 30 years |
| Consumers Power Company | 28 | 3-11-1987 | 30 years |
| Michigan Gas Company | 67 | 1-12-1994 | 30 years |
| Comcast | | 11-10-2004 | 10 years |
| CC Michigan, LLC, dba Charter Communications | | 7-27-2007 | 10 years |
| Michigan Bell Telephone Company dba AT&T Michigan | | 8-14-2008 | 10 years |
| City of Holland Electric | 173 | 8-14-2013 | 30 years |

Footnotes:

--- (1) ---

Editor's note— Listed herein are the franchises that have been granted by the township and are currently in effect.

CODE COMPARATIVE TABLE ORDINANCES

This is a chronological listing of the ordinances of the Township used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in the table.

| Ordinance Number | Date | Section | Section this Code |
|------------------|-----------|---------|-------------------|
| 5 | 2-25-1970 | 1—8 | <u>4-19</u> —4-26 |

| | | | |
|----|------------|---------------------|-----------------------|
| 7 | 5-26-1971 | I, II | <u>36-19, 36-20</u> |
| 13 | 11- 8-1978 | 1—6 | <u>34-40—34-45</u> |
| | | 8—14 | <u>34-46—34-52</u> |
| | | 16 | <u>34-54</u> |
| 14 | 11- 8-1978 | 1—8 | <u>34-170—34-177</u> |
| | | 8—11 | <u>34-178—34-181</u> |
| | | 12(intro., (a)—(d)) | <u>34-182</u> |
| | | 12(e) | <u>34-183</u> |
| | | app. A | <u>34-184</u> |
| 15 | 4- 9-1980 | II—IV | <u>10-19—10-21</u> |
| 16 | 3- 4-1981 | 2.01—2.03 | <u>38-1—38-3</u> |
| | | 3.01—3.52 | <u>38-5</u> |
| | | 4.01—4.03 | <u>38-162—38-164</u> |
| | | 5.01—5.05 | <u>38-182—38-186</u> |
| | | 6.01—6.05 | <u>38-211—38-215</u> |
| | | 7.01—7.05 | <u>38-239—38-243</u> |
| | | 8.01—8.05 | <u>38-265—38-269</u> |
| | | 9.01—9.05 | <u>38-330—38-334</u> |
| | | 10.01—10.03 | <u>38-357—38-359</u> |
| | | 11.01—11.04 | <u>38-377—38-380</u> |
| | | 12.01—12.05 | <u>38-404—38-408</u> |
| | | 13.01, 13.02 | <u>38-430, 38-431</u> |

| | | | |
|----|-----------|--------------|-----------------------|
| | | 13.03 | <u>38-433</u> |
| | | 13.04, 13.05 | <u>38-436, 38-437</u> |
| | | 14.01—14.09 | <u>38-463</u> —38-471 |
| | | 14.10—14.12 | <u>38-473</u> —38-475 |
| | | 14.13—14.22 | <u>38-477</u> —38-486 |
| | | 14.24—14.27 | <u>38-487</u> —38-490 |
| | | 15.01—15.07 | <u>38-59</u> —38-65 |
| | | 16.01—16.06 | <u>38-674</u> —38-679 |
| | | 17.01—17.04 | <u>38-89</u> —38-92 |
| | | 18.01—18.06 | <u>38-702</u> —38-707 |
| | | 19.01—19.05 | <u>38-29</u> —38-33 |
| | | 20.01—20.04 | <u>38-113</u> —38-116 |
| | | 21.01—21.03 | <u>38-137</u> —38-139 |
| | | 22.01, 22.02 | <u>38-34, 38-35</u> |
| 19 | 8-11-1982 | 1.3—1.32 | <u>34-250</u> |
| | | 2.1—2.4 | <u>34-281</u> —34-284 |
| | | 3.1—3.4 | <u>34-302</u> —34-305 |
| | | 4.1—4.10 | <u>34-329</u> —34-338 |
| | | 5.1 | <u>34-339</u> |
| 20 | 8-11-1982 | 2—13 | <u>34-207</u> —34-218 |
| | | 16 | <u>34-219</u> |
| 22 | 3- 9-1983 | I | <u>34-43</u> |

| | | | |
|-----------|------------|----------|-----------------------|
| 24 | 2- 8-1984 | I(14.09) | <u>38-471</u> |
| | | I(14.14) | <u>38-478</u> |
| <u>26</u> | 5- 8-1985 | 3.53 | <u>38-5</u> |
| | | 14.28 | <u>38-491</u> |
| <u>27</u> | 6-10-1987 | 1 | <u>32-104</u> |
| | | 3—9 | <u>32-105—32-111</u> |
| 29 | 5-11-1988 | I | <u>38-183</u> |
| 30 | 6-14-1989 | 1 | <u>38-5</u> |
| | | 2 | <u>38-183</u> |
| | | 3 | <u>38-185</u> |
| | | 4—6 | <u>38-471</u> |
| | | 7 | <u>38-478</u> |
| | | 8 | <u>38-484</u> |
| | | 9(14.29) | <u>38-492</u> |
| 33 | 10-11-1989 | 1 | <u>38-436</u> |
| | | 2 | <u>38-61</u> |
| 36 | 2-14-1990 | 1 | <u>38-212</u> |
| 40 | 6-13-1990 | 1, 2 | <u>38-377, 38-378</u> |
| | | 3 | <u>38-475</u> |
| 43 | 12-12-1990 | 2—7 | <u>32-75—32-80</u> |
| 44 | 3-13-1991 | 1—13 | <u>8-1—8-13</u> |
| 45 | 4-10-1991 | 1(3.07A) | <u>38-5</u> |

| | | | |
|----|-----------|--------------|-----------------------|
| | | 2 | <u>38-212</u> |
| | | 3 | <u>38-240</u> |
| | | 4 | <u>38-266</u> |
| 47 | 7-10-1991 | 1 | <u>38-212</u> |
| | | 2 | <u>38-433</u> |
| 48 | 9-11-1991 | 1 | <u>38-471</u> |
| | | 2(14.09A) | <u>38-472</u> |
| 54 | 4- 8-1992 | 1 | <u>38-212</u> |
| | | 2 | <u>38-214</u> |
| 57 | 9- 9-1992 | 1(1) | <u>22-48</u> |
| | | 1(2), 1(3) | <u>22-98, 22-99</u> |
| | | 1(4) | <u>22-163</u> |
| | | 1(5), 1(6) | <u>22-128, 22-129</u> |
| | | 1(7) | <u>22-49</u> |
| | | 1(8) | <u>22-100</u> |
| | | 1(9) | <u>22-164</u> |
| | | 1(10), 1(11) | <u>22-74, 22-75</u> |
| | | 1(12) | <u>22-50</u> |
| | | 1(13)—1(16) | <u>22-101—22-104</u> |
| | | 1(17) | <u>22-130</u> |
| | | 1(18)—1(21) | <u>22-165—22-168</u> |
| | | 1(22) | <u>22-105</u> |

| | | | |
|----|------------|---------------------|-----------------------|
| | | 1(23),1(32) | <u>22-106</u> |
| | | 1(24) | <u>22-21</u> |
| | | 1(25) | <u>22-76</u> |
| | | 1(26) | <u>22-107</u> |
| | | 1(27) | <u>22-77</u> |
| | | 1(28), 1(29) | <u>22-131, 22-132</u> |
| | | 1(30) | <u>22-22</u> |
| | | 1(31) | <u>22-1</u> |
| | | 1(34) | <u>22-1</u> |
| 59 | 11-11-1992 | 1—4 | <u>38-5</u> |
| | | 5, 6 | <u>38-183</u> |
| | | 7—9 | <u>38-212</u> |
| | | 10—12 | <u>38-240</u> |
| | | 13 | <u>38-485</u> |
| 61 | 5-12-1993 | 1—6 | <u>22-221—22-226</u> |
| 62 | 7-14-1993 | 1, 2 | <u>38-5</u> |
| | | 3—5 | <u>38-475</u> |
| | | 6(14.12A) | <u>38-476</u> |
| 63 | 7-14-1993 | 1, 2 | <u>38-242</u> |
| 64 | 9- 8-1993 | 1—17 | <u>30-105—30-121</u> |
| 65 | 11-10-1993 | 1(14A.01)—1(14A.05) | <u>38-523—38-527</u> |
| 68 | 5-11-1994 | 1—4 | <u>38-5</u> |

| | | | |
|----|------------|-----------------|-----------------------|
| | | 5 | <u>38-185</u> |
| | | 6 | <u>38-214</u> |
| | | 7 | <u>38-242</u> |
| | | 8 | <u>38-268</u> |
| 70 | 9-14-1994 | 1, 2 | <u>38-330, 38-331</u> |
| | | 3, 4 | <u>38-334</u> |
| | | 5—7 | <u>38-357—38-359</u> |
| | | 8 | <u>38-60</u> |
| | | 9 | <u>38-63</u> |
| 71 | 11- 9-1994 | 1 | <u>20-19</u> |
| | | 3—7 | <u>20-20—20-24</u> |
| 73 | 1-11-1995 | 1 | <u>38-465</u> |
| 74 | 4-12-1995 | 1 | <u>38-5</u> |
| | | 2 | <u>38-481</u> |
| 76 | 5-10-1995 | 2, 3 | <u>24-19, 24-20</u> |
| | | 5 | <u>24-21</u> |
| 82 | 4-10-1996 | 1 | <u>38-483</u> |
| 84 | 5- 8-1996 | 1 | <u>34-43</u> |
| 85 | 5- 8-1996 | 1 | <u>34-209</u> |
| 87 | 9-11-1996 | 1(1.3), 1(1.4) | <u>34-249, 34-250</u> |
| | | 2 | <u>34-281</u> |
| | | 3(4.11)—3(4.19) | <u>34-339—34-347</u> |

| | | | |
|----|------------|---------------------|-------------------------------|
| | | 3(4.20) | <u>34-349</u> |
| | | 3(5.1)—3(5.13) | <u>34-372</u> —34-384 |
| | | 3(6.1)—3(6.3) | <u>34-412</u> —34-414 |
| | | 3(6.3)—3(6.21) | <u>34-415</u> —34-433 |
| | | 3(7.1)—3(7.9) | <u>34-465</u> —34-473 |
| | | 3(8.1)—3(8.4) | <u>34-500</u> —34-503 |
| | | 3(8.5)—3(8.8) | <u>34-508</u> —34-511 |
| | | 3(9.1) | <u>34-251</u> |
| 88 | 2-12-1997 | 3—9 | <u>6-1</u> —6-7 |
| 89 | 3-12-1997 | 1, 2 | <u>38-5</u> |
| | | 3 | <u>38-184</u> |
| | | 4 | <u>38-213</u> |
| | | 5 | <u>38-241</u> |
| | | 6 | <u>38-267</u> |
| | | 7 | <u>38-379</u> |
| | | 8 | <u>38-406</u> |
| | | 9 | <u>38-465</u> |
| | | 10 | <u>38-475</u> |
| | | 11 | <u>38-485</u> |
| 94 | 8-13-1997 | 1—5 | <u>2-152</u> —2-156 |
| 95 | 11-12-1997 | 1, 2 | <u>38-465</u> , <u>38-466</u> |
| | | 3(14B.01)—3(14B.11) | <u>38-548</u> —38-558 |

| | | | |
|-----|------------|---------------------|----------------------|
| 98 | 10-14-1998 | 1 | <u>24-20</u> |
| 101 | 11-11-1998 | 1—9 | <u>18-19—18-27</u> |
| 102 | 12- 9-1998 | 1(14C.01)—1(14C.06) | <u>38-580—38-585</u> |
| 103 | 12- 9-1998 | 1—14 | <u>26-1—26-14</u> |
| | | 16 | <u>26-15</u> |
| 105 | 5-12-1999 | 1—7 | <u>38-5</u> |
| | | 8 | <u>38-183</u> |
| | | 9—11 | <u>38-212</u> |
| | | 12 | <u>38-240</u> |
| | | 13, 14 | <u>38-266</u> |
| | | 15(8A.01)—15(8A.12) | <u>38-287—38-298</u> |
| | | 16—18 | <u>38-334</u> |
| | | 19—21 | <u>38-380</u> |
| | | 22(13.06) | <u>38-438</u> |
| | | 23 | <u>38-475</u> |
| | | 24 | <u>38-484</u> |
| | | 25 | <u>38-524</u> |
| | | <u>26</u> | <u>38-526</u> |
| | | <u>27</u> | <u>38-90</u> |
| | | 28(20.05) | <u>38-117</u> |
| 112 | 11- 8-2000 | 1(13.01)—1(13.10) | <u>38-430—38-439</u> |
| | | 2 | <u>38-466</u> |

| | | | |
|-----|------------|---------------------|-----------------------|
| | | 3, 4 | <u>38-471</u> |
| | | 5(14D.01)—5(14D.12) | <u>38-604</u> —38-615 |
| 113 | 11- 8-2000 | 1.2 | <u>18-58</u> |
| | | 1.4 | <u>18-59</u> |
| | | 1.5—1.7 | <u>18-61</u> —18-63 |
| | | 2.1, 2.2 | <u>18-60</u> |
| | | 3.1—3.3 | <u>18-88</u> —18-90 |
| | | 4.1—4.17 | <u>18-109</u> —18-125 |
| | | 5.1—5.7 | <u>18-149</u> —18-155 |
| | | 6.1, 6.2 | <u>18-179, 18-180</u> |
| | | 7.1, 7.2 | <u>18-199, 18-200</u> |
| | | 8.1, 8.2 | <u>18-224, 18-225</u> |
| 116 | 11-14-2001 | 1 | <u>38-266</u> |
| | | 2 | <u>38-268</u> |
| | | 3, 4 | <u>38-433, 38-434</u> |
| 117 | 11-14-2001 | 1(6.3) | <u>34-415</u> |
| | | 2(6.4) | <u>34-416</u> |
| | | 3(6.5) | <u>34-417</u> |
| 118 | 2-13-2002 | 1 | <u>38-183</u> |
| | | 2 | <u>38-212</u> |
| | | 3 | <u>38-466</u> |
| 119 | 4-10-2002 | 1(14A) | <u>34-53</u> |

| | | | |
|-----|------------|----------------------|-----------------------|
| 121 | 7-10-2002 | 1 | <u>38-471</u> |
| 122 | 10- 9-2002 | 1—5 | <u>30-19—30-23</u> |
| | | 7—18 | <u>30-24—30-35</u> |
| | | 20, 21 | <u>30-36, 30-37</u> |
| 124 | 2-12-2003 | 2—4 | <u>32-20</u> |
| 125 | 2-12-2003 | 1, 2 | <u>32-19</u> |
| 132 | 6- 9-2004 | 1—6 | <u>14-19—14-24</u> |
| 133 | 6- 9-2004 | art. I, § 1, | <u>16-19, 16-20</u> |
| | | art. I, § 2 | |
| | | art. II, § 1— | <u>16-46—16-49</u> |
| | | art. II, § 4 | |
| | | art. III, § 1— | <u>16-72—16-75</u> |
| | | art. III, § 4 | |
| | | art. IV, § 1, | <u>16-94, 16-95</u> |
| | | art. IV, § 2 | |
| | | art. V, § 1 | <u>16-21</u> |
| 134 | 7-14-2004 | 1 | <u>38-212</u> |
| 136 | 3- 9-2005 | 1, 2 | <u>38-433, 38-434</u> |
| 138 | 8-10-2005 | 1 | <u>38-5</u> |
| 139 | 8-10-2005 | art. I, § 1 | <u>34-531</u> |
| | | art. II, § 1— | <u>34-558—34-584</u> |
| | | art. II, <u>§ 27</u> | |

| | | | |
|-----|-----------|----------------------|-----------------------|
| | | art. III, § 1— | <u>34-602</u> —34-606 |
| | | art. III, § 5 | |
| | | art. IV, § 1— | <u>34-631</u> —34-642 |
| | | art. IV, <u>§ 12</u> | |
| | | art. IV, <u>§ 14</u> | <u>34-643</u> |
| | | art. V, § 1— | <u>34-675</u> —34-694 |
| | | art. V, <u>§ 20</u> | |
| | | art. VI, § 1— | <u>34-717</u> —34-727 |
| | | art. VI, § 11 | |
| | | art. VII, § 1 | <u>34-532</u> |
| | | art. VII, § 1— | <u>34-753</u> —34-757 |
| | | art. VII, § 5 | |
| | | art. VIII, § 1— | <u>34-783</u> —34-787 |
| | | art. VIII, § 5 | |
| 140 | 4-12-2006 | 2—9 | <u>10-78</u> —10-85 |
| 144 | 2-14-2007 | 1 | <u>38-466</u> |
| | | 2(14E.01)—2(14E.05) | <u>38-634</u> —38-638 |
| | | 2(14E.06)—2(14E.18) | <u>38-638</u> —38-650 |
| 145 | 2-14-2007 | 1 | <u>38-3</u> |
| | | 2 | <u>38-5</u> |
| | | 3 | <u>38-436</u> |
| | | 4 | <u>38-90</u> |

| | | | |
|-----|------------|------------------|----------------------|
| | | 5 | <u>38-117</u> |
| | | 6(20.06) | <u>38-118</u> |
| | | 7(20.07) | <u>38-119</u> |
| 146 | 6-13-2007 | 2(2.01) | <u>12-42</u> |
| | | 2(2.02) | <u>12-19</u> |
| | | 2(2.03), 2(2.04) | <u>12-42</u> |
| | | 3—9 | <u>12-43—12-49</u> |
| 148 | 12-12-2007 | 1.0 | <u>30-63</u> |
| | | 2.0 | <u>30-64</u> |
| | | 3.0 | <u>30-65</u> |
| | | 4.0 | <u>30-66</u> |
| | | 5.0 | <u>30-67</u> |
| | | 6.0 | <u>30-68</u> |
| | | 7.0 | <u>30-69</u> |
| | | 8.0 | <u>30-70</u> |
| | | 9.0 | <u>30-71</u> |
| | | 10.0 | <u>30-72</u> |
| | | 11.0 | <u>30-73</u> |
| 150 | 5-14-2008 | 1—6 | <u>16-119—16-124</u> |
| 151 | 10- 6-2008 | 1 | <u>14-23</u> |
| 152 | 1-14-2009 | 2, 3 | <u>28-19, 28-20</u> |
| | | 4—6 | <u>28-51—28-53</u> |

| | | | |
|-----|------------|---------------------|-----------------------|
| | | 7, 8 | <u>28-21, 28-22</u> |
| | | 9—12 | <u>28-54—28-57</u> |
| | | 13—20 | <u>28-23—28-30</u> |
| | | 23 | <u>28-31</u> |
| 153 | 1-14-2009 | 1—7 | <u>10-46—10-52</u> |
| 154 | 5-13-2009 | 1—13 | <u>2-91—2-103</u> |
| 155 | 6-10-2009 | 1—3 | <u>12-72—12-74</u> |
| 156 | 6-10-2009 | 1—3 | <u>24-20</u> |
| 157 | 8-12-2009 | 1(1.1) | <u>34-247</u> |
| | | 1(1.1.2) | <u>34-248</u> |
| | | 2(1.4) | <u>34-250</u> |
| | | 3(5.2) | <u>34-373</u> |
| | | 4(6.3) | <u>34-414, 34-415</u> |
| | | 5(6.8) | <u>34-420</u> |
| | | 6(6.9) | <u>34-421</u> |
| | | 7(6.11) | <u>34-423</u> |
| | | 8(6.12) | <u>34-424</u> |
| | | 9(7.1) | <u>34-465</u> |
| | | 10(8.3) | <u>34-502</u> |
| | | 10(8.4.1)—10(8.4.4) | <u>34-504—34-507</u> |
| 158 | 11-11-2009 | 1—8 | <u>32-136—32-143</u> |
| | | 8 | <u>32-144</u> |

| | | | |
|-----|------------|--------------|--|
| | | 10—15 | <u>32-145—32-150</u> |
| | | 19 | <u>32-151</u> |
| 159 | 12- 9-2009 | 1—4, 6 Added | <u>Ch. 16, Art. IV, §§ 16-146—16-150</u> |
| 162 | 7-14-2010 | | Adopting Ord. |
| 163 | 8-10-2010 | 1 Added | <u>Ch. 10, Art. V, §§ 10-100, 10-101</u> |
| 165 | 1-11-2012 | 1—3 | <u>34-414—34-416</u> |
| 166 | 1-11-2012 | 1 | <u>38-60(1)</u> |
| | | 2 | <u>38-162</u> |
| | | 3 | <u>38-266(2), (3)</u> |
| | | 4 Rpld | <u>38-332</u> |
| | | 5 | <u>38-334(3)a., (4)</u> |
| | | 6 | <u>38-359</u> |
| | | 7 Added | <u>Ch. 38, Art. III, Div. 8A, §§ 38-360—38-364</u> |
| | | 8 Added | <u>Ch. 38, Art. III, Div. 8B, §§ 38-366—38-370</u> |
| | | 9 | <u>38-465(b)(2)</u> |
| | | 10 | <u>38-475</u> |
| | | 11 | <u>38-488(3)</u> |
| | | 12 | <u>38-674</u> |
| | | 13 | <u>38-679</u> |
| 167 | 6-13-2012 | 1 | <u>24-20(4)</u> |

| | | | |
|-----|------------|------------|------------------------|
| 173 | 8-14-2013 | | App. A |
| 174 | 4- 9-2014 | 1 | <u>38-215</u> |
| | | 2 | <u>38-485</u> |
| 177 | 6-10-2015 | 1 | <u>38-471</u> |
| 178 | 6-10-2015 | 1 | <u>38-465</u> |
| 183 | 1-11-2017 | 1 | <u>38-63(2)</u> |
| | | 2 Added | <u>38-676(3)</u> |
| 188 | 11-14-2018 | 1 | <u>38-471(6)c., d.</u> |
| 189 | 1- 9-2019 | 1, 2 Added | <u>22-78, 22-79</u> |
| 191 | 4-10-2019 | 1 Added | <u>38-493</u> |
| 192 | 4-10-2019 | 1 | <u>38-5</u> |
| | | Added | <u>38-183(13)</u> |
| | | Added | <u>38-212(18)</u> |
| | | Added | <u>38-240(15)</u> |
| | | Added | <u>38-288(8)</u> |
| | | 3 | <u>38-183(8)</u> |
| | | | <u>38-212(6)</u> |
| | | | <u>38-240(8)</u> |
| | | | <u>38-266(4)</u> |
| | | Added | <u>38-288(9)</u> |
| | | 4 Added | <u>38-212(19)</u> |
| | | Added | <u>38-240(16)</u> |

| | | | |
|------------|------------|---------|--|
| | | Added | <u>38-267(16)</u> |
| | | 5 Added | <u>38-212(20)</u> |
| 193 | 4-10-2019 | 1 Rpld | <u>22-129</u> |
| | | 2 Added | <u>Ch. 22, Art. IX, §§ 22-250—22-256</u> |
| 194 | 5- 8-2019 | 1 | <u>32-80</u> |
| 196 | 10-28-2019 | 1 | <u>Ch. 34, Art. III, Div. 3, Subdivs. I—VIII</u> |
| 197 | 2-12-2020 | 1 | <u>10-46—10-51</u> |
| | | Added | <u>10-52</u> |
| | | Rnbd | <u>10-52</u> |
| | | as | <u>10-53</u> |
| 198 | 3-11-2020 | 1 | <u>38-5</u> |
| | | 2 Added | <u>38-183(14)</u> |
| | | 3 Added | <u>38-212(21)</u> |
| | | 4 Added | <u>38-240(17)</u> |
| | | 5 Added | <u>38-266(6)</u> |
| | | 6 Added | <u>38-367(17)</u> |
| | | 7 Added | <u>38-494</u> |
| <u>199</u> | 9- 9-2020 | 1 | <u>10-51, 10-52</u> |
| <u>204</u> | 9- 8-2021 | 1 | <u>38-60(3)</u> |
| | | 2 Added | <u>38-162(2a)</u> |
| | | 3 Rpld | <u>38-183(4)</u> |

| | | | |
|--|--|---------|--|
| | | Rpld | <u>38-212</u> (10) |
| | | 4 Rpld | <u>38-183</u> (11) |
| | | Rpld | <u>38-212</u> (11) |
| | | Rpld | <u>38-240</u> (9) |
| | | Rpld | <u>38-378</u> (a)(8) |
| | | 5 Added | <u>Ch. 38, Art. III, Div. 3A, §§ 38-216—38-220</u> |
| | | 6 | <u>38-358</u> (3)a. |
| | | 7 Added | <u>38-432</u> (b) |
| | | Rnbd | <u>38-432</u> (b), (c) |
| | | as | <u>38-432</u> (c), (d) |
| | | 8 Added | <u>38-433</u> (3) |
| | | Rnbd | <u>38-433</u> (3), (4) |
| | | as | <u>38-433</u> (4), (5) |
| | | 9 | <u>38-434</u> |
| | | 10 | <u>38-471</u> (1) |
| | | 11 | <u>38-473</u> |
| | | 12 | <u>38-475</u> (k) |
| | | 13 | <u>38-484</u> (a) |
| | | 14 | <u>38-485</u> (a), (c), (d) |
| | | 15 | <u>38-491</u> (1) |
| | | 16 | <u>38-492</u> |

| | | | |
|--|--|--------------|-----------------------|
| | | 17, 18 Added | <u>38-495, 38-496</u> |
| | | 19 | <u>38-583(2)</u> |
| | | 20 | <u>38-674(f)(2)</u> |

STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to the Michigan Compiled Laws.

| MCL Section | Section this Code |
|-----------------|------------------------|
| 8.3 et seq. | 1-2 |
| 8.3u | <u>1-8</u> |
| 8.4 | <u>1-4</u> |
| 8.4b | <u>1-3</u> |
| 8.5 | <u>1-7</u> |
| 15.231 et seq. | <u>Ch. 2</u> |
| | <u>2-98</u> |
| | <u>30-22</u> |
| | <u>30-34</u> |
| 15.261 et seq. | <u>Ch. 2</u> |
| | <u>2-98</u> |
| 15.341 et seq. | <u>Ch. 2, Art. III</u> |
| 24.201 et seq. | <u>32-20</u> |
| 28.251 et seq. | <u>Ch. 20</u> |
| 28.601 et seq. | <u>Ch. 20</u> |
| 29.1 et seq. | <u>Ch. 16</u> |
| 29.41 et seq. | <u>Ch. 16</u> |
| 29.417 et seq. | <u>Ch. 28</u> |
| 41.1a et seq. | <u>Ch. 2</u> |
| 41.61 et seq. | <u>Ch. 2, Art. III</u> |
| 41.70 et seq. | <u>Ch. 2, Art. II</u> |
| 41.181 et seq. | <u>Ch. 16</u> |
| 41.181(3) | <u>32-19</u> |
| 41.183 | <u>1-12, 1-13</u> |
| 41.186 | <u>1-1</u> |
| 41.721 et seq. | <u>34-213</u> |
| 41.801 et seq. | <u>Ch. 16</u> |
| 123.51 et seq. | <u>Ch. 24</u> |
| 123.361 et seq. | <u>Ch. 28</u> |
| 123.811 et seq. | <u>Ch. 20</u> |
| 124.281 et seq. | <u>Ch. 34</u> |
| 125.71 et seq. | <u>Ch. 12</u> |

| | |
|--------------------|---|
| | <u>14-19</u> |
| 125.271 et seq. | <u>2-101</u> |
| 125.321 et seq. | <u>2-91, 2-92</u> |
| | <u>2-100, 2-101</u> |
| 125.401 et seq. | <u>10-78</u> |
| 125.538 et seq. | <u>Ch. 10, Art. IV</u> |
| | <u>38-464</u> |
| | <u>38-552</u> |
| | <u>38-608</u> |
| 125.601 et seq. | <u>Ch. 12</u> |
| 125.651 et seq. | <u>Ch. 12</u> |
| 125.901 et seq. | <u>Ch. 12</u> |
| 125.1401 et seq. | <u>Ch. 12</u> |
| 125.1501 et seq. | <u>Ch. 10, Art. II</u> |
| | <u>10-19—10-21</u> |
| 125.1504b | <u>Ch. 8</u> |
| 125.1601 et seq. | <u>Ch. 12</u> |
| 125.1651 et seq. | <u>Ch. 12</u> |
| | <u>Ch. 12, Art. II</u> |
| | <u>12-19</u> |
| 125.1664 | <u>12-47</u> |
| 125.1668, 125.1669 | <u>12-72</u> |
| 125.1669 | <u>12-74</u> |
| 125.2301 et seq. | <u>Ch. 38, Art. III,</u> <u>Div. 6</u> |
| 125.2561 et seq. | <u>Ch. 12</u> |
| 125.3101 et seq. | <u>Ch. 2, Art. IV,</u> <u>Div. 2</u> |
| | <u>2-91</u> |
| | <u>2-101</u> |
| | <u>18-179</u> |
| | <u>Ch. 38</u> |
| | <u>38-3</u> |
| | <u>38-113—38-115</u> |
| | <u>38-139</u> |
| | <u>38-552</u> |
| | <u>38-583</u> |
| | <u>38-608</u> |
| 125.3204 | <u>38-488</u> |
| 125.3206 | <u>38-183</u> |
| | <u>38-212</u> |
| | <u>38-217</u> |
| | <u>38-240</u> |
| | <u>38-288</u> |
| 125.3208 | <u>Ch. 38, Art. XI</u> |
| 125.3401 et seq. | <u>Ch. 38, Art. II,</u> <u>Div. 5</u> |
| 125.3501 | <u>Ch. 38, Art. II,</u> <u>Div. 2</u> |

| | |
|---------------------|--|
| 125.3501 et seq. | <u>Ch. 38</u> , Art. II, Div. 3 |
| 125.3503 | <u>Ch. 38</u> , Art. III, Div. 11 |
| 125.3601 et seq. | <u>Ch. 38</u> , Art. II, Div. 4 |
| 125.3603 | <u>38-5</u> <u>38-484</u> |
| 125.3801 et seq. | <u>Ch. 2</u> , Art. IV, Div. 2 <u>2-91, 2-92</u> <u>2-100</u> <u>Ch. 38</u> |
| 141.101 et seq. | <u>34-170</u> <u>34-181</u> |
| 141.103 | <u>34-171</u> |
| 141.121 | <u>34-173</u> |
| 141.421 et seq. | <u>Ch. 2</u> , Art. V |
| 141.1201 et seq. | <u>Ch. 2</u> , Art. V |
| 141.2101 et seq. | <u>Ch. 2</u> , Art. V |
| 211.1 et seq. | <u>10-83</u> |
| 211.53(3) | <u>18-27</u> |
| 247.321 et seq. | <u>18-20</u> |
| 252.301 et seq. | <u>38-476</u> |
| 257.1 et seq. | <u>2-153</u> <u>14-19</u> <u>16-120</u> <u>22-50</u> <u>Ch. 32</u> <u>32-19</u> |
| 257.33 | <u>2-153</u> <u>14-20</u> <u>24-19</u> |
| 257.252a | <u>14-21</u> <u>14-23</u> |
| 257.605, 257.606 | <u>Ch. 32</u> |
| 257.606(1)(a) | <u>Ch. 32</u> , Art. III |
| 257.610 | <u>Ch. 32</u> |
| 257.672 et seq. | <u>Ch. 32</u> , Art. III |
| 257.941 et seq. | <u>Ch. 32</u> , Art. III |
| 257.951 | <u>32-20</u> |
| 286.471 et seq. | <u>Ch. 38</u> , Art. III, Div. 2 |
| 287.266 et seq. | <u>6-2</u> |
| 287.290 | <u>Ch. 6</u> |
| 324.101 et seq. | <u>Ch. 14</u> |
| 324.3101 et seq. | <u>38-408</u> |
| 324.3108 | <u>Ch. 38</u> , Art. III, Div. 10 |

| | |
|--------------------------|--|
| 324.3111 | <u>34-414</u> |
| 324.4301 et seq. | <u>Ch. 28</u> |
| | <u>Ch. 34</u> |
| 324.8901 et seq. | <u>38-490</u> |
| 324.9101 et seq. | <u>Ch. 38, Art. III,</u> <u>Div. 10</u> |
| 324.9301 et seq. | <u>Ch. 38, Art. III,</u> <u>Div. 10</u> |
| 324.11101 et seq. | <u>Ch. 28</u> |
| 324.11501 et seq. | <u>Ch. 28</u> |
| | <u>28-19</u> |
| 324.11506 | <u>28-19</u> |
| 324.11522 | <u>Ch. 16, Art. III</u> |
| 324.14501 et seq. | <u>Ch. 28</u> |
| 324.19101 et seq. | <u>Ch. 28</u> |
| 324.20101 et seq. | <u>Ch. 2, Art. V,</u> <u>Div. 2</u> |
| | <u>2-153</u> |
| 324.30101 | <u>38-526</u> |
| 324.30301 et seq. | <u>Ch. 36</u> |
| | <u>Ch. 38, Art. V</u> |
| 324.32301 et seq. | <u>38-408</u> |
| 324.35301 et seq. | <u>38-487</u> |
| 324.40101 et seq. | <u>Ch. 6</u> |
| 324.80101 et seq. | <u>Ch. 36</u> |
| | <u>36-19</u> |
| | <u>Ch. 38, Art. V</u> |
| 324.80110 et seq. | <u>Ch. 36, Art. II</u> |
| 333.1101 et seq. | <u>34-283</u> |
| 333.7101 et seq. | <u>22-99</u> |
| 333.26201 et seq. | <u>Ch. 28</u> |
| 339.2401 et seq. | <u>10-78</u> |
| 408.651 et seq. | <u>Ch. 4</u> |
| 408.681 et seq. | <u>Ch. 24</u> |
| 460.701 et seq. | <u>30-68</u> |
| 484.2101 et seq. | <u>Ch. 30</u> |
| 484.2102 | <u>30-21</u> |
| 484.2251 | <u>30-22</u> |
| 484.2361 | <u>30-68</u> |
| 484.3101 et seq. | <u>Ch. 30</u> |
| | <u>Ch. 30, Art. II</u> |
| | <u>30-19</u> |
| | <u>30-21</u> |
| | <u>30-65</u> |
| 484.3103 | <u>30-21</u> |
| 484.3104(2) | <u>30-33</u> |
| 484.3104(3) | <u>30-24</u> |
| 484.3105(1) | <u>30-22</u> |
| 484.3105(3), 484.3105(4) | <u>30-22</u> |
| 484.3106(1) | <u>30-22</u> |

| | |
|--------------------------|--|
| | <u>30-63</u> |
| 484.3106(1), (2) | <u>30-23</u> |
| 484.3106(2) | <u>30-22</u> |
| 484.3106(5), 484.3106(6) | <u>30-22, 30-23</u> |
| 484.3106(7) | <u>30-25</u> |
| 484.3106(7), (8) | <u>30-67</u> |
| 484.3106(8) | <u>30-25</u> |
| 484.3108 | <u>30-27—30-29</u> |
| 484.3110(4), 484.3110(5) | <u>30-30, 30-31</u> |
| 484.3113(1) | <u>30-28</u> |
| 484.3113(4), 484.3113(5) | <u>30-28, 30-29</u> |
| 484.3113(6) | <u>30-32</u> |
| 484.3115 | <u>30-23</u> |
| 484.3115(2) | <u>30-35</u> |
| 484.3115(3) | <u>30-23</u> |
| | <u>30-71</u> |
| 484.3115(4) | <u>30-23</u> |
| 484.3115(5) | <u>30-26</u> |
| 484.3201 et seq. | <u>Ch. 30</u> |
| 484.3301 et seq. | <u>Ch. 30</u> |
| | <u>Ch. 30, Art. III</u> |
| | <u>30-63</u> |
| | <u>30-65</u> |
| 484.3303(1) | <u>30-65</u> |
| 560.101 et seq. | <u>2-103</u> |
| | <u>Ch. 18</u> |
| | <u>18-19</u> |
| | <u>18-60</u> |
| | <u>38-5</u> |
| | <u>38-408</u> |
| 560.102(k) | <u>18-20</u> |
| 560.108, 560.109 | <u>18-20</u> |
| 560.113 | <u>18-87</u> |
| 560.113—560.118 | <u>18-87</u> |
| 560.114 | <u>18-87</u> |
| 560.115—560.117 | <u>18-87</u> |
| 560.118 | <u>18-87</u> |
| 560.138 | <u>Ch. 38, Art. III,</u> <u>Div. 10</u> |
| 560.194 | <u>Ch. 38, Art. III,</u> <u>Div. 10</u> |
| 600.101 et seq. | <u>20-19</u> |
| | <u>26-15</u> |
| 600.8395 | <u>32-75</u> |
| 600.8396 | <u>20-19</u> |
| | <u>20-23</u> |
| 600.8701 et seq. | <u>1-12, 1-13</u> |
| | <u>Ch. 20, Art. II</u> |
| | <u>20-19</u> |
| 600.8705 | <u>20-21</u> |

| | |
|------------------|------------------------------|
| | <u>20-23</u> |
| 600.8707(6) | <u>20-19</u> |
| 600.8709 | <u>20-23</u> |
| 722.751 et seq. | Ch. 22, Art. VIII, Div. 2 |
| 750.1 et seq. | <u>Ch. 22</u> |
| 750.49 et seq. | <u>Ch. 6</u> |
| 750.81 | <u>22-48</u> |
| 750.167 | <u>22-104</u> |
| 750.167(1)(c) | <u>22-49</u> |
| 750.167(1)(e) | <u>22-98</u> |
| 750.167(1)(f) | <u>22-163</u> |
| 750.167(1)(l) | <u>22-103</u> |
| 750.200 et seq. | <u>Ch. 16</u> |
| 750.222 et seq. | <u>22-128</u> |
| 750.240 | <u>22-22</u> |
| 750.240 et seq. | <u>Ch. 16</u> |
| 750.335a | <u>22-164</u> |
| 750.377 et seq. | <u>22-74</u> |
| 750.377a et seq. | <u>34-532</u> |
| 750.411a | <u>22-22</u> |
| 750.411d | <u>22-22</u> |
| 750.448 et seq. | <u>22-165</u> |
| 750.463 et seq. | <u>Ch. 4</u> |
| 750.479 | <u>22-21</u> |
| 750.523 et seq. | <u>22-102</u> |
| 750.546 et seq. | <u>22-76</u> |
| 769.1f | Ch. 2, Art. V, Div. 2 |