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ARTICLE 1 - Reserved

ARTICLE 2 - PURPOSE, SCOPE, AND LEGAL BASIS

Sec. 2.01 PURPOSE

This Ordinance is based upon the Otsego Township Comprehensive Development 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 avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning 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.

Sec. 2.02 SCOPE AND INTERPRETATION

This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants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. Where this Ordinance 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 are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

Sec. 2.03 LEGAL BASIS

This Ordinance is enacted pursuant to Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

ARTICLE 3 - DEFINITIONS

Sec. 3.01 RULES APPLYING TO TEXT

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

- (a) The particular shall control the general.
- (b) With the exception of this Article the headings which title an Article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A “building” or “structure” includes any part thereof unless specifically excepted.
- (f) The word “person” includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed to be used”, or “occupied”.
- (h) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Sec. 3.02 DEFINITIONS

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

1. ABANDONMENT

Except where other provisions are specified in this Ordinance, the cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

2. ACCESS

A way of approaching or entering a property.

3. ACCESSORY BUILDING or ACCESSORY STRUCTURE

Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located on the same lot as the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use. The term ACCESSORY STRUCTURE also is specifically intended to include satellite antenna receivers and similar accessory equipment.

4. ACCESSORY USE

Any use customarily incidental and subordinate to the main use of the premises.

5. ACRE

A measure of land area containing 43,560 square feet.

6. ADDITION

A structure added to the original structure at some time after the completion of the original.

7. ADULT ENTERTAINMENT/BUSINESS

(a) Adult Bookstore: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the items set out in subsection (1) or (2):

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproduction, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
3. The sale of such materials shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

(b) Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in the state of nudity;
2. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
4. Persons who engage in lewd, lascivious or erotic dancing or performances which are intended for the sexual interests or titillation of an audience or customers.

(c) Adult Motel: A hotel, motel or similar commercial establishment that meets at least one (1) of the following criteria:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has as a sign visible from the public right-of-way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours;
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

- (d) Adult Entertainment Booking Agency: A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of specified anatomical areas or by specified sexual activities.
- (e) Adult Motion Picture Theater: A commercial establishment, which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media, that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. This definition includes commercial establishments that offer individual viewing booths.
- (f) Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by specified sexual activities.
- (g) Dating Service: A business engaged in, for financial remuneration, either directly or indirectly, where the operator arranges to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the Dating Service, or similar operation.
- (h) Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
- (i) Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (j) License: An official permit from the Township to allow an activity or activities as may be required by this article.
- (k) Massage: The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids.
- (l) Massage Parlor: Any place or establishment where massage is made available. "Massage Parlor" does not include:
1. A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
 2. A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
 3. A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only.
 4. Myomassaologists who meet the following criteria: proof of graduation from a school of massage licensed by the State of Michigan or current

licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States; and proof of current professional membership in the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification, including liability insurance.

(m) Massage School: Any place or establishment or facility which provides instruction, theory, method and practice of massage. "Massage School" does not include:

1. A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
2. A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
3. A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only.
4. Myomassaologists who meet the following criteria: proof of graduation from a school of massage licensed by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States; and proof of current professional membership in the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification, including liability insurance.

(n) Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.

(o) Operator: Any person who engages in the practice of or performs a massage.

(p) Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment or promise of payment of an admission fee, any individuals' genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Sections 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.

- (q) Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
- (r) Sexually Oriented Business: A business or commercial enterprise engaging in any of the following businesses: (1) adult bookstore; (2) adult cabaret; (3) adult entertainment booking agency; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) dating service; (8) escort agency; (9) massage parlor; (10) massage school; (11) nude model studio; and (12) sexual encounter center.
- (s) Specified Anatomical Areas: Defined as the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breasts at or below the top of the areola; and
 2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- (t) Specified Sexual Activities: includes any of the following:
1. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 2. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 3. Sexual arousal or gratification using animals or violence, actual or simulated;
 4. Masturbation, actual or simulated; or
 5. Excretory functions as part of or in connection with any of the activities-set forth in 1), 2), 3), or 4).

8. ADULT FOSTER CARE HOME

See State Licensed Residential Facility.

9. AGRICULTURE

The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income.

10. ALLEY

A public way which affords only secondary access to abutting property, and not a STREET as defined.

11. ALTERATION OF BUILDING

A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

12. AMORTIZATION

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

13. ANIMAL (LARGE)

A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, or other similar nonhuman creatures which are also associated with traditional farming or animal husbandry purposes.

14. ANIMAL (SMALL)

A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

15. ANIMAL, HOBBY FARM

Animals often found on a farm and kept as an accessory to a single-family residential use. Hobby farm animals may include, but are not limited to, chickens, ducks, geese, pigeons, peacocks, rabbits, sheep, goats, cattle, swine, goats and llamas. Hobby farm animals do not include roosters, dogs, cats, deer or other wild animals.

16. ANIMAL HOSPITAL

See Kennel.

17. APARTMENT HOUSE

A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

- (a) Efficiency Apartment (Studio) - Is a dwelling unit consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- (b) One Bedroom Unit - Is a dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
- (c) Two Bedroom Unit - Is a dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
- (d) Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area to the minimum floor area as required by the Ordinance. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

18. APPEALS

The process, as prescribed in the ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

19. APPLICANT

A person or entity submitting an application for review and action by the Township or any of its departments or commissions.

20. APPROVED PLAN

A plan which has been granted final approval by the appropriate approving authority.

21. APPROVING AUTHORITY

The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

22. AREA

See Lot Area.

23. ATTACHED

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

24. AUTOMOBILE OR VEHICLE REPAIR-MAJOR

General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

25. AUTOMOBILE OR VEHICLE REPAIR-MINOR

Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding two tons capacity, but not including any operation specified under "automobile repair-major."

26. AUTOMOBILE OR VEHICLE SALES AREA

An area used for the display, sales and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or manufactured homes all in operable condition.

27. AUTOMOBILE SALVAGE

The dismantling or disassembling of used motor vehicles or trailers; the storage, sale, or dumping of dismantled or partially dismantled, or wrecked vehicles or their parts.

28. AUTOMOBILE SERVICE STATION OR FILLING STATION

A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises. A service station may include automobile vehicle repair and will be subject to the more restrictive regulations of the two.

29. AUTOMOBILE WASHING ESTABLISHMENT

A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles, including automatic car wash.

30. BANK

A financial institution.

31. BASEMENT

A story that is not a story above grade plane (see "Story Above Grade Plane").

32. BED AND BREAKFAST OPERATIONS

A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and board in return for payment, and which does not provide separate cooking facilities for such guests.

33. BERM, OBSCURING

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this ordinance.

34. BOARD OF APPEALS, ZONING

The Zoning Board of Appeals of the Township of Otsego.

35. BOARDING HOUSE or ROOMING HOUSE

A dwelling having one kitchen and used for the purpose of providing meals or lodging for pay or compensation of any kind to more than two persons other than members of the family occupying the dwelling.

36. BOTTOM LAND

The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water as per P.A. 346 of 1972 (Inland Lakes and Streams Act).

37. BUILDABLE AREA

The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

38. BUILDING

Anything which is constructed or erected, including a manufactured home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or similar uses.

39. BUILDING COVERAGE

The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

40. BUILDING HEIGHT

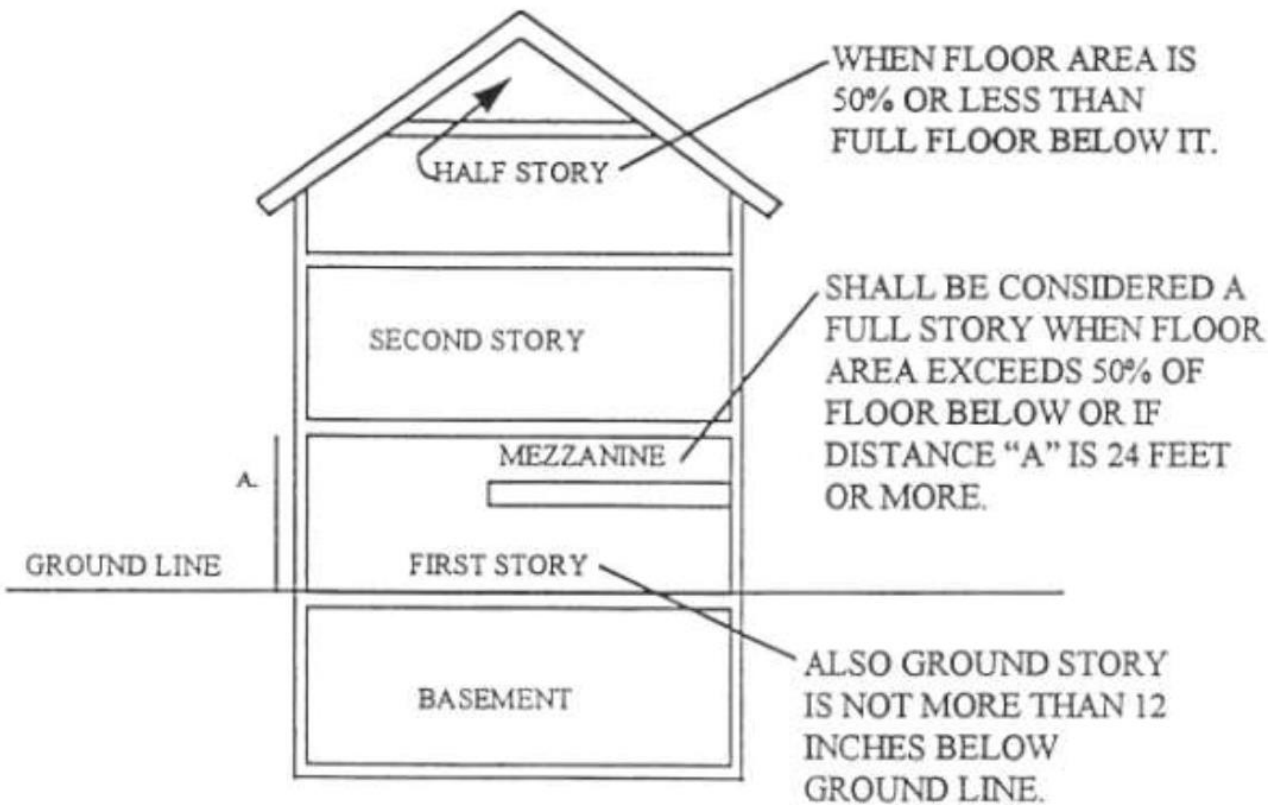
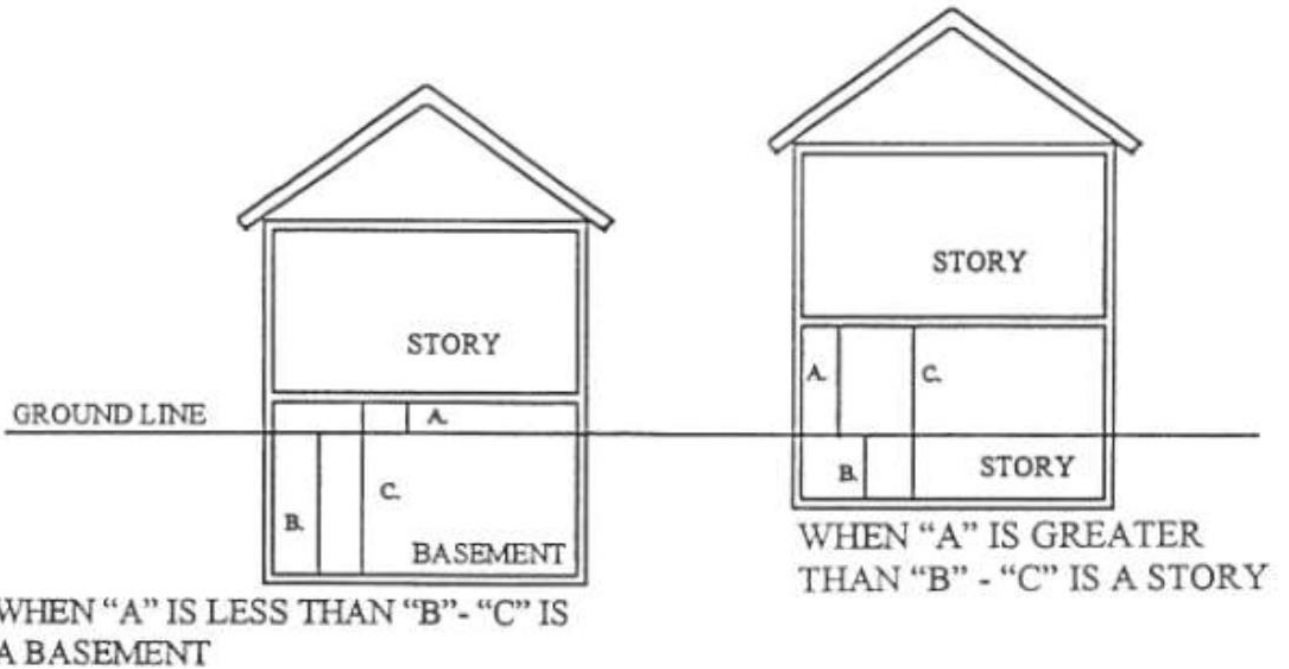
The vertical distance measured from grade of the building to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Where a building is located upon a terrace or on a sloping or undulating grade, the height may be measured from the average ground level at the building wall.

41. BUILDING, MAIN OR PRINCIPAL

A building in which the principle use of a lot is conducted.

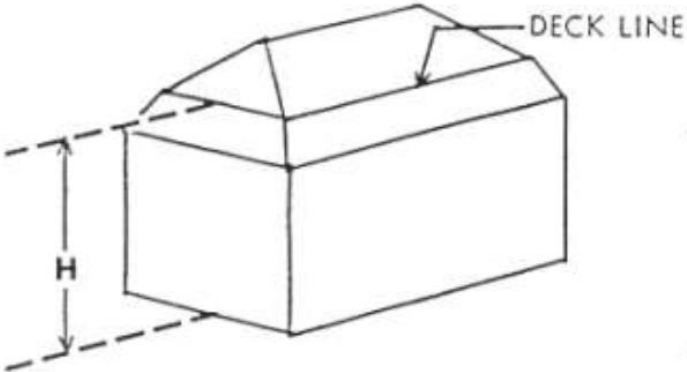
42. BUILDING OFFICIAL

The Building Inspector of the Township or his authorized representative.

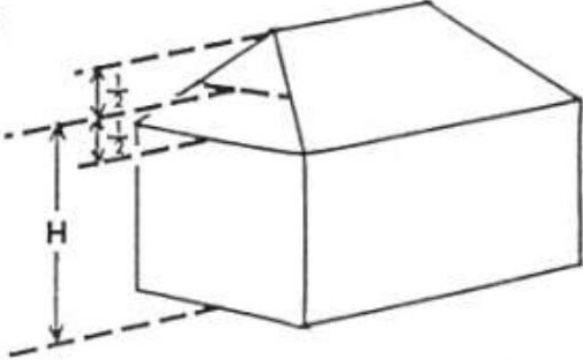


STRUCTURAL TERMINOLOGY

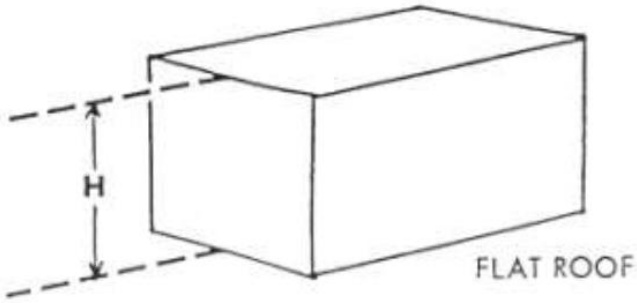
BUILDING HEIGHT REQUIREMENTS



MANSARD ROOF

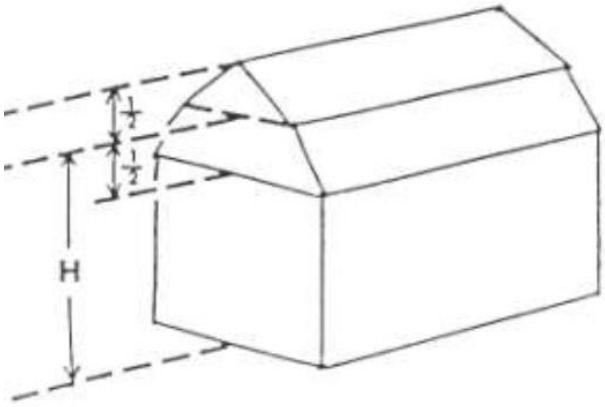


HIP ROOF

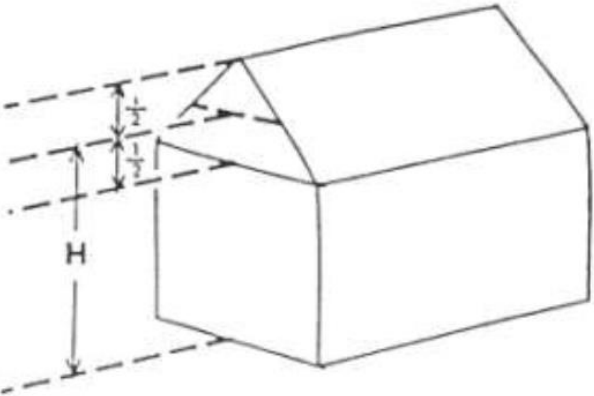


FLAT ROOF

GAMBREL ROOF



GABLE ROOF



H = Height of Building

43. BUILDING SETBACK

See Yard.

44. BUSINESS OR COMMERCE

Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, or the maintenance or operation of offices or recreational or amusement enterprises.

45. CAMPGROUND

A publicly or privately-owned facility used for overnight camping and recreational purposes. A campground may contain spaces for tents, motor homes and camping trailers.

46. CARRY-OUT RESTAURANT

An establishment which, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

47. CEMETERY

Land used for the burial of the dead, including columbariums, crematories and mausoleums. May be publicly or privately owned and operated.

48. CERTIFICATE OF OCCUPANCY

A document issued by the proper authority (Building Official and Zoning Administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal and State codes and ordinances and approved plans and specifications.

49. CERTIFICATION OF COMPLETION

A signed written statement by the Building Department that specific construction has been inspected and found to comply with all grading and building plans and specifications.

50. CHANGE OF USE

Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

51. CHILD CARE ORGANIZATION

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 as amended and the associated rules promulgated by the State government. Such organizations shall be further defined as follows:

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

- (b) "Foster family home" is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (c) "Foster family group home" means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (d) "Family day care home" means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (e) "Group day care home" means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

52. CLUSTER

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

53. COMMERCIAL

A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any 12-month period.

54. COMMERCIAL RECREATION

Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

55. COMMUNITY CENTER

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

56. COMPREHENSIVE PLAN

A comprehensive, long-range plan intended to guide the growth and development of the Township and includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use. Also known as a Master Plan.

57. CONDOMINIUM

A condominium is a system of separate ownership of individual units in multi-unit projects. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

58. CONSTRUCTION

The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

59. CONTIGUOUS

Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

60. CONVALESCENT OR NURSING HOME

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State Law.

61. CORNER LOT

See Lot, Corner.

62. COVERAGE

See Lot Coverage.

63. CUL-DE-SAC

A street with a single, common ingress and egress and with a turnaround at the end.

64. DAY CARE FACILITY

See Child Care Organization.

65. DEVELOPMENT

The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

66. DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS

Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- (a) A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit.
- (b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- (c) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

67. DISTRICT

A portion of Otsego Township in which certain building types and activities are permitted and in which certain regulations, in accordance with this Ordinance, are applicable.

68. DWELLINGS, SINGLE FAMILY ATTACHED

A group of three (3) or more single-family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling. Each unit of a single family attached dwelling has its own outside entrance. For the purposes of this Ordinance, dwellings such as semi-detached and row houses, are considered a single family attached dwelling.

69. DWELLING, SINGLE FAMILY DETACHED

A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

70. DWELLING, TWO (2) FAMILY

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

71. DWELLING, MULTIPLE FAMILY

A building or portion thereof, used or designed for occupancy by more than two (2) families living independently of each other. This definition does not include single family attached dwellings or two-family dwellings.

72. DWELLING, GROUP (Congregate Living)

A building or group of buildings designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

73. DWELLING OR DWELLING UNIT

Any building or portion thereof, manufactured home, pre-manufactured or pre-cut structure 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).

74. DWELLING, UNDERGROUND

See Underground Homes.

75. EASEMENT

A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

76. EGRESS (EXIT)

An exit from a building or site.

77. EMISSION

A discharge of pollutants into the air.

78. ENVIRONMENTALLY SENSITIVE AREA

An area with one or more of the following characteristics.

- (a) Slopes in excess of 20 percent
- (b) Floodplain
- (c) Soils classified as having a high water table
- (d) Soils classified as highly erodible, subject to erosion, or highly acidic
- (e) Land incapable of meeting percolation requirements
- (f) Land formerly used for landfill operations or hazardous industrial uses
- (g) Fault areas

- (h) Stream corridors
- (i) Estuaries
- (j) Mature stands of native vegetation
- (k) Aquifer recharge and discharge areas

79. EROSION

The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

80. ESSENTIAL SERVICES

Public utilities erected, constructed, altered, or maintained by municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchanges and/or repeater buildings, electric substations, gas regulators, stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

81. ESTABLISHMENT

An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

82. EXCAVATION

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

83. FAMILY

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

84. FARM

Any area of two and one-half (2-1/2) acres or more, used for agricultural purposes and uses incidental thereto. However, the incidental uses shall be subordinate to normal agricultural uses and shall not include commercial feeding of offal or garbage to animals.

85. FARM STAND

A booth or stall located on a farm, from which produce and farm products are sold to the general public.

86. FAST FOOD RESTAURANT

Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- (a) Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers.
- (b) More than 45 percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

87. FENCE

A permanent or temporary partition erected as a divider, barrier, or screening between two or more properties or to serve as an on-site enclosure (for animals or to hide from view such items as dumpsters or propane tanks).

88. FILLING

The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

89. FILLING STATION

See Automobile Service Station.

90. FLEA MARKET

An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.

91. FLOODPLAIN

- (a) **Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- (b) **Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year.
- (c) **Development** means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (d) **Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal water; (2) the unusual and rapid accumulation of runoff of surface waters from any source.
- (e) **Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
- (f) **Harmful increase** means an unnaturally high stage on a river, stream, or lake which causes or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
- (g) **New construction** means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
- (h) **Structure** means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a manufactured home.

- (i) **Substantial improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds the State Equalized Valuation of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include (1) any project for improvement of a structure in order to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

92. FLOOR AREA

- (a) **Floor Area, Gross.** Commonly referred to as “floor area,” the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. Floor area shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (See Basement definition). Any space devoted to off-street parking or loading shall not be included in “floor area”. Areas of basements not excluded herein, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.
- (b) **Floor Area, Usable.** The measurement of usable floor area shall include that portion of floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

93. FUNERAL HOME

A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

94. GARAGE, STORAGE

Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale, and where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

95. GARAGE, PRIVATE

A use accessory to a principal use without fee.

96. GARAGE, AUTOMOTIVE MAINTENANCE AND REPAIR

A facility for the care, repair, and maintenance of automobiles and similar vehicles.

97. GASOLINE SERVICE STATION

See Automobile Service Station.

98. GLARE

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in

visual performance and visibility.

99. GOLF COURSE

A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

100. GRADE

The established elevation of the ground surface at the midpoint of the front lot line.

101. GRADE PLANE

A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building between the structure and a point six (6) feet from the building.

102. GRADING

Any stripping, excavating, filling, stockpiling, or any combination thereof, of soil, stone, or other material that comprises the ground surface.

103. GREENHOUSE

A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or personal enjoyment.

104. GROUP CARE FACILITIES

See Dwellings, Group.

105. GUEST HOUSE

A building used as an accessory dwelling to a single-family unit for the temporary use of guests. A guest house may or may not contain kitchen and/or bathroom facilities.

106. HAZARDOUS MATERIALS

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

107. HEALTH CARE (SERVICES) FACILITIES

A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bioanalytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer. Provides out-patient care, no overnight stay, except for hospitals.

108. HIGHWAY

A public thoroughfare or street maintained and regulated by Federal or State agencies.

109. HOME OCCUPATIONS

A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade and must comply with Article 18 – Site Plan Review Procedures/Special Use Requirements.

110. HOSPITAL

See Health Care Facilities.

111. HOTEL

See Motel.

112. IMPERVIOUS SURFACE

Any material or surface which prevents percolation of water through the medium.

113. INFRASTRUCTURE

Facilities and services needed to sustain industry, residential and commercial activities.

114. INGRESS

Access or entry.

115. INSTITUTIONAL AND PUBLIC USES

Religious institutions, schools, hospitals, intermediate care or skilled nursing facilities, public or quasi- public non-profit uses, community facilities, parks and playground.

116. INTERSECTION

The point where two or more roads cross at grade.

117. JUNK MOTOR VEHICLE

An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or Township laws or ordinances.

118. JUNK

See Trash.

119. JUNK YARD

Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including paper, rags, wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated or obsolete.

120. KENNEL or ANIMAL HOSPITAL

Any building or land used for the sale, boarding, treatment, or breeding of dogs, cats, or other household pets as a business.

121. LAND USE

A use of land, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction,

drainage construction, agricultural practices and mining.

122. LAND USE PLAN

A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

123. LAUNDROMAT

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering and/or dry-cleaning purposes.

124. LIBRARIES

Institutions for the storage and circulation of books, compact discs, video tapes and other materials for use by the general public.

125. LITTER

See Trash.

126. LOT

A plat, plot or parcel of land occupied, or designed to be occupied, by one (1) primary use, and the accessory uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat.

127. LOT AREA

The total horizontal area included within the lot lines. Where the front lot line is the centerline of a street, or where a portion of a lot lies within a street right-of-way, the lot area calculated to meet the requirements of this Ordinance shall not include that area inside the street right-of-way.

128. LOT, CORNER

A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

129. LOT COVERAGE

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and similar structures, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences or swimming pools.

130. LOT LINE

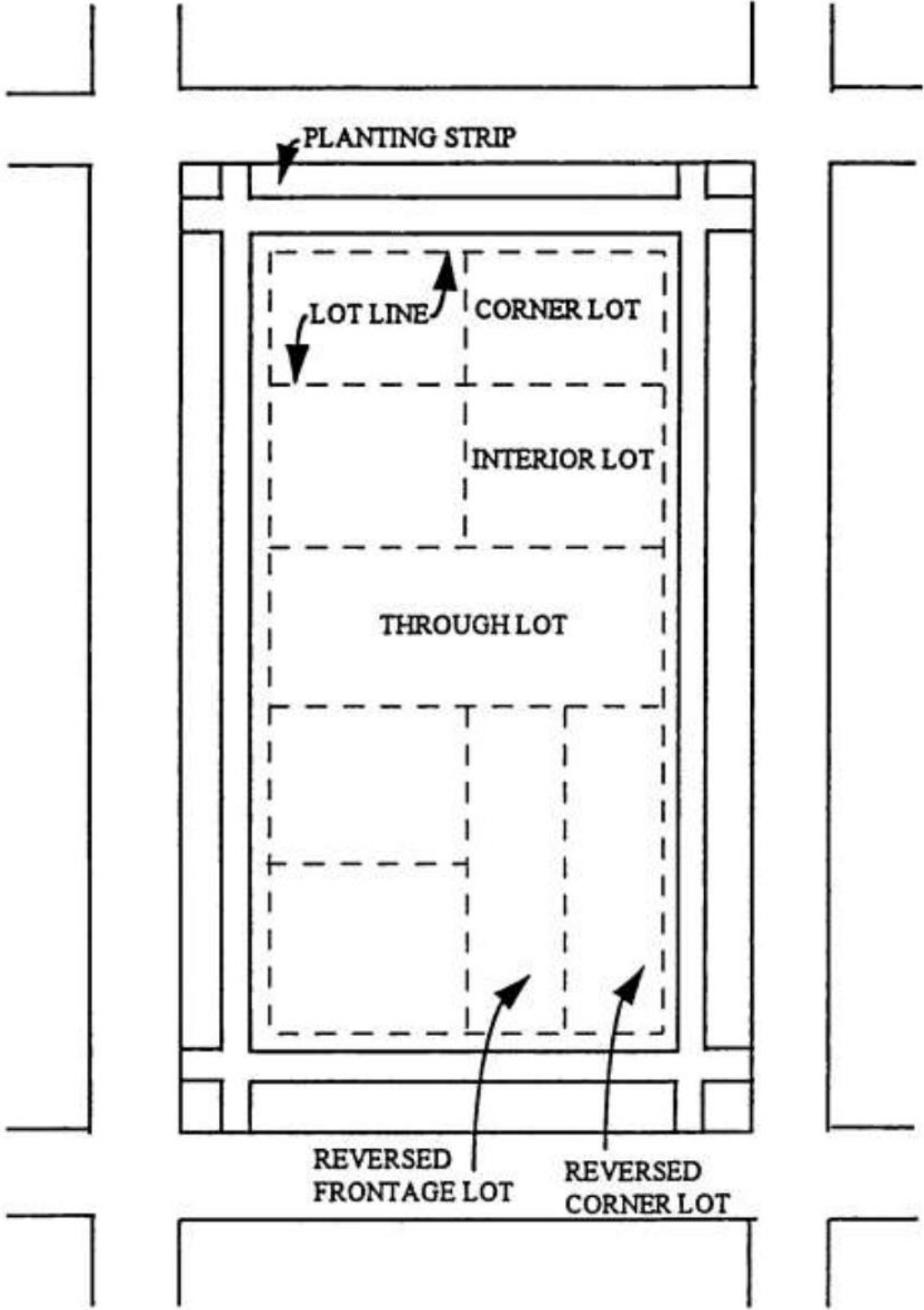
A boundary line of a lot.

131. LOT LINE, FRONT

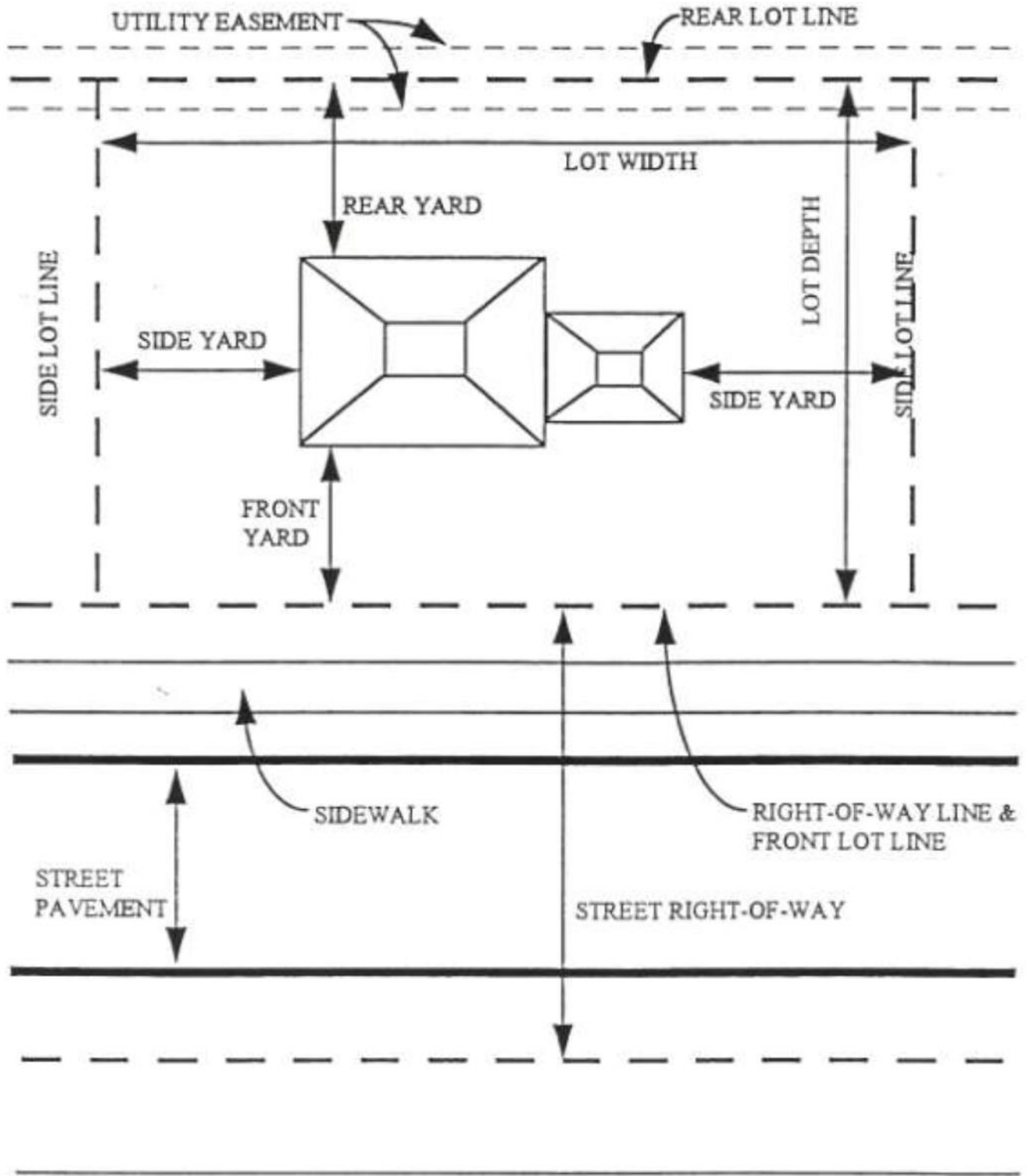
The exterior line or right-of-way of a road on which a lot fronts or abuts.

132. LOT LINE, REAR

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.



TYPES OF LOTS



LOT TERMINOLOGY

133. MANUFACTURED HOME

A movable or portable structure constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single-family dwelling. A manufactured home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity. Also known as a mobile home.

- (a) Single Wide - a manufactured home with a width of no greater than fourteen (14) feet for its full length. Except in a manufactured home park, a single wide manufactured home does not meet the definition of a dwelling unit as specified in this Ordinance.
- (b) Double Wide - a combination of two (2) manufactured homes designed and constructed to be connected along the lengthwise 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.

134. MANUFACTURED HOME PARK

A parcel of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home, and which is not intended for use as recreation vehicle trailer park (Act 96 of 1987).

135. MANUFACTURED HOME SITE

A measured parcel of land within a manufactured home park which is delineated by lot lines on a final development plan and which is intended for the placement of a manufactured home and the exclusive use of the occupants of such manufactured home.

136. MANUFACTURED HOME SUBDIVISION

A manufactured home park except that the manufactured home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

137. MASTER PLAN

See Comprehensive Plan.

138. MEDICAL OFFICE

See Health Care Facility

139. MIXED USE ZONING

Regulations which permit a combination of different uses within a single development, under special regulations

140. MODULAR HOME

A factory-built structure designed primarily for use as a dwelling when connected to utilities that include plumbing, heating, and electrical systems contained therein, and must be mounted on a permanent foundation. Modular homes conform to the Michigan Residential Code standards of construction and other codes determined applicable by the Building Official.

141. MOTELS, HOTEL, OR MOTOR HOTEL.

A building or a series of attached, semi-detached, or detached rental units providing long-term or transient lodging with motor vehicle parking in an area contiguous to the building.

142. MOTOR HOME

A self-propelled motor vehicle designed as self-contained living quarters and intended only for short-term occupancy.

143. MOTOR VEHICLE

Every vehicle which is self-propelled.

144. NONCONFORMING LOT

A lot existing at the effective date of this Ordinance, or amendments thereof, that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located. Conformity with dimensional requirements is determined without regard to the use of the property unless otherwise specified in this ordinance.

145. NONCONFORMING STRUCTURE

A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the dimensional standards (including, but not limited to minimum yard setbacks, maximum structure height, minimum building size, etc.) of the zoning district in which it is located.

146. NONCONFORMING USE

A use lawfully existing in a building or on land at the effective date of this Ordinance or affecting amendment, and which fails to conform to the use regulations of the zoning district in which is located. Conformity of the use is determined independently of the dimensions of the lot or building occupied for the use.

147. NONCONFORMING SIGN

Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

148. NUISANCE

Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

149. NURSERY, PLANT MATERIALS

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

150. OFFICE

A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

151. OFFICE BUILDING

A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, they may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or snack stand.

152. OPEN AIR BUSINESS

Shall be defined to include the following:

- (a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (b) Retail sale of fruits and vegetables.
- (c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park and/or similar recreation uses.
- (d) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- (e) Outdoor display and sale of garages, swimming pools, motor homes, manufactured homes, snowmobiles, farm implements, and similar products.
- (f) Courtyards, parking lots, or similar dedicated to the use of food trucks and associated seating and facilities.

153. OPEN SPACE

Is that part of a zoning lot, including courts or yards which:

- (a) Is open and unobstructed from its lowest level to the sky, and
- (b) Is accessible to all residents upon the zoning lot, and
- (c) Is not under the roof of that portion of a building containing dwelling units, and
- (d) Is comprised of lawn and landscaped area.
- (e) Is not under the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

154. PARK, PRIVATE

An open space, natural area, or recreational site owned or leased by an individual or business and used for the enjoyment and recreation of individuals as guests of paying customers to the site.

155. PARK, PUBLIC

An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

156. PARKING AREA

An area used for the parking, parking aisle, access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

157. PARKING BAY

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

158. PARKING LOT

An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

159. PARKING SPACE

Any accessible area of not less than nine (9) feet by eighteen (18) feet exclusive of excess

drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

160. PASSIVE RECREATION AREA

An open area designed for walking or sitting and enjoying nature or surroundings.

161. PLANNED RESIDENTIAL DEVELOPMENT OR "PRD"

An area of minimum contiguous size, as specified by this ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and one or more open space or recreation areas in such range or ratios of nonresidential to residential uses as shall be specified.

162. PLANNED UNIT DEVELOPMENT OR "PUD"

An area of minimum contiguous size, as specified by Ordinance, to be planned and developed as a single entity containing one or more residential clusters, or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

163. PLANNING COMMISSION

The duly designated advisory planning commission of the Township of Otsego.

164. POOL, COMMERCIAL SWIMMING (OVER 10,000 GALLONS)

An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

165. POOL, PRIVATE SWIMMING POOL (over 500 Gallons)

Any artificially constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

166. PORCH

Roofed open area that, while may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.

167. PRELIMINARY PLAN

A preliminary map indicating the proposed layout of the subdivision, PRD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

168. PRINCIPAL USE

The primary and predominate use of the premises including customary accessory uses.

169. PUBLIC FACILITIES

Facilities which are owned and operated by a municipality, government agency, school district, or publicly owned utility.

170. PUBLIC HEARING

A meeting announced and advertised in advance, and open to the public, with the public given an opportunity to speak or participate.

171. PUBLIC UTILITY

Any person, firm, corporation, municipal department, or board, duly authorized to furnish

and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, transportation, or water, sanitary sewer and storm sewer.

172. QUASI-PUBLIC ORGANIZATION

A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

173. QUORUM

The number of attendees required by a board or agency who must be present in order to conduct the business of the board or agency.

174. RADIO ANTENNA

A signal receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

175. RECREATIONAL VEHICLES

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

176. RECYCLING

The process by which waste products are reduced to raw materials and transformed into new and often different products.

177. RECYCLING CENTER

A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

178. RELIGIOUS INSTITUTION

A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith. Examples include, but are not limited to, churches, synagogues, mosques.

179. RESIDENCE

A home, abode, or place where an individual inhabits at a specific point in time.

180. RESIDENTIAL, RESIDENTIAL USE, or RESIDENTIAL DISTRICT

The use of land parcels for human habitation under the terms of this Article. RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

181. RESTRICTION

A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

182. RESTRICTIVE COVENANT

A restriction on the use of land usually set forth in a deed or other appropriate document.

183. RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are

habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of goods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

184. RIDING ACADEMY OR STABLE

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, similar establishment or business.

185. RIGHT-OF-WAY

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

186. RIGHT-OF-WAY LINE

The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

187. ROAD OR STREET FRONTAGE

The length of the lot line which borders a private or public road.

188. ROAD, PRIVATE

See Street, Private.

189. ROAD, PUBLIC

See Street.

190. ROADSIDE MARKET STAND

A temporary building or structure designed or used for the display and/or sale of agricultural products.

191. RUNOFF

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

192. SANITARY LANDFILL

Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

193. SCHOOL

Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

194. SCHOOL, CHARTER

A school that is chartered by the State of Michigan to operate as a nonprofit corporation for the purpose of educating elementary junior high or high school students. A charter school is not under the jurisdiction of a public school district.

195. SCHOOL, ELEMENTARY

Any school licensed by the state and which meets the state requirements of elementary

education.

196. SCHOOL, PAROCHIAL

A school supported and controlled by a private or religious organization.

197. SCHOOL, PRIVATE

Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which does not secure a major part of its funding from any governmental agency.

198. SCHOOL, SECONDARY

Any school regulated by the state and which is authorized to award diplomas for secondary education.

199. SCREENING

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

200. SETBACK

The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

201. SHOPPING CENTER

A group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking area and storage facilities.

202. SIDEWALK (PUBLIC)

A concrete surface typically three (3) to five (5) feet wide, that is located within a public right-of-way for pedestrian use and constructed and maintained in accordance with the Township's current sidewalk ordinance.

203. SIGNS

Any display of lettering, logos, colors, lights or illuminated tubes visible to the public from outside the building, which either conveys a message to the public, or intends to advertise, direct, invite or announce, directly or indirectly, a use, product, good or service.

204. SITE

Any plot or parcel of land or combination of contiguous lots or parcels of land.

205. SITE CONDOS

A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended).

206. SITE PLAN

The development for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of this Ordinance.

207. SPOT ZONING

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Township Comprehensive Plan.

208. STABLE, PRIVATE

Any building for shelter of horses or other animals not kept for remuneration, hire, or sale.

209. STATE LICENSED RESIDENTIAL FACILITY

Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

- (a) Adult Foster Care Facility: A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:
1. Family Home: Private residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
 2. Adult Foster Care Small Group Home: Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
 3. Adult Foster Care Large Group Home: Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
 4. Congregate Facility: Residence for more than twenty (20) adults.
- (b) Foster Family Home: A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Social Services.
- (c) Foster Family Group Home: A private residence that houses more than four (4) but less than seven (7) minor children, up to age 19, under constant care and supervision. Under public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Social Services.

210. STORMWATER MANAGEMENT

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

211. STORY

That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

212. STORY, ABOVE GRADE PLANE

Any story having its finished floor surface entirely above grade plane, or in which the

finished surface of the floor next above is either of the following:

- (a) More than six (6) feet above grade plan.
- (b) More than 12 feet above the finished ground level at any point.

213. STORY, HALF

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). for the purposes of this ordinance the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

214. STREAM

A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

215. STREET

The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

216. STREET, LOCAL

A street designed to provide vehicular access to abutting property and to discourage through traffic.

217. STREET, MAJOR

A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

218. STREET, PRIVATE

An improved easement or right-of-way on private property owned and maintained by one or more contiguous property owners or property owner associations.

219. STRUCTURE

Anything except a building, constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.

220. STRUCTURE CHANGES OR ALTERATIONS

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

221. SUBDIVIDER

Any person who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

222. SUBDIVISION

The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land in accordance with Public Act 288 of 1967, as amended.

223. TEMPORARY BUILDING OR USE

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, but not to exceed six (6) months

duration.

224. TOWNHOUSES

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium."

225. TOWNSHIP BOARD

The Otsego Township Board.

226. TOWNSHIP ZONING BOARD OF APPEALS

The Otsego Township Zoning Board of Appeals.

227. TOWNSHIP

Township of Otsego.

228. TRASH

The terms "Trash," "Litter," and "Junk" are used synonymously and each as herein shall include the following: Used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage of rats, ashes, garbage, industrial by-product or waste, empty cans, food containers, bottles, crockery, utilities of any kind, boxed, barrels, and all other articles customarily considered trash or junk.

229. UNDERGROUND HOME

A residence, the roof of which is covered with earth, and which on at least three (3) sides does not extend upward more than the surrounding grade levels within fifty (50) feet. This does not include basement houses which are covered on four (4) sides by earth.

230. USE

The purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

231. USE, PERMITTED

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

232. USE, SPECIAL EXCEPTION

A special land use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

233. USE, LAWFUL

The use of any structure or land that conforms with all of the regulations of this ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

234. VARIANCE

A grant of relief from the required provisions of the zoning ordinance.

235. VEHICLE, MOTOR

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, and licensed as a motor vehicle excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

236. VETERINARY CLINIC

Any building or land used for the treatment, and subsequently required boarding, of large and small animals.

237. WATER SUPPLY SYSTEM

The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

238. WETLANDS

Swamps or marshes with seasonal water present, especially as areas preserved for wildlife as defined by state or federal agencies.

239. WIND ENERGY CONVERSION SYSTEM (WECS)

WECS shall be the approved form of abbreviation of "wind energy conversion system". WECS shall mean a combination of

- (a) A surface area, either variable or fixed, for utilizing the wind for electrical power; and;
- (b) 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; and
- (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (d) The tower, pylon, or other structure upon which any, all, or some combination of the above area mounted.

The following are associated definitions for a WECS:

(e) Tower Height:

- 1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades.
- 2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

(f) Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

(g) Interconnected WECS: 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.

240. WORSHIP, PLACES OF

See Religious Institution.

241. YARD, REQUIRED SIDE-REAR-FRONT

An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (a) Front. An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way line.
- (b) Rear. An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way line, except as otherwise provided in this Ordinance.
- (c) Side. An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way line.

242. ZONING ACT

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

243. ZONING INSPECTOR

The Otsego Township Zoning Administrator or his/her designee.

244. ZONING PERMIT

A permit signifying compliance with the provisions of this ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Township of Otsego

ARTICLE 4 - GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts.

Sec. 4.01 THE EFFECTS OF ZONING

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

Sec. 4.02 RESTORATION OF UNSAFE BUILDING

Subject to the provisions of the Nonconforming Uses Chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

Sec. 4.03 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

- (a) Required area or space. A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- (b) Existing Lots of Record. A lot or parcel which was platted or divided through land division as of July 15, 1975, and does not comply with the lot area and / or lot width requirements shall be deemed an existing lot of record and shall be buildable provided it complies with all other site development requirements within the underlying zoning district.
 - 1. If more than one (1) lot of record is held in common ownership and said lots are contiguous, undeveloped and substandard in size to the minimum lot size in the zoning district, they shall, for the purpose of this Ordinance, be held as one (1) lot or as many lots as shall leave no lot substandard.
- (c) Exceptions. The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, windmills, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances and television and radio reception and transmission antennas and towers which do not exceed fifty (50) feet in height. Additions to existing buildings and structures which now exceed the height limitations of their Zoning District up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.
- (d) Flag Lots. The creation of flag lots is prohibited. Use of flag lots in existence at the effective date of this Ordinance may be utilized for permitted and special land uses in accordance to the regulations of this Ordinance. A flag lot is a lot which has less than the required minimum road frontage on a public or private road, which is reached via a private drive, and whose width some distance back from the right-of-way meets all Ordinance requirements.

Sec. 4.04 REQUIRED YARD OR LOT

All lots, yards parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the Zoning District in which they are located. In all residential districts, the required front yard shall not be used for off- street parking, loading, unloading, or the display of automobiles or other items for sale, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials,

vehicle access drives and signs as allowed in this Ordinance.

Sec. 4.05 PRINCIPAL BUILDING ON A LOT

Unless otherwise permitted by this Ordinance, no more than one (1) principal building shall be placed on a lot.

Sec. 4.06 DOUBLE FRONTAGE LOTS

Buildings on lots having frontage on two (2) intersecting or non-intersecting streets shall comply with front yard requirements on both such streets.

Sec. 4.07 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO MAJOR STREETS

Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major street on the Otsego Township Master Plan, as the same shall be amended from time to time, inclusive of all Interstates, Freeways, Arterials, and Primary Roads, unless it has a minimum building setback, as measured from the street centerline, of one hundred (100) feet.

Sec. 4.08 GARAGES OCCUPIED AS DWELLING UNITS

Any building erected as a garage or in which the main portion is a garage, shall in no case be occupied for dwelling purposes.

Sec. 4.09 GENERAL LIGHTING, FENCING AND SCREENING REQUIREMENTS

- (a) Lighting: All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or hazard to public roadways. Any use subject to site plan review shall adhere to lighting requirements established under Section 18.03 of this ordinance.
- (b) Fencing/Walls: Within any residential district, the maximum height for any fencing or walls in the front yard shall be four (4) feet. The maximum height for any fencing or walls in the side or rear yards within a residential district shall be six (6) feet. In order to maintain visibility for vehicular or pedestrian movement, non-opaque fencing, such as picket, split rail or chain link is encouraged. Opaque fencing may be used within the side and rear yards provided it is composed of conventional fencing material and constructed for stability. Within any commercial or industrial district, the maximum height for any fencing in the front yard shall be six (6) feet and in the side and rear yards the maximum height shall be eight (8) feet. The use of barbed wire shall be subject to review and approval by the Planning Commission and indicated on the approved site plan.
- (c) Screening: Except as otherwise provided in this Zoning Ordinance, all premises used for commercial or industrial purposes, and located in a C General Business District or I Industrial District, shall be screened from adjacent premises located in any residential district (R-1, R-2, R-3, or RMH District) by either of the following:
 - 1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than five (5) feet in height at the time of planting, and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
 - 2. An artificial wall or fence of sufficient density or compactness to screen the activities of the business from the view of occupants or adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.

3. No such planting area, wall or fence shall be closer than ten (10) feet from any adjoining street right-of-way line and in no way shall create a traffic hazard due to reduced visibility.

Sec. 4.10 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS

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

Sec. 4.11 ACCESSORY USES

In any Zoning District, accessory uses, incidental only to a permitted use, are permitted when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry not specifically permitted by this ordinance.

Sec. 4.12 ACCESSORY BUILDINGS

- (a) In any Zoning District, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible and similar to the principal building in design and materials.
- (b) Detached accessory buildings shall not be located closer than five (5) feet to the rear lot line or closer than forty (40) feet to the water's edge in the case of a waterfront lot (except that pump houses may be located within forty (40) feet of the water's edge if they do not exceed three (3) feet in height) and shall not occupy more than thirty percent (30%) of any rear yard space; they shall not be closer to any side lot line or front lot line than the principal building is permitted.
- (c) The distance between a detached accessory building and any principal building shall not be less than ten (10) feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
- (d) A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than ten (10) feet from the edge of the street.
- (e) No accessory building or structure shall include residential or living quarters for human beings except a guest house located in the AG or R-1 Zoning Districts and in accordance with the standards of Section 18.10.m.

Sec. 4.13 TEMPORARY USES OR STRUCTURES REQUIRING ZONING INSPECTOR AUTHORIZATION

- (a) Upon application, the Zoning Inspector shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary for construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Inspector for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary for construction at the site where located.
- (b) Upon application, the Zoning Inspector shall issue a permit for a temporary office which is both incidental and necessary for the sale or rental 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 (6) calendar months and shall be renewed by the Zoning Inspector for four (4) additional successive periods of six (6) calendar months or less

at 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) Tents, manufactured homes and/or travel trailers shall not be used for dwelling purposes; provided, however, that upon application, the Zoning Inspector shall issue a permit for a manufactured home or travel trailer to be used for temporary dwellings for a total period of not more than fourteen (14) days in any one year when located upon premises having running water and sewage facilities. The provisions for this section shall not be construed to permit long-term occupancy of travel trailers in manufactured home parks.
- (d) Upon application, the Zoning Inspector shall issue a temporary permit for Temporary and Seasonal Open-Air Businesses. Permitted sales include garden supplies, landscape supplies, fireworks displays and inventory reduction sales. Each permit shall be valid for a period not to exceed more than six (6) months. In granting approval, the following shall be considered:
 - 1. Temporary and Seasonal Open-Air Businesses are only allowed in C, Commercial Zoning District and must be located in or adjacent to the parking lot.
 - 2. Tents, lights and other items incidental to the use shall be allowed if use of such items does not restrict the flow of traffic or present a hazard to pedestrian or vehicular traffic. All sales inventory, poles, lights or other items incidental to this use shall be removed from the premises at the termination of the business or by the end of the permit period whichever comes first.
 - 3. For Temporary and Seasonal Open-Air Businesses located on the parking lot surface, the maximum allowed area shall not be greater than twenty percent (20%) of the total parking area excluding traffic lanes.
 - 4. Inventory reduction sales are only permitted for those businesses that have permanent locations adjoining the parking area.
 - 5. Hours and days of operation shall be specified.

Sec. 4.14 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, electrical substations, gas regulator stations, utility pump and metering stations, 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, subject to the following standards, where applicable:

- (a) Electrical substation and/or gas regulator stations shall be enclosed with a chain link fence or masonry wall six (6) feet high to obstruct passage of persons or materials.
- (b) 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 in accordance with the standards of this ordinance and shall conform to the general character of the architecture of the surrounding neighborhood.

Sec. 4.15 GOVERNMENTAL IMPROVEMENTS

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

Sec. 4.16 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 sewer facilities if its water supply and/or sewage disposal facilities does not comply with the rules and regulations governing waste and sewage disposal of Allegan County.

Sec. 4.17 KEEPING OF HOUSEHOLD PETS, HOBBY FARM ANIMALS, AND LIVESTOCK

- (a) Household Pets. The keeping of up to four (4) cats and/or dogs is permitted in all residential districts. Any litter of dogs or cats does not constitute a violation for a period of four (4) months after birth and further provided that no more than two (2) litters shall be allowed to remain on the lot within any consecutive 12-month period.
- (b) Hobby Farm Animals and Livestock
1. Hobby farm animals may be kept in the AG Zoning District.
 2. Hobby farm animals shall be kept within a building or fenced area. No farm animals are permitted to run at large.
 3. Structures used for keeping hobby farm animals shall not be located in any required front yard, shall be set back 30 feet from all other property lines, and shall be set back 100 feet from dwellings on neighboring properties.
 4. Hobby farms shall comply with noise and odor performance standards of this Ordinance.
 5. Indoor and outdoor areas where hobby farm animals are kept shall be cleaned and manure spread or disposed of at least weekly.
 6. Manure shall be stored at least 75 feet from all property lines.
- (c) Hobby Beekeeping. Beekeeping, when not undertaken as a primary apiary use as permitted by this ordinance, shall adhere to the following regulations, which are intended to avoid problems that are commonly associated with the keeping of bees in populated areas:
1. Honey bee colonies shall be kept in hives with movable frames of sound and usable condition.
 2. Colonies shall be kept at least 50 feet from property lines.
 3. A source of water must be kept available at all times to ensure bees will not congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause harm to humans or their pets.
 4. Minimum lot size to host a hobby bee colony shall be two and one-half (2.5) acres. No more than five (4) colonies shall be permitted per ten (10) acres when the use is not primary or incidental to a permitted farm.
- (d) Keeping of chickens for noncommercial purposes is permitted only in the AG Zoning District.

Sec. 4.18 TRASH, LITTER, JUNK AND REFUSE IN YARDS

It shall be unlawful for any person, firm, or corporation to accumulate, place, store, or allow or permit the accumulation, placement, or storage of trash, litter or junk on premises in the Township, except in a lawful sanitary landfill, a lawful junkyard, or in storage receptacles designed for the temporary accumulation of trash. Metal roll-off containers shall not be permitted on properties for a duration of more than 30 days unless there is a permitted, active construction project being undertaken on the property.

Sec. 4.19 DISMANTLED, NON-OPERATING OR UNLICENSED MOTOR VEHICLES

No person, firm or corporation shall store, place or permit to be stored or placed or allowed to remain on any parcel of land a dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed structure, or unless authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

1. Circumstances peculiar to the situation.
2. The nature of the neighborhood or surrounding area.
3. The number of vehicles to be placed on the parcel.
4. Potential nuisance or adverse effects.
5. Comments and concerns of adjacent property owners.
6. The spirit and intent of the Ordinance.

Sec. 4.20 LOUD MOTOR VEHICLES

Motor vehicles producing loud or excessive noise as determined by the Zoning Inspector are prohibited on lands or public streets.

Sec. 4.21 STREETS

To provide for the public health and welfare through adequate light and ventilation and for the safety of persons and property in the use of the streets of the Township, all public streets platted, laid out, or dedicated and accepted by the Allegan County Road Commission shall have a right of way width of at least sixty-six (66) feet.

Sec. 4.22 PRIVATE ROAD OR STREET

A private road which serves one or more separately owned parcels or dwelling units shall only be constructed under the following conditions, as a special use requiring prior approval of the Planning Commission:

- (a) Where such private road or easement extends for more than 660 feet from a dedicated public road, it shall be not less than sixty-six (66) feet in right-of-way width, twenty-four (24) feet in improved roadbed width with at least three (3) feet of improved shoulder width on each side and adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area. It shall further be improved with not less than six (6) inches of granular soil, have a grade of not more than seven (7) percent, and if dead-ended shall have a cul-de-sac with a radius of not less than fifty (50) feet of improved roadbed for the accommodation of emergency, commercial and other vehicles.
- (b) Where the private road or easement is six hundred sixty (660) feet or less in length, and is serving or intended to serve not more than four (4) separate parcels, units or ownerships, it shall not be less than forty (40) feet in right-of-way width, twenty (20) feet in improved roadbed width with at least two (2) feet of improved shoulder width on each side, and adequate drainage ditches on both sides with necessary culverts to accommodate and contain surface waters from the road area. It shall further be improved with processed and stabilized gravel and granular soil, have a grade of not more than seven (7) percent, and a cul-de-sac where dead-ended as specified in subparagraph 4.23(a) above. If said private road or easement is serving or intended to serve more than four (4) separate parcels, units or ownerships, the right-of-way and development standards set forth in 4.23(a) above shall apply.
- (c) If accessibility is by a private road or easement, a document "Otsego Township Private Road Maintenance Agreement" shall be recorded with the County Register of Deeds and filed with

the assessor or designee specifying the method of private financing of all maintenance, improvements and snow removal, the apportionment of these costs among those benefited, and the right of Otsego Township to assess such costs against those properties benefited, plus a twenty-five (25) percent administrative fee, and to perform such improvements in the event of a failure of those benefited to privately perform these duties for the health, safety and general welfare of the area. A public hearing shall be conducted by the Otsego Township Board with notice of such hearing given to all owners of affected properties, prior to performing improvements. Affected property owners shall be notified of the proposed improvements/ maintenance or snow removal and associated assessment costs prior to the public hearing and those in attendance at the hearing shall have the opportunity to voice their opinion regarding said improvements and assessments.

- (d) Any intersection between private and public roads shall contain a clear vision triangular area of not less than two (2) feet along each right-of-way line as measured from the intersecting right-of-way lines.
- (e) No private road shall serve more than twenty-five (25) separate parcels.
- (f) All lots served by a private road must meet the Zoning Ordinance district requirements in which they exist. Setbacks shall be measured from the edge of the private road right-of-way.
- (g) The private road shall have a name and street sign consistent with the Allegan County Road Commission standards. A location map of the private road and street name shall be submitted to the Otsego Fire Department, Allegan County Sheriff Department, and any emergency service organization serving the Township of Otsego.
- (h) Prior to the commencement of any such private road development, the developer shall submit in writing to the Planning Commission all of the foregoing required documents, construction plans, and private road location with respect to nearby public roads and the parcels proposed to be served by the private road for the Planning Commission's review with respect to the granting or denial of the special use application. The Planning Commission shall conduct a special use hearing in accordance with this Zoning Ordinance. The Planning Commission shall consider the factors contained in the Zoning Ordinance concerning the issuance of a special use permit for the private road in question.

Sec. 4.23 MINIMUM PUBLIC OR PRIVATE ROAD FRONTAGE

Every principal building and use shall be located on a lot having a minimum road frontage equal to the minimum lot width required in the mapped district in which the lot is located.

Sec. 4.24 OUTDOOR FURNACES

The use of any free-standing outdoor furnace structure that is designed to provide heat or located within the residence or accessory building, shall be subject to the following requirements:

- (a) A building permit, and any other required mechanical, plumbing or electrical permits, shall be obtained prior to the installation of the furnace.
- (b) The minimum lot area required for use of such furnaces shall be two (2) acres and such furnace shall be located within the rear yard, setback no less than 100 feet from any adjoining property line and no less than 50 feet from the principal building (dwelling unit) or accessory building that it serves.
- (c) The only fuel material that shall be used for such operation shall be that fuel specified by the manufacturer of the furnace. The outdoor storage of any fuel material (wood, corn, pellets, etc.) associated with the furnace shall be setback no less than 50 feet from any adjoining property line. In no instance shall the furnace be used for incineration of non-fuel products or waste.
- (d) The furnace shall not emit dense smoke for more than twenty minutes within any hour of a 24-hour period, when the fire is being kindled, or such emission shall be a violation of this ordinance. The emission of "dense smoke" shall be defined as: Smoke of a density equal to

or greater than the smoke described as number 2 (#2) on the Ringelmann Smoke chart, hereby adopted by reference, as published by the Department of the Interior, Bureau of Mines, as amended or revised.

- (e) The chimney of the outdoor free-standing furnace structure shall have a spark arrestor installed at the top of the chimney stack and the height of the stack shall be no less than six feet (6') above the height of the roof on that portion of the building where it has been installed. In no instance shall this height be any less than two feet (2') above any other roof surface within then (10') feet of the stack location.

Sec. 4.25 LANDSCAPING AND BUFFERING

- (a) Where a greenbelt is required, the following standards shall apply:
 1. Must be a strip of land not less than ten (10) feet in width;
 2. Planted and maintained with trees acceptable to the Zoning Administrator of from five (5) to six (6) feet in height, spaced not more than ten (10) feet apart; or a hedge row of suitable shrubs not more than four (4) feet in height.

Sec. 4.26 ACCESS

All lots of record shall have access to a public street or highway or to a private street meeting the Otsego Township Road Construction Standards defined within this Ordinance.

Sec. 4.27 DWELLING UNITS

Each dwelling unit in the Township shall comply with the following minimum standards:

- (a) Minimum living area of 750 square feet for one or two-bedroom dwelling plus 150 square feet of additional living area for each additional bedroom beyond two.
- (b) It has as minimum width across any front, side or rear elevation of twenty (20) feet and minimum of twenty (20) feet in length and complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township code, then in that event such federal or state standard or regulation shall apply.
- (c) Each manufactured home shall be provided with a continuous pad of four-inch thick concrete running the full length and width of the manufactured home. Footings shall be in compliance with Michigan State Building Code under the frame area the entire length of the pad. In addition, each manufactured home shall be secured to the premises by an anchoring system or device at each corner and not to exceed each 20 feet of length between each anchor on each side of said manufactured home. Skirting shall be installed along the base of each manufactured home sufficient to hide the undercarriage and supports from view, skirting shall be aesthetically compatible with said manufactured home and shall be constructed of block, concrete, metal, fiberglass, wood siding or any generally accepted building material, and conforming to the rules and standards set forth in the rules of the Michigan Mobile Home Commission, promulgated under 1976 Act 419, as amended.
- (d) Aesthetically compatible in design and appearance to dwellings in the surrounding area.
- (e) Must contain permanently attached steps connected to exterior door areas or to porches connected to exterior door areas where a difference in elevation requires the same.
- (f) Manufactured homes must comply with the standards for manufactured home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards (14 CFR 3208), and as from time to time amended. No manufactured home manufactured more than nine (9) years

prior to date of installation shall be allowed.

- (g) Properly maintained against deterioration and/or damage from the elements.
- (h) The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park.

Sec. 4.28 PERMITTED ENCROACHMENTS

This regulation shall not include eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level.

ARTICLE 5 - MAPPED DISTRICTS

Sec. 5.01 ZONE DISTRICTS

The Township of Otsego is hereby divided into the following Zoning Districts:

AG	Agricultural and Rural Estate District
R-1	Low-Density Single-Family District
R-2	Medium Density Single Family District
R-3	High Density Residential District
RMH	Manufactured Home Park District
C	General Business District
I	Industrial District

Sec. 5.02 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 Otsego Township, Allegan County, Michigan," which accompanies and is hereby made a part of this Ordinance.

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.

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
- (d) Where a district boundary line divides along a major street or divides a lot or lots in common ownership and of record at the time this Ordinance is enacted, the more restrictive district in terms of protection of adjacent property values and maintaining character shall be considered as extending to the entire lot. Planning Commission may modify these standards in the interests of maintaining continuity of character with adjacent and nearby properties or protection of the public health, safety, and welfare.
- (e) Boundaries indicated as approximately following shorelines of lake, river, or stream beds shall be construed as following such shorelines of lake, river, or stream beds, as in the event of change in the location of shorelines of lake, river, or stream beds, shall be construed as moving with the shoreline of the lake, river, or stream bed.
- (f) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
- (g) 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 government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

Sec. 5.03 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.

ARTICLE 6 - AG AGRICULTURAL AND RURAL ESTATE DISTRICT

Sec. 6.01 DESCRIPTION AND PURPOSE

This District is intended to preserve and provide for large tracts of land used for farming, dairying and forestry and other rural activities. Large vacant areas, fallow land and wooded areas may be included. The specific intent is to encourage proper use of lands through preventing the intrusion of residential activities which may create incompatibility and conflict.

Sec. 6.02 PERMITTED USES

- (a) Any lawful pursuit in agriculture including, but not by way of limitation, the production of fruits, vegetables, grains, grasses, and other crops from the soil; the growth, harvesting, and replanting of wood lots; experiments in soil and crop improvement; the production and raising of horses, goats, cattle, sheep, and swine, and fattening the same for market; riding stables where horses are boarded and/or rented; the production of domestic rabbits; the production of poultry and eggs; and all useful husbandry of the soil and things of the soil and of domestic animal life; and the gainful pursuit of all kinds of agriculture, horticulture, viticulture, floriculture, apiculture, farming, dairying, pasturage, animal and poultry husbandry, greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
- (b) Single-Family and Farm dwellings. There shall be at least 750 square feet of actual living quarters for each family living in any permanent dwelling, excluding basement, attached garages, attached porches, and accessory buildings; if an office or home occupation is carried on, the area of living quarters for each family shall remain a minimum of 750 square feet. There shall be separate sleeping, kitchen, and bathroom facilities for each family living in any farm dwelling.
- (c) Temporary dwelling structures, but subject to the same limitations as are set forth in Section 4.13 of this Ordinance.
- (d) The storage and packaging of farm products and the sale thereof.
- (e) Roadside stands. All associated structures and parking areas shall be set back not less than 10 feet from the highway right of way, and there shall be parking space outside the highway right of way for at least four (4) automobiles, with an entrance and an exit separate from each other. This is a permitted use that requires Site Plan Approval by the Planning Commission.
- (f) Religious institutions.
- (g) Travel trailers, subject to the requirements of Section 4.13.
- (h) Accessory uses and structures, subject to the requirements of Section 4.11.
- (i) State licensed residential facilities which provide resident service for six (6) or fewer persons.

Sec. 6.03 USES ALLOWED BY SPECIAL USE PERMIT

The following uses are permitted in this District subject to obtaining a special use permit as provided for in Part II of Article 18.

- (a) Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources.
- (b) Airports.
- (c) Veterinarians' offices, commercial kennels and animal clinics.
- (d) Essential public utility service buildings, or gas or electric regulator stations or buildings, subject to the requirements of Section 4.14.

- (e) Campgrounds and cemeteries.
- (f) Planned Residential Development subject to the requirements of Article 16.
- (g) Golf courses, country clubs, golf driving ranges.
- (h) Public or privately-owned athletic grounds and parks.
- (i) Guest Houses.
- (j) Commercial television, radio, and micro-wave transmission, receiving, and relay towers for lease, use of customers, or other commercial purposes when authorized by the Planning Commission.
- (k) Housing for migrant labor and seasonal agricultural employees, with adequate water supply and sewage disposal facilities as may be approved by the Allegan County Health Department. Such housing shall not be used for habitation between November 15 of any year and April 1 of the following year.
- (l) Planned Unit Development subject to the requirements of Article 17.
- (m) Home Occupations.
- (n) Wind energy conversion systems.
- (o) State licensed residential facilities which provide resident service for more than six (6) persons.
- (p) Mining and natural resource extraction.
- (q) Storage of manufactured fireworks.

Sec. 6.04 HEIGHT REGULATIONS

No residential building or structure shall exceed thirty-five (35) feet in height unless otherwise permitted by the Planning Commission in accordance with the standards of the Michigan Residential Code. All other buildings and structures shall not exceed their usual and customary heights.

Sec. 6.05 DIMENSIONAL 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:

- (a) Front Yard. There shall be a front yard of not less than fifty (50) feet.
- (b) Side Yard. There shall be total side yards of not less than twenty (20) feet; provided, however, that no side yard shall be less than seven (7) feet.
- (c) Rear Yard. There shall be a rear yard of not less than ten (10) feet; provided, however, that in the case of lake or river front lots, the rear yard shall be not less than fifty (50) feet.
- (d) Lot Area. The minimum lot area and width for residential uses shall be two and one-half (2-1/2) acres and three hundred thirty (330) feet, respectively; provided, however, that any lot which is platted or otherwise of record as of July 15, 1975, may be used for one (1) single family dwelling provided that lots not served with public sewer shall have a minimum lot area and width of fifteen thousand (15,000) square feet and one hundred (100) feet respectively.

Sec. 6.06 MINIMUM FLOOR AREA

Each dwelling unit shall have the following minimum floor area:

- (a) Two-bedroom dwelling, 750 square feet.
- (b) Three or more-bedroom dwelling, 900 square feet plus 150 square feet for each bedroom over three.

ARTICLE 7 - R-1 LOW-DENSITY SINGLE-FAMILY DISTRICT

Sec. 7.01 DESCRIPTION AND PURPOSE

This Zoning District is intended for low density single family residential uses together with associated recreational, religious and educational facilities. This district is intended to provide a rural living environment devoted primarily to "large lot" single-family dwellings. This District can also serve as a buffer between more concentrated residential areas and agricultural uses in the surrounding township.

Sec. 7.02 PERMITTED USES

- (a) Single family dwellings.
- (b) Temporary dwelling structures used on a parcel of land while a dwelling is being constructed thereon in conformance with the requirements of this ordinance, but such use shall not be continued for more than one (1) year. Temporary dwelling structures shall include, but are not limited to, so-called basement houses and manufactured homes.
- (c) The keeping of ordinary household pets.
- (d) Religious institutions.
- (e) State licensed residential facilities which provide resident service for six (6) or fewer persons.
- (f) Temporary buildings or trailers incidental to construction activities.
- (g) Accessory uses and structures, subject to the requirements of Section 4.11.

Sec. 7.03 USES ALLOWED BY SPECIAL USE PERMIT

The following uses are permitted in the District subject to obtaining a special use permit as provided for in Part II of Article 18.

- (a) Private and public schools, libraries, museums, and similar uses when owned and operated by a governmental agency or non-profit organization.
- (b) Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a non-commercial organization.
- (c) Golf courses, country clubs, golf driving ranges.
- (d) Public or privately-owned athletic grounds and parks.
- (e) Fraternal clubs and lodges.
- (f) Planned Residential Development subject to the requirements of Article 16.
- (g) Home occupations.
- (h) Sale of agricultural products, at least seventy-five percent (75%) of which are raised upon the premises. A roadside stand may be used if in conformance with Article 18.
- (i) Essential public utility service buildings, or gas or electric regulator stations or buildings subject to the requirements of Section 4.14.
- (j) Guest Houses.
- (k) Planned Unit Development subject to the requirements of Article 17.
- (l) State licensed residential facilities which provide resident service for more than six (6) persons.
- (m) Storage of manufactured fireworks as a home occupation.

Sec. 7.04 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 1/2) stories unless otherwise permitted by the Planning Commission in accordance with the standards of the Michigan Residential Code.

Sec. 7.05 DIMENSIONAL REGULATIONS

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

- (a) Front Yard. There shall be a front yard of not less than thirty (30) feet.
- (b) Side Yard. There shall be total side yards of not less than twenty (20) feet; provided, however, that no side yard shall be less than seven (7) feet.
- (c) Rear Yard. There shall be a rear yard of not less than ten (10) feet; provided, however, that in the case of lake or river front lots, the rear yard shall be not less than fifty (50) feet.
- (d) Lot Area and Width. The minimum lot area and width for a single-family dwelling shall be one (1) acre and one hundred (150) feet, respectively.

Sec. 7.06 MINIMUM FLOOR AREA

Each dwelling unit shall have the following minimum floor area:

- (a) Two-bedroom dwelling, 750 square feet.
- (b) Three or more-bedroom dwelling, 900 square feet plus 150 square feet for each bedroom over three.

ARTICLE 8 – R-2 MEDIUM DENSITY SINGLE FAMILY DISTRICT

Sec. 8.01 DESCRIPTION AND PURPOSE

The R-2 District is intended to provide a residential living environment devoted primarily to single-family dwellings while allowing for larger lots than standard “residential subdivision” developments.

Sec. 8.02 PERMITTED USES

- (a) Any use permitted in the R-1 Zoning District, except as specifically provided otherwise in this Section, to the same conditions, restrictions and requirements as are provided in the R-1 Zoning District.
- (b) Two family dwellings if the following requirements are met:
 - 1. The size and design of the building in relationship to surrounding buildings and properties.
 - 2. The nature of the surrounding neighborhood and the effect a dwelling of this type would have on it.
 - 3. The proposed location of the building.
 - 4. Any traffic congestion that would result from a use of this type.
 - 5. Whether or not adequate off-street parking can be provided.
- (c) Religious institutions.
- (d) Accessory buildings and uses.

Sec. 8.03 USES ALLOWED BY SPECIAL USE PERMIT (See Article 18 for Procedure)

The following uses are permitted in this District subject to obtaining a special use permit as provided for in Part II of Article 18.

- (a) Home occupations.
- (b) Funeral homes.
- (c) Hospitals, medical centers.
- (d) Schools.
- (e) Township facilities, including the Otsego Township Hall and accessory buildings.
- (f) Private clubs, lodges and meeting places for other organizations, not including any use that is customarily conducted as a gainful business.
- (g) Accessory buildings incidental to the main building subject to the requirements of Section 4.12.
- (h) Temporary building or trailers used during construction subject to the requirements of Section 4.13.
- (i) Travel trailers, subject to the requirements of Section 4.13.
- (j) Accessory uses and structures, subject to the requirements of Section 4.12.
- (k) Essential public utility service buildings, or gas or electric regulator stations or buildings, subject to the requirements of Section 4.14.
- (l) Planned Resident Development, subject to the requirements of Article 16; and Planned Unit Development subject to the requirements of Article 17.

- (m) Golf course, country clubs, golf driving ranges.
- (n) Public or privately-owned athletic grounds and parks.
- (o) State licensed residential facilities which provide resident service for more than six (6) persons.
- (p) Storage of manufactured fireworks as a home occupation.

Sec. 8.04 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 1/2) stories unless otherwise permitted by the Planning Commission in accordance with the standards of the Michigan Residential Code.

Sec. 8.05 DIMENSIONAL REGULATIONS

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

- (a) Front Yard. There shall be a front yard of not less than thirty (30) feet.
- (b) Side Yard. There shall be total side yards of not less than twenty (20) feet; provided, however, that no side yard shall be less than seven (7) feet.
- (c) Rear Yard. There shall be a rear yard of not less than ten (10) feet; provided, however, that in the case of lake or river front lots, the rear yard shall be not less than fifty (50) feet.
- (d) Lot Area and Width (Single Family). The minimum lot area and width for a single-family dwelling shall be twenty-one thousand seven hundred and eighty (21,780) square feet and one hundred (100) feet, respectively, for lots not served by a public sewer system and fourteen thousand five hundred (14,500) square feet and ninety (90) feet, respectively, for lots served by a public sewer system. A common private wastewater system connected to all dwelling units within a development shall be considered a public sewer for the purposes of this calculation.
- (e) Lot Area and Width (Two Family). The minimum lot area and width for a two-family dwelling shall be thirty thousand (30,000) square feet and one hundred and fifty (150) feet, respectively. All two-family dwellings shall be served by public sewer system. (See "subsection (d) above").

Sec. 8.06 MINIMUM FLOOR AREA

Each dwelling unit shall have the following minimum floor area:

- (a) Two-bedroom dwelling, 750 square feet.
- (b) Three or more-bedroom dwelling, 900 square feet plus 150 square feet for each bedroom over three.
- (c) Each two-family dwelling unit shall have a minimum of seven hundred fifty (750) square feet of usable floor area on the first floor of each dwelling unit.

ARTICLE 9 – R-3 HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 9.01 DESCRIPTION AND PURPOSE

This District is intended to accommodate a variety of housing types within higher density residential growth areas likely to occur near the City of Otsego. The maximum density for single family dwellings shall be 4 units per acre, for two family dwellings: 6 units per acre, and for multiple family dwellings: 8 units per acre. For mixed use projects under either planned residential or planned use development options, the overall residential density may not exceed 8 units per acre. Commercial uses may also be allowed with a Planned Unit Development. All development within the “R-3” District shall be served by a public sewer system or a common private wastewater system connected to all units within a development.

Sec. 9.02 PERMITTED USES

- (a) Any use permitted in the R-2 Zoning District, except as specifically provided otherwise in this Article to the same conditions, restrictions and requirements as are provided in the R-2 Zoning District.
- (b) Multiple family dwellings; i.e., garden apartments, townhouses.
- (c) Accessory buildings and uses.
- (d) Religious institutions.

Sec. 9.03 USES ALLOWED BY SPECIAL USE PERMIT

The following uses are permitted in this District subject to obtaining a special use permit as provided for in Part II of Article 18.

- (a) Home occupations.
- (b) Child care.
- (c) Funeral homes.
- (d) Hospitals.
- (e) Schools.
- (f) Planned Residential Development subject to requirements of Article 16.
- (g) Public/private parks and playgrounds.
- (h) Planned Unit Development subject to the requirements of Article 17.
- (i) Private clubs, lodges and meeting places.
- (j) Essential public utility service buildings, gas or electric regulator stations or buildings, subject to the requirements of Section 4.14.
- (k) State licensed residential facilities which provide resident service for more than six (6) persons.

Sec. 9.04 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 1/2) stories unless otherwise permitted by the Planning Commission in accordance with the standards of the Michigan Residential Code.

Sec. 9.05 DIMENSIONAL REGULATIONS

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

- (a) Front Yard. There shall be a front yard of not less than thirty (30) feet.

- (b) Side Yard. There shall be total side yards of not less than twenty (20) feet; provided, however, that no side yard shall be less than seven (7) feet.
- (c) Rear Yard. There shall be a rear yard of not less than ten (10) feet; provided, however, that in the case of lake or river front lots, the rear yard shall be not less than fifty (50) feet.
- (d) Lot Area and Width (Single Family). The minimum lot area and width for a single-family dwelling shall be ten thousand eight hundred (10,800) square feet and eighty (80) feet, respectively.
- (e) Lot Area and Width (Two Family). The minimum lot area and width for a two-family dwelling shall be fifteen thousand (15,000) square feet and one hundred (100) feet, respectively.
- (f) Lot Area and Width (Multiple Family). The minimum lot area and width for a multiple family dwelling shall be one acre and two hundred (200) feet, respectively.

Sec. 9.06 MINIMUM FLOOR AREA

Each dwelling unit shall have the following minimum floor area:

- (a) Two-bedroom dwelling, 750 square feet.
- (b) Three or more-bedroom dwelling, 900 square feet plus 150 square feet for each bedroom over three.
- (c) Each two-family dwelling unit shall have a minimum of seven hundred fifty (750) square feet of usable floor area on the first floor of each dwelling unit.
- (d) Multiple family dwellings:
 - 1. Efficiency: 350 SF
 - 2. One Bedroom: 400 SF
 - 3. Two Bedroom: 600 SF
 - 4. Three Bedroom: 720 SF
 - 5. Four+ Bedroom: 800 SF + 80 SF for each additional bedroom

ARTICLE 10 - RMH MANUFACTURED HOME PARK DISTRICT

Sec. 10.01 PURPOSE

This district is intended to preserve the interests of alternate types of residential developments which should be permitted in every community and to protect the residents of any manufactured home type development. The regulations applicable to this district are considered as minimum standards to be applied to all manufactured home park developments in the district and the requirements of Public Act 96 of 1987, as amended, and by the Michigan Manufactured Housing Commission rules promulgated pursuant to Act 96.

Sec. 10.02 PERMITTED USES

- (a) Manufactured home parks.
- (b) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of manufactured home park residents.
- (c) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article, storage or out buildings, otherwise permitted in residential districts under this article.
- (d) Essential public utility service buildings, gas or electric regulator station and buildings.

Sec. 10.03 COMPLIANCE WITH MANUFACTURED HOUSING COMMISSION RULES

No manufactured home park shall be established within the RMH district unless the park complies with the rules of the Manufactured Housing Commission of the Michigan Department of Commerce.

Sec. 10.04 AREA

The minimum size of a manufactured home park shall be ten (10) acres.

Sec. 10.05 LANDSCAPING

Manufactured home parks shall be landscaped as follows:

- (a) Landscaping Materials. If the manufactured home park abuts an existing residential development, screening shall be required along the park boundary abutting the residential development.
- (b) If the park abuts a non-residential development, the park need not provide screening.
- (c) In all cases, however, a park shall provide screening along a park boundary abutting a public right-of-way.
- (d) The landscaping shall consist of evergreen trees or shrubs of minimum three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home park as effectively as the required landscaping described above.

Sec. 10.06 STREETS, SIDEWALKS AND PUBLIC WAYS

Every manufactured home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

- (a) All streets within the manufactured home park shall be paved with a hard surface in accordance with the most recent edition of the Standard Specifications for Construction including Construction Details of the Michigan Department of Transportation.
- (b) Every street shall be provided with storm drains so as to allow for the drainage of water

without flooding adjacent property or buildings, with the drains designed according to Part 4 of the Michigan Department of Environmental Quality Mobile Home Park Standards.

- (c) Two-way streets within the manufactured home park shall have a minimum traveled width of twenty-two (22) feet with no parking. One-way streets shall have a minimum traveled width of thirteen (13) feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the manufactured home park the minimum width of each street, in addition to the traveled portion, shall be ten (10) feet wide for each parallel parking lane and sixteen (16) feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.
- (d) Each street intersection within the manufactured home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30) feet from the intersection or taller than three (3) feet from the center line elevation of the street.
- (e) Each intersection within the manufactured home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.
- (f) If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) which may be either concrete or asphalt.
- (g) If a developer provides sidewalks, the sidewalks shall be designed, constructed and maintained for safe and convenient movement from all manufactured home sites to principal destinations within the park and connection to the public sidewalks outside the park. A sidewalk system shall be in compliance with all of the following requirements:
 - (h) Where steps are installed, they shall rise no steeper than five feet vertically and ten feet horizontally. Handrails shall be installed in compliance with the provisions of R408.30401 of the Michigan Administrative Code.
 - (i) Where steps are installed along common sidewalks, ramps shall be installed in compliance with R408.30445 of the Michigan Administrative code.
 - (j) If constructed, sidewalks shall have a minimum width of three (3) feet.
 - (k) An individual sidewalk shall be constructed between the permanent foundation, or patio of provided, and the on-site parking spaces or parking bay, whichever is provided, or common sidewalk, if provided.

Sec. 10.07 OFF STREET PARKING AND DRIVEWAYS

Provisions shall be made for at least two (2) usable off-street parking spaces for each dwelling unit.

- (a) Parking spaces may be either in tandem or side by side. If in tandem, the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If side by side, the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet. In either method, the length shall be measured from the curb or inner walkway edge.
- (b) A parking space shall be hard surfaced and shall be constructed in compliance with Act No. 8 of the Public Acts of 1973.
- (c) If off-site parking is provided, the parking spaces shall be adjacent to the manufactured home site and shall comply with the following:
- (d) Parking facilities shall be provided for the storage of manufactured homes if a sales office is a part of the park operation.
- (e) Parking facilities shall be provided for the storage of maintenance vehicles.

- (f) Parking facilities shall be provided at the office location for office visitors.
- (g) A minimum of one parking space for every three manufactured home sites shall be provided for visitor parking. Visitor parking sites shall be located within five hundred (500) feet of the manufactured home sites they are intended to serve.
- (h) If off-street parking bays are provided, they shall contain individual spaces with a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
- (i) If off-site parking facilities are provided in bays and at office and other facilities, they shall be in compliance with the provisions of R 408.30427 of the Michigan Administrative Code.
- (j) If not provided for on-site or in parking bays, a separate parking area may be provided for vehicles that cannot be accommodated within the standards set forth in this section and for recreational vehicles, such as motor homes, travel trailers and snowmobiles.

Sec. 10.08 ILLUMINATION

All streets and sidewalk and areas open to travel by manufactured home park residents shall be illuminated as follows:

- (a) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
- (b) At all street intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15-foot candles.
- (c) Roads, parking bays, and sidewalks shall be illuminated at not less than .05-foot candles.
- (d) If a central park mail box area or park directories, or both, are provided, they shall be illuminated at not less than 3.15 horizontal foot candles on any box or any entry on the directory.
- (e) All outdoor recreational facilities shall be provided with illumination adequate to facilitate their intended use.
- (f) All lighting shall be located and shielded so as to direct the light away from premises abutting the manufactured home park.
- (g) Sidewalk lighting is optional to the manufactured home park developer.

Sec. 10.09 UTILITIES AND OTHER SERVICES

- (a) Public sewer systems shall be required in manufactured home parks, if available within two hundred (200) feet at the time of preliminary plat approval. If a public sewer system is unavailable, the park shall connect to a state approved sewage system.
- (b) The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any nuisance or health hazard.
- (c) An adequate amount of running water to individual manufactured home sites shall be piped to, and meet the requirements of, Otsego Township and the State Health Departments and shall be adequately protected from frost.
- (d) Storm drainage facilities shall be designed and constructed in accordance with Part 4 of the Michigan Department of Environmental Quality Mobile Home Park Rules.
- (e) A park electrical system shall, at a minimum, be designed, installed, operated and maintained in compliance with the rules entitled "Electrical Lines and Equipment" being R 460.521 to R460.572 of the Michigan Administrative Code, and pursuant to the construction, installation, and safety standards of the servicing public service company. In addition, the following shall be complied with:

- (f) Primary and secondary distribution lines shall be installed underground.
 - 1. The system shall be designed to provide adequate service pursuant to applicable codes and the manufacturer's standard for the appliance or appliances to be served.
 - 2. A manufactured home site shall have installed an approved individual weatherproof meter; a park master meter shall not be used.
- (g) The design, installation, operation and maintenance of a park natural gas system shall, at a minimum, comply with the rules entitled "Gas Safety Code" of the Michigan Administrative Code, and the rules entitled "Technical Standards for Gas Service" of the Michigan Administrative Code, and with the construction, installation and safety standards of the servicing public utility company. In addition, all of the following shall be complied with:
- (h) Main and site service lines shall be installed underground.
- (i) Gas piping shall not be installed under a manufactured home pad or manufactured home, except for the piping required to connect the manufactured home to the servicing pedestal.
- (j) A manufactured home site shall be equipped with an approved weatherproof gas regulator and individual meter which shall not be located so as to be under the manufactured home when it is placed on the manufactured home site, a park master meter shall not be used.
- (k) A manufactured home site shall have an approved gas shutoff valve installed upstream of the site gas outlet and located on the inlet riser not less than four (4) inches above the ground. This valve shall not be located under a manufactured home.
- (l) The minimum hourly volume of gas required at each point shall be designed pursuant to applicable codes and the manufacturer's standard for the appliance or appliances served.
- (m) If a centralized liquefied petroleum gas (LPG) system is provided, it shall adhere to R125.1935 of the Manufactured Housing Commission Rules.
- (n) If a centralized fuel oil system is provided, it shall conform to R 125.1937 of the Manufactured Housing Commission Rules.
- (o) If central television antenna systems, cable systems or satellite dish systems are provided, they shall conform to R 125.1940 of the Manufactured Housing Commission Rules.
- (p) Garbage and rubbish storage and disposal shall be provided as follows:
 - 1. A storage container for garbage shall be watertight and shall preclude infestation of insects and rodents.
 - 2. Rubbish shall be properly contained and stored. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents. Where dumpsters are used, they shall be placed on a paved area that shall extend a minimum of two feet in all directions from the dumpster. Water used in cleaning a dumpster shall be discharged to a sanitary sewer system.
 - 3. A storage container for garbage and rubbish shall be cleaned with sufficient frequency to preclude the attraction of insects and rodents.
 - 4. The storage of garbage and rubbish shall not create a harborage or food source for insects or rodents.
 - 5. The transfer and disposal of garbage and rubbish from a manufactured home park or seasonal manufactured home park shall be as prescribed by Part 115 of PA 451 of 1994 of the Michigan Compiled Laws, known as the Natural Resources and Environmental Protection Act.
 - 6. Garbage and rubbish shall be removed from a manufactured home park at least once a week or more often if necessary.

Sec. 10.10 LOT SIZE, SIDE AND FRONT YARDS

- (a) Manufactured home parks shall be developed for sites averaging four thousand seven hundred fifty (4,750) square feet per manufactured home unit. This four thousand seven hundred fifty (4,750) square feet for any one (1) site may be reduced by twenty (20) per cent provided that the individual site shall be equal to at least three thousand eight hundred (3,800) square feet. For each square foot of land gained through the reduction of site below four thousand seven hundred fifty (4,750) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirement be less than that required under R-125.1946, Rule 946, and R-125-1941, and R-125.1944, Rules 941 and 944 of the Michigan Administrative Code. No duplex or multi-family unit shall be allowed.
- (b) For purposes of this section, a manufactured home includes an add-a-room, expand-o-room, porch, steps, carport, awning, deck, swimming pool, slide-o-bay or other object.
- (c) A manufactured home shall be required to be set back the following minimum distances:
 - 1. Twenty (20) feet from any part of an attached or detached structure of an adjacent manufactured home which is used for living purposes.
 - 2. Ten (10) feet from any of the following:
- (d) An on-site parking space of an adjacent manufactured home site.
- (e) An attached or detached structure or accessory of an adjacent manufactured home which is not used for living purposes shall be required to be set back the following minimum distances:
 - 1. Fifty (50) feet from permanent park-owned structures such as any of the following:
 - i. Community buildings.
 - ii. Offices.
 - iii. Maintenance and storage facilities.
 - iv. Similar structures.
 - 2. One hundred (100) feet from a baseball or softball field.
 - 3. Twenty-five (25) feet from the fence of a swimming pool.
- (f) On-site detached storage sheds shall be a minimum three (3) unobstructed feet from any manufactured home served thereby, unless the wall adjacent to the manufactured home is lined with Class A fire-resistant material.
- (g) Attached or detached structures or accessory buildings of a manufactured home that are not used for living space shall be a minimum distance of ten (10) feet from an adjacent manufactured home or its adjacent attached or detached structures.
- (h) Any part or structure, such as steps, porches, supported or unsupported awning, deck, carport or garage, or similar structures, that are a part of a manufactured home shall be set back the following minimum distances:
 - 1. Ten (10) feet from the edge of an internal road.
 - 2. Seven (7) feet from an off-site parking space.
 - 3. Seven (7) feet from a common sidewalk.
 - 4. Twenty-five (25) feet from a natural or man-made lake or waterway.
- (i) Steps shall not encroach into parking areas.
- (j) The length of a manufactured home site may vary, depending on park design and layout and the manufactured home to be installed; however, the minimum standards pertaining to the distance between manufactured homes shall be complied with.

- (k) Site dimensions may be computed to include the space requirements for manufactured homes which may contain expand-o-rooms or may be computed in anticipation of the attachment of expansions, such as add-a-rooms.

Sec. 10.11 HEIGHT

No structure within the manufactured home park shall exceed 35 feet and two and one-half (2-1/2) stories in height.

Sec. 10.12 PADS, MATS OR PLATFORMS

Installation of manufactured homes within a manufactured home park shall be done in compliance with Rule 602 of the Manufactured Housing Commission Rules.

Sec. 10.13 OPEN SPACE

An open space dedicated to use by manufactured home park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2) per cent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to manufactured home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first site is developed, this requirement shall apply to all the sites in both stages of the development.

Sec. 10.14 MANUFACTURED HOME INSTALLATION

Installation of manufactured homes upon each manufactured home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All manufactured homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

Sec. 10.15 SITE PLAN APPROVAL

- (a) In accordance with Part 9 of the Manufactured Housing Commission rules and Article 18 Site Plan Review of this Ordinance, a preliminary plan shall be submitted to the Otsego Township Planning Commission for approval and the planning commission shall render its response within sixty (60) days.
- (b) All plans submitted shall conform to the rules of the Manufactured Housing Commission and to this Ordinance.
- (c) Construction of manufactured home parks shall not commence until the Manufactured Housing Commission has reviewed the owner's or developer's construction plans and issued its permit for construction.

Sec. 10.16 COMPLIANCE

A manufactured home park owner or developer shall comply with this Ordinance and with the rules of the Manufactured Housing Commission. If the Manufactured Housing Commission should in the future impose a higher or more restrictive standard, then the Manufactured Housing Commission's standard shall take precedence.

ARTICLE 11 - C GENERAL BUSINESS DISTRICT

Sec. 11.01 PURPOSE

The C General Business District is intended to permit retail business and services which are oriented to automobile traffic. This district encourages commercial uses that can accommodate larger off-street parking facilities and complement pedestrian-oriented neighborhood commercial businesses. Residential uses and activities are not permitted in the C General Business District, except unless otherwise indicated or as a part of a P.U.D. project.

Sec. 11.02 PERMITTED USES, subject to the applicable provisions of Article 18.

(a) Business services, including the following:

1. Business, professional or governmental offices.
2. Financial institutions, including banks, savings and loan association offices, and credit unions without drive-thru facilities.

(b) Food services including the following:

1. Supermarket/grocery stores.
2. Wholesale food distributors.
3. Drive-in restaurants or other drive-in or drive-up establishments serving food and/or beverages.
4. Restaurants.

(c) Personal services, including the following:

1. Barber shops.
2. Beauty shops.
3. Health salons, exercise/body building facilities.
4. Motels, motor courts.
5. Veterinary offices, including retail sales of pet supplies and minor surgery/sterilization of small animals.
6. Mini-storage/self-storage facilities.

(d) Recreation/amusement businesses, including the following:

1. Bowling alleys.
2. Golf driving ranges.
3. Movie Theaters.
4. Archery/pistol ranges (indoors).
5. Arcades.
6. Drive-ins.

(e) New and used vehicle sales without an associated vehicle service department.

(f) Miscellaneous retail, including but not limited to the following:

1. Clothing/apparel store
2. Auto parts sales.
3. Drug stores/pharmacies
4. Plumbing and heating equipment including wood-burning stoves.

5. Home improvement stores/lumber yards.
 6. Equipment rental/sales.
 7. Pet stores.
 8. Shoe stores.
 9. Jewelry.
 10. Arts/crafts.
 11. Discount merchandizing.
 12. Shopping Center
- (g) Hospitals/convalescent homes
- (h) Uses similar to the above, as determined by the Township Planning Commission.
- (i) Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Section 4.12.
- (j) Temporary buildings and trailers for use incidental to construction.
- (k) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards.
- (l) Open air businesses.
- (m) Mortuaries/Funeral Homes.
- (n) Nurseries for Plants and Flowers
- (o) Parks/Recreational Facilities
- (p) Trailer Sale Yards
- (q) Commercial sales of fireworks as permitted by State and Federal guidelines.
- (r) Religious institutions, subject to a waiver of the 500-foot separation distance from any business with a liquor license.

Sec. 11.03 USES ALLOWED BY SPECIAL USE PERMIT

The following uses are permitted in this District subject to obtaining a special use permit as provided for in Part II of Article 18.

- (a) Commercial television, radio, and micro-wave transmission, receiving, and relay towers for lease, use of customers, or other commercial purposes.
- (b) Adult Entertainment/Business/Sexually Oriented Businesses.
- (c) Wind energy conversion systems.
- (d) Commercial Kennels.
- (e) Clothing service, including the following:
 1. Dry cleaning establishments occupying a total floor area not to exceed two thousand (2,000) sq. ft. using not more than two (2) clothes-cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is non-explosive and nonflammable, and subject to the off-street parking requirements of Article 19.
 2. Self-service laundry and dry-cleaning establishments.
- (f) Vehicle sales and service.
- (g) Automobile service stations, quick oil change shops.

- (h) Automobile car washes.
- (i) New and used car/truck dealerships.
- (j) Farm implement sales and service.
- (k) Recreation vehicle sales and service.
- (l) Financial institutions with drive-thru facilities.

Sec. 11.04 REQUIRED CONDITIONS

- (a) All commercial activities except for open air businesses must occur within a completely enclosed building.
- (b) All lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residential buildings or residentially zoned property (Section 4.09).
- (c) Outside storage shall be allowed provided adequate screening is provided in accordance subject to the requirements of Section 4.09.
- (d) Where a new or expanded land use occurs in a C District, after the effective date of this ordinance, which abuts directly upon a residentially zoned district, protective screening shall be provided subject to the requirements of Section 4.09.
- (e) Signs subject to the requirements of Article 20.
- (f) Site Plan Review. Site plan review and approval must be obtained for all new construction, and changes in use requiring new parking areas or additions to parking areas, subject to the requirements of Article 18.
- (g) Screening of Dumpsters. For all lots in the General Business District abutting on one or more sides a Residential District, all areas of trash storage and disposal visible from the Residential District, including dumpsters, must be screened by a six (6) foot screen fence, but in no case less than six (6) inch in height over the top of the trash or dumpster.

Sec. 11.05 HEIGHT REGULATION

No building or structure shall exceed thirty-five (35) feet in height.

Sec. 11.06 DIMENSIONAL 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.

- (a) Front Yard. Where all the frontage on the same side of the street between two intersecting streets is located in a C Zoning District and where a setback has been established by fifty (50) percent of said frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than fifty (50) feet.
- (b) Side Yard.
 - 1. Where the side of a lot in a C Zoning District abuts upon the side of a lot in any R or AG Zoning District, each side yard shall be not less than twenty-five (25) feet.
 - 2. There shall be a side yard of not less than forty (40) feet for a side yard adjacent to a street.
 - 3. No side yard shall be required when directly abutting other commercial uses or land included in a C or I Zoning District.
- (c) Rear Yard.
 - 1. Where the rear of a lot in a C 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 twenty-five (25) feet.

2. In all other cases, there shall be a rear yard of not less than ten (10) feet.
3. No accessory buildings shall be allowed closer than five (5) feet from the rear lot line.

- (d) Screening. Side yards and rear yards adjoining any lot in an R or AG Zoning District shall be screened (1) by a compact hedge of deciduous or evergreen trees which are a minimum of five (5) feet in height; or (2) a solid wall or tight board fence six (6) feet in height.
- (e) Lot Area. The minimum lot area shall be fifteen thousand (15,000) square feet; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the Allegan County Health Department. The minimum lot width shall be one hundred (100) feet.

ARTICLE 12 - I INDUSTRIAL DISTRICT

Sec. 12.01 DESCRIPTION AND PURPOSE

The purpose of this district classification is to establish a Zone where designated industrial activities may locate which have minimal negative impacts on adjoining premises, which are more uniform in character, and which provide for a higher quality industrial land use.

Sec. 12.02 PERMITTED USES

For land and/or buildings, the uses and height and area requirements of the I District are as follows:

- (a) Wholesale and Warehousing. The sale of wholesale or warehousing of automotive equipment, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity the manufacture of which is permitted in this District, and truck terminals.
- (b) Industrial Establishments.
 - 1. The assembly, fabrication, manufacture, packaging, or treatment of such products as food products (excluding butchering, animal slaughtering, etc.), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.
 - 2. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shells, textiles, wax, wire, wood, yards, aluminum, fur, hair, horn, paint, paper, plastics, rubber, tin, iron, steel, and tobacco.
 - 3. Tool and die shops, metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs, and fixtures; publishing, printing or forming of box, carton, and cardboard products.
 - 4. Laboratories - research or testing.
 - 5. Central dry-cleaning plants and laundries.
- (c) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- (d) Petroleum storage located at least one thousand (1,000) feet from any residentially zoned property.
- (e) Auto repair shops.
- (f) Auto wash, subject to Article 18.
- (g) Bottling plants and dairies.
- (h) Contractor yards.
- (i) Crating and packing service.
- (j) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of drive-in or open- front store are prohibited.
- (k) Barber and beauty shops.

- (l) Truck, tractor and trailer sales, rental and repair.
- (m) New automobile rental and leasing agency.
- (n) Motels.
- (o) Any other similar industrial use which is determined by the Planning Commission to be of the same general character as the above permitted uses.
- (p) Machine shops for fabrication and/or repair of agricultural and other small industrial machinery.
- (q) Indoor tennis, paddleball, or racquetball courts.
- (r) Any other similar industrial uses when authorized by the Planning Commission when determined to be of the same general character as the above permitted uses. In considering such authorization, the Planning Commission shall make written findings certifying that satisfactory provision and arrangement has been made concerning the following where applicable:
 1. Ingress and egress to the lot and the proposed buildings and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 2. Off-street parking and loading areas where required with particular attention to the items in subparagraph (1) above and the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood;
 3. Refuse and service areas with particular reference to the items in subparagraphs (1) and (2) above;
 4. Utilities with reference to locations, availability, and compatibility;
 5. Screening and buffering with reference to type, dimensions, and character;
 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties;
 7. Required yards and other open spaces; and
 8. General compatibility with adjacent properties and the surrounding neighborhood.

The above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height; provided further that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further that no business will be conducted in such a manner that noise, smoke, dust, vibration, or any other like nuisance shall exist to affect adjoining residential properties adversely.

Sec. 12.03 USES ALLOWED BY SPECIAL USE PERMIT

The following uses may be permitted subject to the approval of the Planning Commission in accordance with standards set forth in Article 18 Part II.

- (a) Dog kennels.
- (b) Drive-in theaters.
- (c) Commercial television, radio, and micro-wave transmission, receiving, and relay towers for lease, use of customers, or other commercial purposes, subject to Article 18.
- (d) Slaughter houses, butchering plants, meat processing operations.
- (e) Wind energy conversion systems

- (f) Public Utility Uses. Electric transformer stations and substations, electric transmission towers, municipal buildings and uses, gas regulators and municipal utility pumping stations.
- (g) Public or private sanitary landfills or junk yards subject to the requirements of P.A. 641 and Article 18.
- (h) Storage of manufactured fireworks.

Sec. 12.04 HEIGHT REGULATIONS

Three (3) stories forty (40) feet, whichever is lesser.

Sec. 12.05 DIMENSIONAL 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:

- (a) Front Yard. There shall be a front setback of not less than fifty (50) feet.
- (b) Side Yards.
 - 1. 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 (10) feet.
 - 2. In all other cases, there shall be a side yard of not less than fifty (50) feet.
- (c) Rear Yard. There shall be a rear yard of not less than fifty (50) feet.

ARTICLE 13 SITE DEVELOPMENT REGULATIONS

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Floor Area	Yard- Req. Setback	Maximum Height	Notes
[AG] Agricultural	2.5 acres	330'		750 sq. ft.	F=50' S=7'/20' R=10'/50'	35' (A)	
[R-1] Low Density Single Family Residential	1 acre	150'		750 sq. ft./ 900 sq.ft.- 2F	F=30' S=7'/20' R=10'/50'	35' (A)	
[R-2] Medium Density Residential	(1) 21,780 sq. ft. (2) 14,500 sq. ft.	(1) 100' (2) 90'		750 sq. ft.	F=30' S=7'/20' R=10'/50'	2 ½ stories or 35' (A)	No public sewer system Public sewer system
[R-3] High Density Residential	10,800 sq. ft.- sf 15,000 sq.ft.- 2f 1 acre-mf	80' 100' 200'		750 sq. ft.	F=30' S=7'/20' R=10'/50'	2 ½ stories or 35' (A)	Public sewer required
[RMH] Manufactured Home Park	10 acre – min. parcel size						
[C] General Commercial	15,000 sq. ft.	100'			F=50' S=25'* R=25'*	35'	* Adjoining "AG" or "R" Districts
[I] Industrial					F=50' S=50'* R=50'	40'	* 10' Adjoining "I" District

(A) Unless otherwise permitted by the Planning Commission in accordance with the standards of the Michigan Residential Code.

ARTICLE 14 - OVERLAY DISTRICTS

Sec. 14.1 PURPOSE

The Overlay Zones are intended to provide additional protection to areas deemed sensitive or of special concern to the Township. The requirements and restrictions defined in this Article shall be applied as additional requirements and restrictions to the standards identified in this Ordinance for the applicable zoning district(s) within the designated overlay area.

Sec. 14.2 FH FLOOD HAZARD AREA (Overlay)

Sec. 14.201 PURPOSE

The Flood Hazard Area is intended to provide protection to the natural features of the Kalamazoo River and prevent damage due to flooding on adjacent properties. This area is designated to control the construction or placement of structures within the floodplain of the Kalamazoo River that will encounter damage under flood conditions and impede the natural flow of the river during flooding.

Sec. 14.202 PERMITTED USES

The following open space uses shall be permitted within the Flood Hazard Area provided they do not require structures, fill, or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels to the main stream.

- (a) Agricultural and agriculturally related uses, such as outdoor plant nurseries, horticulture, viticulture, truck farming, and sod farming.
- (b) Private and public recreational uses, such as tennis courts, picnic grounds, parks, and hiking or biking trails.
- (c) Residential uses, such as lawns, gardens, parking areas, and play areas.

Sec. 14.203 USES ALLOWED BY SPECIAL USE PERMIT

- (a) Fill or materials proposed to be deposited in the floodway provided that:
 - 1. The fill or materials must be shown to have some beneficial purpose;
 - 2. The amount of fill or materials is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner;
 - 3. The fill or materials shall be protected against erosion by rip-rap, vegetative cover, or bulk-heading.
- (b) Structures, subject to the following provisions. In order to insure a limited flood loss to the Township and its residents along and within the limits of the designated flood hazard areas, the Otsego Township proposes to enact minimum flood proofing standards. Therefore, the following shall also apply to construction located within the Flood Hazard Area:
 - 1. New or replaced water supply shall be so designed so as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water;
 - 2. On-site waste disposal systems shall be located so as to avoid impairment of or contamination from the systems during flooding;
 - 3. Where the limit of the 100-year flood has been established and is administratively used by the Federal Insurance Administration, all structures shall have the lowest habitable floor elevated to at least one (1) foot above the 100-year flood elevation, or together with attendant utility and sanitary facilities, shall be flood-proofed to at least one (1) foot above the 100-year flood

elevation;

4. New construction must be anchored to prevent flotation, collapse, or lateral movement due to flood water related forces;
5. Construction methods and practices used shall minimize flood damage;
6. Construction materials and utility equipment used shall be resistant to flood damage; and
7. Subdivision proposals shall be designed so that potential flood damage is minimized; that adequate drainage is provided to reduce exposure to flood hazards; and that public utilities and facilities, such as sewer, gas, electrical and
8. Water systems are located, elevated, and constructed to minimize or eliminate flood damage.

(c) Exemption from construction standards. In the Flood Hazard Area, an applicant shall have the option to apply for a building permit in the Flood Hazard Area without conformance to the standards set forth; however, the applicant must submit the following:

1. A statement by a registered professional engineer or licensed land surveyor that the flood-proofing measures undertaken are consistent with the flood protection elevation and associated flood factors for the particular area;
2. A statement from a registered professional engineer or licensed surveyor that the area in which construction is proposed is not subject to flood hazards as shown in the District boundary maps. Such a statement shall cite hydrologic, soil, elevation, historical and other technical data sufficient to support such a claim of exemption from the standards of this Ordinance; and
3. A legal description of the property, a sketch map showing the property and all properties within a radius of 50 feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed construction and other drawings or information necessary to an understanding of the proposed building and its relationship to surrounding properties.

Sec. 14.204 SITE PLAN REVIEW repealed 7/14/08 Ord. 287

Sec. 14.3 WELLHEAD PROTECTION OVERLAY DISTRICT

Sec. 14.301 PURPOSE

The Wellhead Protection Overlay District is designed to safeguard the public health, safety and welfare of users of the Otsego Township water system by regulating the land use and the storage, handling, use, and/or production of regulated substances within the wellhead capture zone described as the land adjacent to and up gradient from existing and proposed municipal water well fields. The intent of this designation is to protect the area's potable water supply against contamination.

Sec. 14.302 SUPPLEMENTARY DEFINITIONS

The following definitions shall apply to the provisions of this Section:

- (a) Aquifer means the glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.
- (b) Direct Recharge Area means that portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.
- (c) Groundwater Gradient means the slope (gradient) of the groundwater surface thereby

defining the direction of groundwater movement.

- (d) Potable Water means water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.
- (e) Recharge Pond/Lagoon means a natural or manmade recharge area or pond designed and maintained to recharge storm water, cooling and/or treated water to the groundwater and a rate greater than that occurring naturally.
- (f) Regulated Substances mean substances to be regulated and consist of chemicals and mixtures of chemicals which are health hazards. Regulated substances include those listed by MIOSHA and as currently reported on MIOSHA material safety data sheets and petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).
- (g) Ten Year Capture Area means the area around and up gradient from the public water supply well fields delineated by the ten-year travel time contour capture zone boundary.
- (h) Travel Time Contour means a locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.
- (i) Underground Storage Tank means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances and the volume of which (including the underground piping connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow through process tanks are excluded from the definition of underground storage tank.
- (j) Underlying Zone means the present zoning classification as it exists under the overlay zone.
- (k) Well Field means a tract of land that contains a number of wells for supplying water.
- (l) Wellhead Protection Zone means that area outlined on the zoning map as determined to be a well field capture zone by computation and in consideration of natural surface runoff boundaries.
- (m) Zone of Influence means a zone delineated by iso-travel time contours around well fields. The zone is calculated on the rate of movement of groundwater in the vicinity of the wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

Sec. 14.303 PRINCIPAL USES PERMITTED

The uses permitted in the Wellhead Protection Overlay Zone shall include all of the uses as allowed in the underlying zoning district, except for the following:

- (a) The processing or compounding of chemicals or drugs or bulk storage.
- (b) Foundries.
- (c) Heavy equipment repair.

Sec. 14.304 SPECIAL PERMIT APPROVAL

Any of the uses subject to special approval in the underlying zone may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Township Board after a recommendation from the Planning Commission, with the exception of the following:

- (a) Sanitary landfills of any type.
- (b) Mining, extraction, excavation, or processing of sand, gravel or limestone.
- (c) Gasoline stations or convenience stores selling gasoline or farm fuels.
- (d) Bus or truck terminals.
- (e) Junk or salvage yards.
- (f) Automobile and truck body shops.
- (g) Concrete or asphalt plants.

(h) Metal processing plants and/or electroplating plants.

(i) Painting and coating manufacturing plants.

Sec. 14.305 GROUNDWATER PROTECTION STANDARDS

(a) Use of regulated substances in conjunction with the permitted and special approval uses in this zone shall be limited to:

1. The aggregate of regulated substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any one time.
2. The total use of regulated substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

(b) A limited exclusion from the provisions of Section 14.304 Permitted Uses After Special Approval is hereby authorized for non-routine maintenance or repair of property in the Wellhead Protection Overlay Zone provided the uses are limited as follows:

1. The aggregate of regulated substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
2. The total use of regulated substances may not exceed one hundred (100) gallons or eight hundred (800) pounds at any time.

(c) A limited exclusion from the provisions of this Section is hereby authorized for regulated substances which are cleaning agents, provided however that such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and shall exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall regulated substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.

(d) A limited exclusion from the provisions of this Section is hereby authorized for medical research laboratory uses in the Wellhead Protection Overlay Zone, provided that regulated substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of regulated substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

(e) Storage of fuel or lubricants for vehicle operations and fuel for building and/or processing or heating in conjunction with permitted and conditional uses in this zone shall be in aboveground storage tanks.

(f) Notwithstanding other provisions of this Article, non-conforming uses in this zone presently using, underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed pursuant to specifications of PA 423 of 1984 and all regulations enacted pursuant thereto and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above-noted fuels and lubricants not permitted.

Sec. 14.306 INFORMATION REQUIRED FOR SITE PLAN REVIEW

All buildings and structures constructed or remodeled requiring the approval of a site plan as set forth in Article 18 of this Ordinance and are within the Wellhead Protection Overlay Zone shall also comply with the following additional site plan requirements:

(a) A copy of the MIOSHA Material Safety Data Sheet or "Hazardous Reporting Form for Site Plan Review."

(b) Location of existing and proposed facilities and structures, above and below ground, including but not limited to the following:

1. Public and private groundwater supply wells on site and in adjacent properties.

2. Septic systems and other waste water treatment systems.
 3. All interior and exterior areas to be used for the storage, use, loading and unloading, recycling or disposal of hazardous substances.
 4. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and similar uses.
 5. Location of interior and exterior drains, dry wells, catch basins, retention/detention areas, storm water retention ponds, sumps and other facilities designed to collect, store or transport storm water or waste water, and the point of discharge for all drains and pipes shall be identified on the site plan.
- (c) Location of existing wetlands, water bodies, water courses and flood plains.
- (d) Soil characteristics of the site, e.g. the US Soil Conservation Service.
- (e) Delineation of areas on the site which are known to be contaminated, together with a report on the status of the site cleanup.

Sec. 14.307 SITE PLAN REVIEW

In addition to the standards set forth in Article 18, the Planning Commission and the Township Board shall be governed by the following standards:

(a) Groundwater Protection Standards:

1. The project and the related improvements shall be designed to protect the natural environment, including wetlands, water bodies, water courses, flood plains, groundwater and soils.
2. Storm water management and drainage facilities shall be designed to retain natural retention and storage capacity of any wetland, water body or water course and shall not increase flooding or the possibility of polluting surface or groundwater, on-site or off-site.
3. General purpose floor drains shall be connected to a public sewer system, an onsite holding tank or a system authorized through a State of Michigan groundwater discharge permit.
4. Chemical loading and unloading areas shall not have drains which discharge into the storm sewer piping or collection system unless equipped with an appropriate sump pump which can be shut down in the case of a spill. Further, chemical loading and unloading areas should be designed to contain or direct spillage in such a manner as to prevent potential discharge to the ground or groundwater, storm water piping or recharge lagoons.
5. Sites at which hazardous substances are loaded and unloaded, stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, wetlands, water bodies, water courses or groundwater.
6. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

(b) Aboveground Storage and Use Areas for Hazardous Substances and Polluting Materials:

1. Secondary containment of hazardous substances shall be provided. Secondary containment shall be sufficient to store one hundred ten (110) percent of the stored substance for the maximum anticipated period of time necessary for the recovery of any released substance.
2. Secondary containment structures such as buildings, storage rooms, sheds

and pole barns shall not have floor drains which outlet to nearby drains, soils, wetlands, water bodies, water courses, or groundwater. Where allowed, the secondary containment provided in subsection 2A above shall apply.

(c) Underground Storage Tanks:

1. Existing underground storage tanks or replacements allowed under Section 14.405
2. Shall be registered with the State Police Fire Marshall Division and in accordance with US EPA.
3. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with the requirements of the State Police Fire Marshall Division. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring of inventory control must be kept and made available for review by the Township and other applicable government officials.
4. Out-of-service or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division and the MDEQ.

(d) Sites with Contaminated Soils and/or Groundwater:

1. Site plans shall take into consideration the location and the extent of any contaminated soils and/or groundwater on the site and the need to protect the public health and the environment.
2. Development shall not be allowed on or near contaminated areas of a site unless information from the MDEQ is available with an indication that the cleanup will proceed in a timely fashion.
3. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of any such conflict hereby repealed.

Sec. 14.4 WEST M-89 - CORRIDOR OVERLAY DISTRICT

Sec. 14.401 PURPOSE

M-89 is the primary east - west route through the Township, providing direct access to U.S. 131 to the east and the City of Allegan to the west. At the time of the adoption of this Ordinance, the properties on both sides of M-89 between the City of Otsego and the western Township border are relatively undeveloped. The community perceives this corridor, as it is ultimately developed, to be a valuable asset to the Township's economic and physical development. To that end, the Township desires to ensure that the M-89 corridor is designed and constructed to provide for optimum aesthetics, safety, and efficient flow of traffic. This District is intended to "overlay" all of the existing zoning districts along this corridor through the application of more stringent setback, landscaping and access standards.

Sec. 14.402 LOCATION

The M-89 Corridor Overlay District covers the existing M-89 right-of-way from the Kalamazoo River bridge west of the City of Otsego to the western Township border and the area sixty (60) ft. on each side of the edge of the M-89 right-of-way as the right-of-way is ultimately established for the portion of M-89 described above. The total width of the Overlay District is two hundred forty (240) feet. The M-89 Corridor Overlay District is depicted on the Official Zoning Map.

Sec. 14.403 APPLICATION TO LAND USE ACTIVITIES

The requirements of this Article apply to any person, firm, or corporation within the M- 89 Corridor Overlay District when new or expanded land uses are proposed.

Sec. 14.404 SITE PLAN REVIEW REQUIREMENTS

All land uses proposed or expanded within the M-89 Corridor Overlay District shall conform to the permitted uses or uses allowed by special permit for the applicable underlying district and shall meet the Site Plan Review standards specified in Article 18.

Sec. 14.405 STANDARDS TO BE APPLIED TO THE OVERLAY DISTRICT

In addition to the Standards and Requirement of the underlying district in which the proposed land use is to occur, the following standards shall apply to that portion of the proposed use located within the M-89 Corridor Overlay District:

- (a) No principal or accessory buildings shall be allowed.
- (b) No off-street parking shall be allowed.
- (c) Landscaped berms shall be required with a combination of ground level shrubs and plants and trees. Berms shall be of a standard slope of three (3) ft. of horizontal distance for each foot of vertical distance, with a minimum top surface width of three (3) ft.
- (d) Access driveways shall be separated by a distance of at least three hundred (300) feet as measured from the center of each driveway.
- (e) No driveway, or point of ingress and egress, shall be located within one hundred (100) feet of an intersecting street.
- (f) Commercial access, or part of ingress and egress, shall be separated by a distance of at least four hundred fifty (450) feet as measured from center of each access point.
- (g) Signs that identify a business or are used for on-premise advertising and are not attached to the building in which the business is located shall be limited to pole signs and pylon signs. Such pole and pylon signs shall be allowed no closer than twenty (20) feet from the edge of the M-89 right-of-way. Businesses, up to a maximum of five, are encouraged to consolidate their identification and on-premise advertising signs on one pole or pylon sign structure. Such signs shall be located no closer than two hundred (200) feet from any other pole or pylon sign identifying or advertising a business and shall otherwise meet the sign requirements of Article 20, except that where multiple businesses are identified on such signs, the maximum cumulative sign area shall not exceed eighty (80) percent of the allowable combined maximum area of each sign.

Sec. 14.5 EAST M-89 CORRIDOR OVERLAY DISTRICT - RESERVED

Sec. 14.6 OSP-OPEN SPACE PRESERVATION OVERLAY DISTRICT SECTION

Sec. 14.601 PURPOSE

The establishment of this overlay district is to satisfy the requirements of P.A. 110 of 2006, the Michigan Zoning Enabling Act. It requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided that fifty percent (50%) or more of the land is preserved in permanent open space. This district is an overlay over those existing districts that have a residential density of three (3) units per acre or less (with public sewer) or two (2) units per acre or less (without public sewer). This shall be a development option for landowners within the following districts: "AG", "R-1", and "R-2".

Sec. 14.602 PERMITTED USES

All permitted residential uses within the underlying district are permitted within the "OSP" Overlay District. At the landowner's option, single family dwellings shall be permitted within residential clusters subject to the following:

- (a) Application Procedure
 1. An application shall be filed identifying the landowner's desire to exercise the open space preservation development option. With the application, the

landowner shall submit a comparison plan that adheres to site development requirements for the underlying zoning district. This can be in the form of a proposed plat establishing lots, a land division plan creating parcels or a site condominium development creating sites and/or units. This comparison plan shall determine the number of dwelling units that can be developed within the open space preservation plan. This application and comparison plan may be reviewed administratively with the applicant prior to the submission of a site plan.

2. A site plan, adhering to the standards within the ordinance under Article 18, shall be submitted for review and recommendation by the Planning Commission and approval by the Township Board. It shall be titled "Open Space Preservation Plan" and a copy of the comparison plan shall be included with the site plan. A copy of these plans shall be submitted to the Allegan County Health Department by the applicant for their review and any correspondence received from them shall be submitted by the applicant to the Township.
3. The Planning Commission shall review the site plan and determine compliance with the ordinance standards for: a) site plan review; b) requirements within the underlying zoning; and c) requirements of this overlay district. They may recommend approval of the site plan as presented, recommend approval subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or recommend denial of the request based upon noncompliance with the ordinance standards. The Township Board, in making their final decision, may accept such conditions or revise such conditions in granting approval or deny the application for noncompliance.
4. The applicant shall submit a timeline for development and identify any phases that may require further Township review and approval. The Planning Commission may recommend and the Township Board may impose conditions on this development timeline and in no case can required open space in each phase not meet a minimum of 50% of the area for that phase.

(b) Conditions for Approval. The required conditions shall be based upon the layout and design of the dwelling units and preservation of the open space as follows:

1. Layout/Design Provisions: The layout and design of the dwelling units shall be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient cluster development with the need to preserve the character of the area. Individual parcels, lots or sites within the residential cluster shall meet the following:
 - i. (Lot) Width: The parcels, lots, or sites (units) shall have a minimum lot width of no less than fifty percent (50%) of the lot width within the underlying zone or seventy-five (75) feet, whichever is greater.
 - ii. (Lot) Area: The parcels, lots, or sites (units) shall have a minimum lot area of twenty-five percent (25%) of the lot area within the underlying zone or 7,500 square feet, whichever is greater.
 - iii. (Lot) Coverage: The parcels, lots or sites (units) shall have a maximum lot coverage of twenty-five percent (25%), including accessory buildings.
 - iv. Floor Area: The minimum floor area for the dwelling unit shall meet the minimum standard within the underlying zone.

- v. Yard/Setback: The dwelling units shall meet the following setback provisions: Front: Fifty percent (50%) of the underlying zone but no less than thirty (30) feet. Side: Fifty percent (50%) of the underlying zone but no less than fifteen (15) feet. Rear: Fifty percent (50%) of the underlying zone but no less than twenty-five (25) feet.
 - vi. Height: The maximum height shall meet the maximum height standard within the underlying zone.
2. Open Space Provisions: The intent of this overlay district is to preserve the character of the area consistent with that of the underlying zone. In order to achieve this intent, the following conditions shall apply:
- i. In order to comply with the Act, the following definition shall be used to describe the nature of the open space to be preserved:
 - ii. Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public.
 - iii. The applicant shall provide calculations for the open space area and documentation of the means to preserve the open space, whether in the form of a conservation easement, deed restriction or similar method, and the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, shall be included with the application. A single entity, such as a private association, non-profit organization or a public body, shall have responsibility for maintaining the land in permanent open space.
 - iv. No part of the parcels, lots or sites shall be counted toward the open space, nor any land devoted to roadways or other impervious surfaces, other than those of a recreational nature (such as bike paths, tennis or basketball courts, or for pavilions or picnic shelters). Private water and wastewater systems shall be located within the boundaries of the parcels, lots or sites. If a shared community system is proposed, the area devoted to such use may be located in common area but shall not be counted toward the required open space. Fenced retention or detention areas shall also not be counted toward the required open space area.
 - v. The open space shall be arranged in a manner so that it is contiguous and accessible by residents within the residential cluster. It shall be also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or non-motorized trails.
 - vi. The Planning Commission and the Township Board may seek to approve the preservation of those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

Sec. 14.603 USES ALLOWED BY SPECIAL USE PERMIT

No special use within the underlying zoning district shall be allowed unless such use is processed separately under the conditional use process for review and approval.

Sec. 14.604 SITE DEVELOPMENT REGULATIONS

The following regulations are based upon the relationship of the residential cluster(s) and the restricted open space to the adjoining properties, including the road right-of-way:

(a) Setback and Access

1. Cluster Setback: The placement of any residential cluster shall be setback fifty (50) feet from any abutting property line and one hundred (100) feet from any existing public road right-of-way. This area shall not include land devoted to parcels, lots or sites and shall be included within the calculated open space.
2. Access: Access to the dwelling units within the residential cluster may be in the form of a public road or private road, with any private road adhering to those standards within the ordinance.

ARTICLE 15 - SITE CONDOMINIUM DEVELOPMENT

Sec. 15.01 INTENT

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall be approved by the Township Board following review and recommendation for approval by the Planning Commission. This Article is intended to regulate industrial, commercial, residential, and mixed-use condominium projects.

The purpose of these condominium regulations is to:

- (a) Provide for the orderly growth and harmonious development of the community.
- (b) Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities.
- (c) Achieve individual property sites of maximum utility and liability.
- (d) Secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements.
- (e) Secure adequate provisions for recreational areas, school sites and other public facilities.

Sec. 15.02 APPLICABILITY OF DISTRICT REQUIREMENTS

A condominium project shall be subject to all requirements and standards of the applicable zoning district in which it is located.

It is the responsibility of the condominium project developer to:

- (a) Be familiar with all applicable provisions of these Codified Ordinances and the Township construction standards;
- (b) Investigate the adequacy of existing utility infrastructure, roads, schools and public open spaces; including parks and playgrounds, to serve the proposed project;
- (c) Investigate the relationship of the proposed plan with respect to major thoroughfares and plans for future widening of thoroughfares;
- (d) Investigate the standards for sewage disposal, water supply, erosion control and drainage and flood control of the Township and the health standards of the County and the State; and
- (e) Review the applicable State laws.

Sec. 15.03 REVIEW PROCESS FOR CONDOMINIUM PROJECTS

- (a) Pre-application Conference. Before submitting an application for a Site Condominium, an applicant, at their option, may confer with the Zoning Administrator to obtain procedural information, review zoning regulations applicable to a project, review the goals and objectives of the Township Comprehensive Plan, and discuss questions and concerns from the applicant.
- (b) Concurrency of Reviews
 1. Where condominium developments utilize unique zoning mechanisms such as cluster development, open space development, Planned Residential Development, or similar, the Township shall conduct concurrent reviews to the extent feasible to minimize cost, time, and meetings necessary to ensure conformance with Township regulations. The review standards of all applicable regulations must be achieved.
 2. Modification of the timelines stated for reviews defined in this and other applicable sections of the ordinance may be necessary to reasonably

accommodate all review procedures. The Township shall clearly communicate all timeline modifications to the applicant.

(c) Preliminary Plan Review

1. Required Information and Review Standards. The applicant shall submit nine (9) complete copies, sized 24" x 36" or larger, of the preliminary condominium plan to the Zoning Administrator prior to the deadline for required public hearing notices to be distributed. A complete plan includes all of the following information, unless specifically waived by the Zoning Administrator:
2. General Information
 - i. The proposed name of the condominium.
 - ii. The name, address and telephone number of:
 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 2. All engineers, attorneys, architects or registered land surveyors associated with the project.
 3. The developer or proprietor of the condominium project.
 - iii. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 - iv. The acreage content of the land on which the condominium project will be developed.
 - v. The purpose of the project (for example, residential, commercial, industrial, etc.).
 - vi. Approximate number of condominium units to be developed on the subject parcel.

(d) Existing Conditions

1. An overall area map showing the relationship of the condominium project to surrounding areas within one-quarter (1/4) mile. Information on the area map shall include such things as section lines and/or major streets or collector streets. The minimum acceptable scale for such map is one (1) inch equals two hundred (200) feet.
2. The boundary line of the proposed condominium project, section or corporation lines within or adjacent to the tract and the overall property dimensions;
3. Property lines, owner name, and tax ID number of adjacent tracts of land shown in relation to the tract being proposed for condominium project, including those of areas across abutting roads;
4. The locations, widths and names of existing or prior platted streets and private streets, and public and private easements within or adjacent to the tract being proposed for condominium project, including those located across abutting roads;
5. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for condominium project;
6. A topographical survey drawn as contours with an interval of not more than two (2) feet;

7. Base flood elevation data. Base flood elevation shall indicate the anticipated high-water level during a flood having a one percent chance of being equaled or exceeded in any given year;
8. Significant natural and man-made features which could influence the layout and design of the condominium proposal.

(e) Proposed Conditions

1. The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining streets and also the widths and location of alleys, easements and public walkways. Street names shall be indicated as approved by the County Road Commission;
2. The layout, numbers, area and dimensions of condominium units, including building set-back lines showing dimensions;
3. An indication of parcels of land intended to be dedicated or set aside for public or common use or for the use of property owners in the condominium project;
4. An indication of the ownership and the existing and proposed use of any parcel identified as "excepted" on the plan. If the developer has an interest in or owns any parcel so identified as "excepted," the plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed condominium project;
5. An indication of the system proposed for sewage by a method meeting the requirements of the Township, County, and the Michigan Department of Environmental Quality.
6. An indication of the system proposed for water supply by a method meeting the requirements of the Township, County, and the Michigan Department of Health and Human Services;
7. An indication of the storm drainage method and the disposal area; and
8. In a case where a project is proposed for construction in phases, the plan shall include the proposed general layout for the entire area and a general schedule for completing the development, including the phasing or timing of all proposed public and private improvements.

(f) Planning Commission Review and Recommendation

1. The Township Clerk shall prepare, publish, and send out notice of a public hearing to be held by the Planning Commission in accordance with Section 103 of Michigan Public Act 110 of 2006, as amended.
2. The Zoning Administrator shall transmit copies of the condominium subdivision plan to the Township Engineer, the Fire Department, and other agencies and/or professionals deemed necessary for technical review and recommendation. Each Department shall prepare comments and recommendations in writing.
3. A written report shall be prepared which shall include the recommendations from the Zoning Administrator and the individuals and departments listed in (b) above. This report shall be submitted to the Planning Commission for its deliberation.
4. The Planning Commission shall hold a public hearing in accordance with the public notice distributed by the Township Clerk. Comments and concerns raised by the public shall be incorporated into the minutes of the meeting.
5. The Planning Commission shall review all details of the plan within the framework of this Zoning Ordinance, within the various elements of the

Township Comprehensive Plan and within the standards of this Article and other applicable ordinances and regulations. All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of Article 18, Site Plan Review. Nothing in this Article shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act.

6. The Commission shall prepare a recommendation to the Township Board. The recommendation shall be for approval, approval with conditions, or disapproval of the plan. A copy of the minutes containing the Planning Commission's recommendation and all accompanying material shall be forwarded to the developer and the Township Board.

(g) Township Board Determination. The Township Board shall not review a condominium subdivision plan until it has received the recommendation of the Planning Commission. Following the receipt of such recommendation, the Township Board shall consider the plan at the meeting at which the matter is placed on the regularly scheduled agenda.

The Township Board shall make one of the following determinations on the preliminary plan:

1. Approval. With any approval of a preliminary condominium plan, the Township Board may impose reasonable conditions that must be met for final approval.

Preliminary Plan approval by the Township Board of the plan shall be effective for twelve (12) months. Should the condominium subdivision plan in whole or in part not be submitted for final approval within this time period, an extension must be applied for by the developer and the request granted in writing by the Township Board.

Preliminary Plan approval does not constitute final approval.

If the Township Board approves a preliminary plan, it shall make a notation to that effect on each copy of the plan. The Township Clerk shall retain one copy as a matter of permanent record. Remaining copies shall be returned to the developer.

The Township Clerk shall notify any cable communications system permit holder in the Township of the proposed condominium project.

2. Denial. If the condominium subdivision plan is disapproved by the Township Board, the reasons shall be given to the applicant with recommendations, if any.

(h) Review by Outside Agencies. The applicant shall submit the preliminary plan, as approved, to those outside agencies with review or permit authority of the project as determined by the Planning Commission. Such agencies shall include but are not limited to: The County Road Commission, County Drain Commission, County Health Department, Michigan Department of Transportation, Michigan Department of Natural Resources, and Michigan Department of Environmental Quality.

Proof of approval from agencies shall be submitted for final plan review.

(i) Final Plan Review.

1. Required Information and Review Standards

- i. The applicant shall submit nine (9) complete copies, sized 24" x 36" or larger, and one (1) 11" x 17" reduced reproduction, of the final condominium plan to the Zoning Administrator at least ten (10) working days prior to the regular Planning Commission meeting.

Final condominium plans shall conform substantially to the approved preliminary condominium plan, and it may constitute

only that portion of the approved plan which the developer proposed to record and develop at the time. However, such portion shall conform to all applicable State laws.

All requirements of Section 66 of the Michigan Condominium Act and the Department of Licensing and Regulatory Affairs shall be submitted in recordable form, including, but not limited to, the Master Deed, Condominium Association Bylaws, access and utility easement agreements, and maintenance agreements.

2. Plan requirements

- i. All information required of a preliminary plan.
- ii. Detailed working drawings and calculations, showing plans for grading, drainage structures, all proposed utilities (including a street lighting plan), road construction plans (including traffic control devices) for roads within and adjoining the project and soil erosion and sedimentation measures.
- iii. All sewers shall be shown in the plan and profile. Profiles of sewers shall indicate the size, class of pipe, invert and slope of the sewer and shall indicate the existing ground along the route of the sewer and the proposed easement grade or the existing or proposed top of curb or centerline of pavement grade. The location of required compacted granular backfill shall be indicated on the profile, together with other intersecting, existing or proposed utilities.
- iv. Finished grades of utility structures shall be indicated on the plan or profiled for all utilities.

3. Professional Review and Report

- i. The information submitted shall be reviewed and commented on by appropriate departments and professionals, including, but not limited to, Public Safety Officials and the Township Engineer, Attorney, and Planner. Comments shall be forwarded to the Planning Commission for consideration during their review.
- ii. The Zoning Administrator shall review the final condominium plan for consistency with the preliminary plan, for completion of the conditions placed upon the preliminary plan approval, and that all requirements for final plan consideration have been achieved.
- iii. Once the Zoning Administrator is satisfied that all requirements have been met, a report shall be prepared and sent to the Planning Commission, along with all comments from the professional review.

4. Planning Commission Recommendation

- i. Planning Commission shall review the plans, Zoning Administrator's report, and other pertinent information.
- ii. Upon finding the information submitted aligns with the preliminary plans and the additional information has been provided for final condominium review, the Planning Commission shall recommend approval, approval with conditions, or denial of the final condominium plan to the Township Board.

5. Township Board Determination

- i. Following the Planning Commission's recommendation, the

condominium plan shall be placed on the next regularly scheduled Township Board meeting.

- ii. The Township Board shall take action on the final condominium plan. If the plan conforms substantially to the preliminary condominium plan approved by the Township Board, there are no significant concerns raised in the professional reviews or by Planning Commission, and all conditions of reviewing agencies have been addressed, the Township Board shall approve the final condominium plan. Reasonable conditions of approval may be imposed. The applicant shall be provided written notice of an approval.
 - iii. If the Township Board determines there are unaddressed issues or that the plan does not conform to the preliminary approval, the Township Board may deny or table the case. In the event the plan is denied, the Township Clerk shall provide the applicant with written notice of the reasons for denial.
 - iv. The Township Board shall instruct the Township Clerk to record all proceedings and the minutes of the meeting which record shall be open for public inspection.
 - v. No installation or construction of any improvement shall be made before the condominium plan has received final approval by the Township Board and before the engineering plans have been certified to conform to Township construction standards. The developer shall be responsible for obtaining all necessary construction permits from the involved regulatory agencies prior to the start of construction.
6. Consolidated Master Deed, Final Bylaws, and Final Site Plan. Upon approval of the final condominium plan, the applicant shall furnish the Township Clerk a copy of the final bylaws and consolidated master deed inclusive of all exhibits, especially exhibit B. These final documents shall be submitted for review by the Township Attorney and such other representatives as the Township Board determines appropriate. The Board shall rely upon the expert advice of the Township representatives regarding the documentation. When the Township determines that the documentation is consistent with the approved final condominium plans and documentation and that the documents are ready for recordation, the documents shall be accepted and entered into the official Township records.

Sec. 15.04 AMENDMENTS

Proposed amendments to an approved condominium plan shall be submitted to the Zoning Administrator for a determination by the Planning Commission of whether such amendments constitute a major or minor modification to the approved site plan. Major amendments shall require a complete re-review of the project beginning with preliminary plan review. Major amendments include, but are not limited to, increases in project density, modification to street layouts which increase total road length or change ingress/egress locations and number, modifications to drainage and utility facilities and easements. Minor amendments shall require a re-review and approval beginning with final site plan review. Minor modifications include, but are not limited to, decreases in project density, lot line adjustments that do not result in nonconforming parcels, increases in common areas, alignments of sidewalks, layout of landscaping that does not decrease the number or change the types (tree, shrub, and vine) of plants proposed.

Sec. 15.05 MONUMENTS REQUIRED

All condominium projects which consist in whole or in part of condominium units which are building sites, or recreational sites shall be marked with monuments as provided in this

subsection:

- (a) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
- (b) Monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- (c) Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- (d) If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- (e) All required monuments shall be placed flush with the ground where practicable.
- (f) All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- (g) The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to Otsego Township, whichever the proprietor selects, in an amount to be determined by the Township Board. Such fee shall be assessed on a "per monument" basis and include a "not to exceed" amount for the total number of monuments. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Sec. 15.06 COMPLETION AND INSPECTION OF IMPROVEMENTS

(a) Completion of Improvements

1. Before the acceptance of public improvements, as specified in Sec. 15.07, by the Township Board, the developer of the condominium project shall complete all the street, sanitary and other improvements, including condominium unit improvement. The developer shall also convey such improvements to Otsego Township free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
2. In lieu of completion of all improvements and with specific consent of the Township Board, conditional acceptance of the public improvements may be authorized. As a condition of such acceptance, prior to the undertaking of any improvement, the developer shall deposit with the Township a true copy of an acceptable agreement showing that the developer has deposited with the bank or other agent acceptable to the Township, cash, a certified check, an irrevocable bank letter of credit or surety bond, in an amount estimated by the Township as sufficient to secure to the Township the satisfactory construction, installation and dedication of the required improvements. The amount of

deposit shall also secure any public improvements on the individual units of the project. The amount of the deposit shall represent one hundred twenty-five (125) percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the Township Attorney as to form, sufficiency and manner of execution as set forth in these Ordinances.

3. The developer shall build and pay for all costs of temporary improvements required by the Township Board and shall maintain the same for the period specified by the Township Board.
4. All required improvements shall be made by the developer at his or her expense without reimbursement by the Township.
5. If the required improvements are not completed within the time period specified by the Township Board, the Township may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time of the guaranty.

(b) Inspection of Improvements

1. The Township may retain an Engineer who shall be responsible for the inspection of the construction of all public improvements and shall certify that such construction has been satisfactorily completed. The cost of such engineering services shall be paid by the developer/applicant and be included in the filing fees. If the Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the approved plan, the Township construction standards or the requirements of the Township Board, the developer shall be responsible for completing or modifying the public improvements. Wherever the cost of public improvements is covered by a guaranty or surety, the developer and the bank, bond company or other agent shall be severally and jointly liable for completing the public improvements according to specifications.
2. Certification required, reduction of surety.
 - i. The Township Board shall not accept the conveyance of the required public improvements or release or reduce the guaranty or surety until the developer has certified, in a manner approved by the Township Attorney, that the public improvements have been completed and are free and clear of any and all liens and encumbrances; until the Township's Engineer (if one has been retained) has certified that the required public improvements have been completed; and until the developer's engineer has certified to the Township, through submission of reproducible "as-built" plans, that the layout and design of the public improvements are in accordance with approved construction plans for the project. Upon such approval and recommendation, the Township Board may accept the public improvements for conveyance in accordance with the established procedure as specified in Sec. 15.07.
 - ii. The surety shall be reduced upon actual completion of the public improvements, but only to the ratio that the completed public improvements bear to the total public improvements for the subdivision. In no event shall the surety be reduced below ten percent of the principal amount before final acceptance of all public improvements by the Township Board.

Sec. 15.07 FINAL CONDOMINIUM – ACCEPTANCE OF PUBLIC IMPROVEMENTS BY TOWNSHIP BOARD

The procedure for submittal, approval and acceptance of improvements in the project is as follows:

(a) Filing Requirements

1. One digital version, three (3) 24" x 36" prints of the final condominium plan, and one (1) 11" x 17" reduced reproduction of the final condominium plan shall be filed by the applicant with the Zoning Administrator.
2. One digital version and one 24" x 36" print of "as-built plans" for utilities and other improvements shall be filed by the applicant with the Zoning Administrator.
3. The project shall comply with provisions of any applicable State laws and this Article.
4. The applicant shall submit, as evidence of title, a policy of title insurance for examination in order to ascertain whether or not the proper parties have conveyed the improvements.
5. The applicant shall submit copies of receipts from the Township Treasurer indicating that all fees and charges and other charges required by any regulations and other ordinances have been paid.
6. Submission of the plan shall constitute an offer of all public improvements for the Township Board acceptance.
7. The Township Board shall review all recommendations and take action on the approval and acceptance of all public improvements within twenty (20) days of its date of filing. The date of filing shall be that date on which all required information has been provided.
8. Developer shall submit copies of lien waivers from all contractors and sub-contractors, approved bill of sales for materials used in construction of public utilities, warranty deed for all public road right-of-way and easements for all public utilities not located within the right-of-way, if any.
9. Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
10. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and records as part of the master deed.
11. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area and building setback requirements, for the district in which the site condominium project is located, or as permitted through Cluster Development or other mechanisms described in this Ordinance, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

(b) Review

1. The improvements shall be reviewed by the Zoning Administrator as to compliance with the approved condominium subdivision plan and approved Engineering plans for utilities and other improvements.
2. The project and public improvements shall conform substantially to the plan as approved.

3. The Zoning Administrator shall certify that inspection during construction has been conducted.
4. A report shall be prepared by the Zoning Administrator for Township Board review, including recommendations for either approval or rejection of the project.

(c) Approval

1. Upon the approval and acceptance of public improvements by the Township Board the Township Clerk shall inform the applicant.
2. The Township Board shall instruct the Township Clerk to record all proceedings and the minutes of the meeting, which shall be open for inspection, and to certify on the approved condominium plan on behalf of the Township Board, the Board's approval and the date of the approval.
3. One digital copy and one 24" x 36" print of the condominium plan and as-built plans shall be filed with the Township as record.

Sec. 15.08 LATE COMPLETION OF IMPROVEMENT/TEMPORARY OCCUPANCY

- (a) Whenever, by reason of the season of the year, any improvement required cannot be performed, the Administrator may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash deposit in an amount to be determined by the Township for the cost of such improvement. Such funds shall be deposited with the Township. The surety covering such lot improvement shall remain in full force and effect.
- (b) All required improvements for which a bond has been accepted by the Township at the time of issuance of the certificate of occupancy, shall be installed by the developer within one year. If the improvement has not been properly installed at the end of such time period, the Zoning Administrator and Building Officials shall give two (2) weeks written notice to the developer requiring installation of the same. If the improvement is not installed within such a two-week period, the Building and Zoning Administrator may then request the Township Board to authorize the Township to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the Township, the developer shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the public improvement at the end of the one year if the same has not been duly installed by the developer.

Sec. 15.09 ISSUANCE OF BUILDING PERMITS

- (a) No building permit shall be issued for more than ten (10) percent of the condominium units in a project until all public improvements required by the Township Board have been fully completed and conveyed to the Township and accepted by the Township Board.
- (b) No certificate of occupancy for any building in a project shall be issued prior to the completion of the improvements, conveyance of those improvements to the Township and acceptance of the improvements by the Township Board, except as provided in Section 15.08.

Sec. 15.10 MAINTENANCE OF PUBLIC IMPROVEMENTS

- (a) The developer shall file a maintenance bond with the Township prior to dedication, in an amount equal to twenty-five (25) percent of the construction cost of the required public improvements, and in a form satisfactory to the Township Attorney, in order to assure the condition and operation of such public improvements, including all public improvements on the individual condominium units, for a period of two years after the date of their acceptance by the Township Board.

(b) The applicant shall maintain all public improvements within the project until acceptance of such public improvements by the Township Board.

ARTICLE 16 - PLANNED RESIDENTIAL DEVELOPMENT

Sec. 16.01 INTENT AND PURPOSE

It is the purpose of this Section to encourage more imaginative and livable housing environments within Otsego Township through a planned reduction, or averaging, of the individual lot area requirements for development within the AG, R-1, R-2 and R-3 Districts, PROVIDING the project adheres to the overall density requirements for the district in which the project is located. The reduction in total land area devoted to parcels, lots or units shall be offset by preserved open space within the development area. This concept is also known as "Cluster Development." Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. A Special Use Permit shall be issued prior to the construction and occupancy of any residential unit within a Planned Residential Development PROVIDING the standards, procedure, and requirements set forth in this Article can be complied with.

Sec. 16.02 OBJECTIVES

The following objectives shall be considered in reviewing any application for a Special Use Permit for Planned Residential Development.

- (a) To provide a more desirable living environment by preserving the natural amenities of the site.
- (b) To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- (c) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- (d) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
- (e) To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.

Sec. 16.03 QUALIFYING CONDITIONS

Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as Planned Residential Development:

- (a) The Planned Residential Development site shall be not less than five (5) acres in area, shall be under the control of one owner or group of owners acting jointly, and shall be capable of being planned and developed as one integral unit.
- (b) The Planned Residential Development shall meet or exceed all of the standards and requirements of the Otsego Township Subdivision Control Ordinance or the requirements of Article 15 - Condominium Development.
- (c) The proposed density (units per acre) of the Planned Residential Development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district in which it is located.
- (d) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be preserved in natural open space or for recreational use. Upon acceptance by the Otsego Township Board, this land may be dedicated to Otsego Township or be set aside for the common use of residents within the Planned Residential Development under legal procedures which shall also give Otsego Township a covenant or interest therein,

so that there are assurances that the required open space shall remain open.

- (e) The proposed Planned Residential Development shall meet all of the general standards outlined in this Article, including the Development Standards of Section 16.12.

Sec. 16.04 PERMITTED USES

The following uses of land and structures may be permitted within Planned Residential Developments, although the Planning Commission and the Township Board may limit such use to those permitted and special uses within the underlying zoning district.

Sec. 16.05 APPLICATION AND REVIEW PROCEDURES

Planned Residential Developments shall follow the application and review procedures outlined in this Section and under Section 18, including Part II Special Use Requirements. The review procedures are intended to explicitly state the requirements at each stage of the review process. The applicant shall have the option to submit an application for approval of the Planned Residential Development at the preliminary stage and shall be required to submit the application at the preliminary and final development plan stages, providing the requirements at each stage are fulfilled according to this ordinance.

- (a) Pre-Application Conference: Before submitting an application for a Planned Residential Development, an applicant, at their option, may confer with the Zoning Administrator to obtain procedural information.
- (b) Preliminary Development Plan: An applicant may, when making application for the approval of a Planned Residential Development, submit a preliminary development plan as specified below. While this submittal is not mandatory, it is encouraged, to facilitate early communication and concurrence between the Township and the developer. This shall be reviewed by the Planning Commission before formal application or public hearing has been made or scheduled on the request.
 1. A preliminary development plan should include both maps and a written statement and must show enough of the area surrounding the proposed Planned Residential Development to demonstrate the relationship of the Planned Residential Development to adjoining uses, both existing and proposed.
 2. The maps which are part of the preliminary development plan may be in general schematic form, at a scale of one hundred (100) feet to one (1) inch and shall contain the following information:
 - i. The existing topographic character of the land with contours shown at intervals not greater than five (5) foot intervals, except that, where the land slope is less than five (5) percent, the contour interval shall be two (2) feet;
 - ii. Existing and proposed land uses and the approximate location of buildings and other accessory structures;
 - iii. The character, type, number, and density of dwelling units proposed;
 - iv. The approximate location of major arterial and collector streets;
 - v. The location and tabulation of all public or common open space, and;
 - vi. The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, and telephone lines and street lighting.
 3. The written statement to accompany the preliminary development plan shall contain the following information:
 - i. An explanation of the character of the Planned Residential Development and the manner in which it has been planned to take

advantage of the Planned Residential Development regulations;

- ii. A statement and legal description of the present ownership of all of the land included within the Planned Residential Development, and
- iii. A general indication of the expected schedule and/or phase of development.
- iv. A written environmental analysis statement which technically discusses impact or impacts of the proposed project on existing adjacent land uses and values, traffic, school enrollment, sanitary and storm sewers, natural drainage systems, water systems, subsurface water tables, soils, natural vegetation, air qualities, visual qualities, and energy supplies, as well as any other factors the project will affect.

(c) Preliminary Development Plan: The following information shall be submitted and reviewed by the Planning Commission and the Township Board as part of the approval process for a preliminary development plan.

1. The information identified in Sec. 16.05(2) will be required. Where perceived conflicts exist, the requirements of this subsection will be applied.
2. The developer will be required to submit an existing features site analysis identifying the site's special natural features to be preserved as open space. The analysis will contain (1) a topographic contour map based upon 5 ft. intervals, (2) the location of constraining features, such as wetlands, watercourses, 100 yr. floodplains, rights-of-way and easements and, (3) location of significant features such as tree lines, woodlands, scenic views, watershed divides, drainage ways, existing roads and structures. A general soils map of the site based upon the USDA Soils Inventory of Allegan County shall also be submitted. As an option, the Planning Commission may conduct an on-site visit to walk the site and become familiar with the setting and special features.
3. The developer will then be required to submit a preliminary plan that describes the overall layout of the proposed development, including location for house sites, greenways, and roads as well as conservation areas. The Planning Commission shall review and approve, disapprove, or approve with conditions the preliminary plan.
4. The preliminary plan shall be based upon the procedure for variation of lot size under Section 16.07 and the following four requirements:
 - i. All potential open space/conservation areas shall be identified. Those areas shall be divided into (a) Primary and (b) Secondary. Primary conservation areas will consist of special features, such as wetlands, floodplains, and soils susceptible to slumping. Secondary conservation areas shall comprise 50% of the remaining area of the site and include the most noteworthy natural, scenic and cultural resources. The open space shall adhere to the requirements under Section 16.08.
 - ii. The developer shall calculate the number of units that would be allowed on the site considering the minimum lot size requirements of the district in which the site is located. This determination shall be based upon the following formula: Gross site area minus area designated as Primary Conservation minus 20% for streets and roads = net buildable area. Net buildable area divided by minimum lot size = maximum number of allowed lots. Where conflict exists in the calculation of allowable units, the developer shall submit a comparison plan showing how the land could be developed through traditional means (such as a plat), with this providing assistance in establishing the maximum number of residential

units permitted within the development.

- iii. Potential house sites shall be identified. These should be located not closer than one hundred (100) feet to the boundary of a Primary conservation area or fifty (50) feet to the boundary of a Secondary Conservation Area. Street and lot layout shall be identified. Streets shall be designed to provide access to each house in the most reasonable and economical fashion possible. Streets shall avoid, as much as possible, impacting primary conservation features. Streets shall be designed to minimize the amount of area devoted to road surface while providing access to all houses and to maximize the views of open space from each house.
5. The preliminary development plan shall include all the following required information:
- i. A map showing the entire street system of arterial, collectors and local streets and their proposed construction standards and if they are publicly dedicated or privately owned and its related walkways.
 - ii. A map showing the entire location of the utility system of sanitary sewer, storm sewer, water, electric, gas, cable and telephone lines.
 - iii. Statistical calculations of areas dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses.
 - iv. A lot plan and statistical tabulation for the entire Planned Residential Development of all the land uses proposed and showing the approximate size and location of all lot lines, building, structures, parking areas, and improvements both existing and proposed.
 - v. A map indicating the areas allocated for common open spaces and allocated for usable open spaces per building at grade level or above grade, whichever applies.
 - vi. Preliminary elevation and/or perspective drawings of typical structures and improvements. These drawings must indicate substantially the architectural intent but need not show final decisions or details. A development model of the entire project area may be substituted for any elevation and/or perspective drawings.
 - vii. A plan showing the general location of trees and plantings.
 - viii. A development schedule indicating (1) the approximate date when construction of the project can be expected to begin, (2) the stages in which the project will be built and the approximate date when construction of each anticipated stage of development will begin, (3) the approximate dates when the development of each of the stages in the development will be completed, and (4) the area and location of common open space that will be provided at each stage.
 - ix. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common and usable open space areas.
6. Any additional statements, plans and diagrams may be required insofar as the Planning Commission finds that the planned development creates special problems of traffic, parking, landscaping, utilities, including sewer and water facilities, or any other factors; and
7. If no preliminary development plan has been filed, the preliminary plan must

contain the written statement required by Section 16.05 (2)(c) and must include enough of the area surrounding the proposed Planned Residential Development to show the relationship of the Planned Residential Development to adjacent uses, both existing and proposed.

8. Prior to acceptance of the Preliminary Development Plan by the Planning Commission, the applicant shall submit a preliminary engineering certification that the approximate layout of proposed streets, house lots, and open space lands complies with the township's zoning, street and drainage ordinances.
9. Maintenance of Common Open Space: To provide for continuous maintenance of designated open space within the proposed development, the Township may require the developer to establish a Maintenance Endowment Fund. The initial amount of the fund should be based upon the estimated cost of maintaining the dedicated common open space. A homeowners' association shall be established to oversee the continuous operation of this fund.
10. The Township may also accept the dedication of some portion of the site as public open space. To facilitate such a dedication, the developer shall enter into an agreement with the Township Board that upon approval of the special use permit, such legally described open space shall be transferred to the Township, outlining any terms or deed restrictions associated with the land transfer.

(d) Approval of Preliminary Development Plan:

1. Within a maximum of sixty (60) days after the receiving of the preliminary development plan, the Planning Commission shall hold a public hearing on the proposed plan. Notice shall be given in accordance with Michigan Public Act 110 of 2006. Subject to the results of the public hearing, Planning Commission shall forward the plan to the Township Board with a written report recommending that the plan be approved or disapproved or approved with modifications, stating the reasons for these recommendations.
2. Based on the Planning Commission's recommendation, the Township Board shall approve, disapprove or approve with modifications the preliminary development plan subject to the submission of a final development plan as required by this article.
3. Although the preliminary development plan is approved or approved subject to modifications, no building permits may be issued on land within the Planned Residential Development until the final development plans for the total project area have been approved by the Township Board under the procedures required by this article.
4. Concurrent Application: An application for a Planned Residential Development may be processed, noticed and heard by the Planning Commission concurrently with an application for a proposed subdivision or re-subdivision of the same property pursuant to the Subdivision Control Ordinance of Otsego Township and the Michigan Land Division Act.

(e) Approval of Final Development Plan:

1. Within a maximum of six (6) months following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final detailed form the information required under this Ordinance for Site Plan Review and Special Land Use. At its discretion and for good cause, the Planning Commission may extend for six (6) months the period for filing of the final development plan.
2. The Planning Commission, at its discretion, may give notice and provide an

opportunity to be heard on the final development plan to:

- i. Any person who is on record as having appeared at the hearing on the preliminary development plan
 - ii. Any other person who has indicated to the Planning Commission in writing that they desire to be notified.
 - iii. An additional public hearing will be called on the Planned Residential Development at this time, if the Planning Commission considers that the final development plan is not in substantial compliance with the submitted and approved preliminary development plan. The final development plan shall be deemed in substantial compliance with the approved preliminary plan, provided any modification by the applicant of the Planned Residential Development does not involve a change of one or more of the following:
 1. Violate any provision of this Article;
 2. Vary the lot area requirement by more than ten (10) percent;
 3. Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space;
 4. Increase the total ground area covered by buildings by more than five (5) percent.
3. The Planning Commission shall review the final development plan, and shall recommend the plan to the Township Board if it is in substantial compliance with the preliminary development plan. The Township Board shall review and approve the final development, subject to any required conditions, and the Township Clerk shall record the final development plan in the manner provided for recording plats or subdivisions.
 4. The Planning Commission shall delay final approval for a specified period of time until the applicant has taken title to, or executed a binding sales contract for, all the property so that the acquisition of title to the land can then be coordinated with the approval of project stages.
 5. Prior to the granting of any Planned Residential Development, the Planning Commission may recommend, and the Township Board may adopt, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Planned Residential Development as the Township Board deems necessary for the protection of the public interest and to secure compliance with the criteria specified in this ordinance. An escrow agreement and account approved by the Township Attorney as to form and content and by the Planning Commission, shall be required in the amount of the estimated construction cost and engineering. These funds may be dispersed upon certification by the Project Engineer and Otsego Township acting through the Township Supervisor. The escrow shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings, screenings, etc.

Sec. 16.06 CONTROL OF PLANNED RESIDENTIAL DEVELOPMENT FOLLOWING FINAL APPROVAL

- (a) The Township Board shall issue a certificate certifying the approval of the Planned Residential Development, and the Township Clerk shall note the issuance of the certificate on the recorded final development plan.
- (b) After the certificate of approval has been issued, the use of land and the construction,

modification or alteration of any buildings or structures within the Planned Residential Development will be governed by the approved final development plan rather than by any other provisions of the Zoning Ordinance.

- (c) After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the Planning Commission under the procedures provided below:
1. Extensions, alterations, or modifications of existing buildings or structures shall constitute an amendment to the final development plan and shall be reviewed and approved by both the Planning Commission and Township Board consistent with the original approval process.
 2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
- Changes in the use of common open space may be authorized by an amendment to the final development plan.
- (d) No changes in the final development plan which are approved under this Section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the Planned Residential Development, and all rights to enforce these covenants against any changes permitted by this Ordinance are expressly reserved.

Sec. 16.07 LOT SIZE VARIATION PROCEDURE

The lot area for a Planned Residential Development within the AG, R-1, R-2 and R-3 residential districts may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following procedures:

- (a) Site Acreage Computation: The gross acreage proposed for a Planned Residential Development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed Planned Residential Development is located. In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure. Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.
- (b) Maximum Number of Lots and Dwelling Units: After the total gross area is determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a Planned Residential Development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the Planned Residential Development is located.
1. The fixed percentage for street right-of-way purposes to be subtracted from the total gross area available for development shall be twenty (20) percent, unless revised by the Planning Commission based upon submission of a comparison plan. This percentage shall apply regardless of the amount of land actually required for street right-of-way.
 2. Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned residential development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.

- (c) Permissive Minimum Lot Area: Notwithstanding other procedures set forth in the Section, lot areas within Planned Residential Developments shall not be varied or reduced below the following minimum standards:
1. One Family Detached Dwelling Units: Fifteen thousand (15,000) square feet within the R-1 District, ten thousand (10,000) square feet within the R-2 District and seven thousand five hundred (7,500) square feet within the R-3 District.
 2. Two-Family Dwellings: Seventeen thousand five hundred (17,500) square feet within the R-2 District and twelve thousand (12,000) square feet in the R-3 District.
 3. Residential lots where not served by a public water system but served by public sanitary sewer service, shall not be less than ninety (90) feet wide at the building line, nor less than twelve thousand (12,000) square feet in area.
 4. Residential lots served by neither public water nor a public sewer system shall not be less than one hundred (100) feet wide nor less than fifteen thousand (15,000) square feet in area.
- (d) Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:
1. Front Yard: Twenty (20) feet for all dwellings PROVIDED that front yard requirements may be varied under consideration of common greens or other common open space if such space provides an average of twenty-five (25) feet of front yard area per dwelling unit.
 2. Side Yard: Seven (7) feet on each side for all one and two-family dwellings, PROVIDED that there shall be minimum of fifteen (15) feet between ends of contiguous groups of dwelling units.
 3. Rear Yard: Ten (10) feet for all dwellings, PROVIDED that rear yard requirements may be varied after consideration of common open space lands or parks or water-front areas which abut the rear yard area.
- (e) Maximum Permissive Building Height: Two and a half (2 ½) stories, but not exceeding thirty-five (35) feet. Accessory building shall not exceed a height of fifteen (15) feet.

Sec. 16.08 OPEN SPACE REQUIREMENTS

For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Section, equal amounts of land shall be provided in open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development, or shall be dedicated to Otsego Township or as park land for the use of the general public. The Planning Commission shall utilize one of the following options most appropriate as part of its approval of a Special Use Permit for a Planned Residential Development:

- (a) That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER that an open space easement for said land shall be conveyed Otsego Township to assure that open space land shall remain open. The Township shall not be included in the maintenance agreement of said land unless mutual agreement of this responsibility is appropriately documented.
- (b) That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of park or recreation land conforms in intent to the Comprehensive Development Plan of Otsego Township or the Otsego Township Recreation Plan and PROVIDED further that the access to

and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.

- (c) It is the intent of this Section that in cases where option (2) above is determined to be in the best interest of the community, that the owners or developers of the Planned Residential Development shall not be compelled or required to improve the natural condition of the open space land.

Sec. 16.09 PLANNED RESIDENTIAL DEVELOPMENT IN MORE THAN ONE ZONING DISTRICT

Where a Planned Residential Development is to be located in more than one zoning district, the lot sizes and the number of allowable dwelling units must be separately calculated and separately distributed in each individual zone in the Planned Residential Development.

Sec. 16.10 PERIMETER SETBACK REQUIREMENTS

In all Planned Residential Developments that abut property that permits developments of less intensity than permitted by the Planned Residential Development, a peripheral transition area shall be incorporated in the Planned Residential Development that provides development similar in density and character as that existing or permitted on the abutting land. For the purpose of the Section, the Planning Commission and Township Board shall have the authority to determine the extent and development of the transition area.

Sec. 16.11 SUBDIVISION AND RESALE

- (a) If the subdivision or re-subdivision of an approved Planned Residential Development will create a new plat line, the applicant shall make application to the Planning Commission for the approval of the subdivision or re-subdivision plat. The Planning Commission and Township Board shall approve the subdivision or re-subdivision if each section of the subdivided or re-subdivided Planned Residential Development meets the provisions of this ordinance, governing density, common and usable open space, and dimensional requirements and if it is in compliance with requirements contained within the Michigan Land Division Act.
- (b) All lots of a subdivided or re-subdivided Planned Residential Development are to be controlled by the final development plan rather than by the provisions of the Zoning Ordinance that otherwise would be applicable. The provisions of Sections 16.05(4) and 16.06 covering changes in the final development plan will apply.

Sec. 16.12 DEVELOPMENT STANDARDS

The following standards are intended to supplement the requirements of the Otsego Township Subdivision Control Ordinance. Where conflicts or discrepancies may occur, the more stringent requirements shall take precedence.

(c) Streets

1. The arrangements, the character, the extent and location of all streets shall conform to any official thoroughfare plan for streets and highways, and shall be considered in their relation to existing and planned streets, topographical conditions, public conveniences and safety, and to the proposed uses of the land to be served by such streets.
2. Where a subdivision abuts or contains an existing or proposed primary road, or other major street, the Township Board may require marginal access streets, a reversed frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
3. All road construction shall be completed at least to the applicable road

specifications and shall comply with such additional specifications as are set forth in these regulations.

4. If adjoining property is not subdivided, provision shall be made for the projection of proposed roads by continuing the full widths of right-of-way with rough grading of the roads to the boundaries of the subdivision. This provision shall not prevent the establishment of cul-de-sacs within the subdivision.
5. No street names shall be used which will duplicate or be confused with the names of existing streets.
6. Local streets shall have 66' right-of-way Collector streets shall have 80' right-of-way Major streets shall have a 100' right-of-way. The Township Board may determine the necessity for declaring some streets in the Planned Residential Development to be collector or major streets.
7. Permanent cul-de-sac streets shall not be longer than eight hundred (800) feet in length and shall be provided at the closed end with a paved circular turnaround area having an outside diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet in residential districts. The Township Board may require larger rights-of-ways in industrial or commercial districts, depending upon anticipated uses. Temporary dead end streets shall be provided at the closed end with a turnaround constructed to the full width of the right-of-way and in accordance with applicable specifications.
8. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
9. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
10. Minor streets shall be so laid out that their use by through traffic will be discouraged.
11. Half streets, except where it is essential to the reasonable development of the subdivision, are prohibited.

(d) Blocks

1. The maximum lengths of blocks shall be fifteen hundred (1,500) feet measured between the centerlines of intersections, except as follows:
 - i. In subdivisions where the width of lot at the building line is two hundred (200) feet or more, the block length may be up to two thousand (2,000) feet.
 - ii. Under extreme topographical conditions, the Township Board may approve blocks exceeding the fifteen hundred (1,500) foot maximum length, but in no case shall the length exceed two thousand (2,000) feet.
2. Where blocks exceed nine hundred (900) feet in length, an easement for a sidewalk or pedestrian way of at least eight (8) feet in width, and paved not less than four (4) feet in width, may be required, extending entirely through the block, when necessary to obtain satisfactory pedestrian circulation, as determined by the governing body.

(e) Easements

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities where considered necessary by the Township Board, and shall have a minimum total width of twelve (12) feet.
2. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-

way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection with the easement.

(f) Lots

1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot dimensions shall conform to the requirements of this Zoning Ordinance, including lot size variations as permitted in Section 16.07(3).
3. Corner lots for residential use shall have sufficient width to permit appropriate building setback from, and orientation to, both streets.
4. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to all existing public streets.
5. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
6. Side lot lines shall be substantially at right angles or radial to street lines, except where conditions of topography or more efficient layout warrants otherwise.
7. If, by necessity, a lot is irregular in shape, the lot shall have frontage equal to not less than one-half (1/2) of the minimum required lot width at the building line on an existing or an approved dedicated public road.
8. A development having riverfront or stream front lots should include a statement that the lot lines extend to the water's edge regardless of the fluctuation in the water level.

(g) Utility and Street Improvements

1. The proprietor shall provide the following public improvements in connection with the subdivision. All such improvements shall be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the Township.
2. Roads, including such related improvements as are required in this Ordinance.
3. Storm water drainage as required in this Ordinance. If storm sewers are not feasible, then leaching basins must be installed. The installation of either storm sewers or leaching basins must be done in accordance with the plans and specifications of the Township, well established engineering practices and approved by the Township Engineer.
4. Water supply and sanitary sewer. Every portion of a subdivision shall be supplied with adequate water and sanitary sewer facilities. Public water and sanitary sewer facilities shall be provided in all plats to which such facilities are determined reasonably available by the Township Board.
5. Sidewalks may be provided as required in Subsection (2)(b).
6. Pedestrian ways may be required within public easements, as determined by the Planning Commission.
7. Provision for underground utilities.
8. Street and/or pedestrian scale lighting, of a type and location approved by the Township Engineer, shall be provided.

ARTICLE 17 - PLANNED UNIT DEVELOPMENT

Sec. 17.01 PURPOSE

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility and the potential for mixed use development that includes a commercial or industrial component in any district. It has the potential of promoting a diversity of uses while allowing a more efficient use of land for circulation, open space and utilities. It also is intended to minimize adverse environmental impacts by providing greater harmony with the existing physical characteristics of the area, including cluster/open space development.

Sec. 17.02 OBJECTIVES FOR PLANNED DEVELOPMENTS

It is the objective of this Article to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

- (a) A maximum choice of living and working environments by allowing a variety of housing and building types and the potential to coordinate such uses with commercial or industrial development.
- (b) A more useful pattern of open space and recreation areas and if permitted as part of the project, more conveniences in the location of accessory commercial uses and services.
- (c) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- (d) A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utilities and streets.
- (e) A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The Township is also prepared to support more intensive development provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities or intensity of use will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

Sec. 17.03 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other articles of this Ordinance, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Ordinance.

Sec. 17.04 APPLICATION AND PROCEDURE

An application for PUD shall be processed as a special use, adhering to the requirements under Article 18 and following the procedures for review and approval of preliminary and final development plans outlined within this article and Article 16 (PRD) where appropriate.

Sec. 17.05 USES PERMITTED

Compatible residential, commercial, industrial and public uses may be combined in PUD Districts, provided that the proposed location of more intensive uses will not adversely affect adjacent property and/or public health, safety, and general welfare. Toward this end, uses permitted within the underlying zoning district shall be the primary use within the proposed development. The Planning Commission may further limit the secondary uses to those uses within the next lowest district, namely "R-3" uses within "R-2", "C" uses within "R-3" and "I" uses within the "C" District. Primary use shall be determined by the number of dwelling units or by the percentage of land devoted to such use. Lot area and other yard requirements of the residential districts established in this Ordinance shall apply except as modified in Sections 17.11 and 17.13. The amount of land

and the location of uses shall be determined by the Planning Commission and approved by the Township Board.

Sec. 17.06 MINIMUM PROJECT AREA

The gross area of a tract of land to be developed in a Planned Unit Development shall be a minimum of ten (10) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in Section 17.02.

Sec. 17.07 PROJECT OWNERSHIP

The project land may be owned, leased, or controlled either by a single person or corporation or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

Sec. 17.08 COMMON OPEN SPACE

A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents, users of the area being developed. The open space shall be dedicated as required in Section 17.09 of this Ordinance.

Sec. 17.09 DEDICATION OF OPEN SPACE

The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development, be sold to a land conservancy or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must first be accepted through the approval of the Township Board. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission and Township Board. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

Sec. 17.10 UTILITY REQUIREMENTS

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from the requirements if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

Sec. 17.11 MINIMUM LOT SIZES

- (a) For residential uses, the lot area may be reduced by not more than forty (40) percent of the minimum lot area required within the district where such use is permitted. For commercial and industrial uses, the lot area shall be based upon the ability of the use to be supported by parking or similar site development requirements.
- (b) Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied where appropriate in achieving compatibility between uses.

Sec. 17.12 LOTS TO ABUT UPON COMMON OPEN SPACE

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. For residential projects, a clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

Sec. 17.13 HEIGHT REQUIREMENTS

For each foot of building height over the maximum height regulations, the distance between such buildings and the side and rear property lines of the planned unit development project area shall

be increased by a one (1) foot addition to the side and rear yard required in the districts. In no instance shall height be increased to a height of more than fifty (50) feet unless a variance is granted by the Zoning Board of Appeals.

Sec. 17.14 PARKING

Off-street parking, loading, and service areas shall be provided in accordance with this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any on-site or off-site residential use.

Sec. 17.15 PERIMETER YARDS

Notwithstanding the provisions of this Article, every lot abutting the perimeter of the planned unit development district shall maintain setbacks equivalent to those within the underlying zoning district.

Sec. 17.16 ARRANGEMENT OF COMMERCIAL OR INDUSTRIAL USES

When planned unit development districts include commercial or industrial uses, buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulations, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion, or not intended for immediate improvement or development, shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission and Township Board.

Sec. 17.17 PROCEDURES FOR APPROVAL

The procedure for review and approval shall follow a two-step process of submission of a preliminary development plan and a final development plan, with each reviewed by the Planning Commission and Township Board consistent with that outlined under this article or under Article 16 for PRD where appropriate.

Sec. 17.18 PRE-APPLICATION MEETING

The developer may meet with the Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the land use plan and zoning ordinance provisions

Sec. 17.19 CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

An application for preliminary planned unit development shall be filed with the Township Clerk by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate.

- (a) Name, address, and phone number of applicant.
- (b) Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- (c) Legal description of property.
- (d) Description of existing use.
- (e) Zoning District(s).
- (f) A vicinity map at a scale approved by the Planning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the land use and to

existing schools and other community facilities and services.

- (g) Proposed schedule for the development of the site.
- (h) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years.
- (i) A preliminary development plan at a scale approved by the Commission showing topography at two (2) foot intervals; location and type of residential and commercial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the Township's statement of objectives for planned unit developments in Section 17.02 of this Ordinance. Required site plans shall be submitted in accordance with Article 18 of this Ordinance.

Sec. 17.20 PUBLIC HEARING BY PLANNING COMMISSION: PRELIMINARY PLAN

Within sixty (60) days after receipt of the preliminary development plan, the Planning Commission shall hold a public hearing.

Sec. 17.21 NOTICE OF PUBLIC HEARING BY PLANNING COMMISSION IN NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township consistent with Section 103 of PA 110 of 2006, as amended. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

Sec. 17.22 NOTICE TO PROPERTY OWNERS

Before holding the public hearing, written notice of the hearing shall be provided to occupants of surrounding properties in accordance with Section 103 of PA 110 of 2006, as amended.

Sec. 17.23 RECOMMENDATION BY PLANNING COMMISSION

Within sixty (60) days after the public hearing on the preliminary plan, the Planning Commission shall review the plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviations from standard district regulations. The Commission shall make a recommendation to the Township Board and the Township Board may approve the preliminary plan. A preliminary plan must be approved by the Township Board before an applicant may submit a final development plan. Approval of the preliminary plan, or approval in principle, shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. The Planning Commission may seek assistance in making its recommendation from the Regional Planning Commission or any other appropriate source.

Sec. 17.24 FINAL DEVELOPMENT PLAN

After approval of the preliminary plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team, which may include a licensed architect, registered land surveyor, registered civil engineer, and licensed landscape architect.

Sec. 17.25 CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN

An application for approval of the final development plan shall be filed with the Township Clerk by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction of the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- (a) A signed and sealed survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- (b) All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties.
- (c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard Zoning Districts or other Ordinances governing development.
- (d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
- (e) Site plan, showing building(s), various functional use areas, circulation, and their relationship.
- (f) Preliminary building plans, including floor plans and exterior elevations.
- (g) Landscaping plans.
- (h) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- (i) Plans shall be submitted in accordance with Article 18 of this Ordinance.

Sec. 17.26 PUBLIC HEARING BY PLANNING COMMISSION; FINAL PLAN

Within sixty (60) days after submission of the final development plan, the Planning Commission may hold a public hearing, with the hearing notice consistent with Section 103 of PA 110 of 2006, as amended.

Sec. 17.27 RECOMMENDATION BY PLANNING COMMISSION

Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Township Board.

Sec. 17.28 CRITERIA FOR RECOMMENDATIONS BY PLANNING COMMISSION

Before making its recommendation as required in Section 17.27, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- (a) The proposed development complies with the requirements under this Article.

- (b) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- (d) Any proposed commercial development can be justified at the locations proposed.
- (e) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the planned unit development and the adopted policy of the Planning Commission and the Township Board.
- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- (g) The planned unit development is in general conformance with the land use plan of the Township.
- (h) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

The Planning Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source.

Sec. 17.29 ACTION BY TOWNSHIP BOARD

Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the Township Board shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Township Board shall direct the Building Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

Sec. 17.30 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any planned unit development, the Township Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Ordinance.

Sec. 17.31 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a final development plan for a planned unit development shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat (if appropriate) or to initiate the development of the project. If in the opinion of the Township Board no significant progress has been made within that period of time, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which this approval of the planned unit development was granted.

Proceeding without an approved plan shall require that uses and area, height, bulk and placement requirements be in accordance with the original zoning of the subject property.

ARTICLE 18 - SITE PLAN REVIEW PROCEDURES / SITE DEVELOPMENT REQUIREMENTS

PART I - SITE PLAN REVIEW PROCEDURES

Sec. 18.01 PURPOSE

The proper development of a community requires that various uses within any district be as compatible as possible. There are, however, certain types of activities and structures which, lend themselves to potential conflict with surrounding uses. It is the intent of this Ordinance to provide procedures to ensure responsible and practical development in the Township.

Sec. 18.02 USES REQUIRING A SITE PLAN

(a) Site plans shall be submitted for the following uses:

1. All special exception uses permitted in all zoning districts listed in this ordinance.
2. All Planned Unit and Planned Residential Developments.
3. Site condominiums.
4. All permitted uses within the "R-3", "RMH", "C", and "I" Districts, along with any development within an overlay district as stipulated within the ordinance.
5. All permitted uses subject to obtaining a building permit, other than single family or two-family dwellings or their accessory buildings.

Sec. 18.03 SITE PLAN DATA REQUIRED

(a) Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Planning Commission, and / or the Township Board:

1. The date, north arrow, scale and name of individual or firm responsible for preparing the plan. A small vicinity map indicating the location of the site in relation to the Township section number. The scale shall be at least 1 inch = 20 feet for parcels under three (3) acres and not less than 1 inch = 50 feet for parcels three (3) acres or more, unless a more appropriate scale is requested by the Zoning Administrator.
2. The boundary lines of the property, to include all dimensions and legal description. The site plan, or supplemental notes, shall also indicate the front, side and rear yard setbacks, the distance between buildings and property lines, the size and number of parking spaces and the width of drive aisles, and the percentage of lot coverage and open space.
3. The location of all existing and proposed structures or improvements on the site, including drives, walkways, parking areas, loading and unloading areas, fire lanes, common use areas and recreational areas and facilities.
4. The location and widths of all abutting rights-of-way or easements on the property or along a property line. The alignment of the proposed driveway from those opposite the site.
5. The location of environmental features, including ponds, streams, wetlands, woodlots, shore lands, and other natural features.
6. The location and identification of all existing structures within a two hundred

(200) foot radius of the site.

7. The name and address of the property owner.
8. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
9. The location of all existing and proposed landscaping as well as all existing and proposed fences and walls. No less than 20 percent (20%) of the site area shall be retained in open space. A separate landscape plan may be submitted in order to satisfy this requirement.
10. A locational sketch of any other existing or proposed use or structure, including any outdoor display areas and waste disposal areas. The location of any dumpsters shall be indicated, including the manner of screening and access.
11. The type, location and size of all utilities existing and proposed for the site including water, sewer, telephone, electric and gas service and the placement of any fire hydrants.
12. The location, size and slope of all surface and subsurface drainage facilities. Fenced retention or detention ponds shall not be counted toward calculation of open space areas.
13. A summary schedule and drawings should be included with site plans submitted for proposed structures in applicable residential and commercial districts, and should include the following information:
 - i. A unit count and typical floor plan for each type of dwelling unit proposed.
 - ii. The residential area of each proposed unit, in square feet.
 - iii. Area dimensions of driveways and staging areas
 - iv. Typical elevation drawings of the front and rear of each building.
14. Show topography, both existing and proposed, at five (5) foot intervals and its relationship to adjacent land. Arrows should indicate direction of drainage.
15. Show location of all known abandoned water wells, septic systems, cisterns and drywells.
16. Provide a separate lighting plan (or photometric) showing the location, height and type of proposed exterior lighting and the area to be served by each fixture. Stray lighting from the site boundary shall not exceed .5 footcandles and the maximum light emitted from any fixture on the site shall be 15 footcandles. External and internal illumination of signs shall also be indicated as part of this limitation of stray lighting from the site boundary.

Sec. 18.04 SUBMITTAL AND APPROVAL

- (a) All site plans, as required by this ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of the Zoning Administrator. A request for site plan approval for permitted and special uses shall require ten (10) copies of the site plan. Submission of digital plans shall supplement the required paper submittal. The Zoning Administrator shall place the request on the agenda of the next regularly scheduled Planning Commission meeting, provided that the request has been received within the required timeframe established on the application. If the request has not been received within the timeframe, the Zoning Administrator shall schedule the application for the next regularly scheduled Planning Commission meeting.
- (b) Of the ten (10) copies of the site plan submitted, one (1) copy shall be kept on file by the Township Clerk, one (1) copy shall be provided to the Planning Commission Chair and

retained at the Township office in the Planning Commission file, one copy (1) retained in the Zoning Administrator's office, and the remainder distributed to the Planning Commission and Township Board for their review.

- (c) In the case of a request for site plan review that is dependent upon a request for special use permit approval, the Planning Commission and Township Board shall first decide the matter of the special use request. Where approval of such special use request includes specified changes and/or imposed conditions, the Planning Commission and Township Board may require the applicant to resubmit the site plan showing the changes or conditions prior to final approval of the site plan.
- (d) An approved site plan request shall contain the signatures of the Chairman of the Planning Commission and the Zoning Administrator, and the Township Clerk. Any conditions or changes stipulated by the Planning Commission and / or Township Board in review of a site plan shall be indicated in the minutes of that meeting. The Township Board may also stipulate that the revised site plan, showing the required changes, may be submitted and approved administratively by the Zoning Administrator and approval shall contain the signature of the Zoning Administrator.

Sec. 18.05 FEES

A fee, in an amount to be determined by the Otsego Township Board, shall be submitted with all requests for site plan approval. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by Otsego Township for expert consultation relative to the application.

Sec. 18.06 CONFORMITY TO APPROVED SITE PLAN

- (a) Development and use of the site shall be in complete conformity with the approved site plan and any amendments approved by the Township Board. The Zoning Administrator may direct minor amendments to an approved site plan directly to the Township Board to reduce the timeframe for such review and approval. Such minor amendments shall be limited to those that do not require increased parking or a change in the layout of the site to traffic circulation or stormwater retention systems. Approval of the site plan shall be valid for a period of two (2) years. If a building permit has not been obtained and the on-site development is not underway within two (2) years of the date of approval, the site plan approval shall become void and the developer shall make a new application for approval before proceeding. No time extension to site plan approval shall be granted.
- (b) If the Zoning Administrator determines that the conditions and stipulations of an approved site plan are not being adhered to, the Zoning Administrator shall inform the property owner in writing of the violation and indicate the opportunity for an amendment to the approved site plan. A proposed amendment or modification to a previously approved site plan may be submitted for review in the same manner as the original application for site plan review. Review and approval of an amendment to a previously approved site plan shall be required before there is any change in any use, structure, building, grade or other feature shown, or required to be shown, on a site plan. If the owner fails to comply, the Zoning Administrator may cite the property owner for a violation of the zoning ordinance. The procedures followed shall be consistent with those for any other violation of the ordinance.

Sec. 18.07 APPEAL

The decision of the Zoning Administrator may be appealed by the property owner or his or her designated agent to the Otsego Township Zoning Board of Appeals. Request for appeal shall follow the procedures outlined for any such appeal.

PART II - SPECIAL EXCEPTION USES – STANDARDS AND CONDITIONS

Sec. 18.08 GENERAL REQUIREMENTS FOR APPROVAL

The request for special exception use approval must meet the following general standards, as

well as the more specific requirements for the applicable requested land use in Section 18.10. The Planning Commission shall review and recommend and the Township Board shall approve, approve with conditions or deny each application based upon a determination as to whether the proposed use in the proposed location will adhere to the following general standards.

- (a) Be harmonious with and in accordance with the general principals and objectives of the Master Plan of Otsego Township.
Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and to uphold the essential character of the area in which it is proposed.
- (b) There is a proper relationship between the thoroughfares and proposed service drive, driveways, and parking areas.
- (c) Locate buildings, outside storage receptacles, parking areas, screen walls and utility areas to minimize adverse effects for occupants of the use and of the surrounding areas.
- (d) All buildings or groups of buildings shall be arranged to permit emergency vehicles access by some practical means to all sides.
- (e) Development shall aim to preserve natural resources and will not degrade or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands.
- (f) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
- (g) Location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
- (h) Landscaping, including trees, shrubs and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area.
- (i) The parcel is served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- (j) The proposed use does not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, or odors.

Sec. 18.09 PROCEDURE FOR REVIEW-PUBLIC HEARING

Upon receipt of an application for a special exception use (special use permit), the Township Clerk or Secretary to the Planning Commission or such designee shall schedule a public hearing. The notice of public hearing shall be issued subject to and adhere to the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. Following the public hearing, the Planning Commission shall make recommendations to the Township Board. The Township Board shall make the final decision on approval or denial of special exception uses.

Sec. 18.10 CONDITIONS FOR SPECIFIC SPECIAL EXCEPTION USES

Those special exception uses permitted in any given Zoning District and listed below shall be subject to all of the following conditions regarding site development, unless otherwise specified by the Planning Commission or Township Board. The Planning Commission or Township Board may also impose conditions beyond those specially listed below:

- (a) Adult Entertainment/Business (see Definitions)
 - 1. General Requirements. All sexually oriented businesses shall comply with the following:
 - i. Five hundred (500) feet setback from any R District, religious institutions, schools as measured from lot line.

2. No person younger than 18 years of age shall enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open.
3. No person under the age of 18 shall be employed by a sexually oriented business nor shall a person under the age of 18 be contracted with by a sexually oriented business for the provisions of services to patrons.
4. No employee of a sexually oriented business shall sell or provide goods, merchandise or services to persons under the age of 18 on the premises.
5. Any sexually oriented business offering live entertainment shall provide:
 - i. A dressing room for performers with direct access between said dressing area and the performance area or stage, such that the performer may enter the performance area or stage without entering the area from which patrons will view the performance;
 - ii. That the access, performance area, or stage and dressing room is handicapped accessible to the extent required by the Americans With Disabilities Act and the Elliott Larsen Civil Rights Act;
 - iii. No performer, employee or patron shall be permitted to have any physical contact with any other performer, employee or patron on the premises during any performance and all performances shall occur on a stage elevated at least 18 inches above the immediate floor level and removed at least six (6) feet from the nearest performer, employee or patron;
 - iv. That the dressing area for performers be separate and not freely accessible from areas of the business accessible to patrons, and that the said dressing area contain hot and cold running water and toilet facilities.
6. All sexually oriented businesses shall be open to inspection by the Township's ordinance enforcement officer, the building inspector, the fire chief or the police department for the purpose of ensuring compliance with the law at any time the establishment is occupied or open for business.
7. The prohibitions of this section shall be posted in a conspicuous place on the business premises.
8. A violation of any of the subsections of this section shall be grounds for criminal prosecution of the underage person and of any licensee, owner, operator, and employees who permitted the violation of the section by the underage person.
9. Sexually Explicit Performances Prohibited:
 - i. No person shall dance, entertain, display or otherwise engage in any exhibition or performance in such a manner as to expose to the view of any person within a sexually oriented business, or in any other commercial establishment:
 1. Any specified anatomical areas as defined in Section 3.
 2. Any device, costume or covering which gives the appearance of or simulates any specified anatomical areas.
10. No person shall engage in any specified sexual activities on the premises of a sexually oriented business.

(b) Airports, Aircraft Landing Fields

1. Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the Township

for review and approval.

2. The lot shall be located adjacent to a major thoroughfare and provide public access and egress to and from said lot and thoroughfare.

(c) Animal Hospitals

1. All principal use activities shall be conducted within a totally enclosed main building.

(d) Automobile Service Stations, Automotive Maintenance and Repair Garages, Filling Stations.

1. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the said date.
2. Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station or public garage and twelve thousand (12,000) square feet for a filling station.
3. Minimum lot width shall be one hundred and twenty (120) feet for a garage or automobile service station and one hundred (100) feet for a filling station.
4. An automobile service station and filling station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
5. Ingress and egress drives shall not be more than thirty (30) feet.
6. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
7. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
8. A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
9. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

(e) Banks, Savings and Loans, Credit Union (Drive-Thru)

1. Banks, savings and loan, credit unions, and other financial institutions with drive-thru facilities shall have a minimum lot size of 20,000 square feet, with a minimum lot width of (100) feet abutting the street right-of-way.
2. The minimum setback of the main and accessory building from any street right-of-way from which ingress and egress to and from the facility is located shall be thirty (30) feet.
3. A drive-thru facility or free-standing automated teller machine shall be located on the site to accommodate a minimum depth (column) of four (4) vehicles at one time.
4. The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
5. The area used for access to and from the drive-thru facility and for required off-

street parking shall be paved with concrete or bituminous asphalt.

(f) Campgrounds, Travel Trailer Parks

1. Minimum park size shall be three (3) acres. The park shall provide direct vehicular access to a public street or road. Each park shall be provided with at least one (1) public means of emergency communication, including a telephone land line, internet communication line, or substitute suitable to the Planning Commission.
2. Each site in a park designated for camping use may accommodate a travel trailer or tent and shall be provided with individual electrical outlets, except primitive campsites.
3. Public stations, housed in all-weather structures, containing adequate water outlet, flush toilets, waste container, electricity, and shower facilities shall be provided uniformly throughout the park at a ratio of not less than one (1) such station per each twenty (20) sites.
4. Each park containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
5. Except for a convenience goods shopping establishment, no commercial enterprises shall be permitted to operate in the park.
6. Each park shall provide a paved or unpaved vehicle parking area for site occupant and guest parking. Such parking shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping). Each parking space shall be two hundred (200) square feet in area. Guest parking shall be provided at the ratio of not less than one (1) space per each two (2) sites. Occupant parking space for two (2) vehicles shall be provided on each site.
7. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least fifty (50) feet.
8. A common use area shall be provided at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire park.
9. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Allegan County health regulations.
10. The development of the entire park is subject to all applicable requirements of the Michigan Department of Natural Resources.
11. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
12. Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.

(g) Child Care Centers, Nursery Schools, Day Nurseries

1. No dormitory facilities permitted.
2. Nursery schools and day nurseries for children of preschool age shall provide a lot area of not less than seven hundred (700) square feet for each child enrolled therein.

3. For each child cared for, there shall be provided, equipped and maintained on the premises a minimum of one hundred fifty (150) square feet of usable outdoor play area (minimum total area of five thousand (5,000) square feet per facility).
4. The outdoor play area shall be fenced in or screened by a heavily planted green belt from any abutting residential uses.

(h) Convalescent Homes

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least twenty-five (25) feet from all property lines.
4. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

(i) Drive-In Restaurant

1. The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.
2. Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).
3. A six (6) foot high fence shall be provided adjacent to Residential Districts.
4. Parking may be located in the front yard in the case of fast-food or carry-out restaurants only.

(j) Drive-In Theater

1. The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least five hundred (500) feet from any residential district.
2. The premises shall be enclosed with a solid screen fence seven (7) feet in height.
3. All points of entrance or exit shall be located no closer than 250 feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
4. The interior of the premises shall be designed with respect to lighting, drainage and the like, to the satisfaction of the Township Engineer.
5. Space shall be provided on-premises for fifty (50) waiting vehicles to stand at the entrance to the facility.
6. The theater screen shall not face, directly or obliquely, by less than seventy-five (75) degrees, a major thoroughfare or any residential zoning district.

(k) Fraternal Clubs and Lodges

1. Minimum lot size shall be two (2) acres.
2. The main and accessory buildings shall be set back at least twenty-five (25)

feet from all property lines, or in accordance with the setbacks for the Zoning District, whichever is greater.

3. Adequate off-street parking, as identified in Article 19 shall be provided.

(l) Golf Courses, Country Clubs

1. Minimum lot size shall be forty (40) acres.
2. One (1) shelter building with toilet facilities shall be provided which meets all requirements of the Allegan County Health Department and the Township Building code shall be provided for every nine (9) holes over nine (9) holes.
3. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

(m) Guest House

1. Guest houses may be located only on a residential lot and will be considered as accessory buildings.
2. No more than one (1) guest house may be located on a residential lot.
3. The guest house must conform to the requirements of Section 4.12 Accessory Buildings.
4. The guest house shall contain, at a minimum, sleeping quarters and have a minimum floor area of 144 square feet.
5. The guest house shall not exceed 50% of the total floor area of the main residence.
6. The structure shall meet all applicable local building codes.
7. Occupancy for any person, family, or two (2) or more unrelated individuals shall be limited to a total of six (6) months or less in any 12-month period. This does not prevent a guest house from being occupied throughout the year by different sets of persons, families or unrelated individuals.

(n) Home Occupations

1. No more than 25 percent of the gross floor area of any permitted residential or accessory structure shall be utilized for the home occupation.
2. The activities and facilities associated with the home occupation shall not change the residential character of the property or the immediate neighborhood and shall not endanger the health, safety and welfare of any other person or household living in the general or immediate area by reason of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards and/or other such negative impacts.
3. Only those articles produced on the premises by such occupation may be sold or offered for sale.
4. No home occupation shall require outdoor storage of equipment, machinery or signs not customary in a residential location.
5. No more than one (1) non-illuminated nameplate, attached to the building and not larger than two (2) square feet in area, containing the name and occupation of the resident, will be allowed. Freestanding, temporary, or other signage not specifically provided for herein is prohibited.
6. A home occupation that will attract an average of more than two (2) customer vehicles at all times during operating hours, shall provide off-street parking facilities in accordance with Article 19. The parking requirements associated with the use or activity in Article 19 most similar to the home occupation shall be applied.

7. Employees associated with the home occupation must reside on the property. In no case may the number of employees exceed the number of residents in the household.
8. Special exception use permits for home occupations are specific to the applicant and do not transfer to another owner without amendment of the permit after review of the Township.

(o) Hospitals/Medical Centers

1. Minimum lot area shall be two (2) acres.
2. The lot location shall be such that at least 50 percent of the property line abuts a paved county primary road. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said county primary road.
3. Minimum main and accessory building setback shall be fifty (50) feet.
4. No power plant or laundry shall be located nearer than two hundred (200) feet to any adjacent residential district.

(p) Hotel, Motel, Motor Court

1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
2. When the front yard is used to provide access, a greenbelt shall be provided along the front property line, except at drive openings.
3. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
4. When adjacent to a Residential District, a masonry wall, wood fence, berm, or alternative deemed appropriate by Planning Commission that is four (4) to six (6) feet in height, shall be erected on the common property line, plus a greenbelt planted and continually maintained parallel to and inside of such fence or wall.

(q) Housing for the Elderly

1. Minimum lot size shall be three (3) acres.
2. Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
3. Each dwelling unit shall contain at least three hundred and fifty (350) square feet of area, not including kitchen and sanitary facilities.

(r) Junk Yards

1. Minimum lot size shall be five (5) acres.
2. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred fifty (150) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by a solid fence not less than eight (8) feet nor more than twelve (12) feet in height. Said fence is to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
3. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, religious institution, hospital, sanitarium, convalescent home, day nursery, school, or residential district boundary.

4. All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.

(s) Kennels

1. All kennels shall be operated in conformance with all applicable County regulations, license being valid no longer than one (1) year.
2. Buildings where animals are kept or where there are animal runs and/or exercise areas shall not be located nearer than fifty (50) feet to any adjacent property line, and shall not be located in any required front, rear or side yard setback area.
3. Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

(t) Mining and Natural Resource Extraction, and Similar Activities

Earth removal, quarrying, gravel processing, mining, and all related mineral extractions shall be permitted by special land use where authorized by this ordinance and after review in accordance with special land use standards of Section 18.08 and the specific standards described herein. In considering such authorization, the following shall apply:

1. Definitions. For the purposes of this chapter, the following definitions shall apply:
 - i. Cell: a predetermined and mapped area of the mining operation no larger than five (5) acres.
 1. Mineral: a naturally occurring element or combination of elements that occur in the earth in a solid state.
2. Mining and/or mineral extraction: earth removal, quarrying, gravel processing, mining and or related mineral extraction and processing of mineral materials by any method or means.
 - i. Mining operations: those businesses in which a principal or essential activity involves earth removal, quarrying, gravel processing, mining and/or related mineral extraction businesses.
 - ii. Mining permit: a permit granting permission to conduct regular or temporary mining or mineral extraction for those mining and mineral extraction businesses
 - iii. Operation: use of heavy equipment, traveling to or from the mining site, as well as within the mining site, but not to include cars and pickup trucks.
 - iv. Operator: any person or agency, either public or private, engaged in or who has applied for permission to engage in mining or mineral extraction, whether individually, jointly, or through subsidiaries, association, firm or partnership, trust, corporation, or other entity engaged in managing or controlling a mining operation.
 - v. Permit Holder: the person or company to whom the permit has been issued.
 - vi. Person: an individual, partnership, cooperative, limited liability company, corporation, or agency, either public or private, or any individual, whether incorporated or not.
 - vii. Reclamation plan: plan to restore the land of a mining operation to a natural or economically usable state in compliance with the underlying

zoning district after operations have been completed.

- viii. Tailing: the materials remaining after the process of separating the valuable fraction from the uneconomic fraction of an ore.
- ix. Overburden: the material that lies above an area that lends itself to economic exploitation; usually removed during surface mining.

3. Required Mining Permit

- i. It shall be unlawful for any operator to engage in mining operations without obtaining a mining permit from the Township. Any operator who engages in mining or mining operations pre-existing the effective date of this Ordinance shall apply for a mining permit if one or more of the following exist:
 - 1. The amount of mineral materials produced on an annual basis increases by twenty-five (25) percent over the highest annual amount produced in any of the five (5) years ending prior to the effective date of this Ordinance.
 - 2. The amount of waste material produced on an annual basis in the mineral extraction process increases by twenty-five (25) percent over the highest annual amount produced in any of the five (5) years ending prior to the effective date of this Ordinance.
 - 3. The mining and processing equipment used in the operations changes. Replacement of existing equipment shall not constitute a change. The hours of operation increase beyond the limits specified in Section 4.16(5) c.
 - 4. The amount of noise, vibration, or dust from the operation increases substantially from documented conditions.
 - 5. Any other substantial change in the type of mining or method of operations at the mining site
 - 6. The total land area to be utilized for mining operations increases.
- 4. Topsoil or sand may be moved from one part of a lot to another part if this will not cause sands to blow, stagnant water pools, bogs, and other possible future injury to adjoining properties if it is not conducted in association with a mining permit as required herein. Up to two thousand (2,000) cubic yards of topsoil or sand may be removed from a lot without authorization from the Planning Commission for the purpose of erecting or constructing a building or structure thereon. Earth removal for the purpose of the construction of structures or infrastructures by the township, county, or state shall not be regulated by this Ordinance.
- 5. Location
 - i. All mining operations shall be located on a state or county primary road for ingress and egress or on a local road which does not create traffic through an area developed primarily for residential purposes., The applicant may be required by the Otsego Township Planning Commission to maintain, improve, construct and/or re-construct roads that may become damaged or negatively impacted by routine traffic of heavy mining equipment.
 - ii. No such excavation operations shall be permitted closer than one-hundred fifty (150) feet to property boundary lines. Larger setbacks

may be required by the Otsego Township Planning Commission to adequately protect adjoining properties. If the adjoining property is also used for mining and excavation operations, the Otsego Township Planning Commission may reduce or eliminate the required setback from that boundary line.

- iii. No mining operation shall be permitted within fifty (50) feet of public right-of-way except for the lowering of land adjoining said right-of-way to the grade level of said right-of-way. Such operations shall at no time be permitted where adequate lateral support for the maintenance of adjoining land is not maintained.
 - iv. The following shall not be located closer than two hundred fifty (250) feet from the property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact to adjoining properties:
 1. Digging or excavating apparatus;
 2. Permanent and movable processing plants and accessory structures;
 3. Stockpiles of materials;
 4. Locations for loading transportation vehicles;
 5. Storage locations for transportation and support vehicles.
 - v. No excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Department of Environmental Quality or such other state commissions having jurisdiction thereof. No mining operations shall interfere with the natural established flow of surface water.
6. Site Screening. Methods of screening shall be provided and maintained in good condition along all boundaries of the site which lack natural screening through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
- i. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along property lines. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees, shrubs, or other vegetation.
 - ii. Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective sight barriers within six (6) feet in height.
 - iii. Masonry walls or solid wooden fences made of uniform new materials constructed to a height of not less than six (6) feet. Walls must remain in good condition until the plan for reclamation of the site is completed.
7. Nuisance Abatement
- i. Noise and vibration shall be minimized by the utilization of modern equipment and by the installation of berms, masonry walls, fencing, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to minimize negative effects upon adjacent properties.

- ii. Air pollution in the form of dust, dirt, soot, and smoke shall be kept to a minimum by the use of modern equipment and methods of operations designed to avoid negatively impacting adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated with calcium chloride, or similar, as frequently as necessary to minimize dust on interior roads and all public roads used as a haul route. Frequency of surface treatment shall be specified in the application.
- iii. Hours of operation shall be restricted to 6 a.m.- 6pm Monday thru Friday, and 6am – 3pm Saturdays. No operations shall be permitted on Sunday or Legal Holidays. This includes equipment traveling to and from the mining site, as well as mining activities within the site. Modifications to the hours and days of operation may be permitted for limited periods of time for special projects including, but not limited to, evening work and emergency construction.
- iv. All excavations, pits, pond areas, banks or slopes shall be fenced, posted with warning signs around the perimeter and maintained throughout duration of all mining operations on the site, and shall be removed when mining operations have ended.

8. Reclamation of Mined Areas

- i. A reclamation plan suitable for development supportive of the Future Land Use Plan of the Township and characteristic of adjacent development patterns shall be provided and approved to the satisfaction of the Township prior to initiation of the mining operation.
- ii. Reclamation and rehabilitation of mined areas shall be accomplished following the mining or excavation of an area. Substantial completion of reclamation and rehabilitation shall be affected within one (1) year after termination of mining or excavation activity unless an alternative duration is permitted by the Township. Inactivity for a twenty-four (24) month consecutive period shall constitute evidence of termination of mining activity.
- iii. The following standards shall control reclamation and rehabilitation:
 - 1. All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded with like materials. This shall exclude using the site as a landfill of any sort.
 - 2. The excavated area shall not collect stagnant water and not allow the same to remain therein.
 - 3. The surface of areas which are not permanently submerged shall be graded as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
 - 4. The banks of all excavations shall be sloped to the waterline in a water producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal. Underwater slopes shall be one (1) foot vertical to six (6) feet horizontal to a depth of six (6) feet, thirty-six (36) feet from the shore.
 - 5. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water

except where streets, beaches, or other planned improvements are to be completed within a one (1) year period in accordance with the approved reclamation plan. Where used, top soil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.

6. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.
 7. Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all mining plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used in the agriculturally zoned area, may be retained.
 8. The mining shall be accomplished by using cells. No more than three (3) cells will be in operation at one time. To open a new cell one of the first three must be reclaimed. An additional two (2) cells may be used for stockpiling processed minerals.
- iv. The operator may file with the Otsego Township Board a request for release of bond at such time as the operator has satisfactorily completed all reclamation in accordance with the approved reclamation plan on any and all affected lands. The final reclamation report shall contain the following:
1. A map, supplemented with aerial photograph, in which the operator shall indicate the final conditions, slope angles of the affected land, surface water drainage and ponds, and locations of any remaining structures and the conditions of any roads affected by the operation.
 2. A description of reclamation activities leading to completion of the approved reclamation requirement including topsoil disposition and thickness, re-vegetation practices, disposition of waste dumps, tailing pond, sediment control practices, and maximum depth of artificial lakes or ponds.
 3. On-site inspection by the zoning enforcement officer to determine information and maps required to evaluate the completion of reclamation. The zoning enforcement officer will make a recommendation on the advisability of returning the operator's bond, cash, or irrevocable bank letter of credit used to insure compliance with the reclamation plan.
 4. If the reclamation is found to be unsatisfactory, the Otsego Township Board shall notify the operator by registered mail setting forth the reasons for denial and the corrective action necessary for the release of the bond, cash, or irrevocable bank letter of credit.
 5. If the reclamation is found to be satisfactory, the Otsego Township Board shall release the appropriate amount of bond, cash, or irrevocable bank letter of credit with thirty (30) days after such approval.

9. Bonding

- i. A performance bond, cash, or irrevocable bank letter of credit shall be furnished to the Otsego Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than 150% of the estimated costs to reclaim the land proposed to be mined or excavated in the following twelve (12) month period in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereon and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) foot vertical to three (3) feet horizontal for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the mining permit, for adjustment and compliance with the foregoing requirements by the zoning inspector and the Otsego Township Board. In no event shall such financial guarantee be less than ten-thousand (\$10,000.00) dollars in amount.
- ii. Since heavy loads can cause excessive wear and possible damage to the roads in the township, the operator must supply a written agreement from the Allegan County Road Commission as to the present condition of the roads in the designated haul route to be used in the Operator's plan. The Operator shall be responsible for damage to the road beyond the normal wear demonstrated in the records of the Allegan County Road Commission for prior years' use. If the operator fails to pay for these repairs, the mining permit may be revoked by the Otsego Township Board.

10. Application, Submission of Operational and Reclamation Plans

- i. No earth removal, quarrying, gravel processing, mining and related mineral extraction operations shall be allowed or commenced until a plan has been approved by the Otsego Township Board, ensuring compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. An application for a regular and temporary mining permit hereunder shall be filed with the Otsego Township Clerk and shall contain the following information:
- ii. The names and addresses of the applicant, operator, and principal officers, and resident agent of the business if other than a single proprietor.
- iii. A legal description and map and/or aerial photograph of the tract or tracts of land to be involved and affected by the proposed operation.
- iv. A timetable of the commencement, duration, and cessation of mining operation.
- v. Any and all mining permits held by the applicant within the state.
- vi. A mining reclamation plan according to the rules set forth in Sec. 4.16(6) of this ordinance.
- vii. A description of the equipment owned, leased, or to be operated by the applicant in the performance of the mining operation requested to be permitted hereunder.
- viii. A description of public liability and property damage insurance carried

by the applicant, including the total amount of such coverage by the applicant, and the insurance company issuing such insurance.

- ix. An application fee paid in accordance with fee schedule approved by the Otsego Township Board. Upon approval of a mining permit the permit holder shall be entitled to operate its proposed business in accordance with the terms of this ordinance, other laws, and statutes pertinent thereto, for a period of twelve (12) months. Permits shall be re-issued each year. This mining permit does not replace or otherwise eliminate the need to comply with state or federal permits which may be required under the state or federal law.
- x. A plan for disposal or treatment of any harmful or toxic material found in any formations penetrated by the mining operation or produced during the processing of mineral on the affected land, and of chemicals or materials used during the mining or processing operations.
- xi. A contour map of the tract of land involved in the operation, including dimensions of the same, access thereto abutting public streets and whether or not the same are "all weather roads", additional roads, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
- xii. The number of acres, cells description, and the location of the same, proposed to be operated upon within the following twelve (12) month period after commencement of operations.
- xiii. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- xiv. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- xv. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one-hundred fifty (150) feet from the boundaries of the site. These soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Engineer.
- xvi. The written consent of the owners of adjoining premises and of the Otsego Township Planning Commission shall be required if mining operations shall be closer than specified in the Ordinance to the boundaries of the site. Hydrological studies may be required by the Otsego Township Planning Commission to determine off-site water and impact of mining near these water resources.
- xvii. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans.
- xviii. A haul route to the nearest primary road and Township line.

11. Hearing

- i. After receiving the application for a mining permit accompanied by the required plans, specifications, and fee, the Otsego Township Planning Commission shall hold a public hearing upon such application preceded by the notices required for special uses.
- ii. Opportunity shall be given to all present to be heard at such hearing.
- iii. Following such hearing, the Otsego Township Planning Commission

shall recommend approval or deny the application setting forth its reasons for the decision to deny. Such decision shall be based upon the criteria set forth in this Ordinance and shall be based, in addition, on a consideration of the following:

1. Keeping in harmony with the master plan of the Township.
 2. The character of the area in question and its peculiar suitability, if any, for particular uses.
 3. Conservation of property, as well as natural resources, and the general and appropriate trend and character of development in the subject area.
 4. The protection and preservation of the general health, safety, and welfare of the residents of Otsego Township.
 5. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 6. Whether or not the operations were previously in existence prior to the adoption of this Ordinance and extent and character of the previous operations.
 7. In making any recommendations, the Otsego Township Planning Commission shall have the right and authority to recommend such additional conditions and safeguards as it deems necessary for the protection of the health, safety, and general welfare of the neighborhood and of the adjoining residents and property owners.
12. The Otsego Township Board may approve an application for a temporary mining permit for a term not to exceed six months. The Otsego Township Board may subject the granting of the temporary mining permit to any or all of the standards listed in the ordinance. The Otsego Township Board may extend the effectiveness of a temporary mining permit for an additional six-month period upon request of the operator, subject to the provisions of the public notice and hearing contained above.
13. Liability Insurance
- i. All operators shall be required to carry personal injury insurance in the amount of ONE MILLION AND NO/100 (\$1,000,000.00) DOLLARS and property damage insurance in the amount of ONE MILLION AND NO/100 (\$1,000,000.00) DOLLARS while any un-reclaimed or un-rehabilitated area exists. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Otsego Township Clerk.
14. Revocation of Permit
- i. Any permit issued in accordance with this ordinance may be revoked or suspended as a result of any violation of the terms and conditions of said permit and the ordinance. Such revocation or suspension shall be determined by the Otsego Township Board at a regular meeting of the Board, preceded by notice to the permit holder of the proposed action and the time, date, and place of the meeting pertinent thereto. The permit holder shall have an opportunity to present any evidence or arguments on behalf of the permit holder at such time.

- ii. The extent of the suspensions or revocation shall be in the Otsego Township Board's minutes and shall be based on the nature of the violation or violations which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The permit holder shall be entitled to at least seven (7) days prior notice in writing, delivered to the permit holder's place of business, of any proposed suspension or revocation and the time, date, and place of the meeting. The Otsego Township Board shall set forth its reasons for any suspension or revocation, which shall be in the minutes of the meeting of the Otsego Township Board at which such suspension or revocation is ordered, and which minutes shall be forwarded to the permit holder within eight (8) days after the Otsego Township Board's decision concern the same.

15. Notification of Transfer

- i. No permit issued hereunder shall be transferable or assignable to any other person, firm, partnership, corporation, or entity, without notification to the Board. All bonds and agreements with the Township shall be maintained throughout any permit transfer

(u) Mortuaries/Funeral Homes

1. Minimum lot area shall be a minimum of one (1) acre.
2. Off-street parking shall be provided in accordance with Article 19.
3. Outdoor signage shall conform to the requirements of Article 20.
4. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

(v) Open-Air Business

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Minimum lot width shall be one hundred (100) feet.
3. Unless specifically waived by the Board of Appeals, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open-air business.
4. The Zoning Administrator may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open-air business use, require the permitted to furnish a Surety Bond executed by a reputable surety company authorized to do business in the State of Michigan, in an amount determined by the Zoning Administrator to be reasonably necessary to insure compliance hereunder. In fixing the amount of such Surety Bond, the Zoning Administrator shall take into account the size and scope of the proposed open-air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
5. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
6. In the case of car sales lots:
 - i. All areas subject to vehicular use shall be paved with a durable dust free surfacing, with appropriate bumper guards where needed.
 - ii. The use of pennants or flags, and the use of parking areas lighted at

night, shall be carried out without creating a nuisance for nearby properties, as determined by the Board of Appeals, who shall have the authority to require the termination of those uses not in conformance with this paragraph.

- iii. The entire premises shall be graded so that the surface water run-off does not drain across public right-of-way.

7. In the case of a plant materials nursery:

- i. The storage or materials display areas shall meet all yard setback requirements applicable to any building in the district.
- ii. All loading activities and parking areas shall be provided on the same premises (off- street).
- iii. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

(w) Parks (Private)

1. A privately-owned park used as a commercial recreation facility shall adhere to the following standards, unless specific modifications are deemed appropriate by the Township Board during the review of a planned residential development or planned unit development:
 - i. Minimum lot size shall be one (1) acre.
 - ii. Activities within the park shall be separated from adjoining residentially zoned parcels by a 20 feet wide greenbelt with natural plantings on at least three (3) sides of the perimeter of the site. The minimum average height of such plantings shall be 12 feet and the vegetation shall be of a density that will screen out at least 90% visibility from adjoining properties.
 - iii. Hours of operation of the park shall be limited from 8 a.m. to 10 p.m.
 - iv. Off-street parking shall be provided in accordance with the requirements of Article 19.
 - v. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

(x) Private Swimming Pools.

1. No swimming pool (referred to as "pool" in this section) shall be constructed, erected or installed on any lands in the Township unless a building permit has first been obtained.
2. The outside edge of the pool wall shall not be located nearer than four (4) feet to any lot line; however, if any part of the pool walls is more than two (2) feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line.
3. Any pool constructed of poured concrete shall have a bottom not less than six (6) inches thick and walls not less than eight (8) inches thick, such walls and bottom to be reinforced with metal reinforcing rods. Liner-type pools may be constructed or installed if (1) the liner used is made and furnished by a manufacturing concern which, as a part of its business, regularly makes swimming pool liners out of plastic rubber, fiberglass, steel or any other type produce; and (2) the bottom and walls of such liner-type pool are constructed in accordance with the specifications of the manufacturer of the liner.

4. Pools shall comply with all other applicable regulations as defined by the Michigan Building Code and Residential Code.

(y) Roadside Stand

1. The gross floor area of the temporary building shall be not less than one hundred fifty (150) square feet but not more than eight hundred (800) square feet.
2. Suitable containers for rubbish shall be placed on the premises for public use.
3. Any stand located within two hundred (200) feet of any adjacent dwelling shall close prior to 10:00 p.m.
4. The temporary building shall be located not less than fifty (50) feet from the nearest public road pavement. Its height shall be no more than one (1) story.

(z) Schools, Civic Building, Post Office, Fire Station Museums, Libraries and Other Similar Public Uses

1. Adequate off-street parking must be provided in accordance with the standards in Article 19.
2. Schools must provide adequate space for loading/unloading of students and temporary or permanent parking of buses.
3. The minimum setbacks for main and accessory school structures shall be fifty (50) feet.
4. The minimum distance between main and accessory school structures and residential property or residential districts shall be three hundred (300) feet.
5. Main and accessory structures associated with fire stations shall be located no closer than one hundred (100) feet from a residential district or residential property.
6. Adequate warning signs shall be provided at appropriate locations on both sides of the street on which emergency vehicles enter and exit.
7. The proposed use shall harmonize, blend with, and enhance adjoining properties and surrounding neighborhood.
8. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress and egress to the lot shall be through said thoroughfare.

(aa) Slaughter Houses

1. All slaughtering and butchering activities must occur within an enclosed building.
2. The facility and all operations must be approved by the appropriate State of Michigan and/or U.S. Government approved agency.
3. The minimum allowable land area for all buildings and accessory activities shall be five (5) acres.
4. Holding pens shall cover no more than fifty (50) percent of the entire parcel, up to a maximum area of five (5) acres.
5. All holding pens and main and accessory buildings shall be set back a minimum of three hundred (300) feet from the nearest residentially zoned parcel.
6. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining properties.
7. The applicable off-street parking requirements of Article 19 shall be met.

8. On-premises landscaping shall be provided.

(bb) Solar Energy Systems

1. The regulation of solar energy systems, including the height, required setbacks and lot coverage for such systems is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents. Such developments shall be a special use unless in compliance with the following (in which case it shall be a permitted use):
 - i. Roof-mounted applications shall not exceed the height requirements within the underlying zoning district.
 - ii. Ground-mounted applications shall not exceed the height requirements and setback requirements for accessory buildings and shall not exceed the overall lot coverage requirements within the underlying zoning district.

(cc) Stables

1. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be 5 acres, except that up to three (3) saddle horses or ponies may be housed and reared on lots of 2.5 to five (5) acres.
2. An accessory building used as a stable shall not be located nearer than fifty (50) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
3. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than thirty (30) feet to any dwelling on adjacent premises.
4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
5. Appropriate off-street parking, as identified in Article 19 shall be provided.

(dd) Towers - Commercial Television, Radio and Micro-Wave Transmission, Receiving and Relay

1. The setback for each tower from adjacent rights-of-way and/or property lines shall be not less than one hundred percent (100%) of the height of each tower above the ground. The Township Board may, but in no instance shall be obligated to, consider modification of this standard where adequate evidence is provided which dictates an alternate standard is more appropriate. In making such a modification, the Board may, at the direct cost of the applicant, consult engineers, the tower manufacturer, public safety officials, or any other professional deemed appropriate to ensure public safety is guaranteed in granting said modification. Accessory buildings or other accessory structures shall comply with the general setback requirements of the zoning classification in which they are located.
2. When the tower(s) ceases to operate, it shall be removed within eighteen (18) months. Ceasing to operate shall include a determination that the structure has no existing carriers and that the structure is no longer able to support such antennas as determined by a structural engineer's report related to co-location.
3. Prior to the establishment of the tower(s) on the subject property, the Township Board shall have the authority to require the applicant to file a cash deposit, certified check, irrevocable bank letter of credit or surety bond with the Township Clerk, in an amount equal to 150% of the estimated cost to remove the tower and return the land to its pre-development state. Such amount shall

be not less than five thousand dollars (\$5,000) and a record of such surety shall be shown on the tax record for the subject parcel. If the tower(s) are not removed as required by subparagraph 2, above, then the Township Board shall take appropriate legal steps to ensure removal of the tower(s) using as much of the security deposit as is necessary for that purpose. This security requirements shall continue in effect until the tower(s) are removed.

4. A party receiving a special land use permit hereunder shall be required to carry and maintain personal injury and property damage liability insurance for the subject site in the amount of not less than five hundred thousand dollars (\$500,000) for each person or property injured or damaged and not less than one million dollars (\$1,000,000) for injury or damage to more than one (1) person or one (1) person's property arising out of one (1) occurrence. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special land use permit. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained pursuant to this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance.
5. Unless specifically waived by the Planning Commission, an open-air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.
6. Co-location. Co-location of additional antennas on existing transmission towers:
 - i. Permitted Use: Co-location of an additional antenna on an existing transmission tower shall be considered a permitted use if the transmission tower is in a zoning district which permits such a use and a special use permit was previously granted by the Planning Commission for the transmission tower. An amendment to the approved site plan shall be subject to review by the Zoning Administrator.
 - ii. Special Use: Co-location of an additional antenna on an existing transmission tower shall require a special use permit if the transmission tower is located in a zoning district which permits such a use and a special use permit was not previously granted by the Planning Commission for the transmission tower.
 - iii. Co-location of Antennas on Existing Buildings, Light Poles, Utility Poles and Water towers:
 1. In addition to co-location on an existing transmission tower, an antenna may be collocated on existing buildings, light poles, utility poles and water towers.
 2. Special Use: Such co-location on a building, light pole, utility pole, or water tower shall require a special use permit if property is zoned Ag, C or I. Said antenna(s) shall not exceed the building height allowed in the zone, or eighteen (18) feet above the structure, whichever is less. Said antenna(s) shall project no more than two (2) feet away from the existing structure, and the color of the antenna(s) shall blend in with the existing structure and surroundings. Antennas may be located on residential structures subject only to a building permit, provided such height does not exceed the height limitations within that zoning district.
 - iv. New transmission towers shall be designed to accommodate co-

location of additional providers:

1. New transmission towers of a height of one hundred (100) feet or more shall be designed to accommodate co-location of a minimum of two (2) additional providers either outright or through future modification to the transmission tower.
2. New transmission towers of a height of at least sixty (60) feet AND no more than one hundred (100) feet shall be designed to accommodate co- location of a minimum of one (1) additional provider either outright or through future modification to the transmission tower.

(ee) Vehicle Wash Establishments

1. Minimum lot area shall be fifteen thousand (15,000) square feet.
2. Minimum lot width shall be one hundred (100) feet.
3. The drive-through or self-serve washing structure shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residential property.
4. A wood fence or concrete block wall (minimum height of six (6) feet) shall separate the vehicle wash establishment from adjacent residential property.
5. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
6. Curb cuts shall be located no closer than twenty-five (25) feet from any intersection or adjacent property line. Drives associated with the facility shall be separated along the front property line by a distance of at least twenty-five (25) feet. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, it may produce a safety hazard to pedestrian or vehicular traffic
7. Adequate lane maneuvering area shall be provided on the premises, with enough distance to allow for a minimum of four (4) vehicles waiting in line.
8. Adequate on-premises landscaping shall be provided.
9. On-site lighting shall be so located and designed as to have minimum impact upon surrounding properties
10. On-site signage shall conform to the requirements of Article 20.
11. All washing activities must be carried on within a building.
12. Vacuuming activities must occur at least twenty-five (25) feet from any adjoining residential use.
13. The building entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking spaces for vehicles being serviced by the subject facility.
14. An adequate on-site area for waiting vehicles shall be provided to prevent the lining up of said vehicles on public streets.

(ff) Wind Energy Conversion Systems

1. The regulation of wind energy conversion systems, including the height and required setbacks for such systems (including tower, rotors, guy wires and related equipment) is intended to provide for an alternative source of power

generation while protecting the health, safety and welfare of Township residents. In addition to the requirements of Section 18.03, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within 300 feet of the WECS.

2. Each special use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - i. A standard foundation and anchor design or specifications for normal soil conditions;
 - ii. Detailed instructions for operation and maintenance of the WECS on site;
 - iii. A copy of all warnings and/or documents provided by the manufacturer of the WECS;
 - iv. Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters);
 - v. Underwriters label, where appropriate; and
 - vi. Proof of Insurance.
 - vii. Labeling. The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
 1. The name, address, and telephone number of the owner of the tower subsystem;
 2. Manufacturer's name and address;
 3. Model number;
 4. Serial number;
 5. Emergency and normal shutdown procedures.
 6. The survival wind speed in miles per hour and meters per second.
 7. Name of installer.
 8. Name of person responsible for maintenance.
 9. Emergency telephone number in force for the installer and the person responsible for maintenance.
 - viii. The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily accessible location.
 1. Maximum power input (KW); rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
 2. Manufacturer's name and address;
 3. Model number;
 - a. Serial number;
 - ix. Underwriter's label where appropriate.

3. Electromagnetic Interference: The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub parts A, D and H).
4. Noise: The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.
5. Lot Area / Setbacks / Separation Distances: No WECS shall be erected on any lot or parcel less than one (1) acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to utility lines and / or property lines than one hundred percent (100%) of the height of the tower and rotor combined. If more than one tower, or an array of towers is proposed, the separation distance between towers shall be no less than 100% of the height of the tower and rotor combined. Roof-mounted systems or towers that do not exceed the height requirements within the underlying zoning district shall be a permitted use subject to the setback requirements for the principal building, if roof-mounted, or one hundred percent (100%) of the combined tower and rotor blade height and shall be subject to the noise standards under (4) above.
6. Height: The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be sixty feet (60) feet for parcels on one (1) to less than five (5) acres, ninety (90) feet for parcels of five (5) to less than ten (10) acres and up to one hundred and twenty (120) feet for parcels of ten (10) acres or more. The Planning Commission, in consideration of such request, may waive this height requirement where such proposed use is for a community facility serving no less than fifty (50) dwelling units or for the generation needs of a commercial or industrial user.
7. Ground Clearance: For both horizontal and vertical axis turbines, and WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet. The Planning Commission may waive this ground clearance height based upon use of alternative designs that do not include blades.
8. Accessibility: Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
9. Interconnected WECS: In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
10. Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
11. Other Studies or Requirements: The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to other issues that may be considered a nuisance. Such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light

intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.

12. Decommission Plan/ Site reclamation: The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and method to ensure the availability of such funds, and the manner in which the site will be reclaimed.
 - i. When the WECS ceases to operate, it shall be removed within eighteen (18) months. Ceasing to operate shall include a determination that the structure has not produced energy for on-site uses or transmission to the power grid for a calendar year. An operator may be required to provide records indicating the tower is still functional.
 - ii. Prior to the establishment of the WECS on the subject property, the Township Board shall have the authority to require the applicant to file a cash deposit, certified check, irrevocable bank letter of credit or surety bond with the Township Clerk, in an amount equal to 150% of the estimated cost to remove the WECS and return the land to its pre-development state. Such amount shall be not less than five thousand dollars (\$5,000) and a record of such surety shall be shown on the tax record for the subject parcel. If the WECS is not removed as required by subparagraph 2, above, then the Township Board shall take appropriate legal steps to ensure removal of the WECS using as much of the security deposit as is necessary for that purpose. This security requirements shall continue in effect until the WECS is removed.

ARTICLE 19 - PARKING AND LOADING

Sec. 19.01 GENERAL

In all Zoning Districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows: (These standards may be modified by the Planning Commission during site plan review)

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
Animal Hospital and Kennels	1 1	Four hundred (400) square feet of usable floor area plus, two (2) employees
Auditorium, Theaters, and Assembly Halls	1 1	Three (3) seats based on maximum seating capacity in the main place of assembly therein, plus, two (2) employees
Auto Repair Shops, Bump Shops, Service Garages	2 1 1	Service stall plus, eight hundred (800) square feet of usable floor area, plus, two (2) employees
Auto salesrooms, Wholesale Stores, Machinery Sales, Showrooms of a plumber, electrician, or other similar trade	1 1	One thousand (1,000) square feet of usable floor area, plus, one (1) employee
Banks and Post Offices	1	Two hundred (200) square feet of usable floor area plus one (1) employee
Barber Shop	2	Barber
Beauty Parlor	3	Beauty shop operator
Bowling Alleys	8	Bowling lane, plus amount required for accessory uses
Business and Professional Offices	1	Two hundred (200) square feet of gross floor area
Carry-out, Drive-in Restaurant	1 1	Two hundred (200) square feet of gross floor area plus, two (2) employees, with a minimum total of eight (8) parking spaces
Child Care Center, Day Care Centers, Nursery Schools	1 1	Four hundred (400) square feet of usable floor area, plus, employee

Religious institutions	1	Three (3) seats or six (6) feet of pews, based on maximum seating capacity in the main unit of worship
Dance Halls, Exhibition Halls, Pool Halls, and Billiard Parlors, and Assembly Halls without fixed seats	1 1	Two (2) persons allowed within the maximum occupancy load as established by local, County or State fire, health or building codes (or) One hundred (100) square feet of usable floor area (whichever is greater)
Drive-in Bank	4	Teller window
Drive-in Establishments (see also Item 20 below)	1	Drive-in Establishments (see also Item 20 below)
Drive-in Restaurants	1 1	Fifty (50) square feet of gross floor area plus three (3) employees, with a minimum total of forty (40) parking spaces
Drive-in Theater	1 1	Outdoor speaking facility, plus, two (2) employees
Elementary Schools, Junior High Schools, Trade Schools	1	Teacher, employee and administrator, in addition to the requirements of the auditorium or assembly hall. If no auditorium or assembly hall exists, then one (1) space per classroom is required in addition to that for each teacher, employee or administrator in the school.
Establishments (other than drive-in restaurants) for sale and consumption on the premises of beverages, food or refreshments (i.e., standard restaurants)	1 1 1 1	Three (3) persons allowed within the maximum capacity load as established by local, State or County fire, health or building codes, plus, three (3) employees, or one hundred (100) square feet of gross floor area, plus, three (3) employees
Fast-food, Drive-in Restaurants	1 1	One hundred twenty-five (125) square feet of gross floor area, plus two employees, with a minimum total of twenty (25) parking spaces
Filling Station, Automobile Service Station	2 1 1	Service stall, plus, employee, plus, service vehicle
Furniture and Appliance, Household Equipment Repair Shops, Hardware Stores, and Similar Stores	1 1	Eight hundred (800) square feet of usable floor area, plus, two (2) employees

Golf Course open to the public	5 1	Hole, plus employee, plus the amount required for accessory uses
High Schools	1 1 1	Teacher, employee or administrator, plus Requirements of the auditorium or assembly hall therein, plus Five (5) students, based on the occupancy load
Hospitals	1 1 1 1	Two (2) beds plus, staff doctor, plus, one thousand (1,000) square feet of patient surgery or treatment area, plus, two (2) employees
Industrial Establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical work shops	1 1	One and one-half (1 1/2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night, or five hundred fifty (550) square feet of usable floor area (whichever is greater)
Laundromat, coin-operated dry-cleaning establishments	1	Washing and/or dry-cleaning machine
Libraries, Museums, cultural centers, and similar	1 1	Three hundred (300) square feet gross floor area, plus employee
Manufactured Housing		Provided in accordance with Act 96 of 1987, the Mobile Home Commission Act
Medical Clinic or Dental Clinic	3 1	Staff or visiting doctors, plus, one (1) employee
Miniature or Par 3 Golf Course	2 1	Hole, plus, employee
Manufactured Home Site	2	Manufactured home site
Mortuary establishments, funeral homes and undertaking parlor	1	Fifty (50) square feet of floor area in the parlor area
Motels and Hotels	1 1	Guest bedroom, plus, one (1) employee, plus parking space as may be required for accessory uses

Motor Vehicle Wash Establishment (self- service)	4	Wash stall
Motor Vehicle Wash Establishment (other than self-service)	4 1	Maximum capacity as computed by dividing the linear dimension of the mechanical wash/dry operation by twenty (20) feet, plus, one (1) employee
Multiple-family Dwelling	1.0* 1.5* 2.0* 3.0* *Multiple-family developments shall be required to provide supplemental guest parking of at least 20% of the spaces required by these standards.	Efficiency unit 1-bedroom unit 2-bedroom unit 3-bedroom unit
Open air business uses including	1	Each eight hundred (800) square feet of gross manufactured home sales and used car lot area used for open air sales or display plus sales lot additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores
Personal service establishment, not otherwise provided for herein	1 1	Three hundred (300) square feet of usable floor area, plus two (2) employees
Private clubs, fraternities, dormitories	1	Three (3) members or lodgers allowed within the maximum occupancy load as established by local, State or County fire, health or building codes
Private tennis club, swim club, golf club	1	Four (4) member families or individual members, or similar use plus the amount required for accessory uses

Retail stores except as otherwise provided herein	1 1	One hundred fifty (150) square feet of gross floor area, plus two (2) employees
Roadside stands	6	Establishment
Sanitariums, convents, home for the aged, convalescent homes, nursing homes, and children's homes	1 1 1	Four (4) beds, plus, staff doctor, plus, two (2) employees
Single or two-family dwelling	2	Dwelling unit
Stadiums and sports arenas	1 1	Four (4) seats, or eight (8) feet of benches (whichever is greater), plus Employee on max shift
Utility use, public or private	1	Employee on max shift
Warehouse and storage buildings	1 1	Two (2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night or fifteen hundred (1,500) square feet of gross floor space (whichever is greater)

Sec. 19.02 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.

- (a) 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.
- (b) For commercial and all nonresidential buildings and uses in Commercial and Industrial Zoning Districts, required parking shall be provided within three hundred (300) feet.

Sec. 19.03 SIZE OF PARKING SPACE

The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

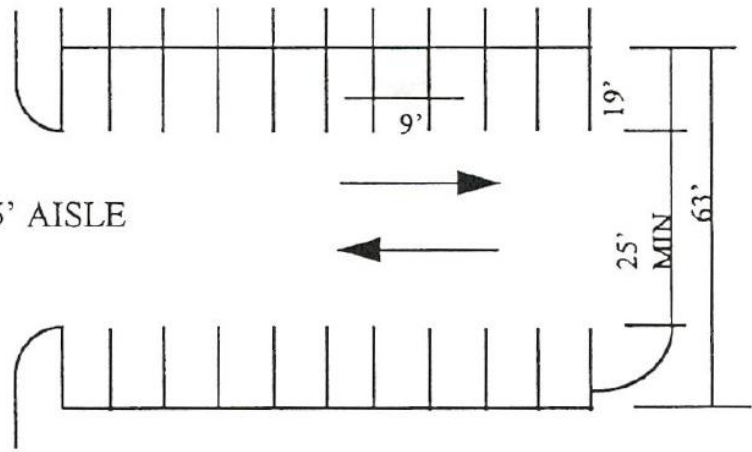
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of One Tier of Spaces Plus Maneuvering Lane
0° (Parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.

30° to 53°	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54° to 74°	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75° to 90°	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

The graphic entitled Parking Layouts is included for illustration purposes only and not drawn to scale.

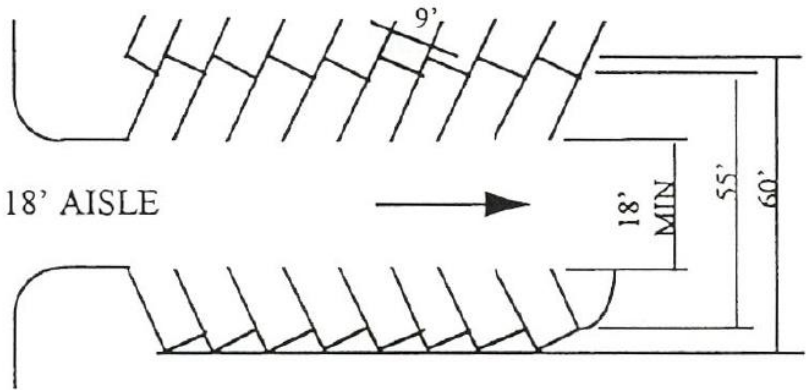
90° PARKING

25' AISLE



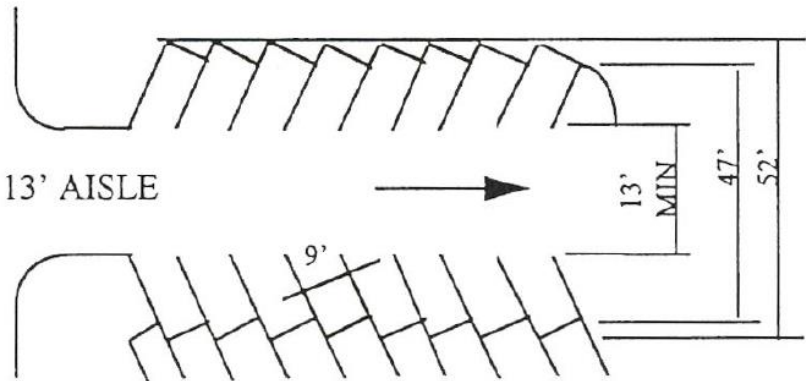
60° PARKING

18' AISLE

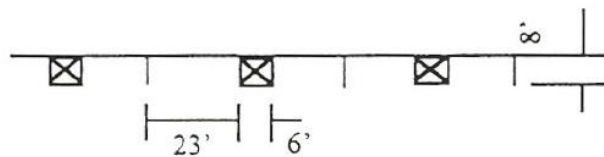


45° PARKING

13' AISLE



PARALLEL PARKING



PARKING LAYOUTS

Sec. 19.04 REQUIREMENTS FOR PARKING AREAS

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or 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:

- (a) The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any R or AG Zoning District, a greenbelt ten (10) feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees which are a minimum of five (5) feet in height or other suitable screening device.
- (b) The parking lot and its driveway shall be:
 - 1. designed to provide adequate drainage;
 - 2. surfaced with concrete or asphalt pavement; and
 - 3. maintained in good condition, free of dust, trash, and debris.
- (c) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- (d) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.
- (e) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- (f) No part of any public or private parking area, regardless of the number of spaces provided, shall be closer than four (4) feet to the street right-of-way.

Sec. 19.05 OFF-STREET LOADING SPACES

For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses required the receipt or distribution or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition (1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and (2) off- street loading spaces in relation to floor areas as follows:

- (a) Up to twenty thousand (20,000) square feet - one (1) space;
- (b) Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces;
- (c) One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any R Zoning District.

Sec. 19.06 BARRIER FREE PARKING

Barrier free parking shall be provided in accordance with the State of Michigan regulation.

ARTICLE 20 - SIGNS

Sec. 20.01 SCOPE

This article is intended to regulate and limit the construction or reconstruction of signs and billboards to protect the public peace, health, safety and general welfare. Such signs will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare. Signs shall be prohibited except as otherwise permitted in this Article.

Sec. 20.02 DEFINITIONS

- (a) Animated Sign- Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of movement or rotation.
- (b) Billboard - A structure designed for the display of content alongside highways and freeways.
- (c) Bulletin Board Sign - A sign which identifies an institution or organization on the premises which it is located, and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.
- (d) Business Sign - 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.
- (e) Construction Sign - A temporary sign erected on the premises on which construction is taking place, during the period of the construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- (f) Directional Sign - Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
- (g) Sign Face - The area or display surface used for the message.
- (h) Flush-Mounted Sign – See Wall Sign
- (i) Freestanding Sign - Any non-movable sign not affixed to a building, including ground-mounted, pole and pylon signs. Portable signs shall be considered freestanding signs for purposes of calculation.
- (j) Ground Sign - Any freestanding sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure.
- (k) Identification Sign - A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and addresses of a building, business, development, or establishment on the premises where it is located.
- (l) Institutional Bulletin Board - A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institutional services or activities.
- (m) Marquee Sign – An identification sign attached to a marquee, canopy or awning projecting from and supported by the building. Such sign area shall be calculated as part of the wall sign area.
- (n) Message Center Sign – A sign, or portion thereof, that provides the opportunity to display changeable content, including both text and/or graphic message. Message Center Signs include those that can be changed manually, mechanically, digitally, or by other means.

- (o) Multi-Use Sign – An identification sign for more than one business or use located on the subject property.
- (p) Name Plate - 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 or persons occupying the building.
- (q) Off-Site Sign – See Billboard.
- (r) Pole Signs - A freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
- (s) Portable Sign – A freestanding sign not permanently anchored or secured to either a building or the ground.
- (t) Projecting Sign – A sign which is generally perpendicular to, and is supported by, a wall of a building. Such sign area shall be calculated as part of the total sign area for a wall sign.
- (u) Pylon Sign – A freestanding sign supported by one post placed in the ground, not attached to any building. A pylon sign is of a height and dimension that can be seen from a substantial distance, primarily by freeway traffic, with the bottom of the sign at a higher elevation than the highest point of any building on the lot on which the sign is located.
- (v) Real Estate Sign – Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- (w) Regulatory Sign - A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance, or other governmental regulation.
- (x) Sign – Any display of lettering, logos, colors, lights or illuminated tubes visible to the public from outside the building, which either conveys a message to the public, or intends to advertise, direct, invite or announce, directly or indirectly, a use, product, good or service.
- (y) Subdivision Sign – A sign placed at the entrance to a subdivision, manufactured home park or multi-family residential development containing information only about the subdivision.
- (z) Temporary Sign – A display, information sign, banner or other advertising device with or without a structural frame and intended for a period of display consistent with the duration of the intended use, including by way of example: during construction of a dwelling or building, seasonal produce sales, decorative displays for holidays or public demonstrations.
- (aa) Wall Sign – A sign which is attached directly to or painted upon a building wall and which does not extend more than thirteen (13) inches there from, nor extends above the roof line, with the exposed face of the sign in a plane parallel to the building wall. Wall signs shall include marquee signs, projecting signs, window signs or any other signs attached directly to the building.
- (bb) Window Sign – A sign that is applied or attached to the exterior or interior of a window, and located in such a manner within the building that it can be seen from the exterior of the structure through a window. Such window sign area shall be calculated as part of total wall sign area.

Sec. 20.03 PERMIT PROCEDURE

- (a) A sign permit shall be required for any sign unless otherwise exempted from this ordinance. Application for a sign permit shall be obtained from the Township Zoning Administrator. The application shall include the following information.
 1. Name, address, telephone number of the landowner, developer, or petitioner.
 2. An elevation drawing of any freestanding sign depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
 3. In the case of a wall sign, an elevation of the wall of the building on which the

sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted, including calculations of total wall sign area if for more than one sign.

4. Other information or data as may be required by the Zoning Administrator

(b) The Zoning Administrator shall approve or disapprove the request for a permit, based upon the standards within this Article. In lieu of a decision, the Zoning Administrator may request an interpretation of the ordinance provisions from the Zoning Board of Appeals.

Sec. 20.04 MEASUREMENT OF AREA OF A SIGN

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area.

Sec. 20.05 SIGNS PERMITTED

Signs are permitted according to the district in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following regulations.

(a) Residential (R-1, R-2, R-3 and RMH) Districts. All freestanding signs within the front yard shall not be located less than ten (10) feet from the right-of-way line and no closer than ten (10) feet from any property line. No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The maximum height of any freestanding sign shall be six (6) feet and shall be situated in such a manner as to not create visibility problems for motorists. The following types of signs are permitted:

1. Permanent Sign, one sign per parcel, either wall or freestanding, not exceeding thirty-two (32) square feet in area.
2. Temporary Signs - Such signs, including real estate, portable and construction signs, are permitted, provided either one (1) sign or a cumulative total of all signs are no more than thirty-two (32) square feet in area and removed upon sale, project completion, or end of seasonal or temporary event to which they pertain.

(b) AG Agricultural, C General Commercial and I Industrial districts. The following types of signs are permitted.

1. Wall Signs – Each business or collective number of businesses within a multiuse structure shall be permitted wall signs upon each wall facing a right of way or parking lot. The number of signs is not limited; however, the total area of all signs shall not be more the fifteen (15) percent of the face of the wall upon which the sign is placed. In the case of multi-tenant structures, the area of the signage shall be calculated based upon the wall space occupied by each tenant and assigned proportionately. Signs shall be placed not less than five feet apart to allow for visual separation and message clarity.

Freestanding Signs – No lot or parcel shall have more than one (1) freestanding sign per street frontage however; in no case shall any parcel have more than (2) freestanding signs. Freestanding signs shall include pole signs, pylon signs and ground-mounted signs subject to the following:

- a) Pole Sign – The total sign area shall not exceed one hundred (100) square feet, unless for a multi-use sign, in which case the total sign area

shall no exceed two hundred (200) square feet, with no more than thirty (30) square feet devoted to any one business. Such freestanding sign shall not be located closer than ten (10) feet to the road right-of way line and no closer than twenty-five (25) feet from any adjoining property line and no closer than fifty (50) feet from any other freestanding sign or billboard. The maximum height for any pole sign shall be twenty-five (25) feet and there shall be a clearance area of eight (8) feet between the sign and the ground.

- b) Pylon Signs – If the freestanding sign is a pylon sign, which are only permitted in commercial districts within 1,000 feet of the right-of-way of US-131, the maximum sign area shall not exceed one hundred (100) feet and the base of the structure shall not be located closer than fifty (50) feet to any road right-of- way. The maximum height shall be fifty (50) feet.
 - c) Ground-Mounted Signs – For ground-mounted signs, the total sign area shall not exceed forty (40) square feet in area. Such signs shall not be located closer than ten (10) feet to the road right-of-way, no closer than twenty-five (25) feet to any adjoining property line and shall not exceed eight (8) feet in height. Multi-use ground mounted signs may be increased to sixty (60) square feet in area, with no more than twenty (20) square feet devoted to any one business.
2. Temporary Signs - Such signs, including real estate, portable and construction signs, are permitted, provided either one (1) sign or a cumulative total of all signs are no more than thirty-two (32) square feet in area and removed upon sale, project completion, or end of seasonal or temporary event to which they pertain.
 3. Signs on Vehicles – Such signs placed upon vehicles, including automobiles, trailers, pull-behind signs and similar, which are owned or utilized by the onsite business and which advertise sales, products or events related thereto shall be considered portable signs if the vehicle is parked within ten (10) feet of the road right-of-way. Otherwise, such signs on vehicles are permitted if the vehicle is regularly used in the normal course of business and is parked in an approved parking space; vehicles left in place for more than 14 consecutive days shall be considered not in use for the purposes of this ordinance.

Sec. 20.06 SIGNS PROHIBITED

Signs are prohibited which:

- (a) Contain or are an imitation of an official traffic sign or signal or contain the words “stop,” “go slow,” “caution,” “danger,” “warning,” or similar words. Traffic directional signs in a private parking area are exempted from this provision.
- (b) Are of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- (c) Obstruct a motorist’s view of any traffic signs, street sign, or traffic signal.
- (d) Having a moving part except for the conveyance of noncommercial information.
- (e) Are freestanding exterior signs and are not anchored or secured to a building or the ground.
- (f) Are a part of a structure designed to be moved from one location to another with a change in message.
- (g) Flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited, provided, however that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.

Sec. 20.07 BILLBOARD SIGNS

(a) Billboards are permitted within the “AG” Agricultural District where fronting onto US-131 and within the “C” General Commercial and “I” industrial Districts where such location is either fronting onto US-131 or any other state trunk line. Billboards shall be approved as a special use when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:

1. The size, lighting and location of the billboard and the effect of same upon the nature and character of the surrounding area;

The effect of the billboard upon traffic flow, congestion, hazard, and clear vision areas.

(b) Upon approval as a special use by the Planning Commission, a billboard shall conform to the following requirements:

1. They are located a minimum of two hundred (200) feet from adjacent property lines;
2. They are located a minimum of three hundred (300) feet from other freestanding signs or billboards;
3. They are located a minimum of twenty-five (25) feet from the road right-of-way;
4. They are located a maximum of one hundred (100) feet from the road right-of-way;
5. They do not exceed two hundred (200) square feet in area;
6. They do not exceed thirty (30) feet in height;
7. They are not illuminated in such a manner that intense rays of light are directed at any portion of a public right-of-way, nor shall any billboard be so illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device or signal.

(c) The provisions of this subsection are not intended to conflict with the provisions controlling signs regulated under the authority of Public Act 106, 1972, the Highway Advertising Act, as amended.

Sec. 20.08 ILLUMINATION

Except as otherwise provided herein, there shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. Message center signs utilizing electronic LED or similar signs shall be permitted only in Commercial or Industrial zoning districts provided the intermittent message change occurs no more frequently than once every 15 seconds and each change of message occurs in 1 second or less with no animations, flashing, or other means of distraction. The message center sign shall possess dimming capabilities so that the maximum illumination does not exceed 0.3 footcandles over ambient light levels measured at a distance of one hundred and fifty (150) feet. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150) feet from any dwelling unit.

Sec. 20.09 NONCONFORMING SIGNS

(a) Signs lawfully erected prior to the effective date of this Article, which do not meet the standards thereof, may be maintained except as hereafter provided.

(b) No nonconforming signs:

1. Shall be expanded or changed to another nonconforming sign.
2. Shall be structurally reconstructed so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign’s structural parts unless

such change renders the sign conforming.

3. Be altered unless the alteration or reconstruction be in compliance with the provisions of this Article. For the purpose of the Article only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; or changing electrical wiring or devices, backgrounds, letter, figures or character.

Sec. 20.11 CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No advertising sign or billboard permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Zoning Administrator.

Sec. 20.12 HEIGHT

Except as otherwise permitted or regulated, no sign otherwise permitted shall exceed the maximum height limitations of the zoning district in which it is located.

Sec. 20.13 GOVERNMENTAL SIGNS

All signs for orientation of the general public, when erected by the township, county or state, shall be permitted in all Districts.

ARTICLE 21 - NONCONFORMING USES, BUILDINGS, AND STRUCTURES

Sec. 21.01 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES.

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

Sec. 21.02 EXPANSION

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 there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alterations, 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 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.

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 fifty (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: (1) whether the extension or enlargement will substantially extend the probable duration of such nonconforming use; and (2) whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

Sec. 21.03 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. The ability to reconstruct a nonconforming structure shall be determined by the standards below. A nonconforming structure that does not meet these standards shall not be reconstructed:

- (a) A nonconforming structure damaged by any means that can be salvaged with reasonable repairs, as determined by the County Building Official or a Township-contracted State-registered Building Inspector, shall be permitted to be repaired and utilized as a nonconforming structure.
- (b) Definition of a catastrophic event. An occurrence of wind, lightning, tornado, fire, or other natural disaster deemed similar by the Planning Commission which results in damage to a nonconforming structure. Damage such as vehicular accidents, vandalism, or similar, may be considered a catastrophic if it can be demonstrated the owner of the structure did not intentionally cause of the damage.

1. A nonconforming structure damaged by a catastrophic event beyond reasonable repair, as determined by the County Building Official or a Township-contracted State-registered Building Inspector, may be permitted to be reconstructed as a nonconforming structure after a public hearing and Planning Commission review and approval. Planning Commission shall determine that the following standards are observed:
 - i. Neighborhood Compatibility. The nonconforming structure will be designed, constructed, and maintained to be compatible with the existing character of the general vicinity in consideration of:
 1. Environmental impacts and drainage
 2. Views
 3. Aesthetics
 4. Noise, vibration, glare, and air quality
 5. Traffic
 6. Property values
 - ii. Health, Safety, and Welfare. The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.
 - iii. Additional Development. The nonconforming structure shall be of a location, height, and nature that will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 - iv. Unreasonable Burden. Reconstruction of a similar structure in strict conformance with the standards of the Zoning Ordinance will be unreasonable or unnecessarily burdensome, preventing the use of land for any and all permitted purposes.
 - v. Substantial Justice. Reconstruction of the nonconforming structure will provide substantial justice to the appellant and will not prove injurious to property owners in the vicinity.

Sec. 21.04 CHANGE OR DISCONTINUANCE

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

- (a) Changed to any other nonconforming use.
- (b) Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of nine (9) months.
- (c) Re-established after it has been changed to a conforming use.

Sec. 21.05 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE

Any building or structure shall be considered existing and lawful and for purposes of Section 21.01 to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained, 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.

ARTICLE 22 - ADMINISTRATION AND ENFORCEMENT

Sec. 22.01 ZONING ADMINISTRATION

The provisions of this Ordinance shall be administered by the Otsego Township Board in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

The Township Board shall appoint a Township Zoning Administrator who shall be responsible for the administration and enforcement of this Zoning Ordinance. The Ordinance Enforcement Officer(s) appointed by the Township Board pursuant to Article I of Chapter 28 of the Code of Otsego Township shall also have authority to enforce this Zoning Ordinance, which authority shall be supplemental and in addition to the enforcement authority of the Zoning Administrator.

Sec. 22.02 ELIGIBILITY

The Zoning Administrator shall have no interest, directly or indirectly, in any matter pertaining to a building permit, application for a special use permit, appeal or other matter related to this Zoning Ordinance. In the event of a conflict of interest related to the administration or enforcement of this Ordinance, the Township Board shall appoint a substitute Zoning Administrator without interest in the matter under consideration.

Sec. 22.03 DUTIES AND ENFORCEMENT POWERS

The Zoning Administrator shall have the powers of law enforcement official in enforcing this Ordinance. Typical duties of the Zoning Administrator shall include, but not be limited to:

- (a) Maintaining adequate records of applications, permits issued, inspections conducted, construction plans, and fees collected;
- (b) Publishing building permits monthly;
- (c) Assisting persons to bring zoning questions before the Planning Commission or Zoning Board of Appeals;
- (d) Conducting inspections related to zoning enforcement;
- (e) Advising the Township Board, Planning Commission and Zoning Board of Appeals in the applications and petitions that come before these bodies.
- (f) Serving as a liaison between members of the zoning bodies and the public;
- (g) Using all permits or notices of violation provided for in this Ordinance or under written order of the appropriate Board of Appeals, the Township Board or a court of jurisdiction.

Sec. 22.04 ZONING VERIFICATION PERMIT

- (a) No lot, parcel or tract of land shall hereafter be divided, sub-divided or otherwise created unless a zoning verification permit has been obtained from the Zoning Administrator. Such zoning verification permit shall certify that the proposed or requested land division is in compliance with the terms, provisions and restrictions of this Ordinance.
- (b) No building or structure subject to the provisions or restrictions of this ordinance shall be commenced or constructed, altered to increase its size or roof line, enlarged, or moved, in any zoning district, until a zoning verification permit has been issued by the Zoning Administrator. Such zoning verification permit shall certify that the proposed or requested land use in compliance with the terms, provisions and restrictions of this Ordinance.
- (c) The zoning verification permits shall be on such forms as are approved by the Otsego Township Board. Compliance with the terms, provisions and restrictions of this Ordinance shall make issuance of a zoning verification permit mandatory except that any other violations of this Ordinance by the same property owner or application, within Otsego Township, which are unresolved on the date of such application shall be grounds for denial of a zoning verification permit.

Sec. 22.05 BUILDING PERMITS AND PLANS

No building or structure subject to the provisions or restrictions of this Ordinance shall be commenced or constructed, reconstructed, erected, altered, enlarged or moved, in any zoning district, until a building permit and other construction code permits have been issued by the Otsego Township Building Official, in the event such permits are required by township or county ordinances or state statutes. Construction without the required permits shall invalidate the zoning verification permit, and continued construction shall constitute a violation of the Otsego Township Zoning Ordinance

Sec. 22.06 ISSUANCE, CANCELLATION, AND EXPIRATION OF PERMITS

- (a) Timely Issuance of Permits – If a permit required by this Article is approved it shall be promptly issued, provided the Zoning Administrator shall have a reasonable period of time to review all applications, plans and specifications and to conduct inspections and investigations as necessary to determine compliance with this Ordinance.
- (b) Permit Conditions – If a permit required by this Article is issued with any conditions, such conditions shall be made a part of the permit and stated in writing and shall be noted on the endorsed building plans. If a permit required by this Article is denied the reasons for denial shall be transmitted to the applicant in writing.
- (c) Permits Non-transferable – All permits issued as a requirement of this Article are non-transferable unless permission to transfer is granted in writing by the Zoning Administrator. All copies of a permit authorized to be transferred must be duly endorsed.
- (d) Cancellation of a Permit – The Zoning Administrator is empowered to cancel or suspend any permit required by this Article for violation of any provision or requirement of this Ordinance or for fraud or misrepresentation in the procurement of such permit. The Zoning Administrator shall provide written notification of cancellation or suspension of a permit either in person or by certificated mail to the address shown on the application. Such notice shall include reasons for cancellation or suspension.
- (e) Inspections – The Zoning Administrator may make inspections at such times as the Zoning Administrator reasonably believes are necessary to fulfill the Zoning Administrator’s duties under the Otsego Township Zoning Ordinance.
- (f) Expiration of Permit – All permits required by this Article shall expire one (1) year from date of issue. The Zoning Administrator may, upon determination of meritorious reason, extend the permit as the Zoning Administrator may deem necessary for completion.

Sec. 22.07 EXEMPTION FROM PERMIT REQUIREMENTS

No zoning permits shall be required for incidental repairs and maintenance to structure not involving either: (a) enlargements or additions thereto, or (b) modifications of roof lines.

Sec. 22.08 PERMIT FEES

The Otsego Township Board shall adopt a schedule of fees for zoning permits and occupancy permits. These fees shall remain in effect until amended from time to time as the Board shall deem appropriate.

ARTICLE 23 - BOARD OF APPEALS

Sec. 23.01 CREATION

There is hereby created under the Michigan Zoning Enabling Act (MZEA), Act 110 of 2006, as amended, a Township Zoning Board of Appeals, referred to in this Ordinance as the Board of Appeals. The Board of Appeals shall be constituted and appointed as provided in the MZEA.

Sec. 23.02 JURISDICTION AND POWERS

The Board of Appeals shall have all powers and jurisdiction granted by the MZEA, all powers and jurisdiction prescribed in other chapters of the Ordinance and the following specific powers and jurisdiction:

- (a) The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination.
- (b) The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the ordinance text and zoning map.
- (c) The jurisdiction and power to authorize, upon application or appeal, a variance or modification of this Ordinance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety is secured, and substantial justice done. The standards for approval of a variance shall be as follows:
 1. That the variance will not permit the establishment of a use that is not allowed as a permitted or special exception use within the zoning district in which the property is located.
 2. That compliance with the strict letter of the ordinance would unreasonably prevent the owner or applicant from using the property for a permitted use.
 3. That the variance would do substantial justice to the applicant and nearby property owners or would give substantial relief to the applicant consistent with justice to other property owners in the surrounding area.
 4. That the practical difficulty asserted by the applicant is not self-created.
 5. That the practical difficulty is clearly based on the unique characteristics of the property.

Sec. 23.03 ADOPTION OF RULES OF PROCEDURE

The Board of Appeals shall fix rules and regulations governing its procedures sitting as the Board of Appeals. Said rules and regulations shall be made available to the public and shall be in conformance with the terms of this Ordinance and the MZEA.

Sec. 23.04 CONDITIONS

In authorizing or granting a variance, the Board of Appeals may impose and attach such conditions, restrictions and requirements as it 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 Ordinance. Violation of such conditions, restrictions and requirements shall be deemed a violation of this Ordinance. Such conditions, restrictions and requirements may include the provision of financial security to guarantee performance.

ARTICLE 24 - PROCEDURE FOR OBTAINING ZONING PERMIT AND REQUESTING A CHANGE IN ZONING

Sec. 24.01 PURPOSE

All excavation for, or construction of any building, structure or parking area, or structural changes in any existing building or structure requires a zoning permit issued from the Zoning Administrator. In instances where a use on property located within a particular district is not identified as a permitted use or as a use allowed by special permit within that district, an eligible applicant may request a change in the zoning of that property to a zoning district where that use is permitted by right or allowed by special permit. An option to a request to rezone a particular property is to request an amendment to the Ordinance text to include that specified use or uses within a particular district. For property development beyond single- or two-family homes, accessory and subordinate buildings that do not require new access to public roads, the expansion or remodeling of existing structures, and additional structures similar to existing structures on a site (if all of the above comply with all zoning ordinance requirements), a site plan review will be required to ensure that the development or improvements do not produce health, safety or protection hazards.

Sec. 24.02 ZONING PERMITS

- (a) **CONDITIONS UNDER WHICH REQUIRED.** No person shall commence excavation for, or construction of, any building, structure, or parking area, or make structural changes in any existing building or structure, without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, or remodeling of any building or structure, until an application has been submitted, in accordance with provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance.
- (b) **PERMIT REQUIREMENTS.** Every application for a permit shall designate the existing or intended use of the structure or premises or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by one ink, blueprint, or photostat copy of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon or used and exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Zoning Administrator.
- (c) **PERMIT EXPIRATION.** Zoning permits shall expire within one (1) year from the date of approval if construction has not begun. An extension of a zoning permit shall be allowed if applied for prior to permit expiration by authorization of the Zoning Administrator, after reasonable cause for an extension is shown by the applicant. No more than one extension, not to exceed a six (6) month period, may be allowed. If a permit has expired, new zoning permits must be sought in accordance with the procedures defined in this Ordinance.

Sec. 24.03 DISTRICT CHANGES AND SECTION AMENDMENTS

- (a) In accordance with the provisions of P.A. 110 of 2006, as amended, the Township Board may amend, or change by ordinance, the number, shape, or area of districts established on the zoning map or the regulations set forth in this section. However, no amendment or change shall become effective unless the ordinance proposing the amendment or change shall first be submitted to the Planning Commission for approval, disapproval, or suggestions, and the Planning Commission shall have been allowed a reasonable time, not less than thirty (30) days, for consideration and report. Amendments shall be considered that ensure:
 - 1. Public health, safety, and welfare of the community and its residents are

protected.

2. The goals and objectives of the Otsego Township Master Plan are observed and implemented.
 3. The Zoning Ordinance will allow for the reasonable use of land based on environmental conditions, including soils, watercourses, topography, vegetation, and other similar features.
- (b) Any person or persons desiring a change in the zoning ordinance text or map shall make application to the Zoning Administrator. In case of a zoning ordinance text amendment, a letter shall be submitted which shall contain the requested change and the reason for the change. In case of a desired zoning map change or rezoning a description shall be submitted which shall legally describe the property involved, the zone change desired, and the reason for the change. With either type of request there shall be an accompanying remittance of a fee to cover costs encountered in conducting a public hearing, as set by the Township Board.
- (c) The Zoning Administration shall refer all applications, for either a change in the zoning ordinance text or zoning map, to the Planning Commission. Before submitting its recommendations and report to the Township Board, the Planning Commission shall conduct a public hearing on the proposed amendment. The publication notice for such hearing and notification of property owners or occupants within 300 feet of the subject property shall adhere to the requirements under Sec. 103 of the Michigan Zoning Enabling Act.
- (d) After receiving the recommendations and report from the Planning Commission, the Township Board may deny the request or enact an amendment to the zoning ordinance, or zoning map.
- (e) Following adoption of a zoning ordinance and subsequent amendments by the Township Board, one notice of adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption. The notice shall include the following information.
1. In the case of amendment to an existing ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 2. The effective date of the ordinance. In accordance with the MZEA, the ordinance will go into effect seven (7) days following adoption by the Township Board.
 3. The place of and time where a copy of the ordinance may be purchased or inspected. The filing and publication requirements in this section relating to the Township zoning ordinance supersede charter provisions relating to the filing and publication of Township ordinances.

Sec. 24.04 PUBLIC NUISANCE, PER SE

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this section and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Sec. 24.05 RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE 25 – PENALTIES

Sec. 25.01 PENALTIES

Any building or structure which is erected, moved, placed, reconstructed, razed, extended, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term or provision of the Ordinance is hereby declared to be a nuisance per se. Any person or other entity who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any permit, license or exception granted under this Ordinance, or any lawful order of the Zoning Administrator, Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance, whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as a principal.

- (a) Any violation of any provision of this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction set forth in this chapter or allowed by law.
- (b) Any person or other entity who violates any provision of this Ordinance, or any permit, license or exception granted under this Ordinance, or any lawful order of the Zoning Administrator, Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance, shall be deemed to be responsible for a municipal civil infraction as defined by state statute. Each day a violation occurs or continues shall constitute a separate offense, and shall be punishable by a civil fine in accordance with the adopted fee schedule for civil fines.

ARTICLE 26 - MISCELLANEOUS PROVISIONS

Sec. 26.01 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Planning Commission, Township Board or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

Sec. 26.02 SEVERABILITY

This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall be affected thereby.

Sec. 26.03 REPEAL

This Ordinance shall be deemed an amendment to the existing Otsego Township Zoning Ordinance which was effective December 14, 1975 which supersedes and replaced the existing Otsego Township Zoning Ordinance in its entirety. In addition, all other Ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

Sec. 26.04 EFFECTIVE DATE

This Ordinance was adopted by the Township Board and ordered to take immediate effect seven days after publication.