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## CHAPTER I

### TITLE

**Section 1.01 Title.** This Ordinance shall be known and may be cited as the “Overisel Township Zoning Ordinance.”

## CHAPTER II

### PURPOSE, SCOPE AND LEGAL BASIS

**Section 2.01 Purpose.** This Ordinance is based upon the Overisel Township Master Plan and is designed (1) to promote the public health, safety and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to conserve natural resources and energy, to meet the needs of the State's residence for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; (4) to insure that uses of land shall be situated in appropriate locations and relationships; (5) to avoid the overcrowding of population; (6) to provide adequate light and air; (7) to lessen congestion on the public roads and streets; (8) to reduce hazards to life and property; (9) to facilitate the adequate provisions of a system of transportation, sewage disposal, safe and adequate water supply, education , recreation and other public requirements; and (10) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. 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.

**Section 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annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants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 the Ordinance shall control.

**Section 2.03 Legal Basis.** This Ordinance is enacted pursuant to Michigan Act 184 of 1943, as amended.

## CHAPTER III

### DEFINITIONS

**Section 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 Chapter, the heading which title a chapter, 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 shall 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.
- 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 and standard definition.

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.

**Section 3.02 Accessory Use or Structure.** A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

**Section 3.02a Airport.** Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired

for airport facilities, and all appurtenant right-of-way, either heretofore or hereafter established. An airport is “publicly owned” if the portion thereof used for the landing and taking off of aircraft is owned, operated, controlled, leased to or leased by the United States, any agency or department thereof, this state or any other governing body, public agency or other public corporation.

**Section 3.02b Airport Hazard.** Any Structure or tree or use of land or of appurtenances thereof which obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or is otherwise hazardous or created hazards to such safe landing or taking off of aircraft.

**Section 3.03 Alterations, Structural.** Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

**Section 3.04 Automobile Repair – Major.** General repair, rebuilding, or reconditioning of engines, or vehicles, collision services (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

**Section 3.05 Automobile Repair – Minor.** Minor repairs, incidental replacement of parts, or major service to passenger automobiles and trucks not exceeding two(2) tons capacity; provided, however, there is excluded any repair or work included in the definition of “Automobile Repair – Major”.

**Section 3.06 Basement.** A portion of a building, or a portion of a room, located wholly or partially below grade, but not including any part thereof not so located.

**Section 3.07 Billboards and Signs.**

- a) **Billboard** – Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- b) **Business Sign** – Any structure, including the wall of any buildings, 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.
- c) **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.
- d) **Identifying Sign** – Any structure on the same premises it identifies which serves only (1) to tell the name of use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motels; or (3) only to inform the public to the use of a parking lot.



- e) 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.

**Section 3.08 Building.** Anything which is constructed or erected, 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 other similar uses and has a permanent foundation.

**Section 3.09 Building Height.** The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flats roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

**Section 3.10 Building Setback.** The measurement from the property line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback. Porches are considered a part of the building or structure and may not be located within the building setback.

**Section 3.11 Corner Lot.** A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the streets is one hundred thirty-five (135) degrees or less or a lot abutting upon a curved street or streets if tangents to the curve, at the two (2) points where the lot lines meet the curve, form a interior angle of one hundred thirty-five (135) degrees or less.

**Section 3.12 Dwelling.** Any building or portions thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, or tourist rooms or cabins.

- a) Dwelling, Single Family – A building designed for use and occupancy by one (1) family only.
- b) Dwelling, Two Family – A building designed for use and occupancy by two (2) families only.
- c) Dwelling, Multi Family – A building designed for use and occupancy by three (3) or more families.

**Section 3.13 Dwelling Unit.** One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

**Section 3.14 Family.** One (1) or more persons occupying a single dwelling unit and using common cooking facilities; provided, however, that unless all members are related by blood or marriage, no such family shall contain more that five (5) persons.

**Section 3.15 Filtered View.** The maintenance or establishment of woody vegetation of sufficient density to screen developments from the river, to provide for stream bank

stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely lack the river view. It means no clear cutting.

**Section 3.16 Floor Area.** The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

**Section 3.17 Home Occupation.** An occupation customarily conducted within a dwelling by its occupants as a subordinate use.

**Section 3.18 Junkyard.** A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

**Section 3.19 Kennel.** Any land, building or structure where five (5) or more cats and/or dogs six (6) months of age or older are boarded, housed, or bred.

**Section 3.20 Lot and Lot Width.** A piece of parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance. Lot width shall be measured at the front building line. Lot area cannot include any part of public right-of-way, or private road right-of-way.

**Section 3.21 Manufactured Housing.** Modular homes which are constructed off-site according to BOCA standards.

**Section 3.22 Mobile Home.** A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**Section 3.23 Mobile Home Commission Act.** A statute governing mobile homes, adapted as Act 96 of 1987.

**Section 3.24 Mobile Home Lot.** A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

**Section 3.25 Mobile Home Pad.** That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures, or additions.

**Section 3.26 Mobile Home Park.** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Section 3.27 Mobile Home Subdivision.** A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

**Section 3.28 Motel.** A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

**Section 3.29 Motor Vehicle.** Every vehicle which is self-propelled.

**Section 3.30 Parking Area, Space or Lot.** An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

**Section 3.31 Parking Bay.** A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

**Section 3.32 Pier.** Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

**Section 3.33 Planning Commission.** The Overisel Township Planning Commission.

**Section 3.34 Principal or Main Use.** The primary or predominant use of a lot.

**Section 3.35 Private Road.** A roadway which is privately owned and maintained and which provides the principal means of access to one or more abutting lot(s) or dwelling unit(s).

**Section 3.36 Private Road Easement.** An easement which is granted exclusively for private access to one or more parcels of land or lots and which contains or is intended to contain a private road.

**Section 3.37 River's Edge.** The ordinary high water mark. The line between upland and bottomland which persists through successive changes in water levels, below which the

presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

**Section 3.38 Roadside Market Stand.** A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

**Section 3.39 Street.** A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

**Section 3.40 Structure.** Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

**Section 3.41 Tourist Home.** A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

**Section 3.42 Township Board.** The Overisel Township Board.

**Section 3.43 Township.** Overisel Township, Allegan County, Michigan.

**Section 3.44 Travel Trailer.** A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

**Section 3.45 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. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

**Section 3.46 Usable Floor Area.** The floor area of a dwelling exclusive of garages, porches, basement or utility area.

**Section 3.47 Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

**Section 3.48 Yard.** A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**Section 3.49 Yard — Front.** A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line or the approved private road right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street or private road shall be considered the front yard.

**Section 3.50 Yard - Rear.** A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

**Section 3.51 Yard - Side.** A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

**Section 3.52 Zoning Act.** Michigan Act 184 of 1943, as amended.

**Section 3.53 Zoning Inspector.** The Overisel Township Zoning Inspector.

## CHAPTER IV

### MAPPED DISTRICTS

**Section 4.01 Zone Districts.** The Township of Overisel is hereby divided into the following zoning districts:

- (a) AG            Agricultural District
- (b) R-I          Rural Estate District
- (c) R-2          Low Density Residential District
- (d) R-3          Medium Density Residential District
- (e) C-1          Neighborhood Business District
- (f) C-2          General Business District
- (g) I-1          Industrial District

**Section 4.02 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 Overisel 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 centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- (d) Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, as in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
- (e) 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.

**Section 4.03 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.

## CHAPTER IX

### C-1 NEIGHBORHOOD BUSINESS DISTRICT

(Designated on the Zoning Map as Small Dots)

**Section 9.01 Description and Purpose.** This Zoning District is for neighborhood convenience shopping including retail businesses and service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.

**Section 9.02 Use Regulations.** Land, buildings or structures in this Zoning District may be used for the following purposes only:

- (a) Those non-residential uses which are permitted in the Residential Zoning Districts, subject, except as specifically provided otherwise in this Chapter, to the same conditions, restrictions and requirements as are provided in the Residential Zoning Districts.
- (b) Bakery goods store
- (c) Banks, loan and/or finance offices
- (d) Barber or beauty shop
- (e) Book, stationery or gift store
- (f) Candy store, soda fountain and/or ice cream store
- (g) Clothes cleaning and/or laundry pick—up station
- (h) Clothing and dry goods store
- (i) Delicatessen store
- (j) Dress shop
- (k) Drug store
- (l) Florist and gift shop without nursery
- (m) Funeral home
- (n) Grocery store and meat market
- (o) Hardware store
- (p) Household appliance store
- (q) Jewelry store
- (r) Laundromats
- (s) Nursery school and day nurseries
- (t) Paint and wallpaper store
- (u) Parking lots
- (v) Photographer
- (w) Radio and television store
- (x) Restaurants and/or cafes without dancing, floor shows or drive-in service
- (y) Service stations, including minor auto repairs, if all repair work is conducted wholly within a completely enclosed building, when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII: (1) the size, nature and character of the gas station; (2) the proposed location of the gas station; (3) the location of entrance drives and access to the gas station with respect to potential traffic congestion or hazards; (4) how well the gas station harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; (5) the need and

necessity for the products and services of the gas station at the proposed location; and  
(6) the effect of the gas station on adjoining properties and the surrounding neighborhood

- (z) Shoe repair shop
- (aa) Tailor and/or dress maker
- (bb) Variety store including notions and “five and ten” store
- (cc) Business signs, real estate signs, identifying sign, name plate
- (dd) Other similar retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII: (1) the size, nature and character of the proposed use; (2) the proximity of the proposed use to adjoining properties; (3) the parking facilities provided for the proposed use; (4) any traffic congestion or hazard which will be occasioned by the proposed use; (5) how well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; (6) the need or necessity for the proposed use to service the needs of the surrounding neighborhood; and (7) the effect of the proposed use on adjoining properties and the surrounding neighborhood.

**Section 9.03 Required Conditions.**

- (a) With the exception of automobile parking and off-street parking, all business, service or processing shall be conducted wholly within a completely enclosed building.
- (b) All goods produced on the premises shall be sold at retail on the premises where produced.

**Section 9.04 Height Regulations.** No building or structure shall exceed thirty—five (35) feet in height.

**Section 9.05 Area Regulations.** No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements.

- (a) Front Yard - Where all the frontage on the same side of a street between two intersecting streets is located in a C Zoning District and where a setback has been established by fifty percent (50%) 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-1 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 on the street side of a corner lot.
  - (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-1 Zoning District abuts upon the side yard of a lot in any R Zoning District or AG Zoning District, there shall be a rear yard of not less than 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 building 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 reach a minimum of five (5) feet in height after one growing season; 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.

## CHAPTER V

### AG AGRICULTURAL DISTRICT

(Designated on Zoning Map as White)

**Section 5.01 Description and Purpose.** This Zoning District is intended for large tracts of land used for farming, animal husbandry, dairying, horticultural, or other agricultural activities.

**Section 5.02 Use Regulations.** Land, buildings and structures in this Zoning District may be used for the following purposes only:

- (a) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.
- (b) Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
- (c) Riding stables where horses are boarded and/or rented.
- (d) Single family dwellings when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII:
  - (1) The location of said dwelling and lot in respect to whether the land is presently being utilized or is capable of being used for the production of agricultural crops;
  - (2) The location of said dwelling and lot in respect to whether it would interfere with, or substantially hinder, any existing or potential future farming operations or activity within the immediate area;
  - (3) The present and future ability of the township, county and school district to provide adequate vehicular access, schools, public safety and other necessary public services to the proposed dwellings;
  - (4) Any lot created by the division or splitting of a lot or parcel of record or a tract consisting of contiguous lots or parcels of record under the same ownership as of the effective date of this amending Ordinance may be used for one single-family dwelling, if such division or splitting of a lot, parcel or tract is accomplished in such a manner as to create not more than three (3) lots in total, with no lot smaller than thirty-seven thousand five hundred (37,500) square feet in area and one hundred fifty (150) feet in width, and with no such lot used for a single-family dwelling being more than one hundred eight thousand nine hundred (108,900) square feet in area, three hundred thirty (330) feet in width, and three hundred thirty (330) feet in depth. The remainder of the parent parcel, lot or tract will not be counted as one of the three lots which may be created and used for single-family residential

purposes, but the remaining lot, parcel or tract must contain the minimum lot area and width required by this ordinance.

- (e) Publicly owned athletic grounds, parks and cemeteries.
- (f) Home occupations
- (g) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following and Chapter XIII:
  - (1) The size of the property from which such topsoil, sand, gravel, or other such materials are to be removed;
  - (2) The amount of topsoil, sand, gravel or other such materials which is to be removed;
  - (3) The purpose of such removal;
  - (4) The effect of such removal on adjoining property;
  - (5) The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table;
  - (6) The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;
  - (7) The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resource;
  - (8) Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed;

Operations granted a special use permit by the Planning Commission shall meet the following conditions:

- (9) Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other persons having reason to be within the area of activity;
- (10) No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the District in which the extraction activity is located;
- (11) No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property;
- (12) All of the operation shall be screened with a wire screen or uniformly painted wood fence at least six (6) feet in height, with evergreen screen planting on any side adjacent to residentially zoned property;
- (13) As the natural resources are being removed, the property shall be restored by the replacement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. The excavation area shall be planted with a suitable ground cover sufficient to control erosion.

- (14) All truck operations shall be directed away from residential streets wherever possible;
- (15) The Planning Commission may require such bond as deemed necessary to insure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained;
- (16) 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 on the lot, provided there is compliance with all other requirements of this Ordinance. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties;
- (17) The applicant shall secure all necessary permits from Township, County, State and Federal authorities;

(h) Kennels.

(i) Roadside stands which sell products grown or produced on the premises.

(j) Real estate sign, identifying sign, and name plate.

(k) Non-public airport or airport expansion when authorized by the Planning Commission as a Special Use. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII:

- (1) The nature of proposed and/or present airport operations.
- (2) The proximity of existing structures, domesticated fowl or livestock, and the proximity of existing airports.
- (3) The size of property from which the airport will be established or expanded.
- (4) The purpose of the airport.
- (5) The effect of the airport on adjoining property.
- (6) The effect of the airport on the environment and the natural topography, and the potential destruction of any natural resources.

Operations granted a Special Use permit by the Planning Commission shall meet the following conditions:

- (1) No more than four (4) aircraft may be regularly used, stored, sheltered or supplied by owner or owners at the airport, and no more than two (2) visiting aircraft may be used, stored, sheltered or supplied during any twenty-four (24) hour period.
- (2) A letter from the Michigan Aeronautics Commission shall be submitted to the Planning Commission by the applicant stating the proposed non-public airport or expansion will not interfere with the airspace of a public airport in the area.

(3) A site plan as required in Section 13.02(b)(2) with the following additional information:

- (a) The location of any homes within two thousand (2,000) feet of the boundaries of the property on which the airport or airport expansion would be located.
- (b) The location and height of any trees, groups of trees, mounds of earth, buildings or other structures within one thousand (1,000) feet of the proposed airport expansion.

(l) Commercial and light industrial uses when authorized by the Planning Commission as a Special Use. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII:

- (1) The size of the property from which such use shall operate.
- (2) The character of the proposed use.
- (3) The proximity of existing structures.
- (4) The effect of the use on adjoining property.
- (5) The effect of such use in respect to whether it would interfere with, or substantially hinder, any existing or potential future farming operations or activity within the immediate area.
- (6) Potential traffic congestion and problems because of trucks or other vehicles necessary for such use.

Operations granted a Special Use permit by the Planning Commission shall meet the following conditions:

- (1) No use shall be conducted upon, or from, the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the use is conducted.
- (2) The outside storage area shall be screened (1) by a compact hedge of evergreen trees which reach a minimum of five (5) feet in height after one growing Season; (2) a solid wall or tight board fence six (6) feet in height; or (3) any alternative screening devices if they conceal the area as effectively as alternatives 1 and 2 if approved by the Planning Commission.
- (3) For purposes of identification, one (1) non-illuminated business sign not exceeding nine (9) square feet in area shall be permitted. Such sign shall identify only the use of the operation.

(m) Privately Owned cemeteries when authorized a special use by the Planning Commission. The Planning Commission shall consider the standards contained in Chapter XIII of this Ordinance. All such cemeteries must comply with applicable state statutes and health department regulations.

**Section 5.03 Height Regulations.** No residential building or structure shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights.

**Section 5.04 Area Regulations.** No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

- (a) Front Yard - There shall be a front yard of not less than fifty (50) feet.
- (b) Side Yard – For residential buildings and structures, and accessory building and structures, there shall be total side yards of not less than fifty (50) feet; provided, however, that no side yard shall be less than ten (10) feet. For all other buildings, there shall be two (2) side yards of not less than fifty (50) feet each, including poultry and livestock buildings.
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Lot Area – The minimum lot area and width for all uses in this district, unless specified elsewhere, shall be thirty-seven thousand five hundred (37,500) square feet and one hundred fifty (150) feet, respectively.

**Section 5.05 Minimum Floor Area.** Each dwelling unit, unless specified elsewhere, shall have a minimum of twelve hundred (1,200) square feet of usable floor area.

## CHAPTER VI

### **R-I RURAL ESTATE DISTRICT** (Designated on the Zoning Map as Dashed Lines)

**Section 6.01 Description and Purposes.** This Zoning District is intended for large rural residential estates and farming.

**Section 6.02 Use Regulations.** Land, buildings or structures in this Zoning District may be used for the following purposes only:

- (a) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms. Temporary housing for migratory workers is prohibited.
- (b) Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
- (c) Single family dwellings.
- (d) Home occupations.
- (e) Removal and processing of topsoil, sand, gravel or other such minerals when authorized as a special use by the Planning Commission in accordance with Section 5.02 (g).
- (f) Roadside stands which sell products grown or produced on the premises.
- (g) Publicly owned athletic grounds, parks and cemeteries.
- (h) Kennels, when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII: (1) the size, nature and character of the operation; (2) the proximity of the operation of adjoining properties; (3) the possibility of noise, odors, or other disturbance for adjoining properties and the surrounding neighborhood on account of the operation; (4) potential traffic congestion on account of the operation; (5) the nature and character of the buildings and structures to be utilized.
- (i) Real estate signs, identifying sign, and name plate.
- (j) Privately Owned cemeteries when authorized a special use by the Planning Commission. The Planning Commission shall consider the standards contained in Chapter XIII of this Ordinance. All such cemeteries must comply with applicable state statutes and health department regulations.

**Section 6.03 Height Regulations.** No residential building or structure shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights.

**Section 6.04 Area Regulations.** No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

- (a) Front Yard - There shall be a front yard of not less than fifty (50) feet.

- (b) Side Yard - For residential buildings and structures, and accessory buildings, there shall be total side yards of not less than fifty (50) feet; provided, however, that no side yard shall be less than twenty (20) feet. For all other buildings, there shall be two (2) side yards of not less than fifty (50) feet each.
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Lot Area - The minimum lot area and width for all uses shall be two (2) acres and one hundred fifty (150) feet, respectively.

**Section 6.05 Minimum Floor Area.** Each dwelling unit, unless specified elsewhere, shall have a minimum of twelve hundred (1,200) square feet of usable floor area.



## CHAPTER VII

### R-2 LOW DENSITY RESIDENTIAL DISTRICT

(Designated on the Zoning Map as Wavy Lines)

**Section 7.01 Description and Purpose.** This Zoning District is intended for low density residential uses together with required recreational, religious and educational facilities.

**Section 7.02 Use Regulations.** Land, buildings or structures in this Zoning District may be used for the following purposes only:

- (a) Single family dwellings.
- (b) Two family dwellings.
- (c) Private and public schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization and when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII: (1) the size, nature and character of the proposed use; (2) the proximity of the proposed use to adjoining properties; (3) the parking facilities provided for the proposed use; (4) any traffic congestion or hazards which will be occasioned by the proposed use; and (5) how well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.
- (d) Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII: (1) the necessity for such use for the surrounding neighborhood; (2) the proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings; (3) the size, nature and character of the proposed use; (4) potential traffic congestion which might be occasioned by the intended use; (5) parking facilities to be provided for the proposed use; and (6) the effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (e) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII: (1) the size, character and nature of the church building; (2) the proximity of the church to adjoining properties; (3) the off-street parking which is to be provided for the church; (4) the potential traffic congestion and hazards which will be caused by the church use; (5) the degree with which the church harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and (6) the effect of the church on adjoining properties and the surrounding neighborhood.
- (f) Home occupations when authorized as a special use by the Planning Commission. In considering such authorization the Planning Commission shall consider the following standards and Chapter XIII: (1) the nature of the home occupation; (2) the effect of

the home occupation on the surrounding neighborhood; (3) the environmental effects of the home occupation; (4) the nature of the surrounding neighborhood; (5) potential traffic congestion as a result of the home occupation; and (6) provision for parking for traffic or clientele which may result from the operation of the home occupation.

(g) Real estate sign, identifying sign, name plate.

**Section 7.03 Height Regulations.** No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories.

**Section 7.04 Area Regulations.** No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements.

- (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 twenty-five (25) feet; provided, however, that in the case of lakefront 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 eight thousand, five hundred (8,500) square feet and eighty-five (85) feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be fifteen thousand (15,000) square feet and one hundred (100) 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; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be thirty thousand (30,000) square feet and one hundred (100) feet, respectively.

**Section 7.05 Minimum Floor Area.** Each dwelling unit shall have minimum usable floor area as follows:

- (a) Single Family Dwelling - twelve hundred (1200) square feet.
- (b) Two Family Dwelling – one thousand fifty square (1050) feet per unit.

## CHAPTER VIII

### R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

(Designated on the Zoning Map as Cross-Hatched Lines)

**Section 8.01 Description and Purpose.** This Zoning District is intended for medium density one and two family and low density multi-family residential and related uses.

**Section 8.02 Use Regulations.** Land, buildings, or structures in this Zoning District may be used for the following purposes only:

- (a) Any use permitted in the R-2 Zoning District, subject, except as specifically provided otherwise in this Chapter, to the same conditions, restrictions and requirements as are provided in the R-2 Zoning District.
- (b) Multi-family dwellings.
- (c) Nursing homes, senior citizen housing and similar group housing.
- (d) Home occupations in single family dwellings when authorized as a special use by the Planning Commission utilizing the same standards as are provided in Section 7.02 (f).
- (e) Mobile home parks, when authorized as a special use by the Planning Commission and provided they are in conformance with all state regulations governing mobile home parks, including Public Act 419 of 1976, as amended. In considering such authorization, the Planning Commission shall consider Chapter XIII.

**Section 8.03 Height Regulations.** No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories in height.

**Section 8.04 Area Regulations.** No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements.

- (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 as follows:
  - (1) For single and two family dwellings, the total side yards shall be not less than twenty (20) feet; provided, however, that no side yard shall be less than seven (7) feet.
  - (2) For multi-family dwellings and all other permitted uses, each side yard shall be not less than twenty (20) feet.
- (c) Rear Yard - There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall not be 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 eight thousand, five hundred (8,500) square feet and eighty-five (85) feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be twelve thousand (12,000) square feet and one hundred (100) 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; provided, however, that the minimum lot area and width for lots

not served with public water and sewer shall be twenty thousand (20,000) square feet and one hundred (100) feet, respectively.

- (f) Lot Area and Width (Other than One and Two Family) - The minimum lot width shall be one hundred (100) feet. The minimum lot area for multi family dwellings shall be four thousand five hundred (4,500) square feet per dwelling unit; provided, however, that the minimum lot area for multi-family dwellings not served with public sewer and water shall be ten thousand (10,000) square feet per dwelling unit. The minimum lot area for all other permitted uses shall be twenty thousand (20,000) feet.

**Section 8.05 Minimum Floor Area.** Each single family and two family dwelling shall have minimum usable floor area as is required in the R-2 District. Each multi-family dwelling shall have minimum usable floor area as follows:

One bedroom unit, six hundred fifty (650) square feet per unit; two bedroom unit, seven hundred fifty (750) square feet per unit; three bedroom unit, nine hundred (900) square feet per unit; additional bedrooms shall require an additional one hundred (100) square feet of usable floor area for each additional bedroom.

## CHAPTER X

### C-2 GENERAL BUSINESS DISTRICT (Designated on the Zoning Map as Open Squares)

**Section 10.01 Description and Purpose.** This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

**Section 10.02 Use Regulations.** Land, buildings or structures in this zoning district may be used for the following purposes only:

- (a) All uses permitted in the C-1 District
- (b) Amusement enterprises
- (c) Antique shop, provided all articles for sale are displayed or stored within the shop
- (d) Automobile and other vehicle sales
- (e) Automobile repair shop or garage, including major repair operations.
- (f) Bank, loan and finance offices including drive—in branches
- (g) Bowling alley, including restaurant
- (h) Bus station and travel agency
- (i) Business or trade school
- (j) Car wash
- (k) Campgrounds
- (l) Catering service, delicatessen and confectionery store
- (m) Clinic - dental and medical including laboratory
- (n) Contractor (plumbing, heating, electrical, etc.)
- (o) Crating and packing service
- (p) Dance studio and photographic studio
- (q) Diaper, linen and towel supply service
- (r) Dry cleaning and laundry - custom and self-service
- (s) Eating place - including “drive—in”
- (t) Electrical supplies - wholesale and storage
- (u) Exterminator service
- (v) Factory and mill supplies
- (w) Florist and gift shop including nursery
- (x) Frozen food locker
- (y) Funeral home and ambulance service
- (z) Hotels and motels
- (aa) Juke box and vending machine service and distribution
- (bb) Laboratory - medical or dental
- (cc) Landing and take-off areas for roto craft
- (dd) Locksmiths
- (ee) Lodge hall, private clubs, veterans' clubs
- (ff) Marinas
- (gg) Offices
- (hh) Office machines, sales and service

- (ii) Office supply store
- (jj) ornamental iron work and fence service
- (kk) Parcel delivery station
- (ll) Pet shop, not including treatment or boarding of animals
- (mm) printing and publishing including processes related thereto
- (nn) professional studio
- (oo) Plumbing and heating shop
- (pp) Radio and TV sales, repair and broadcasting studios and towers
- (qq) Resale shops including “auction houses”
- (rr) Resort including seasonal cabins
- (ss) Service stations
- (tt) Shoe repair
- (uu) Sign painting and servicing shops
- (vv) Special tools and gauges - checking and service
- (ww) Taxidermist
- (xx) Trade schools
- (yy) Travel agencies
- (zz) Warehousing and storage structures
- (aaa) Wholesale sales
- (bbb) Business signs, real estate signs, identifying sign, name plate
- (ccc) Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as the above permitted uses

**Section 10.03 Height, Area and Yard Requirements.** Height, area and yard requirements in the C-2 Zone are the same as the C-1 Zone.

- (a) Front Yard - Same as C-1 Zone
- (b) Side Yard - Same as C-1 Zone
- (c) Rear Yard - Same as C-1 Zone
- (d) Lot Area - Same as C-1 Zone

## CHAPTER XI

### I-1 INDUSTRIAL DISTRICT

(Designated on the Zoning Map as a Block Pattern)

**Section 11.01 Description and Purpose.** This district permits compounding, assembling, or treatment of articles or materials, this district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.

**Section 11.02 Use Regulations.** Land, buildings and structures in this zoning district may be used for the following purposes only:

- (a) The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
- (b) The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
- (c) The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
- (d) Petroleum storage located at least five hundred (500) feet from any residentially zoned property.
- (e) Auto repair shops
- (f) Auto wash
- (g) Bottling plants and dairies
- (h) Contractor yards
- (i) Crating and packing service
- (j) Dry cleaning and laundry
- (k) Machine shop
- (l) Printing shops
- (m) Sign painting and servicing shops
- (n) Taxidermist
- (o) Warehouses and storage
- (p) Wholesale sales

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 all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to affect adjoining residential properties adversely.

- (q) Landing and take-off areas for roto craft and airports
- (r) Parking lots
- (s) Radio and TV towers

- (t) Any other similar light industrial use which is determined by the Planning Commission to be of the same general character as the above permitted uses
- (u) Business signs, real estate signs, identifying signs, name plate
- (v) Any other industrial uses when authorized by the Planning Commission. 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.

**Section 11.03 Height Regulations.** No building or structure shall exceed three stories or 45 feet in height , whichever is less.

**Section 11.04 Area Regulations.** No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure, or enlargement.

- (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
- (d) Lot Area and Width - The minimum lot area shall be fifteen thousand (15,000) square feet and the minimum lot width shall be on hundred (100) feet.



## CHAPTER XII

### GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts.

**Section 12.01 The Effect of Zoning.** Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

**Section 12.02 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.

**Section 12.03 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 which is platted or otherwise of record as of the effective date of this Ordinance, which was platted or otherwise created in conformity with applicable laws and regulations, and which is located in a AG, R-1, R-2 or R-3 Zoning District may be used for one family use only if the lot has a minimum lot area of twelve thousand (12,000) square feet and if there is compliance with all yard requirements for the zoning district in which the lot is located. If a lot in an Agricultural or Residential Zoning District, which is platted or parcel otherwise of record as the effective date of this Ordinance, does not comply with the area and/or width requirements of its Zoning District, then such lot may be used for one family use only and then only if application is made to the Board of Appeals for a variance. In considering such variance, the Board of Appeals shall consider the following standards: (1) the size, character and nature of the residential building and accessory buildings to be erected and constructed on the lot; (2) the effect of the proposed use on adjoining properties and the surrounding neighborhood; (3) the effect of the proposed use on light and air circulation of adjoining properties; (4) the effect of any increased density of the intended use on the surrounding neighborhood; and (5) available parking for the intended use.

A lot which is platted or otherwise of record as of the effective date of this Ordinance, and which was platted or otherwise created in conformity with applicable laws and regulations may be used for a Commercial or Industrial use if the lot has a minimum area of twelve thousand (12,000) square feet and if there is compliance with all yard requirements for the Commercial or Industrial Zoning

District. If a lot in a Commercial or Industrial District, which is platted or otherwise of record as of the effective date of this Ordinance, does not comply with the area and/or width requirements of the Commercial or Industrial Zoning District, then such lot may be used only if application is made to the Board of Appeals for a variance. In considering such variance, the Board of Appeals shall consider the following standards: (1) the size, character and nature of the commercial building and accessory buildings to be constructed on the lot; (2) the effect of the proposed use on adjoining properties and the surrounding neighborhood; (3) the effect of the proposed use on light and air circulation of adjoining properties; (4) the effect of increased density of the intended use on the surrounding neighborhood; and (5) available parking for the intended use.

Where two (2) or more such noncomplying lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this Ordinance.

- (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, 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.

**Section 12.04 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.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- (a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate 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 and shall conform with the general character of the architecture of the surrounding neighborhood.

**Section 12.05 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.

**Section 12.06 Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors.** Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

**Section 12.07 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 to 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 to 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.

**Section 12.08 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.

**Section 12.09 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.
- (b) Detached accessory buildings shall not be located closer than five (5) feet to the rear lot line or closer than (40) feet to the waters' edge in the case of a waterfront lot (except that pump houses may be located within forty (40) feet of the waters' edge if they do not exceed three (3) feet in height) and shall not occupy more than thirty percent (30%) of any required 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 or private road right of way.
- (e) No accessory building or structure shall include residential or living quarters for human beings located in the R-1 or R-2 Zoning Districts.
- (f) Accessory buildings or structures may not be erected on a lot prior to construction or erection of a permitted principal building or structure.

**Section 12.10 Principal Building on a Lot.** A lot or parcel shall not be devoted to more than one principal use except for groups of apartments, commercial or industrial buildings, agricultural buildings, or other buildings which the Zoning Inspector deems to be a principal use collectively.

**Section 12.11 Double Frontage Lots.** Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both such roads or streets, public or private.

**Section 12.12 Signs.**

- (a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.
- (b) Banners, pendants, balloons, light strings, 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.
- (c) Subject to the provisions of Chapter XV, all signs shall be maintained in good condition and repair.
- (d) No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefore by the Zoning Inspector.
- (e) All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.
- (f) The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:
  - (1) Highway signs erected by the State of Michigan, County of Allegan, or the Township;
  - (2) Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings;
  - (3) Directional signs erected in conjunction with private off-street parking area, provided any such sign does not exceed four (4) square feet in area and is limited to traffic control functions only;

- (4) Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
- (5) Placards posted to control or prohibit hunting within the Township.
- (6) Subdivision signs not exceeding thirty-two (32) square feet in area; provided, however, signs shall be removed after all lots are sold.
- (7) One (1) construction sign per project of no more than thirty (30) square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings, provided such signs do not exceed one (1) per project and thirty (30) square feet in area.
- (8) Essential service signs denoting utility lines, railroad lines, hazards, and precaution.
- (9) Memorial signs or tablets which are either (a) cut into the face of a masonry surface; or (b) constructed of bronze or other incombustible material when located flat on the face of a building.
- (10) Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare of charitable purposes when authorized by the Planning Commission.
- (11) Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.

**Section 12.13 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 thoroughfare on the “Overisel Township Master Plan”, as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

- (a) State Highway — one hundred (100) feet
- (b) County Highway - eighty-three (83) feet
- (c) Township Road - eighty-three (83) feet

**Section 12.14 Minimum Public Street or Private Road Frontage.** Every principal building and use shall be located on a lot having a minimum of fifty (50) feet of frontage on a public or approved private road. Each lot must also meet the minimum lot width requirements of the zoning district in which it is located.

The Planning Commission, following a public hearing on the application of an interested party, shall approve a private road which meets the standards contained in the following paragraphs, by issuing a special use permit which states that the minimum public street or approved private road frontage for the parcel in question has been met.

The Planning Commission shall not issue such a permit, unless the applicant or other interest party submits a fully executed agreement that has been or will be recorded in the Office of the Register of Deeds for Allegan County, and which specifies that some or all of the owners of real property bordering the private road in question, or the owner or owners of record of such private road shall be responsible for the entire cost of maintaining the road in a safe, passable and usable condition. Such agreement shall specifically require the responsible party or parties to:

- (a) Grade the private road to remove bumps or obstructions which may be hazardous to life or property; and
- (b) To remove snow, add salt, sand or gravel, and take any other necessary steps to maintain such private road in a safe and usable condition, at all times of the year. The agreement shall further provide that its provisions shall constitute covenants which will run with the land. The Planning Commission shall further require that the private roadway in question have a minimum width of 66 feet for its entire length, and that the intersection of the private road and the public road shall be fully and clearly marked by a sign which is visible to the public and indicates the name of the private road.
- (c) The Planning Commission may require a bond in the amount sufficient to guarantee the performance of the party or parties responsible for maintaining such private road before issuing a special use permit. In determining whether or not a special use permit should issue, the Planning Commission shall take into consideration the requirements of Section 12.20 of this Zoning Ordinance concerning private roads.

**Section 12.15 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.

**Section 12.16 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, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Allegan County.

**Section 12.17. Mobile Homes as Temporary Uses.** The use of a mobile home as a temporary dwelling is permitted only under the following circumstances:

- (a) The Zoning Inspector may issue a permit to an individual to park and occupy a mobile home as a temporary dwelling in any zoning district which allows single family dwellings, provided that the Zoning Inspector makes the following determinations:
  - (1) The mobile home will be used only as a temporary use on the same lot while the person is constructing a permanent residence.
  - (2) A building permit has been issued for the construction of a permanent residence to the person applying for the temporary mobile home permit.
  - (3) The mobile home shall be attached to drinking water and sanitary facilities which comply with applicable rules and regulations, as provided in Section 12.16.

- (4) The mobile home shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission for mobile homes installed in mobile home parks, and shall also be installed in accordance with the manufacturer's instructions. No permanent foundation shall be required for such temporary mobile homes.

Upon applying for a temporary mobile home permit, the applicant shall pay a fee to the Zoning Inspector as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. All original temporary mobile home permits shall be limited to a period of six (6) months. If the permanent residence is not approximately fifty percent (50%) complete, as determined by the Zoning Inspector, within the six (6) month period, a six (6) month extension shall be permitted by the Zoning Inspector only for the purpose of completing the residence. No more extensions shall be permitted by the Zoning Board of Appeals.

Upon the filing of an application for continuation of any mobile home permit, the applicant shall pay a fee, as determined by the Township Board; and such fee shall be remitted to the Township Treasurer. Such fee shall be for the consideration of such application, and no refund shall be made in the event of denial.

**Section 12.18 Natural River Overlay District.** In accordance with the Lower Kalamazoo River Natural River Plan, adopted June 11, 1981 by the Michigan Department of Natural Resources, the following regulations shall apply to all uses within three hundred (300) feet on each side of the Rabbit River.

- A. The building setback for new structures, including accessory buildings, shall be a minimum of two hundred (200) feet from the river's edge.
- B. Permanent docks must be constructed in accordance with the rules of Act 346 of Public Acts 1972.
- C. The setback for septic tanks and absorption fields shall be a minimum of one hundred (100) feet from the river's edge.
- D. The bottom of the absorption field shall be at least four (4) feet above the known high groundwater table.
- E. No absorption field shall be closer than fifty (50) feet from any permanent surface or subsurface drainage system.
- F. A natural vegetation strip of fifty (50) feet shall be maintained on each side of the river.
- G. Dead, diseased, unsafe or fallen trees, shrubs and noxious plants, including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1941, as amended, may be removed.
- H. Trees and shrubs may be pruned for a filtered view of the river within the natural vegetation strip.
- I. Trees and shrubs may be selectively removed in the natural vegetation strip for harvest of merchantable timber, public utility facilities, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the river upon approval of the Zoning Inspector. If the Zoning Inspector feels it is necessary to direct the property owner to consult with the Department of Natural Resources forester in Plainwell to establish an acceptable selective cutting plan for the area.

- J. Clear cutting is not allowed in the natural vegetation strip.
- K. New development, exploration or production of oil, gas, salt brine, sand and gravel, or other minerals except groundwater are not permitted within three hundred (300) feet of the designated river.
- L. Existing agricultural practices are permitted within the natural vegetation strip. Grazing is permitted within the natural vegetation strip unless the Bureau of Environmental Protection of the Department of Natural Resources determines that it contributes to stream degradation (Act 245, PA 1929). In those cases, livestock will be fenced out to protect the river banks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the Soil Conservation District, Soil Conservation Service, County Extension Service, and/or Department of Natural Resources.

**Section 12.19 Minimum Standards for Dwellings.** All dwellings in Overisel Township located outside of designated mobile home parks shall comply with the following standards, in addition to those contained elsewhere in this Zoning Ordinance:

- (a) The minimum usable square footage for all dwellings, including manufactured housing and mobile homes, shall be uniform in each zoning district, although such standards may vary from zoning district to zoning district.
- (b) All dwellings shall have a minimum width across any front, side or rear elevation of 20 feet, and shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P. A. 230, as amended. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulation for construction are different than those imposed by the Michigan State Construction Code, then and in that event such Federal or State standard or regulation shall apply.
- (c) All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions as the dwelling and constructed with such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacture's set up instructions, and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- (d) No dwellings shall have any exposed towing mechanism, undercarriage or chassis.
- (e) All dwellings must have a storage area within a basement, closet areas, an attic, or in a separate fully enclosed structure constructed of equal or better quality than the principal dwelling not less in area than fifteen percent (15%) of the interior living area of the dwelling exclusive of storage space for automobiles.
- (f) All dwellings must be aesthetically compatible in design and appearance with other residences in the vicinity, including where appropriate, roof overhang, a front and rear or front and side exterior door, and permanently attached steps or porch areas where an elevation differential requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon, a review of the plans submitted for a particular dwelling, subject to



appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of the Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this Section, as well as the character, design and appearance of one or more residential dwellings located outside a mobile home park within 2000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than twenty percent (20%) of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside a mobile home park throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.

- (g) All room or other area additions to a dwelling must be of equivalent quality in workmanship and materials as the principal structure, including a foundation as for the principal structure and permanent attachment to said foundation.
- (h) All dwellings shall comply with all pertinent building and fire codes. All construction and all plumbing, electrical apparatus and insulation within and connected to said home shall be of a type and quality conforming to the Michigan State Construction Code. Additionally, all dwellings shall meet or exceed all applicable snow load and roof strength requirements.
- (i) All dwellings must be properly maintained against deterioration and/or damage from the elements, or otherwise, by prompt and appropriate repairs, surface coating and other appropriate protective measures.
- (j) The foregoing standards shall not apply to a mobile home located within a licensed mobile home park, except to the extent required by law.

**Section 12.20 Private Roads.** A private road which serves 1 parcel shall have a 66 foot right-of-way and may be constructed to Allegan County Road Commission standards.

A private road which serves 2-4 separately held parcels or 2-4 dwelling units shall be constructed to Allegan County Road Commission standards, exclusive of the requirement for blacktop or other final finishing. The planning commission may, in its discretion, allow the driving surface to be reduced to eighteen (18) feet, as part of the special use permit approval for the private road.

A private road which serves 5 or more separately held parcels or 5 or more dwelling units, or 1 or more commercial or industrial use shall be constructed to Allegan County Road Commission standards with blacktop or other final finishing.

**Section 12.21 Regulation of Adult Businesses, Bathhouses, Massage Establishments and Similar Enterprises.**

A. Purpose of Section.

The purpose of this Section is to establish regulations and restrictions regarding uses which, by their nature, have serious operational characteristics relating to their proximity to residential areas and other business and commercial uses resulting in potential deleterious effects on areas adjacent areas. The regulations as hereinafter set

forth are to insure that the potential adverse effects of the regulated uses will not constitute blighting or deterioration of surrounding neighborhoods or existing commercial uses. The regulations herein set forth are not intended nor shall the regulations be interpreted to legitimize a use otherwise prohibited.

B. Applicability of Section.

The following uses, as defined in sub-section (C), below, shall be subject to the regulations of this Section:

- (1) Adult bookstores;
- (2) Adult cabarets;
- (3) Adult motion picture theaters;
- (4) Bathhouses;
- (5) Massage establishments;
- (6) Nude artist and photography studios.

C. Definitions.

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (1) Adult bookstore. An establishment having as a substantial or significant portion of its stock in trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) Adult cabaret. A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators or similar entertainers.
- (3) Adult motion picture theater. An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
- (4) Bathhouse. An establishment or business which provides the services of baths of all kinds, including all forms of hydrotherapy, unless operated by a medical practitioner or professional physical therapist licensed by the state.
- (5) Cabaret. A café, restaurant or bar where patrons are entertained by performers who dance or sing or play musical instruments.
- (6) Massage. A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- (7) Massage establishment. Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the state, or barbershops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool,

tennis court or other educational, cultural, recreational and athletic facilities for the welfare of the residents of the area.

- (8) Nude artist and photography studio. Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display “specified anatomical areas”, as defined herein, for artists and photographers for a fee or charge.
- (9) Specified anatomical areas. “Specified anatomical areas” are defined as:
  - (A) Less than completely opaquely covered:
    - (A) Human genitals and pubic regions;
    - (B) Buttocks, and;
    - (C) The female breast below a point immediately above the top of the areola; and
  - (B) Human male genitals in a discernible turgid state, even if completely and opaquely covered, of sexual stimulation or arousal;
- (10) Specified sexual activities. “Specified sexual activities” are defined as:
  - (A) Human genitals in a state of sexual stimulation or arousal;
  - (B) Acts of human masturbation, sexual intercourse or sodomy;
  - (C) Fondling or other erotic touching of human genitals, pubic regions, buttocks or the female breast.

D. Uses to be permitted as principal uses only.

None of the uses specified in sub-section 12.22 (B), above, shall be permitted as accessory or incidental uses in any zoned district, and the uses specified herein shall be permitted solely as principal uses to the extent permitted within the C-2 General Business Zoning District, subject to the regulations of this Section and other statutes, codes or ordinances.

E. Special Use Permit Prerequisite to Issuance of Building Permit or Certificate of Occupancy.

No use specified in Section 12.21 (B) shall be conducted, nor shall a building permit or certificate of occupancy be issued by the Building Official, until the applicant has obtained a special use permit as provided in this ordinance.

F. Special Use Permits.

The uses specified in sub-section 12.21 (B) shall be allowable as special uses, subject to the following restrictions:

- (1) Such uses are permitted only in the C-2 General Business Zoning District.
- (2) In determining whether a special use permit should issue, the Planning Commission will apply the provisions of Chapter XIII of this Ordinance and applicable state statutes, and the applicant shall meet the specific standards and requirements contained in the next sub-section.

G. Applicant to comply with certain standards.

The Planning Commission shall grant a special exception use to allow the uses specified in Section 12.22 (B) only if the applicant complies with each of the following requirements:

- (1) The proposed use is not located within five hundred (500) feet of a residential zoning district, school, or church.
- (2) The proposed use will not be contrary to the public interest or injurious to adjacent and adjoining properties.
- (3) The proposed use will not enlarge or encourage a blighted or deteriorated area for the activities to be conducted.
- (4) The materials to be distributed shall not be in violation of any applicable statute, code or ordinance.

H. Severability.

Should any section, clause or phrase of this Section be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Section as a whole, or any part thereof other than the part so declared to be invalid.

## CHAPTER XIII

### SPECIAL USES

**Section 13.01 Purpose.** Special uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special uses. The criteria for decision and requirements provided for under the provisions of the chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the special use consideration.

**Section 13.02 Application Procedures.** An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- (a) Application-Applications for a special use shall be submitted through Planning Commission Secretary who will review the application for completeness, then transmit to The Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.
- (b) Required Information - An application for a special use permit shall be accompanied by the following documents and information:
  - (1) A special use application form supplied by the Planning Commission Secretary which has been completed in full by the applicant.
  - (2) A site plan, drawn to a readable scale and accurately dimensioned, of the property involved and adjacent property which describes:
    - (a) All property boundaries
    - (b) The location of all existing and proposed structures
    - (c) The location of all existing and proposed streets, parking lots and driveways
    - (d) Current zoning classifications
  - (1) A statement with regard to compliance with the criteria required for approval in Section 13.03, and other criteria imposed by this Ordinance affecting the special use under consideration.
- (c) Public Hearing - Upon receipt of an application for a special use, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the special use application. A notice shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered. The notice shall:
  - (1) Describe the nature of the special use application.
  - (2) Indicate the property which is the subject of the special use application.
  - (3) State when and where the special use application will be considered.

- (4) Indicate when and where comments will be received concerning the application.
- (d) Review and Approval - Within thirty (30) days following the public hearing, the Planning Commission shall review the application for a special use, comments received at the public hearing, and other materials submitted in relation to the application, and make a determination on the special use application in accordance with the criteria for approval stated in Section 13.03, and such standards contained in this Ordinance which relate to the special use under consideration. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

**Section 13.03 Basis of Determination.** Prior to the approval of a special use application, the Planning Commission shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

- (a) General Standards - The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the following standards, and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
  - (1) The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - (2) The special use shall not change the essential character of the surrounding area.
  - (3) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
  - (4) The special use shall not place demands on public services and facilities in excess of current capacity.
- (b) Conditions - The Planning Commission may impose conditions with the approval of a special use which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special use application and shall be enforced by the Zoning Inspector.

## CHAPTER XIII A

### SITE PLANS

**Section 13A.01 Site Plan Review.** Site plan review and approval is required in each of the following instances:

- (A) A site plan shall be submitted to the Planning Commission for any use permitted in the “C-1”, “C-2”, or “I-1” Zoning Districts.
- (B) A site plan shall be submitted to the Planning Commission for any multifamily dwelling in the “R-3” Zoning District.
- (C) A site plan shall be submitted to the Zoning Inspector for any two-family dwelling in the “R-2” or “R-3” Zoning Districts. The Zoning Inspector may, in his discretion, refer any such site plan to the Planning Commission for its review and approval.
- (D) A site plan shall be submitted to the Planning Commission for any church, private or parochial school, or any public or private recreational facility to be constructed in the “R-1”, “R-2” or “R-3” Zoning Districts.
- (E) A site plan shall be submitted to the Planning Commission for any special use in any zoning district.
- (F) A site plan shall be submitted to the Planning Commission for any planned unit development.
- (G) A site plan shall be submitted when any other section of this Ordinance requires site plan approval.

**Section 13A.02 Site Plan Contents.** Eight (8) copies of the site plan shall be submitted to Zoning Inspector. A site plan shall include all of the following information unless the same is not reasonably necessary:

- A. A plot plan based on a location land survey showing:
  - (1) Location, size and type of existing and proposed buildings, structures, improvements and land uses on and within five hundred (500) feet of the premises.
  - (2) Size and location of all existing and proposed public facilities, utilities, and services.
  - (3) Location and existing and proposed streets, parking areas, entrances and exits.
  - (4) Location of water and sewer lines.
  - (5) Storm drainage.
  - (6) Topographical features including vertical contour intervals no greater than five (5) feet.
  - (7) Existing bodies of water, drains, streams, and creeks.
  - (8) Ground cover and other pertinent physical features of the site, such as trees.
  - (9) Proposed landscaping and fencing.
  - (10) All property lines, dimensional and related to the nearest convenient section line and section corner.
  - (11) Loading and unloading facilities.
  - (12) Exterior lighting and signs.

- (13) The date, north arrow, and scale. The scale shall not be less than fifty (50) feet to one (1) inch if the subject property is less than three (3) acres, and one hundred (100) feet to one (1) inch if the property is three (3) acres or more.
  - (14) Additional information as required by the Planning Commission.
  - (15) The name and address of the professional individual, if any, responsible for the preparation of the site plan.
- B. Preliminary architectural sketches and/or general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
  - C. The period of time within which the project will be completed.
  - D. Proposed staging of the project, if any.
  - E. Gross areas of buildings and parking.
  - F. Delineation of the one hundred (100) year flood plain and any proposed uses therein.
  - G. Legal description of the land to be utilized.
  - H. Current proof of ownership of the land to be utilized, or evidence of a contractual ability to acquire such land (e.g. an option or purchase contract).
  - I. Name, address and telephone number of the property owner.
  - J. Method of financing and commitments or other proof of ability to obtain financing.
  - K. Additional information which the body or official reviewing and approving the site plan may request which is reasonably necessary to evaluate the site plan.

The body or official reviewing the site plan shall have the discretion to waive the inclusion in the site plan of any of the above-referenced information.

**Section 13A.03 Standards.** In addition to any standards or requirements specified in other sections of this Ordinance which are relevant to the use for which site plan approval is sought, the following standards shall be considered in reviewing and approving all site plans:

- (A) The adequacy of streets, alleys, parking areas, loading zones, sidewalks, drainage, water and sewer lines, and traffic control for the proposed used, building, or structure; and
- (B) The adequacy of the protection afforded adjacent lands and the surrounding neighborhood from adverse impact.

**Section 13A.04 Building Permit.** Where a site plan has been approved for any use, the terms of the site plan shall be deemed automatically incorporated by reference into any applicable building permit, and failure to conform with such site plan shall be a violation of the Ordinance and cause fore revocation of the building permit.

**Section 13A.05 Conditions.** In approving a site plan, the official or body granting approval may impose and attach such reasonable conditions and require such reasonable improvements as are determined necessary and/or appropriate.

**Section 13A.06 Improvements; Financial Guarantees.** To insure compliance with this Ordinance and any conditions imposed thereunder, the body or official granting approval of a site plan may require that a cash deposit, certified check, irrevocable bank letter of



credit, or surety bond acceptable to the Township covering the estimated cost of the improvements associated with the use for which site plan approval is sought, be deposited with the Township Clerk to insure faithful completion of the improvements.

**Section 13A.07 Required Improvements Prior to Issuance of Any Occupancy**

**Permit.** In approving a site plan, the body or official granting approval may, in addition to other matters, require that all or any part of the improvements, buildings or other elements approved be constructed and completed prior to the issuance of a certificate of compliance. In the event these buildings, structures, improvements and other elements are partially completed to a point where occupancy will not impair the health, safety and general welfare of all parties concerned, then the Zoning Inspector may grant a certificate of compliance on such reasonable conditions relating to completion as the body or official granting approval shall establish. The Zoning Inspector may, in his discretion, decline to determine whether or not a certificate of compliance should be granted, and instead refer the decision thereon to the Planning Commission.

**Section 13A.08 Zoning Administrator Site Plan Approval.** If site plan review and approval by the Planning Commission is required by other provisions of this Ordinance, and there is compliance with all of the following enumerated conditions, then, notwithstanding any other provision of this Ordinance, the Zoning Inspector may complete site plan review and grant approval in the same manner as the Planning Commission. Alternatively, the Zoning Inspector may, in his discretion, refer the site plan to the Planning Commission for review and approval. The conditions which must be complied with for the Zoning Inspector to grant site plan approval pursuant to this Section are as follows:

- (A) The use for which site plan approval is required is a specifically enumerated permitted use for the zoning district within which the use is located;
- (B) The project for which site plan approval is requested will not result in an increase of the gross area of the existing principal structure of more than twenty (20%) percent;
- (C) The use is not located in or immediately adjacent to any residential zoning district; and
- (D) The expansion does not have a potential to increase noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare or electromagnetic or atomic radiation.

**Section 13A.09 Review Procedure and Authorization.** All site plans required under this Chapter shall be subject to review as follows:

- (A) Authorization. The Planning Commission shall have the power to approve, deny, modify, or approve with conditions all site plans submitted to it under this Ordinance. The Planning Commission shall advise the applicant of its action in writing. A building permit shall not be issued until a site plan has been approved as required herein.
- (B) Review Period. The Planning Commission shall render a decision on a site plan within sixty-five (65) days of its initial review of the site plan, unless an extension of time is agreed to by the Planning Commission and the applicant.

- (C) Review Standards. The Planning Commission shall review each site plan according to the standards and any other applicable regulations of this Ordinance. In addition, the Planning Commission is empowered to seek the review and recommendation of appropriate county, state or federal agencies, the Township Engineer or Planner, or other professionals, consultants, or agencies as the Commission deems necessary to assist it in its review.
- (D) Approval. Upon approval of a site plan, two copies of the plan shall be signed and dated by the Planning Commission. One copy of the plan shall be retained by the Planning Commission and one shall be submitted by the applicant to be submitted to the Building Inspector as part of the building permit review process.
- (E) Effect of Approval. Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- (F) Expiration of Approval. Approval of a final site plan shall expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of the site plan approval. Approval of a final site plan shall expire and be of no effect five hundred thirty-five (535) days following the date of approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.

## CHAPTER XIII B

### Open Space Zoning Ordinance Provision

**Section 13B.01 Open Space Preservation.** In order to comply with Section 16(h), as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

- (1) the land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
- (2) not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- (3) the development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension
- (4) the development option provided pursuant to this section has not previously been exercised with respect to the subject property.

**Section 13B.02.** The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

- (1) The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16h of the Township Zoning Act as added by 2001 Public Act 177 (MCL I 25286h).
- (2) The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
- (3) Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
- (4) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- (5) Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

**Section 13B.03.** As used in this section, the term “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.

## CHAPTER XIV

### PARKING AND LOADING SPACES

**Section 14.01 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:

Use	Minimum Parking Spaces Required
(a) Dwellings	Two (2) for each dwelling unit
(b) Lodging, rooming and boarding houses	Two (2) for each three (3) guest rooms or each six (6) beds for guests, whichever amount is greater
(c) Private clubs and lodges	One (1) for each five (5) active members and one (1) for each employee with a minimum of one (1) for each one hundred (100) square feet of floor area
(d) Hospitals, institutions, and clinics	Two (2) for each patient bed
(e) Assisted Living or nursing homes	One (1) for each two (2) beds
(f) Homes for senior citizens	One (1) for each three (3) beds
(g) Hotels	One (1) for each two (2) guest rooms
(h) Motels and tourist homes	One (1) for each sleeping room
(i) Auditoriums, stadiums	One (1) for each four (4) seats
(j) Bowling alleys	Eight (8) for each alley
(k) Private, elementary and junior high schools	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds plus one (1) for each eight (8) auditorium seats
(l) Senior high schools and institutions of higher learning	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds, and one (1) additional for each four (4) students enrolled in the institution
(m) Churches	One (1) for each four (4) seats in the main worship unit
(n) Community center	One (1) for each one hundred (100) square feet of assembly floor area
(o) Libraries, museums, and Post Offices	One (1) for each one hundred (100) square feet of floor area
(p) Professional offices and buildings	One (1) for each two hundred (200) square feet of floor area
(q) Restaurants, grills, dining rooms, dairy bar, soda fountain	One (1) for each two seats
(r) Medical doctors office or dental clinic	Eight (8) for each doctor plus one (1) for each employee
(s) Banks, business offices and public buildings not specifically mentioned	One (1) for each one hundred fifty (150) square feet of floor area

elsewhere	
(t) Mortuaries or funeral homes	One (1) for each fifty (50) square feet of floor area used for services
(u) Marinas	Two (2) for each slip or mooring
(v) "Drive-In" establishments	Eight (8) for each one hundred twenty- five (125) square feet of ground floor area
(w) Use Groupings	
(1) Retail stores, supermarkets, department stores, personal service shops - general business	One (1) for each one hundred (100) square feet of floor area in the basement and on the first floor used for retail sales and one (1) for each four hundred (400) square feet of floor area on the second floor used for retail sales and one (1) for each six hundred (600) square feet of floor area on the third floor used for retail sales, and one (1) for each eight hundred (800) square feet of floor area on any additional floors used for retail sales
(2) ) Business offices and/or research laboratories and/or similar uses	One (1) for each employee on the maximum shift or peak employment period
(3) Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related, but not necessarily connected to a manufacturing or industrial building	One (1) for each three (3) employees on the maximum shift or peak employment period
(4) Other uses not specifically mentioned	In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for use which is so mentioned and to which said use is similar in terms of parking demand shall apply
(5) Mixed uses in the same building	In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein

**Section 14.02 Joint Use of Facilities.** Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

**Section 14.03 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.

**Section 14.04 Size of Parking Space.** Each off-street parking space shall have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and shall be a minimum of nine (9) feet in width.

**Section 14.05 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 driveway shall be: (1) designed to provide adequate drainage; (2) surfaced with concrete or asphalt pavement or other suitable material; and (3) maintained in good condition, free of dust, trash, and debris.
- (b) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- (c) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.
- (d) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- (e) No part of any public or private parking area regardless of the number of spaces provided shall be closer than ten (10) feet to the street right-of-way.

**Section 14.06 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 requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition (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; and
- (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.

## CHAPTER XIX

### PENALTIES

**Section 19.01 Penalties.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term of provision of this Ordinance, is hereby declared to be a nuisance per Se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement or any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or shall be imprisoned in the Allegan County Jail for not more than ninety (90) days or both such fine and imprisonment in the discretion of the Court. Each and every day during which any violation continues shall be deemed a separate offense. The duly authorized attorney for the Township is empowered to prosecute such violations.

**Section 19.02 Procedure.** The Township Board, the Board of Appeals, the duly authorized attorney for the Township, the Prosecuting Attorney for Allegan County, or any owners or occupants of any real estate Within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.



## CHAPTER XV

### NONCONFORMING USES, BUILDINGS OR STRUCTURES

#### **Section 15.01 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.

**Section 15.02 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 (1) there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and (2) the Zoning Inspector shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

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 and Chapter XIII: (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.

**Section 15.03 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. In the event any nonconforming building or structure is damaged by fire,

wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed one half (1/2) of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds one half (1/2) of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards and Chapter XIII: (a) whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use; and (b) whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable Zoning District.

**Section 15.04 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.

**Section 15.05 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 15.01, 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.

## CHAPTER XVI

### ADMINISTRATION AND ENFORCEMENT

**Section 16.01 Zoning Administration.** The provisions of this Ordinance shall be administered and enforced by the Zoning Inspector.

**Section 16.02 Zoning Inspector.** The Zoning Inspector shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Inspector, the applicant must be: (a) generally informed of the provisions of this Ordinance; (b) have a general knowledge of the building arts and trades; and (c) be in good health and physically capable of fulfilling, the duties of the zoning Inspector. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

**Section 16.03 Permits.**

- (a) Permit Required - A zoning permit is required for all new, moved, reconstructed, extended, or enlarged buildings and structures, including agricultural buildings and structures. Wholly interior alterations or repairs will not require the issuance of a zoning permit by the Zoning Inspector, except as provided in Chapter XV, but may require the issuance of building permit under applicable law. An application for a permit shall be in writing and up on duplicate printed forms furnished by the Township. A permit issued by the Zoning Inspector is non— transferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Inspector and shall be furnished upon request. If the application is approved, the Zoning Inspector shall so mark both copies of the application over his signature and file one copy with the Township Clerk and return the other copy to the applicant. The Zoning Inspector shall also provide the applicant with a construction card signed by the Zoning Inspector stating the extent of the work authorized. This card shall be attached to, and remain on, the lot or premises during the progress of the work authorized.
- (b) Contents of Application - Each application shall include such reasonable information as may be requested by the Zoning Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, as a minimum, the following information: (1) the location and actual dimensions of the lot or premises, including proper setback dimensions, to which the permit is to apply; (2) the kind of buildings or structures to which the permit is to apply; (3) the width of all abutting streets; (4) the area, size and location of all buildings or structures to which the permit is to apply; (5) the type of use to be made of the building or structure to which the permit is to apply; (6) the use of buildings or structures on adjoining lands; and (7) the estimated cost of the building or structure. The Zoning Inspector, in his direction, may waive the inclusion of any of the foregoing information in an application if he

shall determine that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

- (c) Accessory Buildings or Structures - Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require the issuance of a separate permit. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended enlarged or altered separately or at a different time than the principal building on the same lot or premises.
- (d) Planning Commission Approval - When the terms and provisions of this Ordinance require authorization by the Planning Commission as a special use and such authorization is given, then both copies of the application shall be marked approved by the Secretary of the Planning Commission in addition to being so marked as provided above by the Zoning Inspector.
- (e) Issuance of Permit - Within ten (10) days after the receipt of any application, the Zoning Inspector shall either (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent.
- (f) Expiration of Permits - A permit for a single family dwelling for which all construction work has not been completed within one (1) year from the date of its issuance shall expire automatically; a permit for any other building or structure for which all construction work has not been completed within two (2) years from the date of issuance shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable once for additional terms of one (1) and two (2) years, respectively (one (1) year for single family dwelling, two (2) years for any other building or structure), on payment of an additional fee equal to one half (1/2) of the original permit fee.
- (g) Cancellation of Permits - The Zoning Inspector shall have the power to remove and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or remove in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.
- (h) Fees - Fees shall be charged and collected by the Zoning Inspector in accordance with the fee schedule adopted by resolution of the Township Board.

#### **Section 16.04 Inspection of Buildings and Structures.**

- (a) As work progresses under a permit, the holder thereof or his authorized agent shall cause the Zoning Inspector to be notified at the following stages of construction:
  - (1) Upon completion of the footing and foundation walls.
  - (2) Upon completion of the rough frame of the building or structure.
  - (3) Upon total completion of the work authorized by the permit and before occupancy or use.

- (b) Should the permit holder fail to comply with all of the terms and provisions of this Ordinance at any stage of construction, the Zoning Inspector is authorized to revoke and cancel the permit and cause notice of such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

**Section 16.05 Certification of Compliance.** No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate by the Zoning Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance. Such certificate shall be issued after the work is complete and final inspection has been made.

## CHAPTER XVII

### BOARD OF APPEALS

#### **Section 17.01 Creation, membership, term of office, rules.**

- (a) There is hereby created a Zoning Board of Appeals consisting of five members; the first member of such Board may be the Chairman of the Planning Commission; the second member may be a member of the Township Board; and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township; provided that no elected officer of the township shall serve as chairperson of the Zoning Board of Appeals, and an employee or contractor of the township board may not serve as a member of the Zoning Board of Appeals.
- (b) Terms for members of the Zoning Board of Appeals shall be determined by the provisions of the Zoning Act.
- (c) The Board of Appeals shall elect one of its members as its chairman and one of its members as secretary, and shall prescribe rules for the conduct of its affairs. Copies of the rules shall be made available to the public at the office of the Township Clerk.

#### **Section 17.02 Powers and Duties of the Board of Appeals.**

The Board of Appeals shall have all the powers and duties prescribed by law and by this Chapter which are more particularly specified as follows:

- (a) *Interpretation.* Upon appeal from a decision by an administrative official or the Zoning Inspector to decide any question involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- (b) *Variances.* To authorize, upon appeal, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

#### **Section 17.03 Compensation**

Each member shall receive a reasonable sum as determined by the Township Board for his services in attending each regular or special meeting of said Board; sums to pay said compensation and the expenses of the Board shall be provided annually in advance by the Township Board.

#### **Section 17.04 Removal**

Members of the Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.

#### **Section 17.05 Meetings; records.**

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in rules of procedure may specify. The Chairman or, in his absence, the acting Chairman may administer oaths and compel the attendance of a witnesses. All meeting of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the Office of the Township clerk and which shall be a public record.

#### **Section 17.06 Procedure.**

- (a) The presence of three members shall constitute a quorum but the concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in such Ordinance.
- (b) Applications or appeals shall be taken within such time as shall be prescribed by the Board of appeals by general rule by filing with the Zoning Inspector and with the Board of Appeals a notice of application or appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record from which the application or appeal was taken.
- (c) When an application has been filed in proper form, and with the required date, the Secretary of the Board shall place said application or appeal on the calendar for hearing at the next meeting of the Board and cause notice stating the time, place and object of the hearing to be served. Such notices shall be served by ordinary mail at least seven days prior to such hearing upon the applicant or appellant, the Building Inspector, and the owners of property of record within 300 feet of the premises in question which notices, if by mail, shall be addressed to the respective property owners of record at the address given on the last assessment roll. In the event any property immediately adjacent to said premises shall be part of a different governmental subdivision, the owner of any such property shall nevertheless receive notice, and shall be entitled to be heard.
- (d) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of a hearing which is adjourned to a specific date and time, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.

- (e) Upon the hearing, any party may be heard in person or by agent or attorney.
- (f) The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- (g) The decision of the Board shall be final. However, a person having an interest affected by any such decision may appeal to the circuit court as provided in MCL 125.293a.

**Section 17.07 Stay of Proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from unless The Zoning Inspector certifies to the Board of Appeals after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Inspector, and on cause due shown.

**Section 17.08 Conditions of Approval.**

In authorizing a variance or exception, the Board may, in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest including the right to authorize such variance or exception for a limited period of time.

**Section 17.09 Time limit: variances.**

Any variance or exception granted by the Board of Appeals shall automatically become null and void after a period of 12 months from the date granted unless the applicant shall have taken substantial steps towards effecting the variance within said period; provided, however, that the Board of Appeals may extend such period for a further period of time not exceeding one year upon application and without further notice.

**Section 17.10 Variances permitted.**

Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this Ordinance, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted and substantial justice done. The Board of Appeals may grant such variances only upon finding that all of the following conditions exist.

- (a) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or use of property immediately adjoining the property in question, the Board determines that the literal enforcement of this Ordinance would involve practical difficulties or would cause undue



hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot.

- (b) The Board must determine that issuance of a variance as requested would be consistent with the spirit of this ordinance, that public safety would be secure, and that substantial justice would be done.
- (c) The Board must determine that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practical the formulation of a general regulation for such condition or situation as part of this zoning ordinance.

**Section 17.11 Variance permitted.**

No variance in the provisions of requirements of this Ordinance shall be affected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or of the public health, safety and welfare, and, further, that at least one of the following facts and conditions exist.

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.

**Section 17.12 Special conditions.**

In considering any application, the Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values or psychological effects. For such purpose, the Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance as provided in Section 17.08.

## CHAPTER XVIII

### ORDINANCE AMENDMENT

**Section 18.01 Initiation of Amendments.** Amendments to this Ordinance may be initiated by the Township Board by resolution or by any interested person or persons by petition to the Township Board.

**Section 18.02 Amendment Petition Procedure.** All petitions for amendment to this Ordinance shall be in writing, signed, and filed in triplicate with the Township Clerk for presentation to the Township Board. Such petitions shall include the following:

- (a) The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
- (b) The nature and effect of the proposed amendment;
- (c) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned;
- (d) The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
- (e) The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
- (f) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

**Section 18.03 Amendment Procedure.** After initiation, amendments to this Ordinance shall be considered as provided in the Zoning Act.

CHAPTER XX

MISCELLANEOUS PROVISIONS

**Section 20.01 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.

**Section 20.02 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 not be affected thereby.

**Section 20.03 Repeal.** This Ordinance shall constitute a new Zoning Ordinance for the Township of Overisel, Allegan County, Michigan, superseding and replacing in its entirety the previous Township Zoning Ordinance. All other Ordinances or parts of Ordinances in conflict herewith are hereby replaced.

**Section 20.04 Effective Date.** This Ordinance was approved by the Township Board on April 12, 2005, and is ordered to take immediate effect after publication as provided by law.

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Township Supervisor

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Township Clerk

ORDINANCE NO. 1990 - 1

RETAIL ALCOHOL SALES PROHIBITION ORDINANCE

An Ordinance to prohibit the retail sale of alcoholic beverages within the Township; to submit such prohibition to the electors of the Township; to prescribe penalties for the violation of this Ordinance; and to eliminate any conflicts with other ordinances and regulations.

THE TOWNSHIP OF OVERISEL, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN, ORDAINS:

**Section 1. Preliminary Finding.** That as of the date of the adoption of this Ordinance, there are no retail licenses for the sale of alcoholic beverages for stores or establishments located within the borders of Overisel. Township.

**Section 2. Prohibition of Retail Sale of Alcoholic Beverages.** That, pursuant to Section 57a of Act No. 8 of the Michigan Public Acts of the Extra Session of 1933, as amended, the retail sale of alcoholic beverages, including the retail sale of alcoholic beverages for consumption on the premises, within the Township of Overisel is hereby prohibited.

**Section 3. Submission to Electors.** That this Ordinance shall be submitted to the electors of the Township of Overisel for affirmance or revocation at the next general or special election that is held not less than forty-five (45) days after the adoption of this Ordinance.

**Section 4. Ballot Question.** That the question of selling alcoholic beverages with a retail sales license shall be designated as follows on the ballot used in the next general or special election that is held not less than forty- five (45) days after the adoption of this Ordinance:

Should Ordinance No. 1990-1 which prohibits the retail sale of alcoholic beverages, for consumption on and off the premises, in the Township of Overisel be revoked?

Yes 359

No 42

**Section 5. Violation.** That any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor punishable by up to ninety (90) days in jail, or a fine of up to five hundred (\$500.00) dollars plus costs of prosecution, or by both such imprisonment and fine and costs, in the discretion of the court. In addition thereto, any violation shall be considered a nuisance per se subject to the injunctive powers of a court of competent jurisdiction.

**Section 6. Severability.** That this Ordinance and the various parts, sections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

**Section 7. Repeal.** That all resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 8. Administrative Liability.** That no officer, agent, employee or member of the Township Board shall render himself or herself personally liable for any damage which may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

**Section 9. Effective Date.** That this Ordinance was approved and adopted by the Township Board of Overisel Township, Allegan County, Michigan, on April 10, 1990. This Ordinance shall be effective thirty (30) days after its publication, which shall be carried out as provided by law.

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Township Supervisor

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Township Clerk

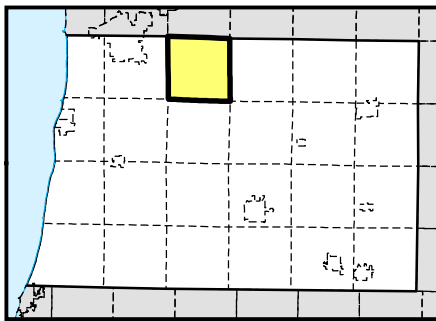
# OVERISEL TOWNSHIP ZONING ORDINANCE

An ordinance to establish zoning regulations for the Township of Overisel, Allegan County, Michigan, including regulations governing nonconforming uses, structures and buildings, to provide for the administration, enforcement and amendment of such regulations, to prescribe penalties for the violations of such regulations, and to provide for conflicts with other ordinances or regulations, all in accordance with the provisions of Michigan Act 184 of 1943, as amended.

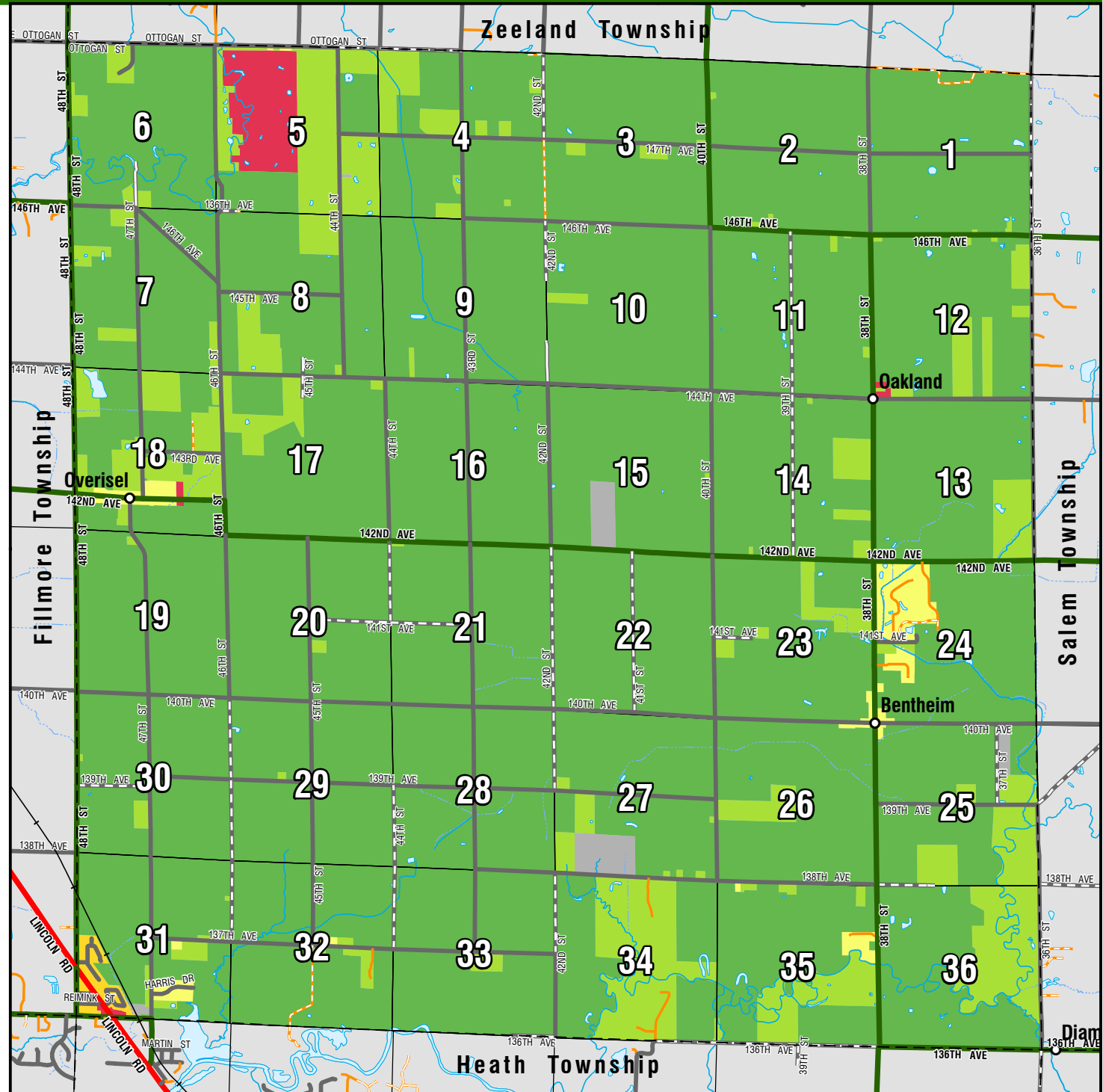
THE TOWNSHIP OF OVERISEL, ALLEGAN COUNTY, MICHIGAN,  
ORDAINS:

# Overisel Township ZONING ATLAS

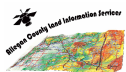
October 2013



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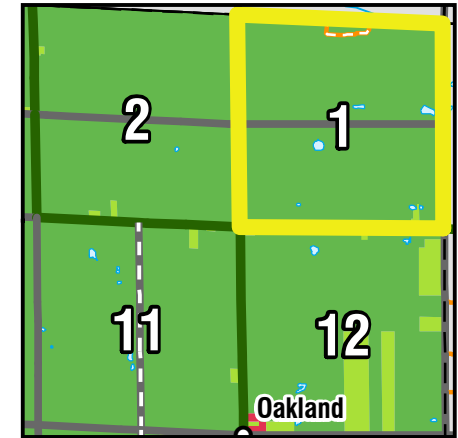
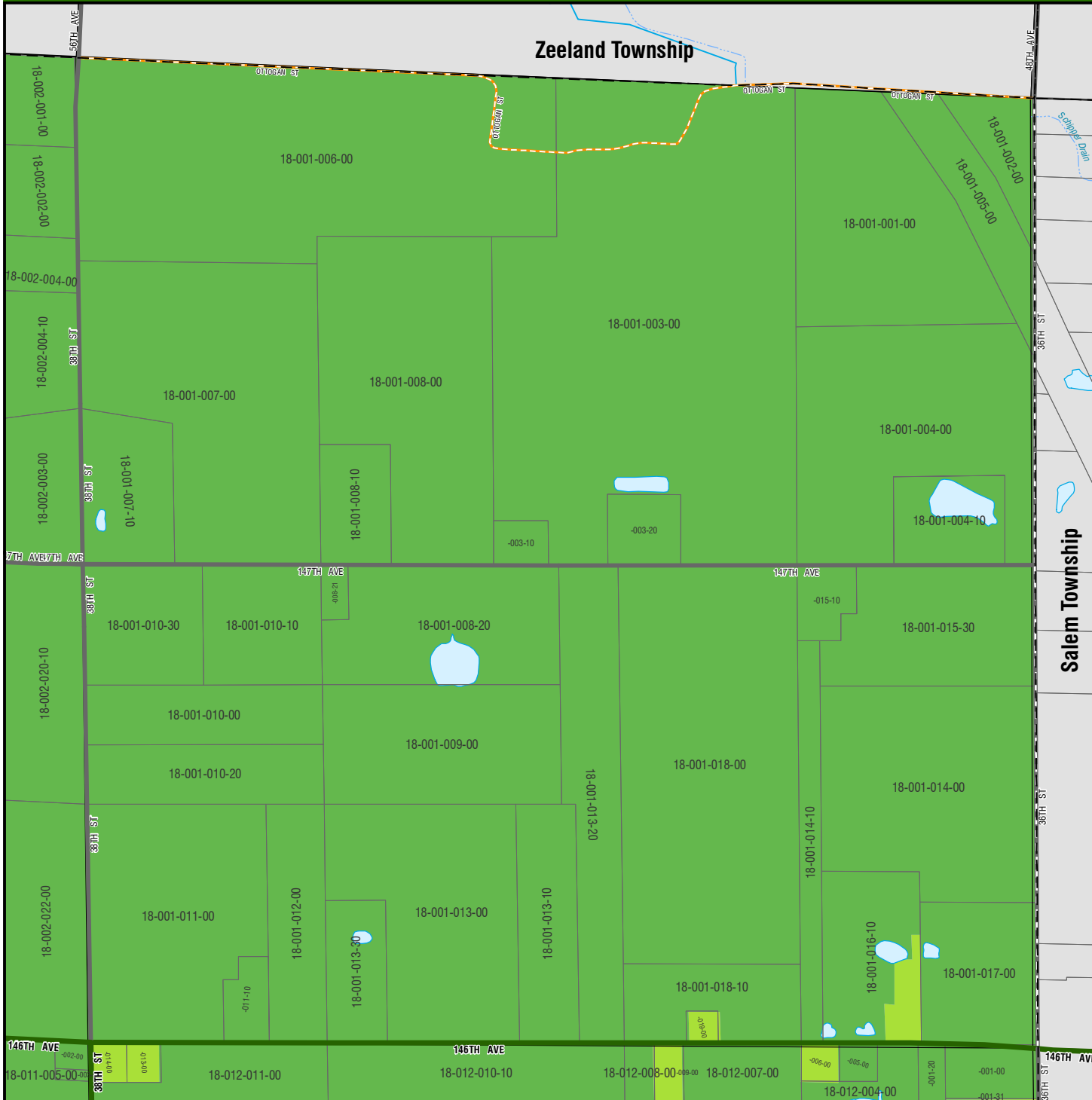


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# 1 Overisel Township, Section 1



Locator Map

## Map Legend

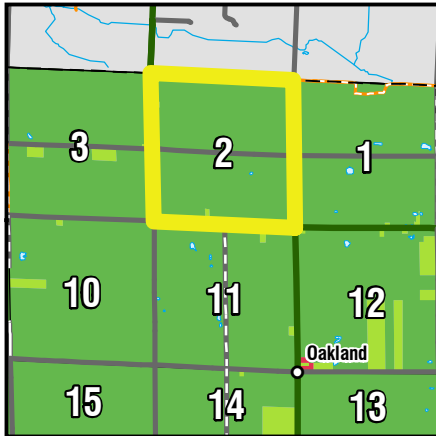
### Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



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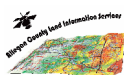
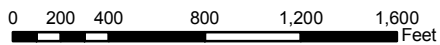


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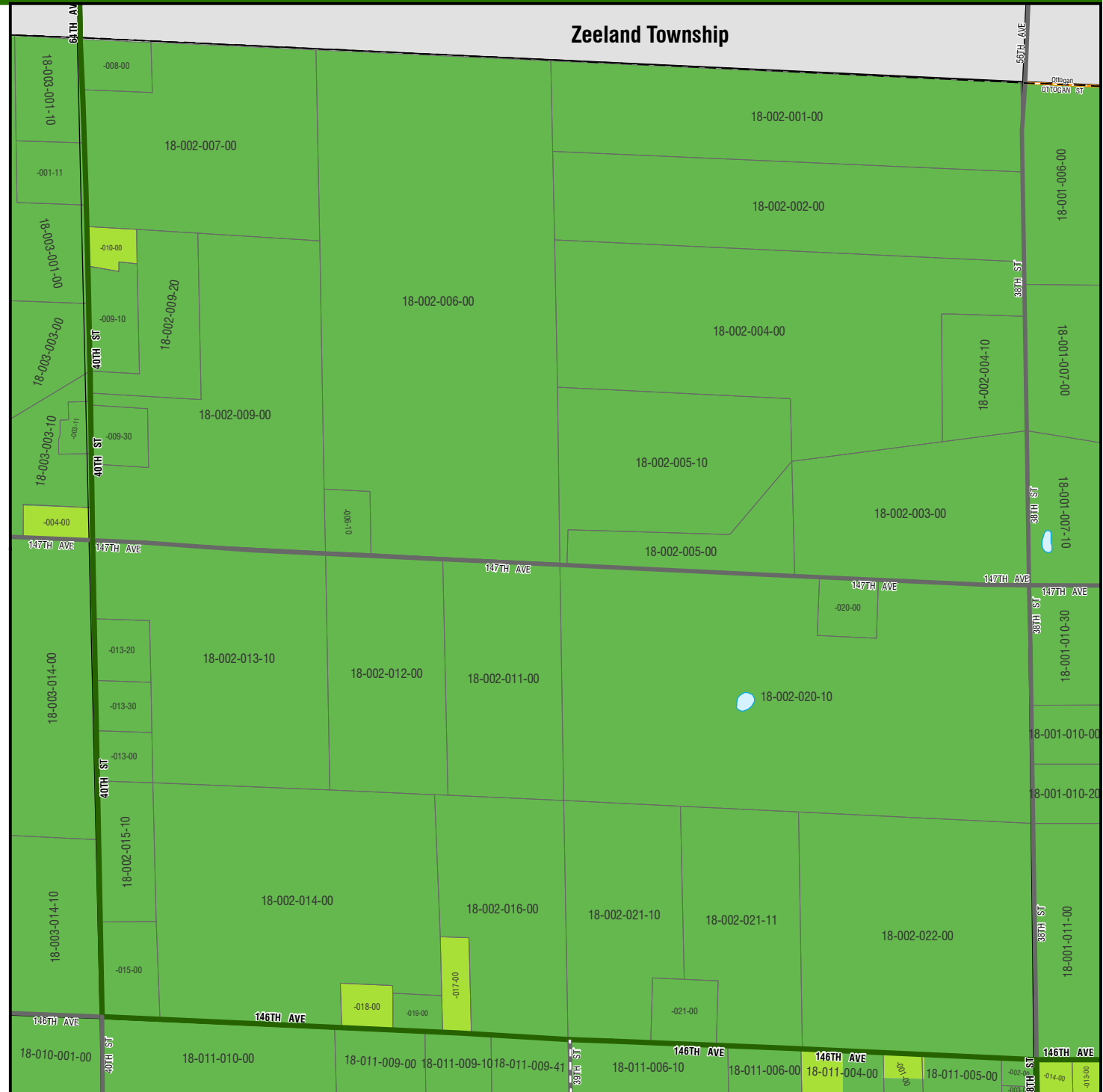
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Zoning

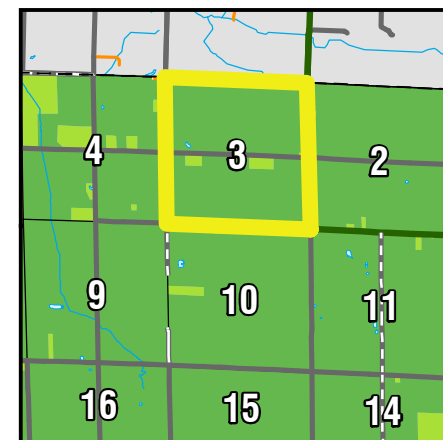
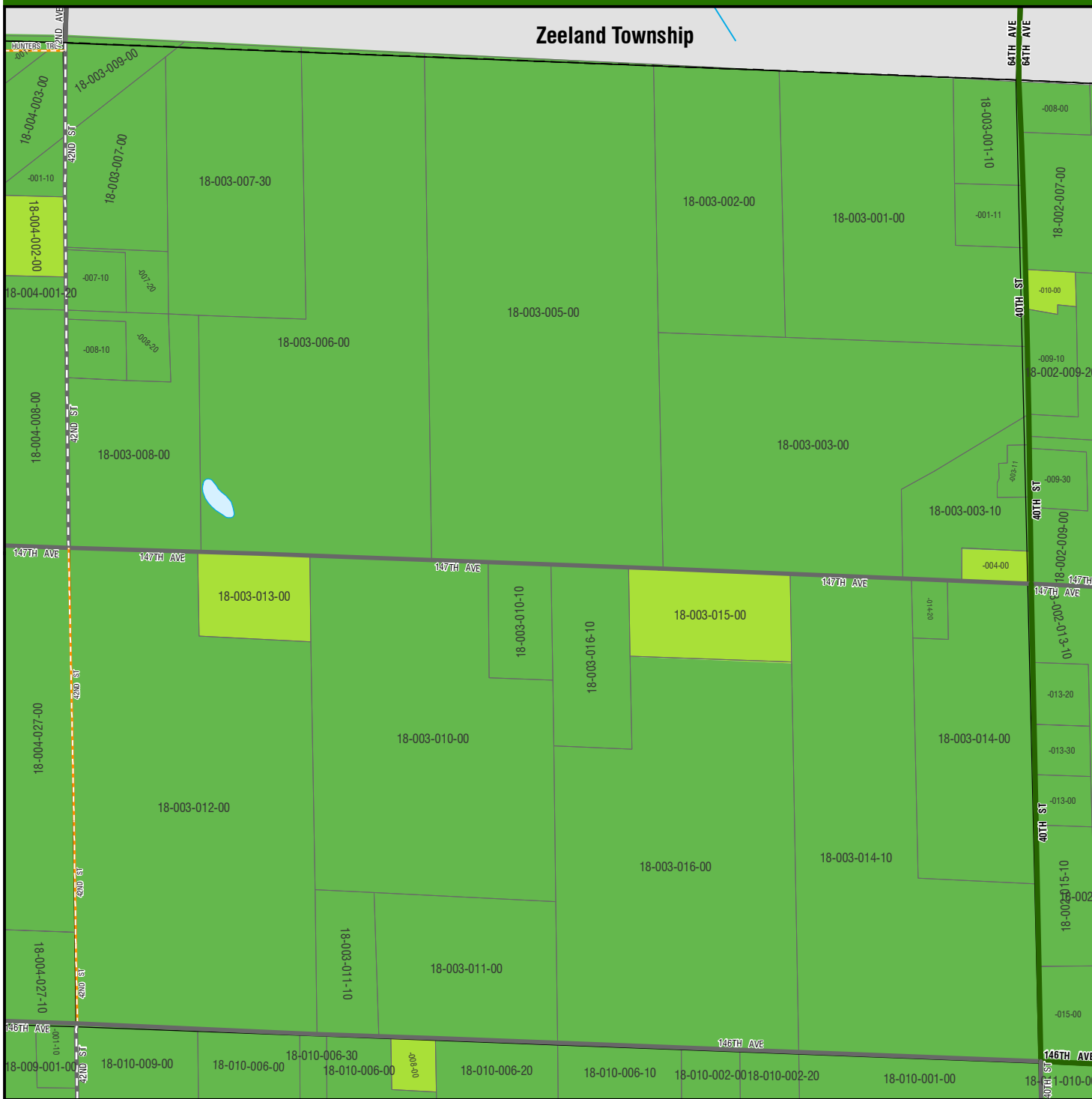
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# 3 Overisel Township, Section 3



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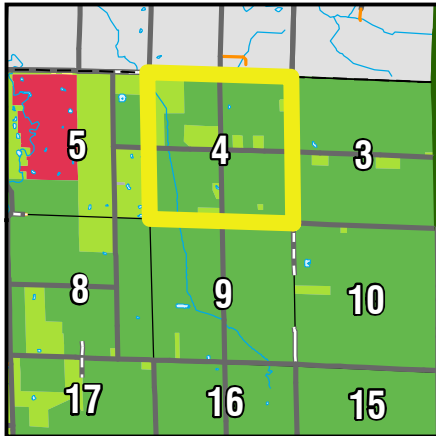
## Map Legend

### Zoning

- AG** Agricultural District
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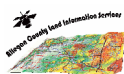
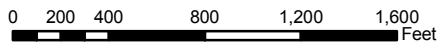
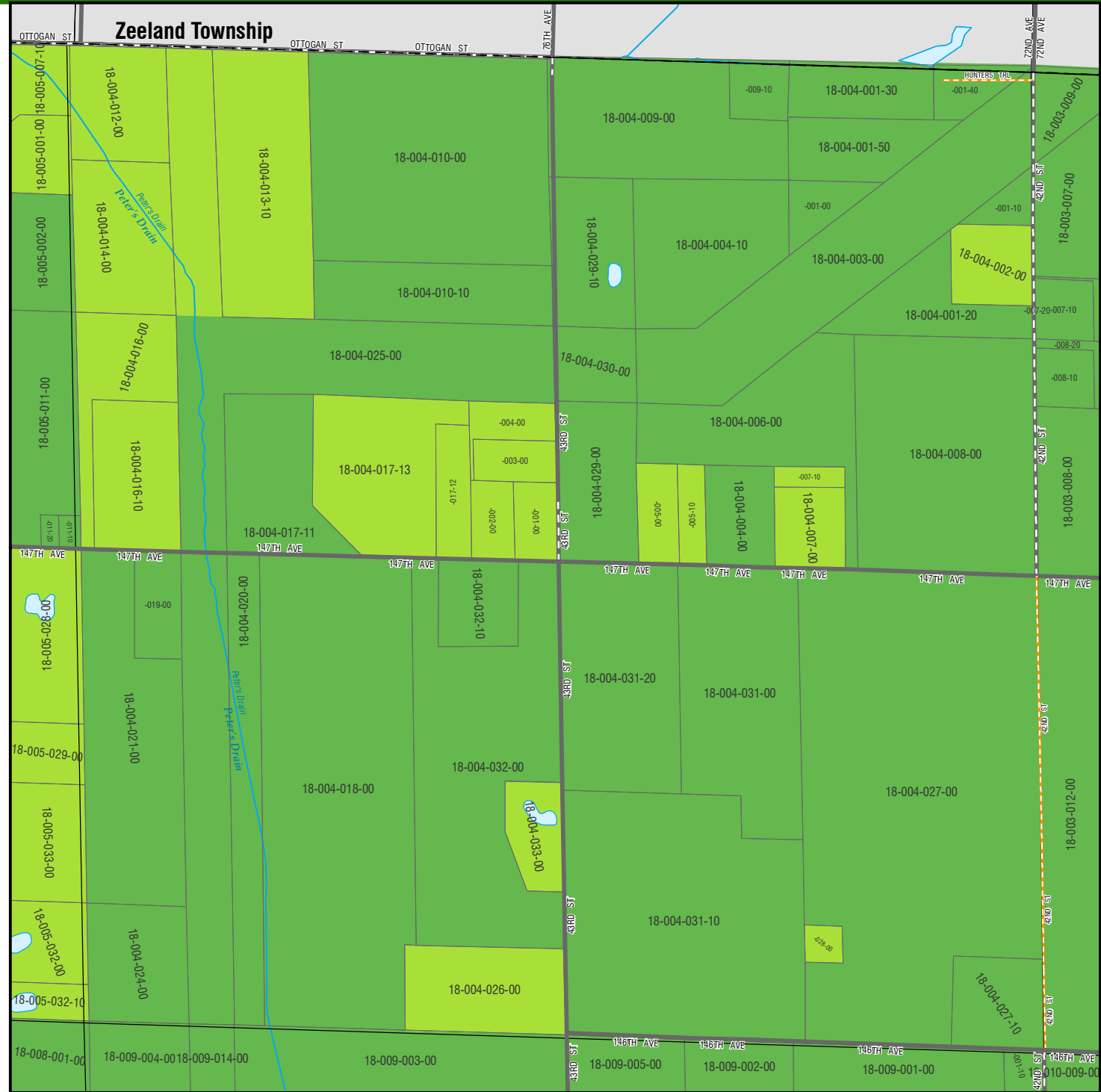


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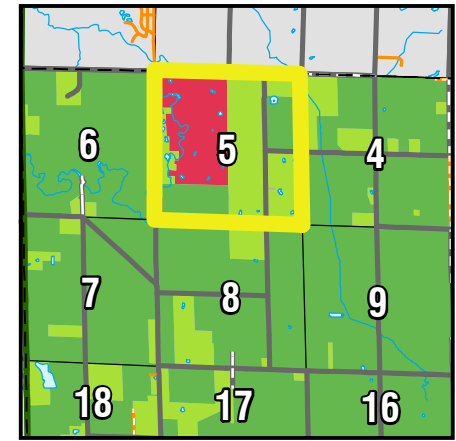
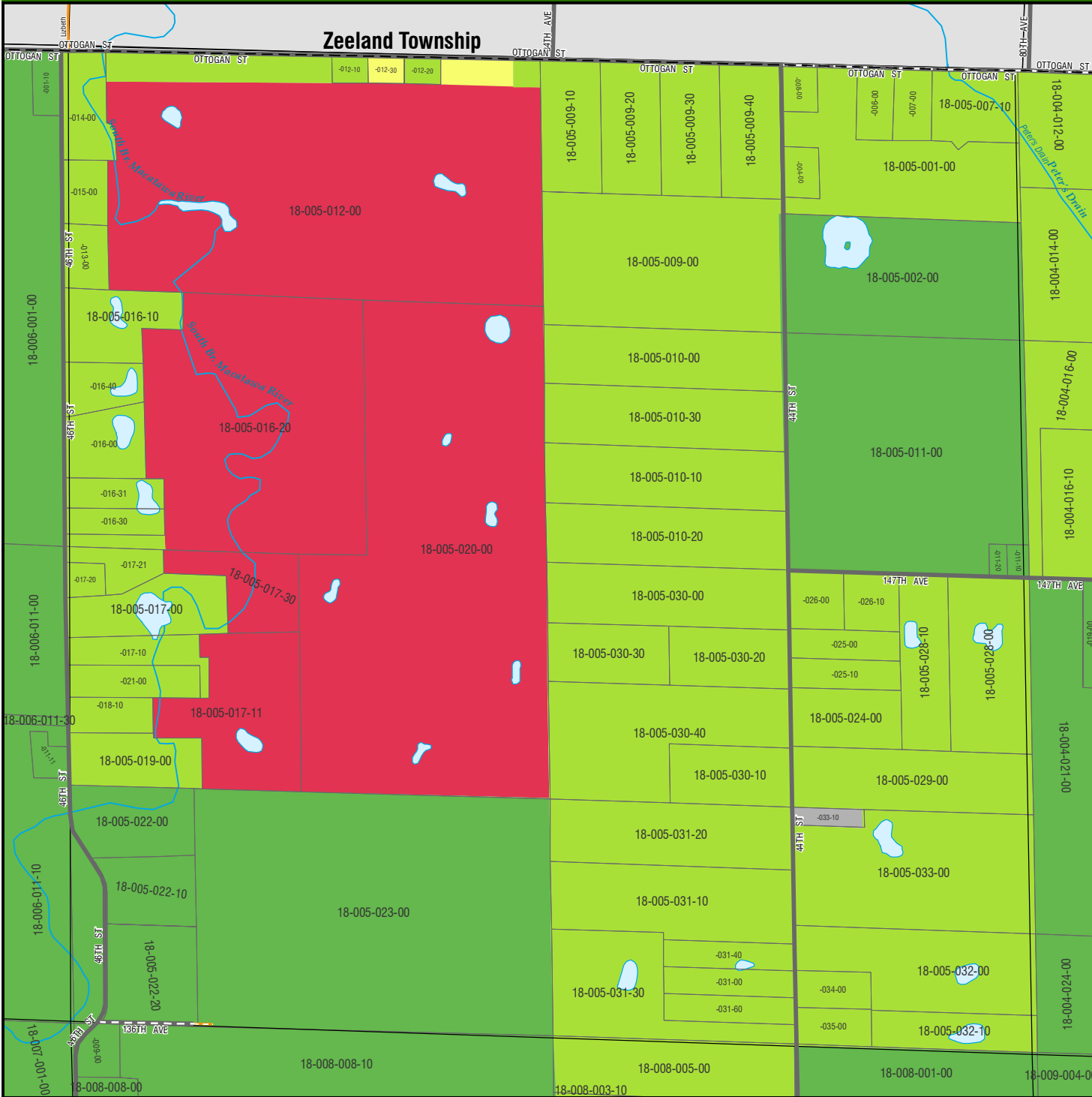
Zoning

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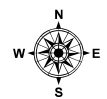
# 5 Overisel Township, Section 5



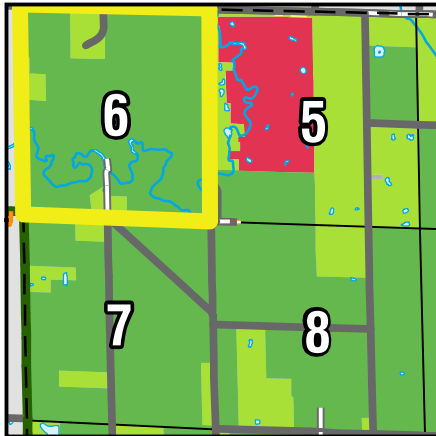
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## Map Legend

- Zoning**
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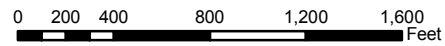
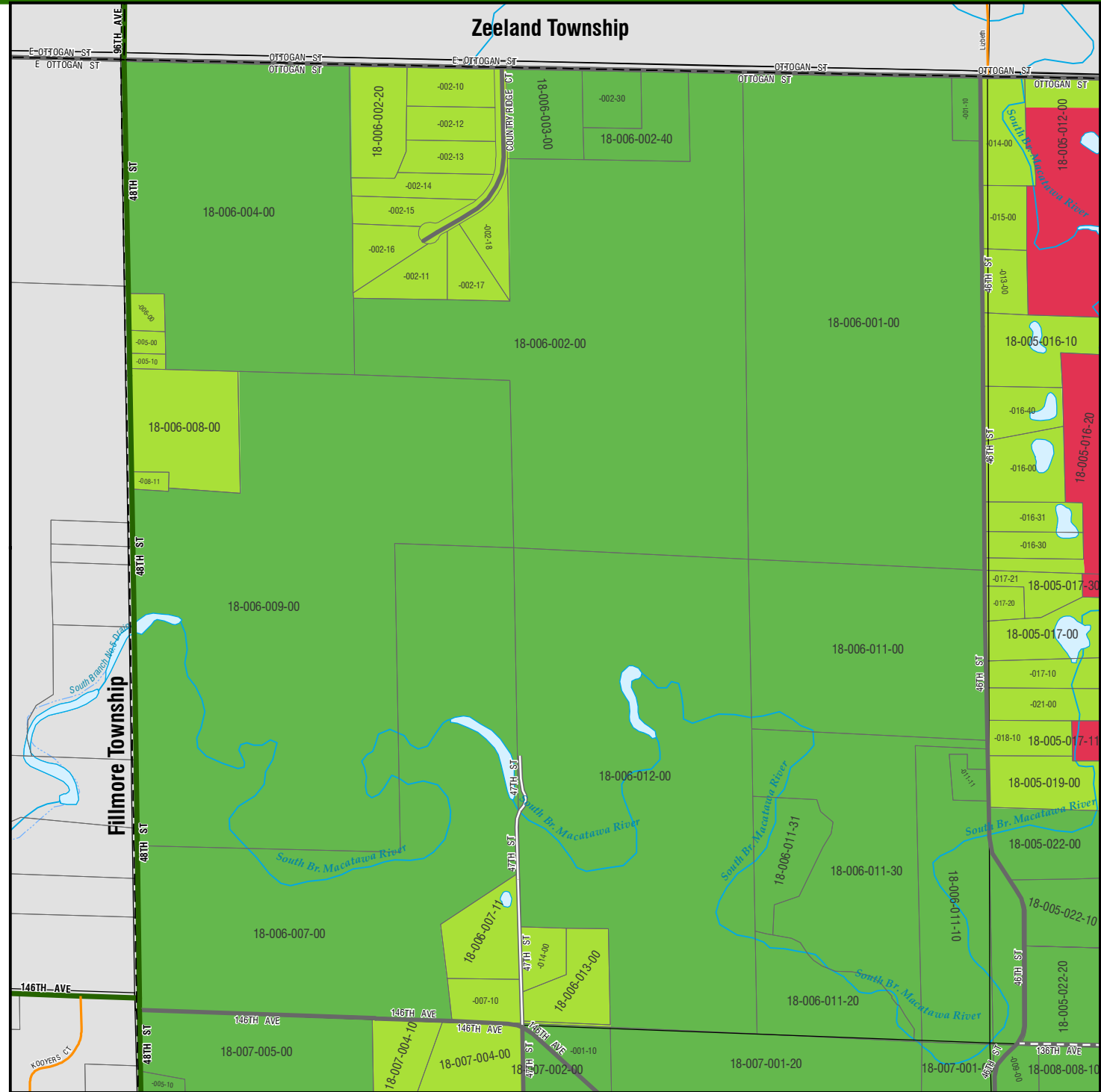


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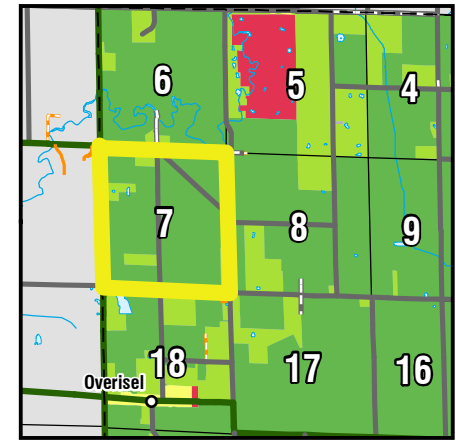
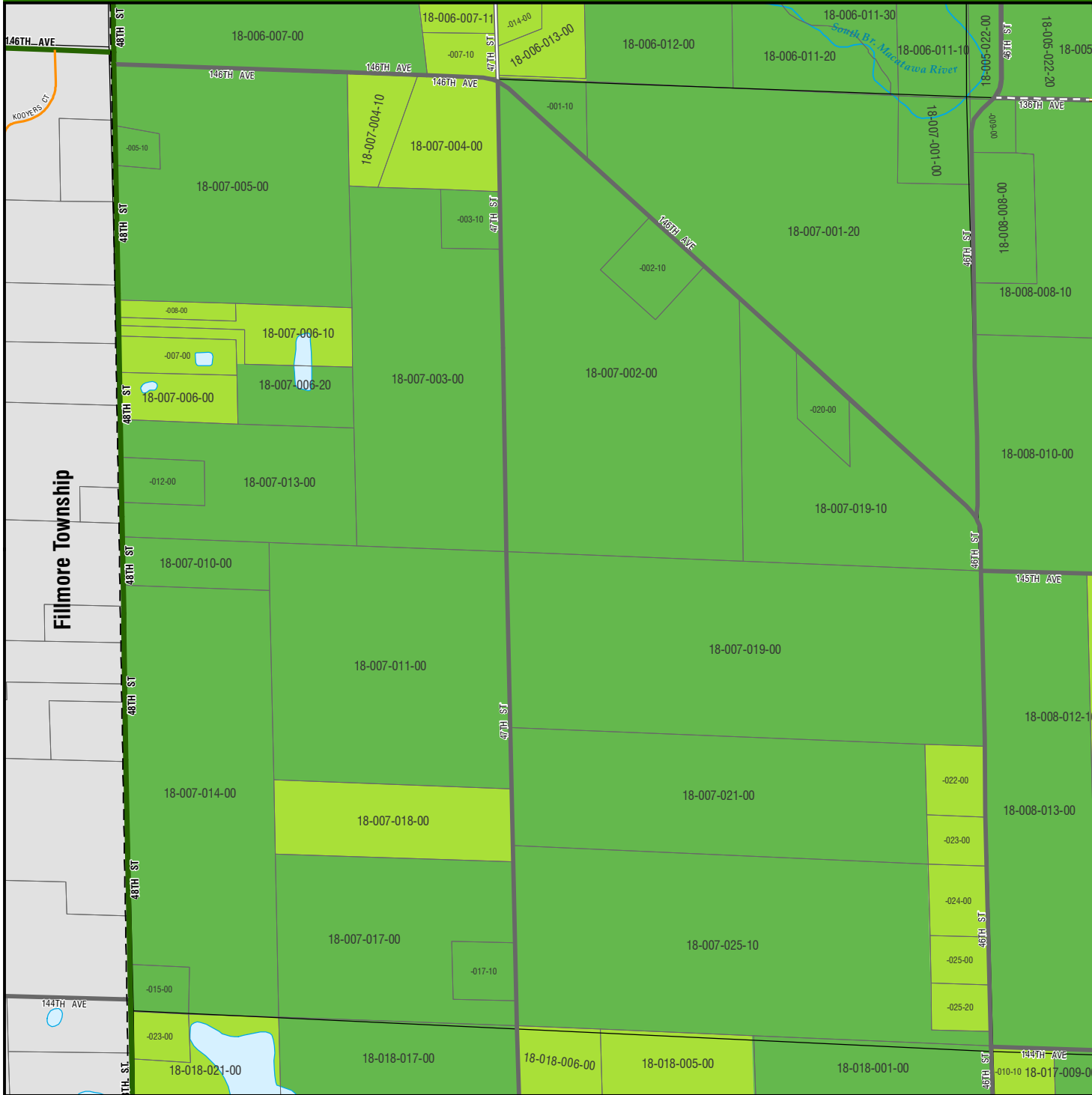
Zoning

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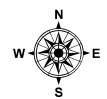
# 7 Overisel Township, Section 7



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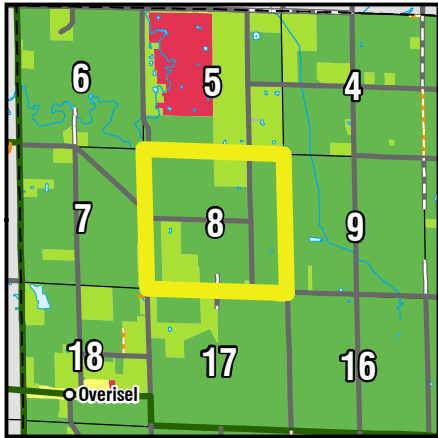
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- Zoning**
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Fillmore Township

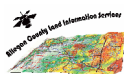
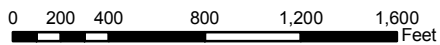


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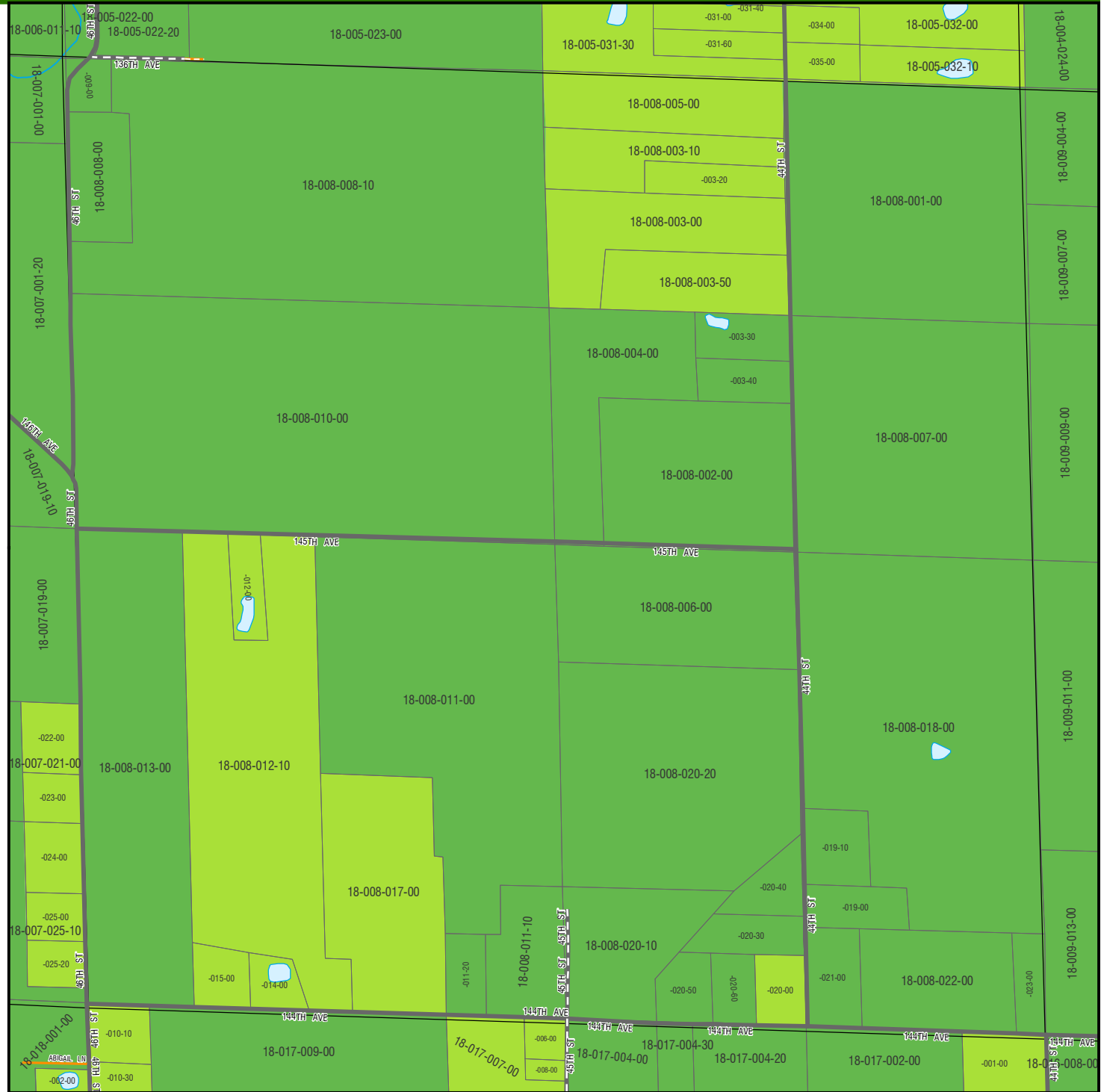
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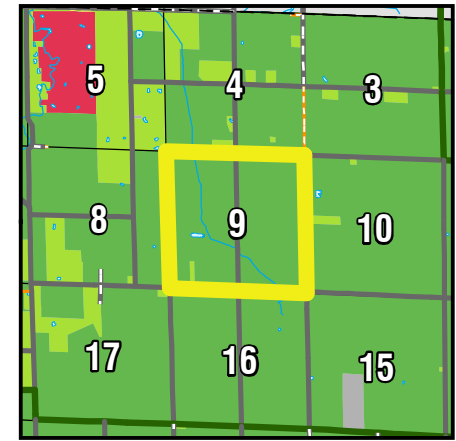
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# 9 Overisel Township, Section 9

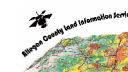


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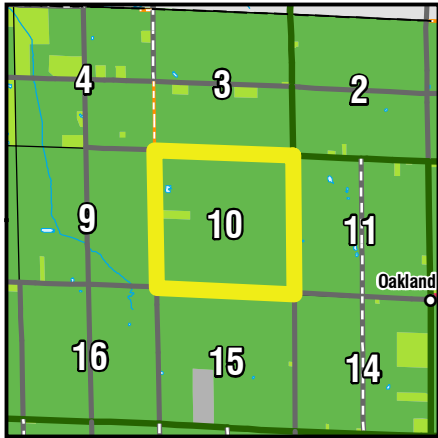
### Zoning

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Allegheny County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.



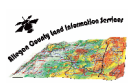
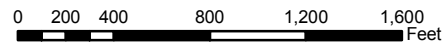
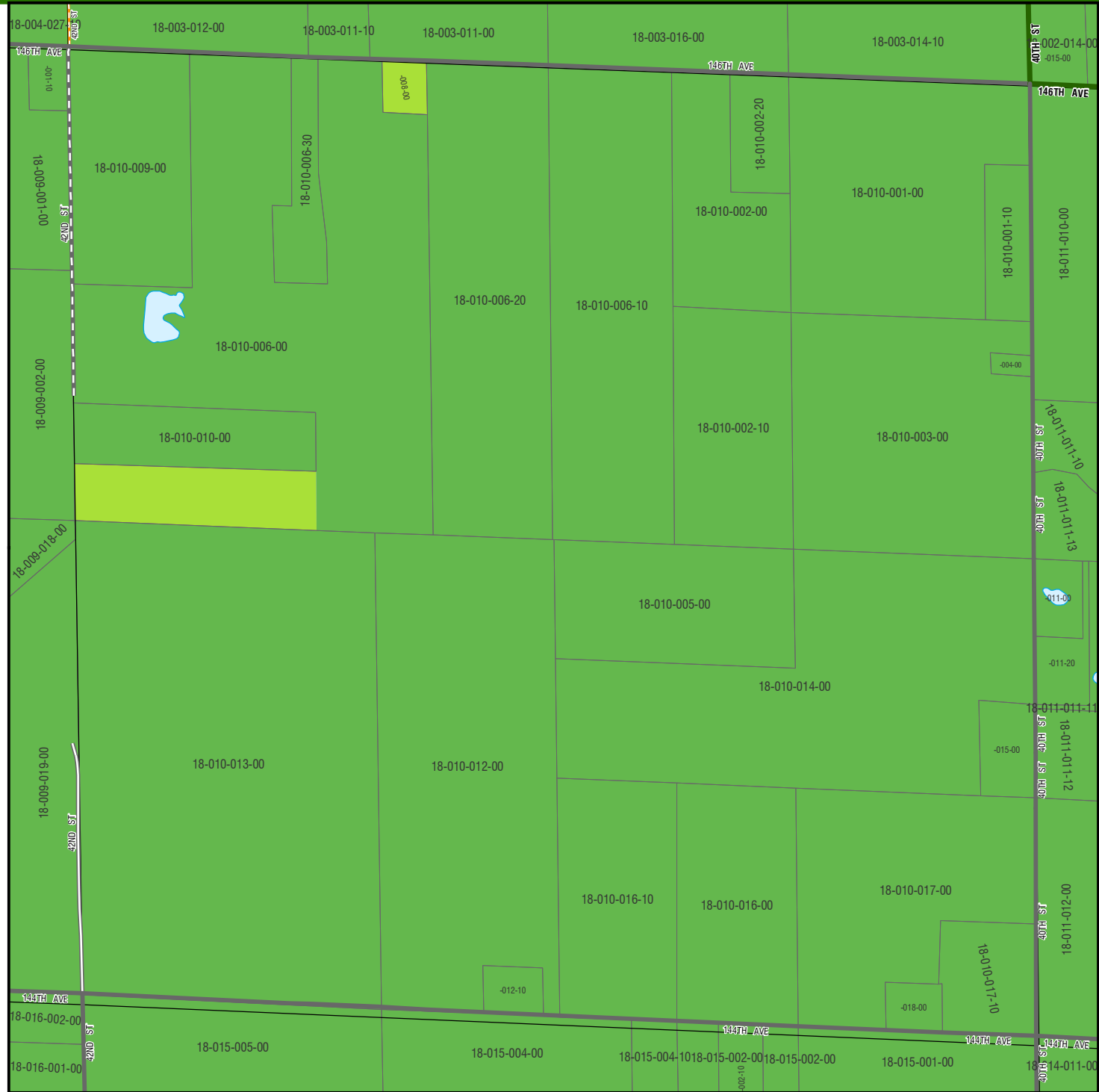


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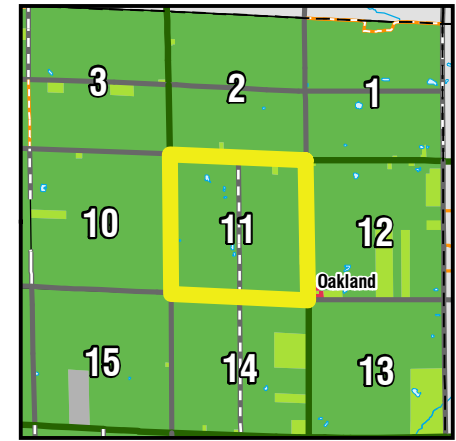
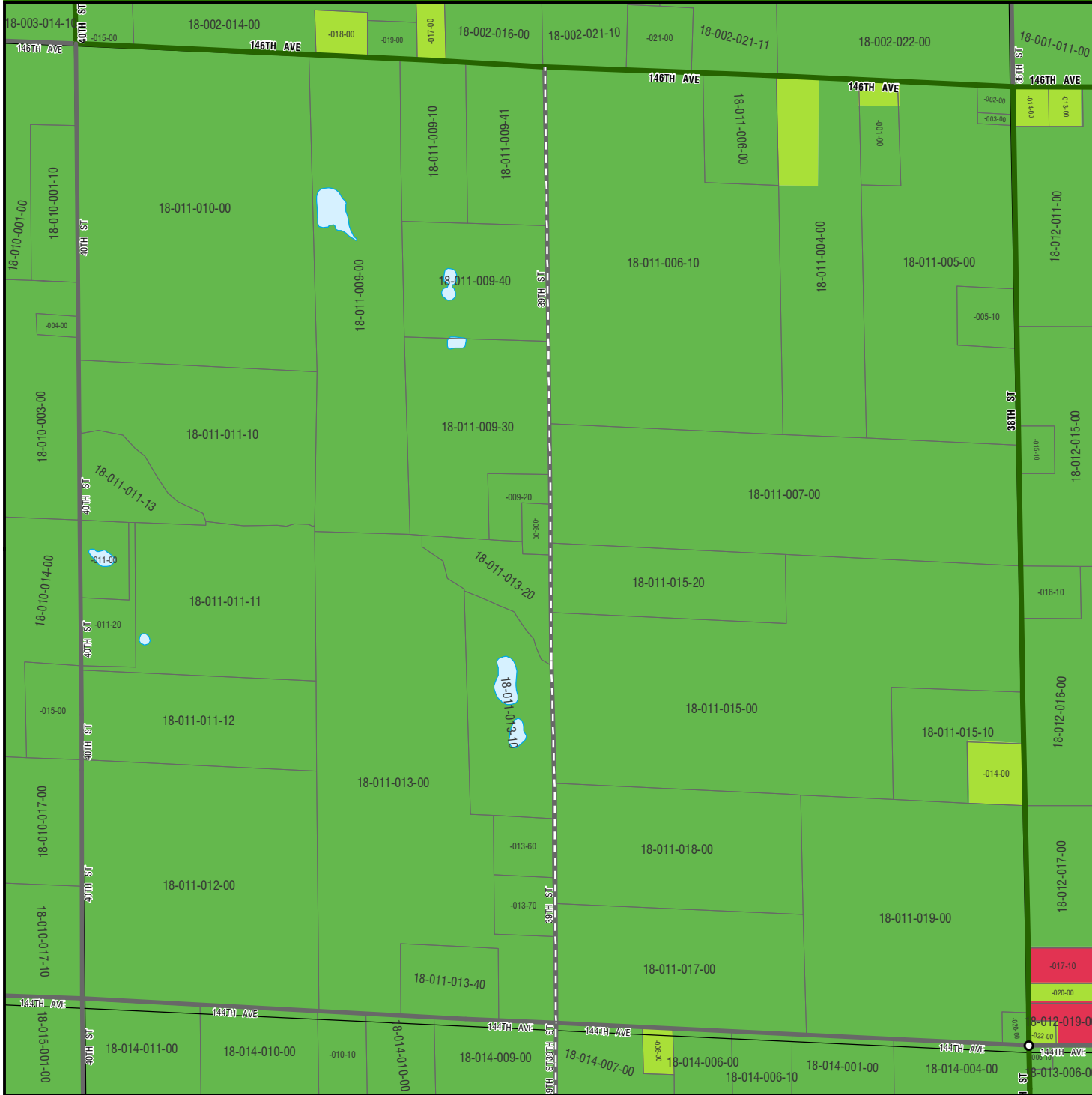
Zoning

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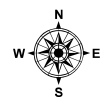
# 11 Overisel Township, Section 11



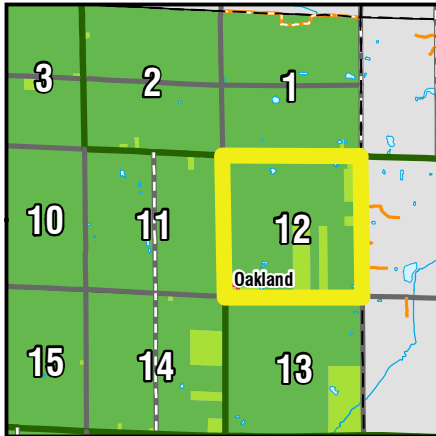
Locator Map

## Map Legend

- Zoning**
- AG** Agricultural District
  - C-1** Neighborhood Business District
  - C-2** General Business District
  - I** Industrial District
  - R-1** Rural Estate District
  - R-2** Low-Density Residential
  - R-3** Medium-Density Residential



Allegheny County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.

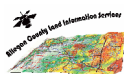
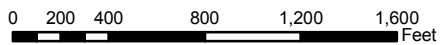


Locator Map

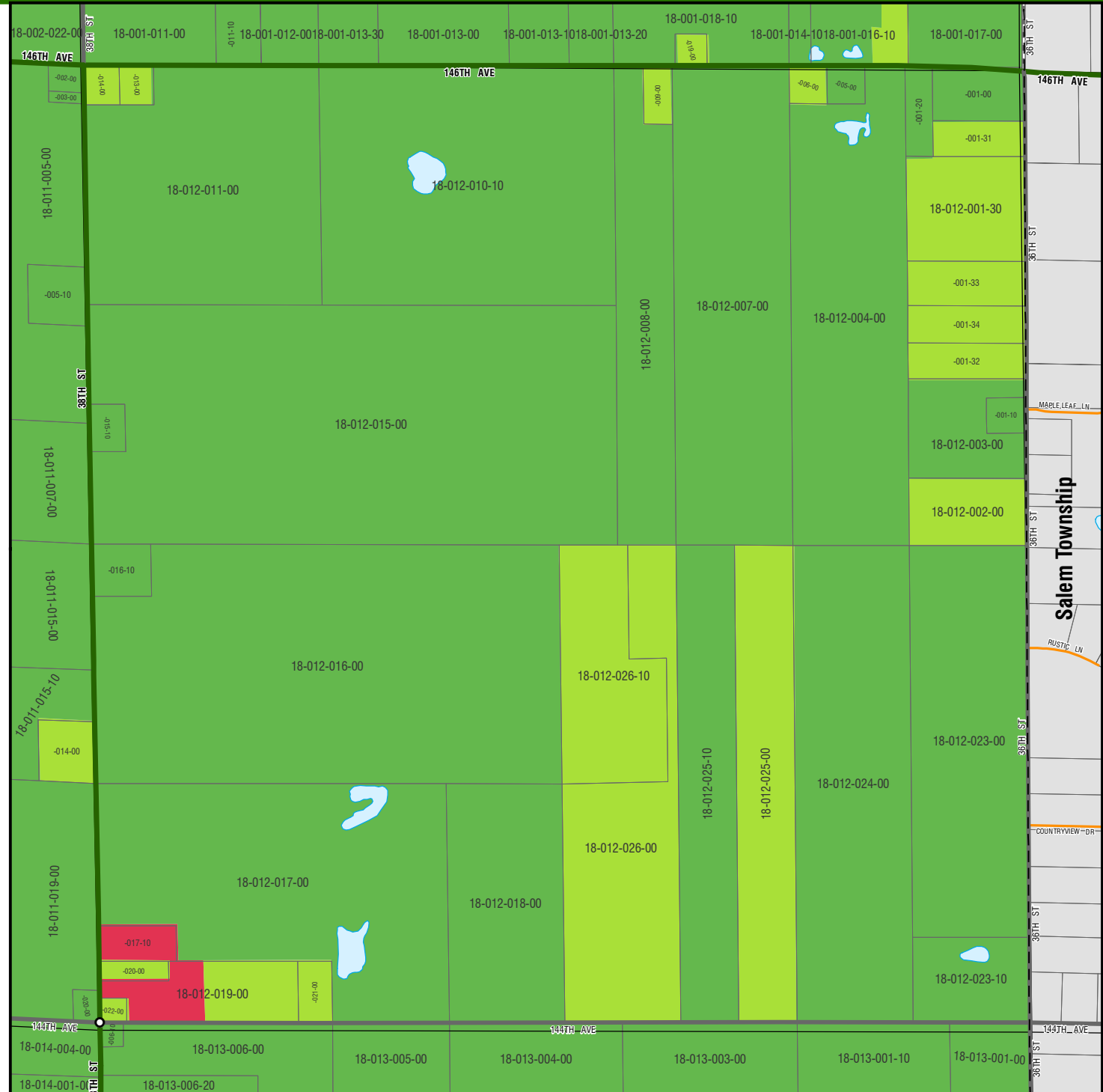
Map Legend

Zoning

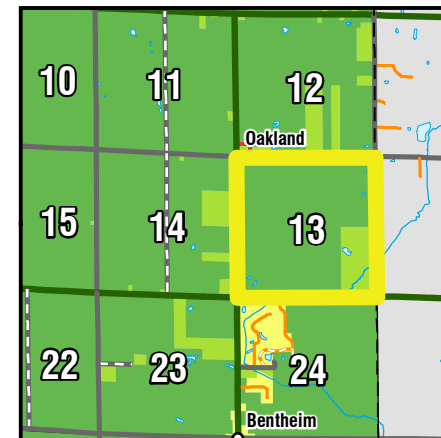
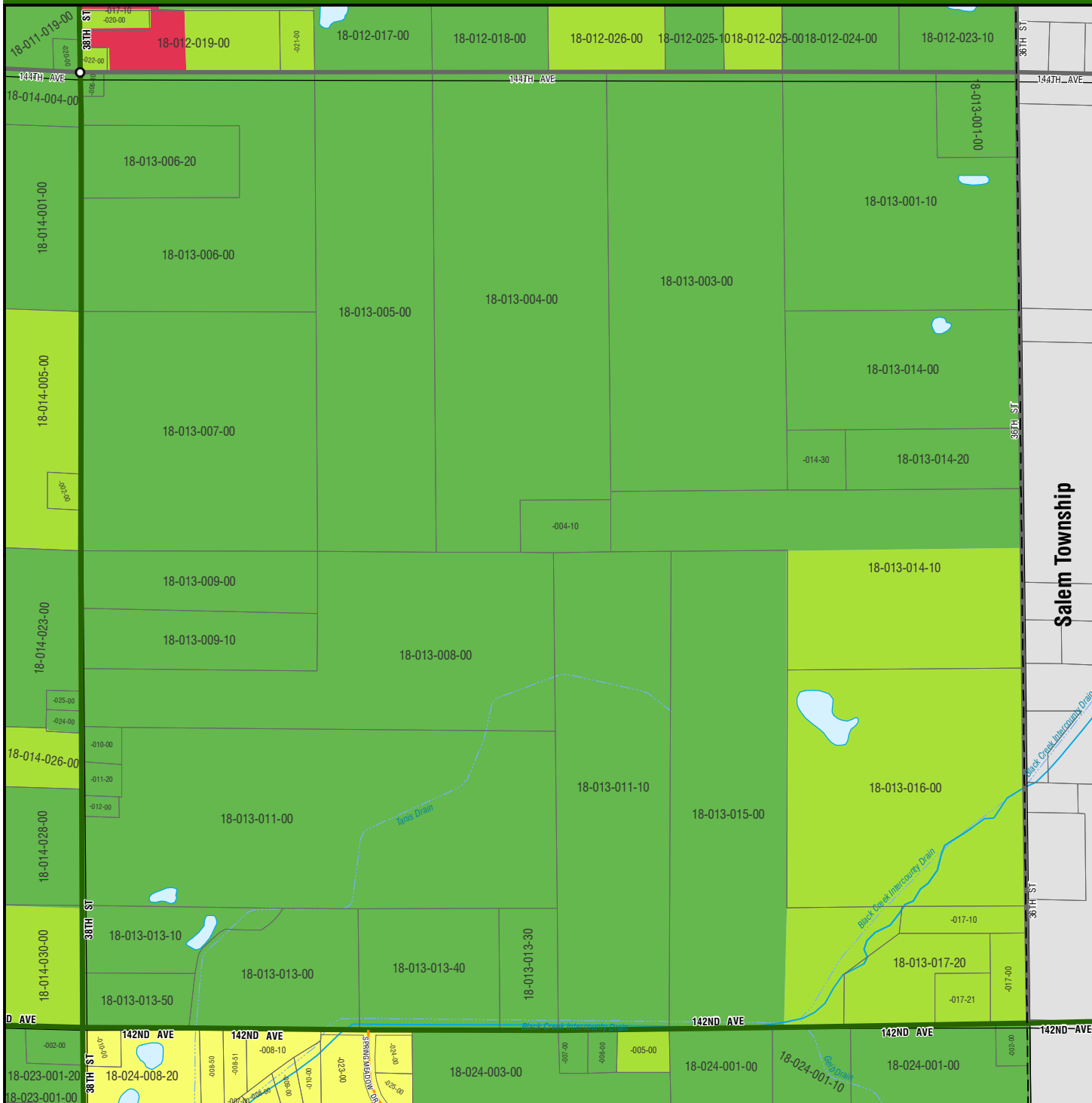
- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



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# 13 Overisel Township, Section 13

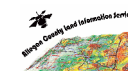


Locator Map

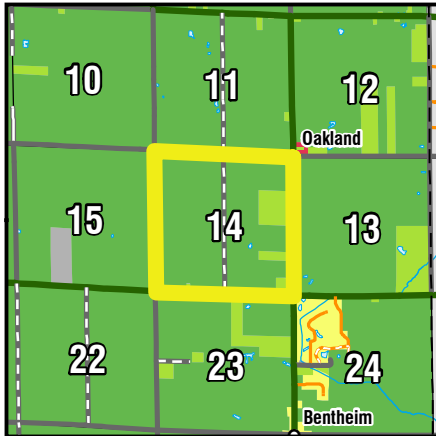
## Map Legend

### Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.

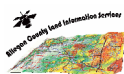
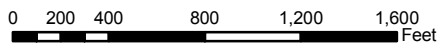


Locator Map

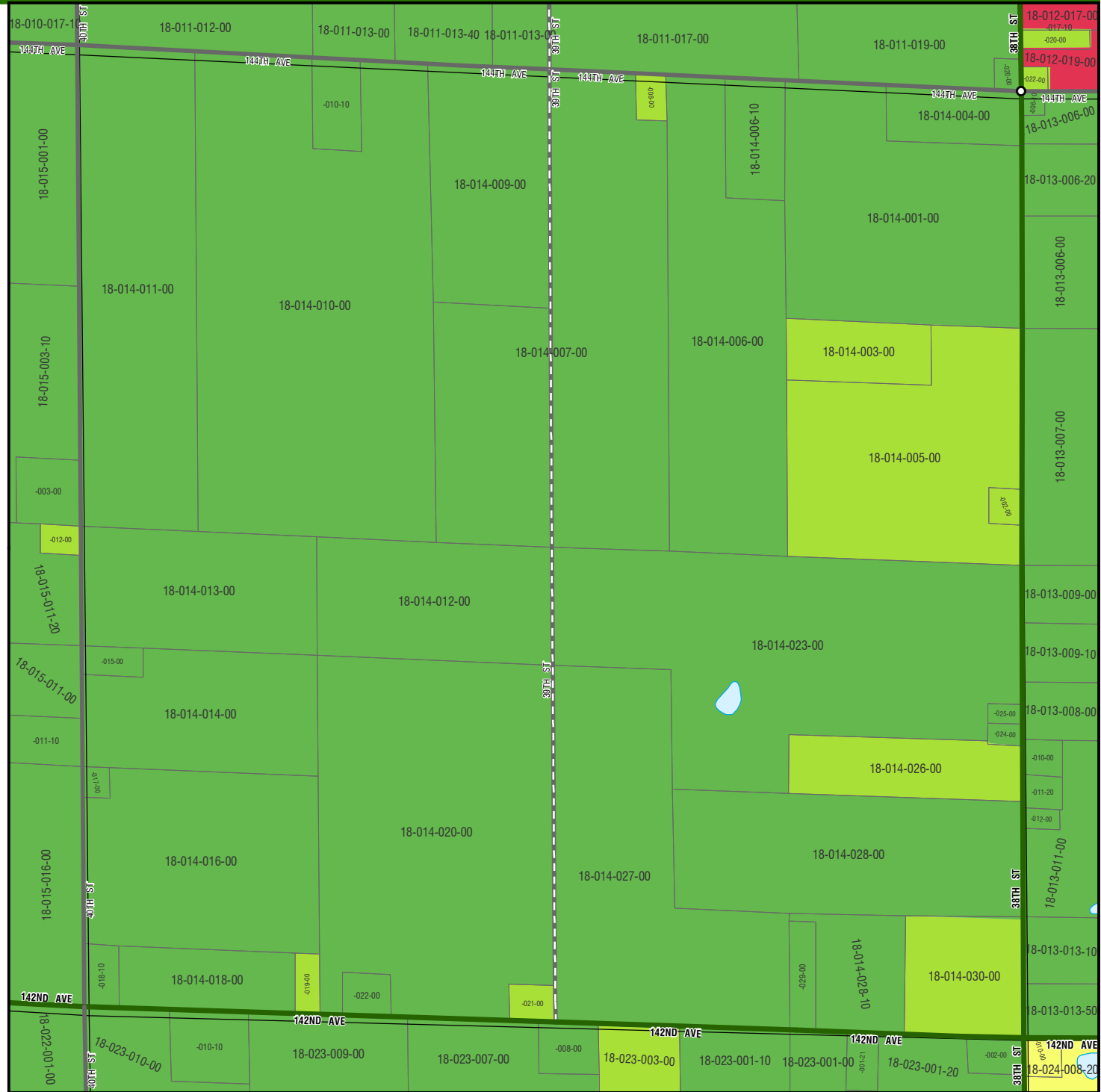
Map Legend

Zoning

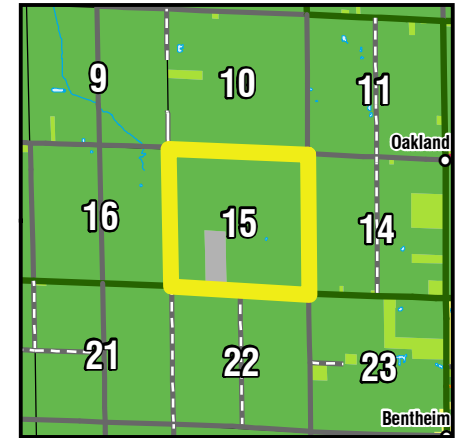
- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.



# 15 Overisel Township, Section 15

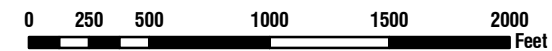


Locator Map

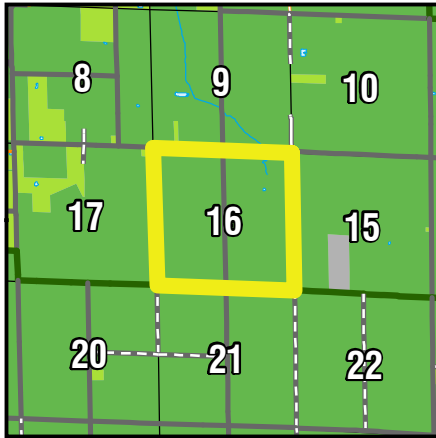
## Map Legend

### Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential










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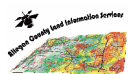
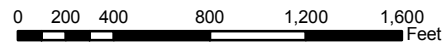
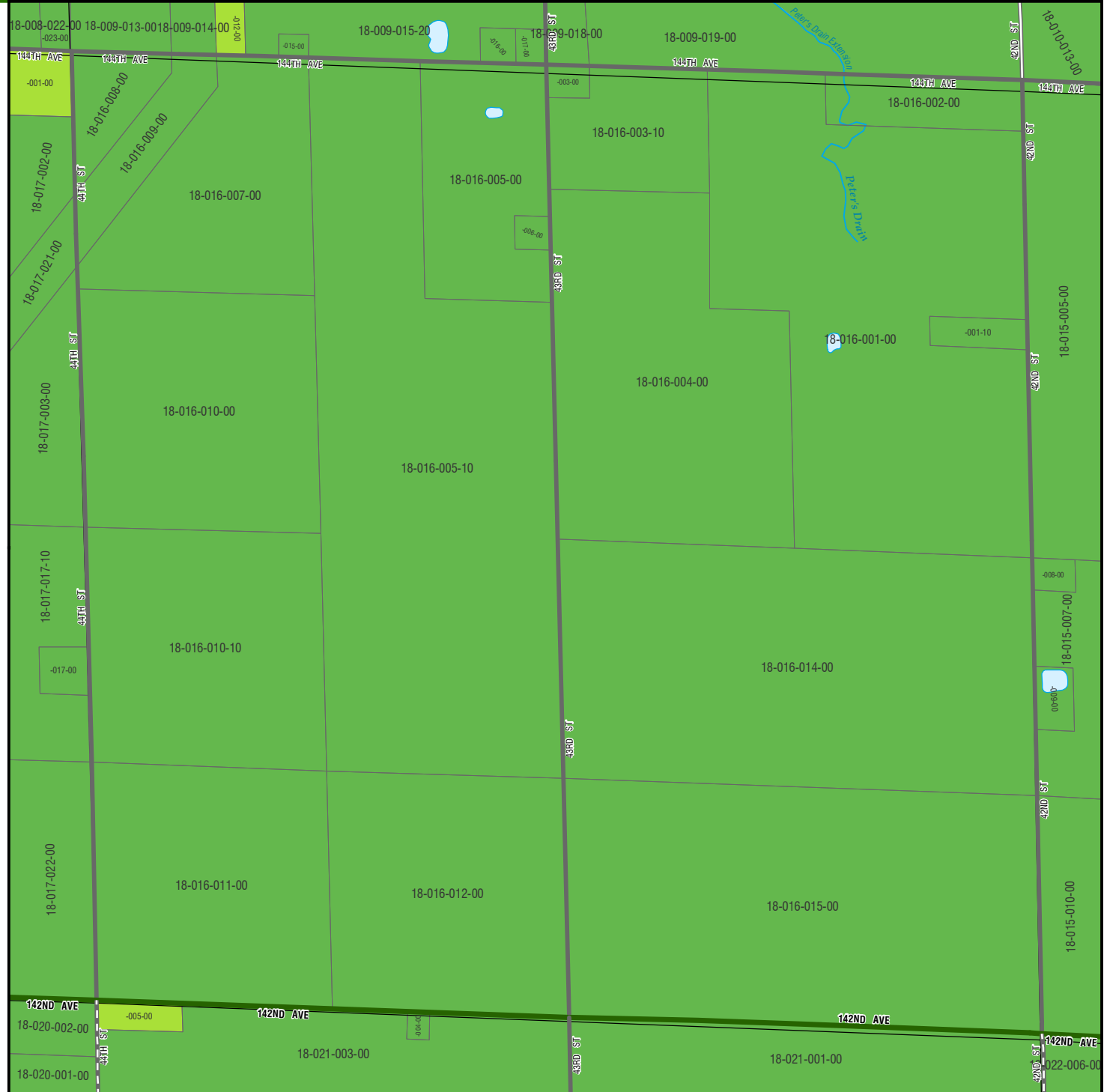


**Locator Map**

**Map Legend**

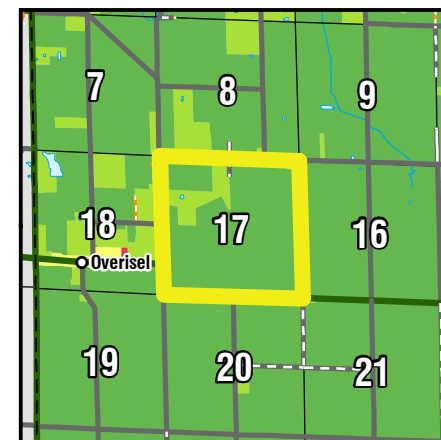
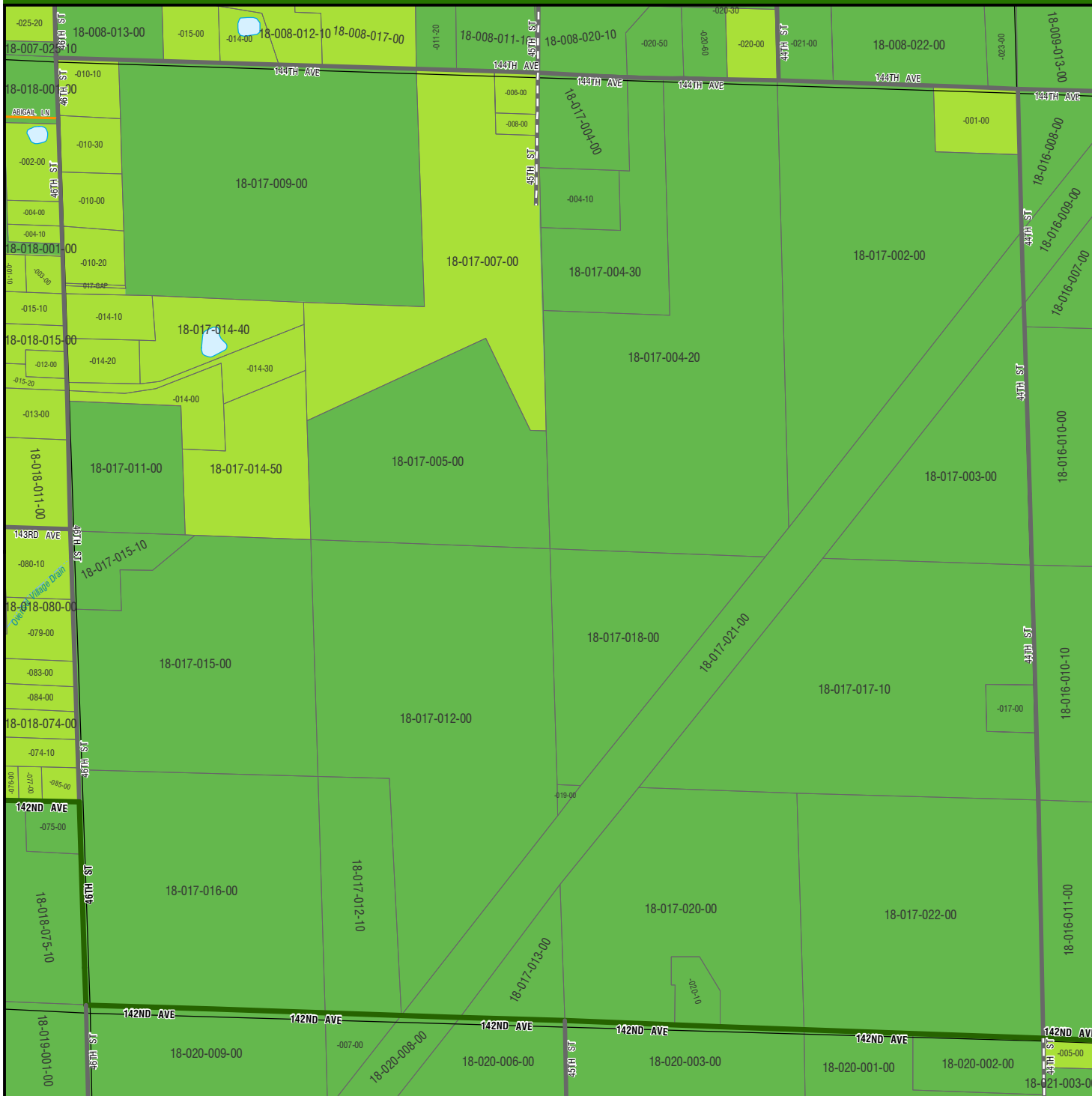
**Zoning**

-  **AG** Agricultural District
-  **C-1** Neighborhood Business District
-  **C-2** General Business District
-  **I** Industrial District
-  **R-1** Rural Estate District
-  **R-2** Low-Density Residential
-  **R-3** Medium-Density Residential



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# 17 Overisel Township, Section 17

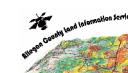


**Locator Map**

### Map Legend

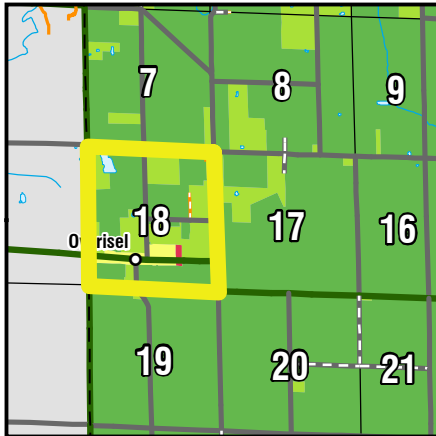
#### Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegheny County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.



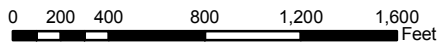
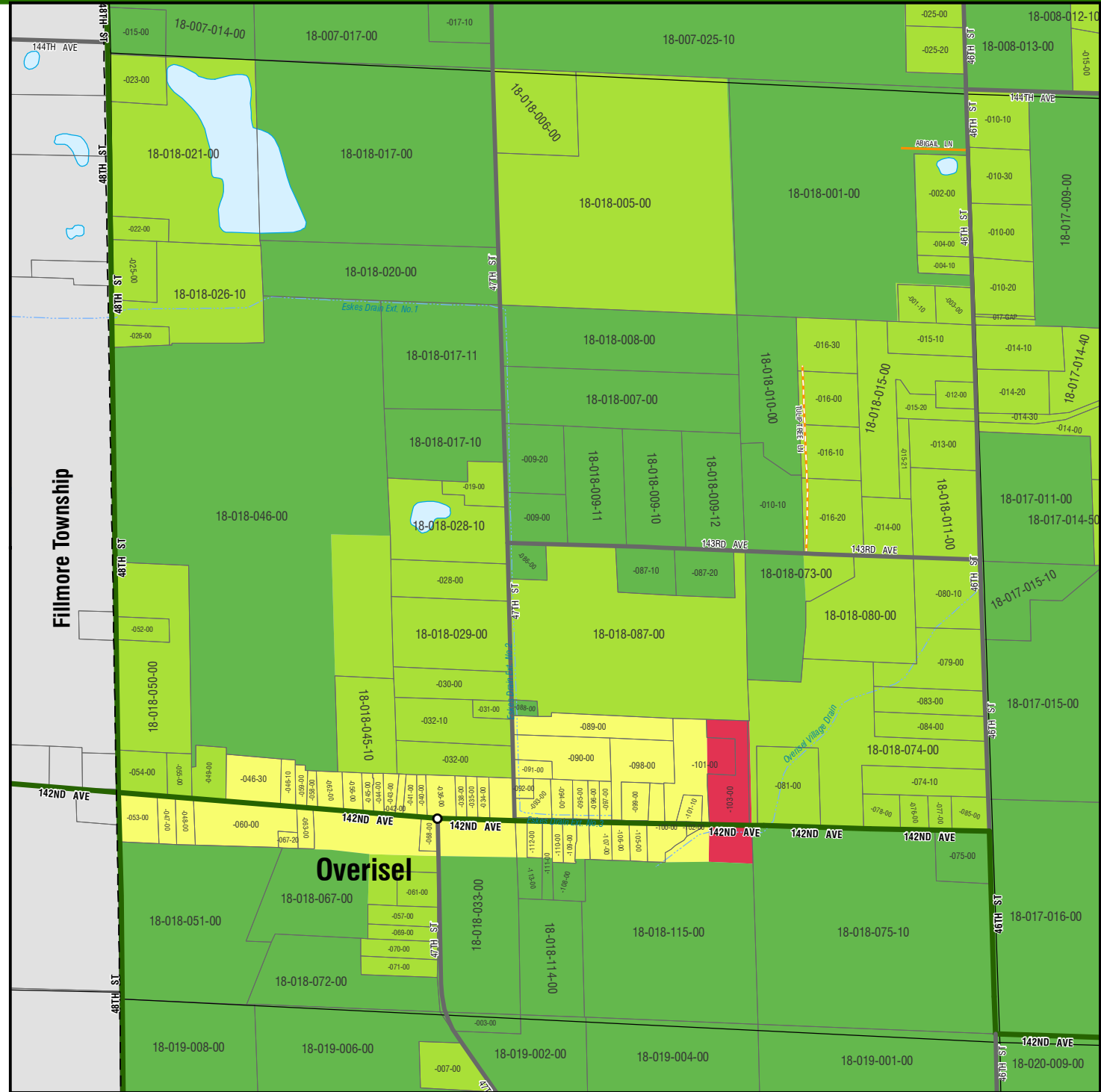


Locator Map

Map Legend

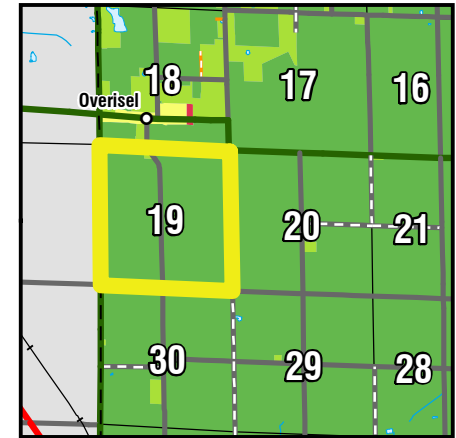
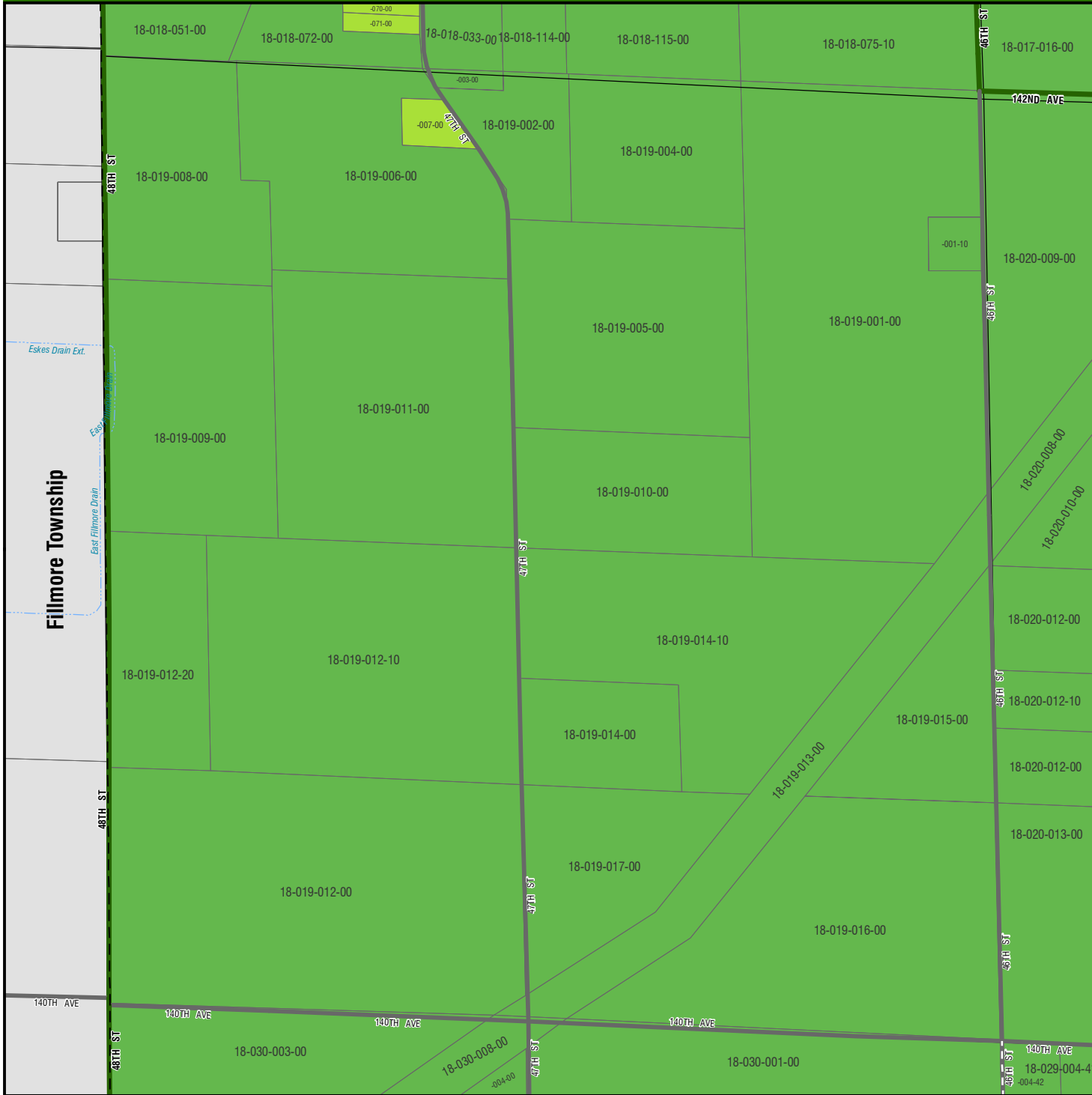
Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



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# 19 Overisel Township, Section 19

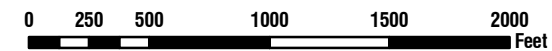


Locator Map

## Map Legend

### Zoning

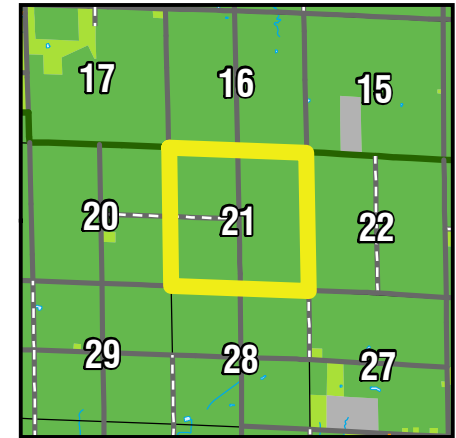
- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



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# 21 Overisel Township, Section 21

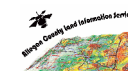


Locator Map

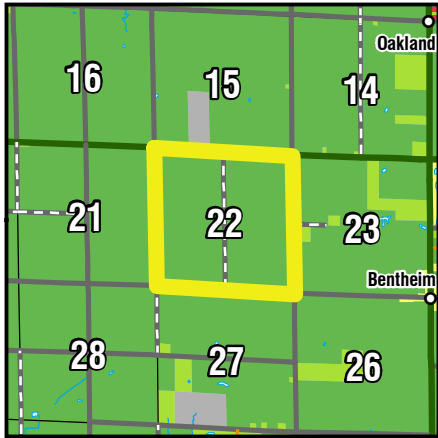
## Map Legend

### Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



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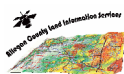
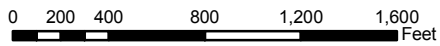


**Locator Map**

**Map Legend**

**Zoning**

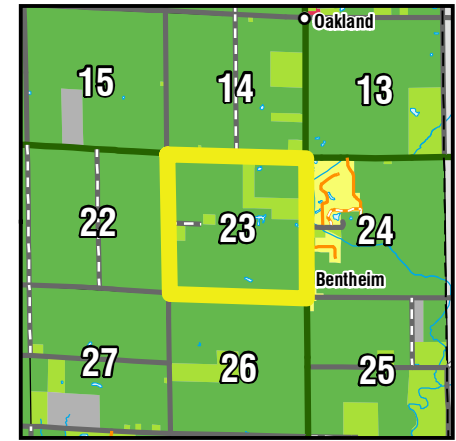
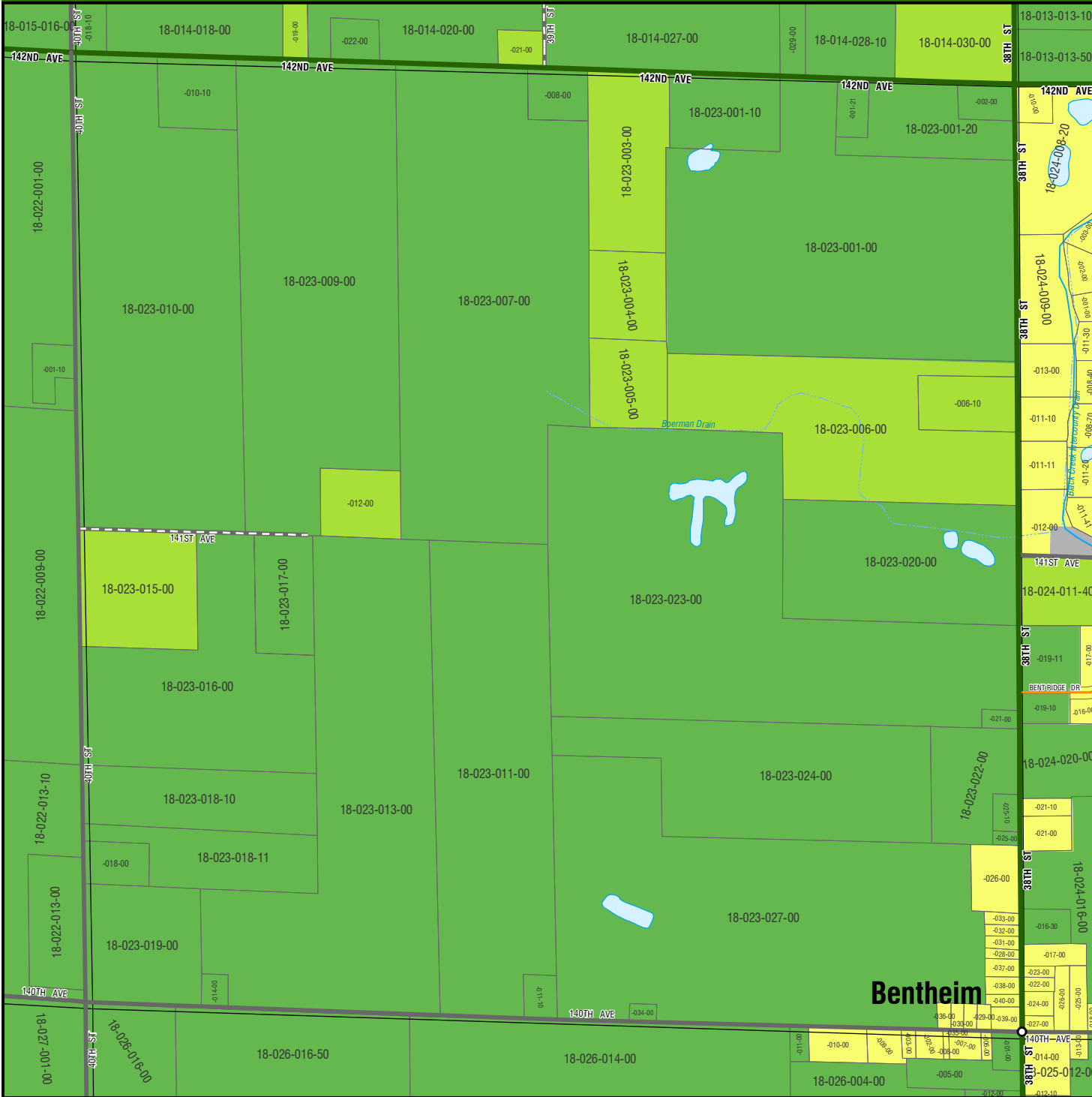
- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



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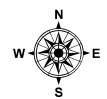
# 23 Overisel Township, Section 23



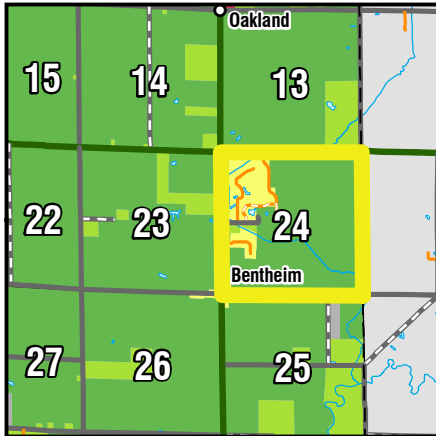
Locator Map

## Map Legend

- Zoning**
- AG** Agricultural District
  - C-1** Neighborhood Business District
  - C-2** General Business District
  - I** Industrial District
  - R-1** Rural Estate District
  - R-2** Low-Density Residential
  - R-3** Medium-Density Residential



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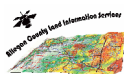
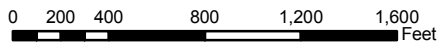


Locator Map

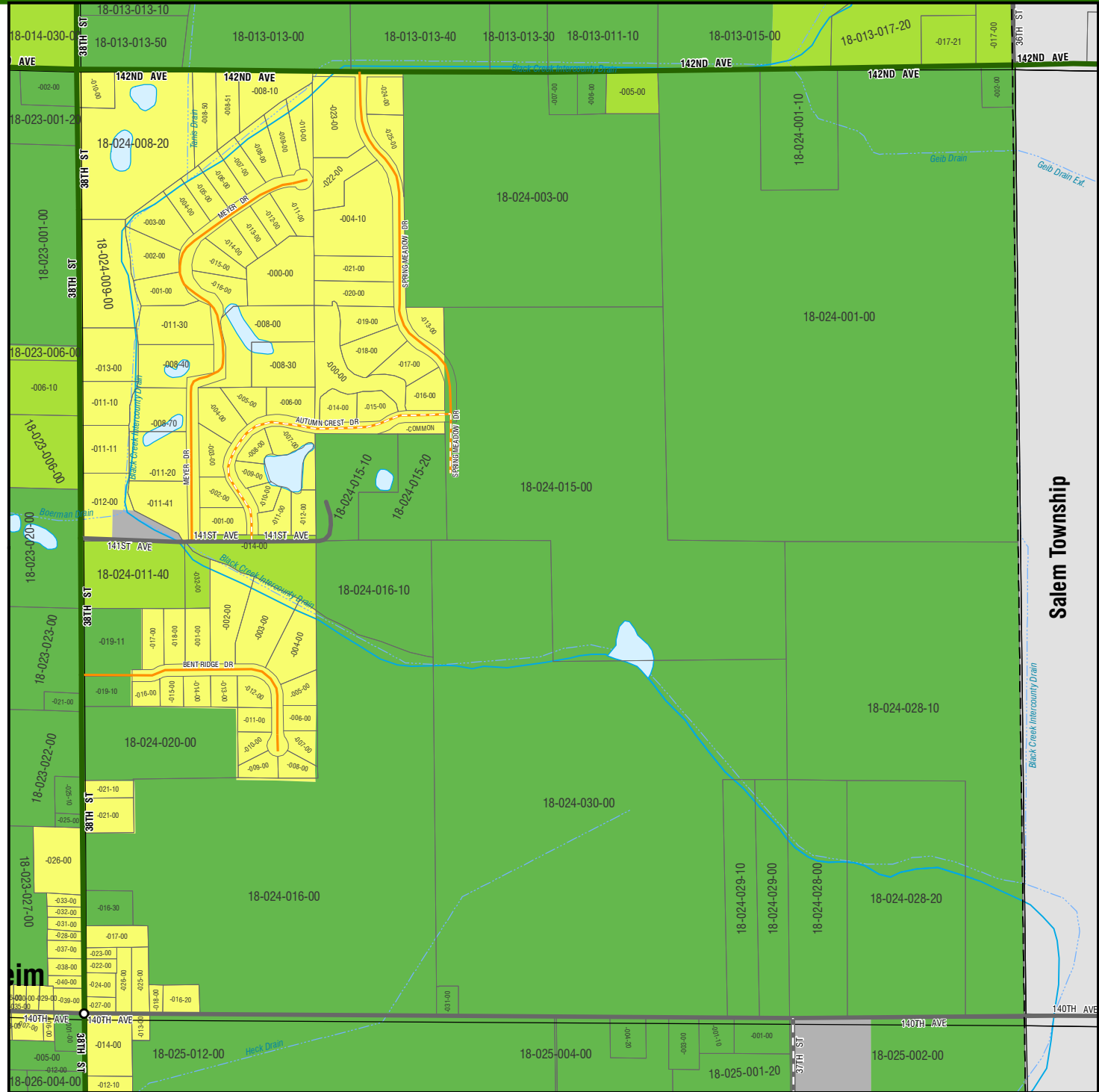
Map Legend

Zoning

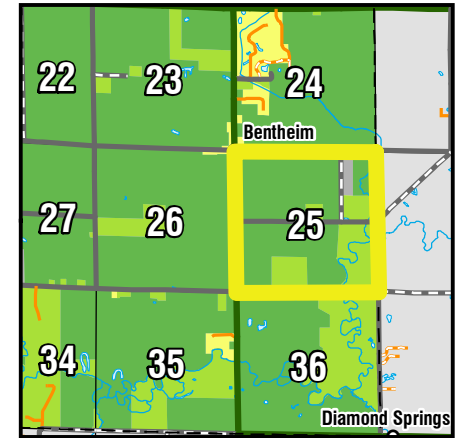
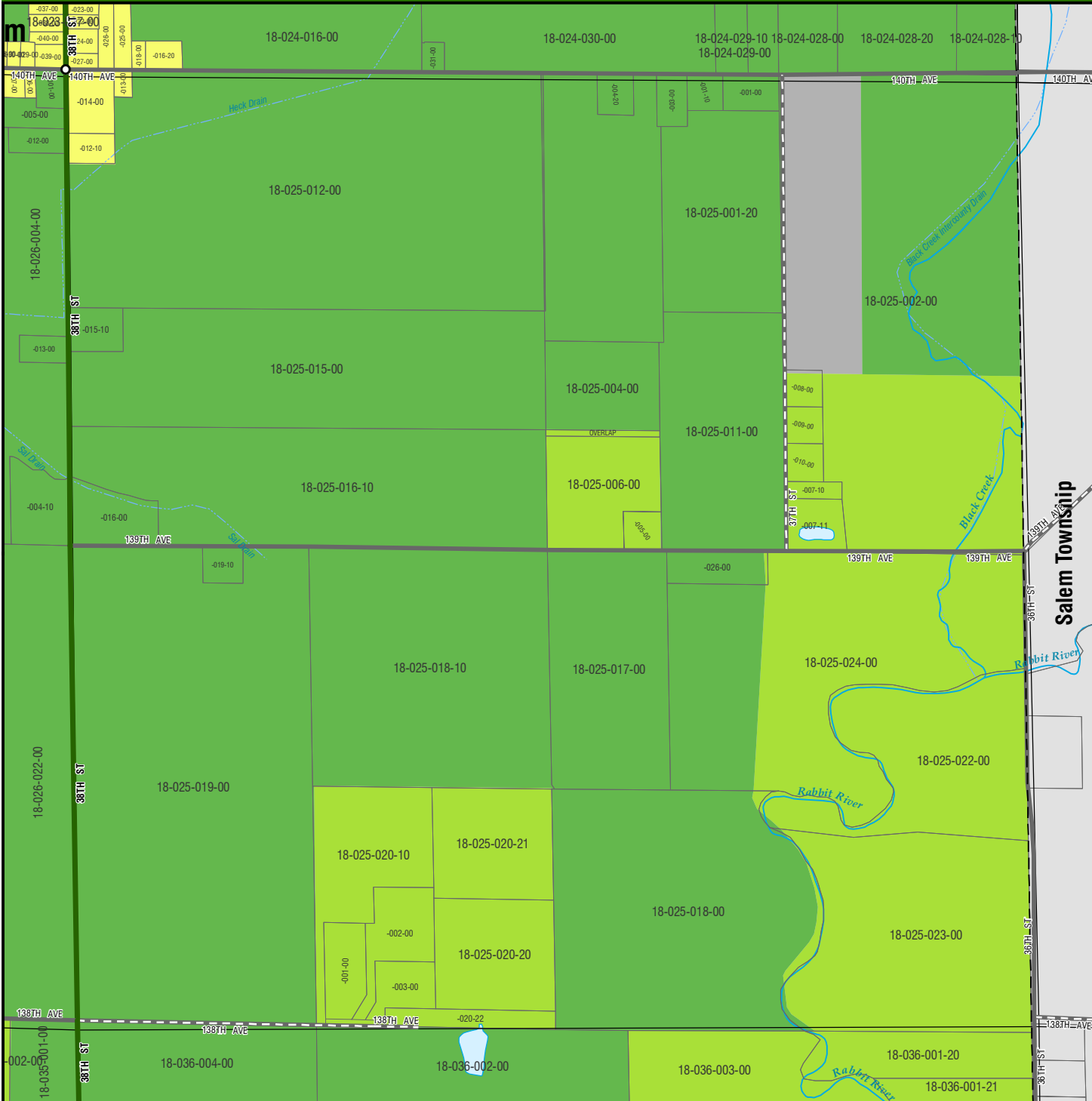
- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.



# 25 Overisel Township, Section 25

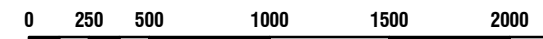


**Locator Map**

### Map Legend

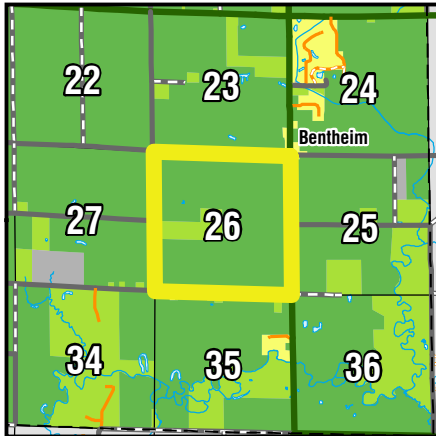
#### Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.



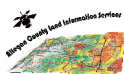
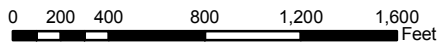
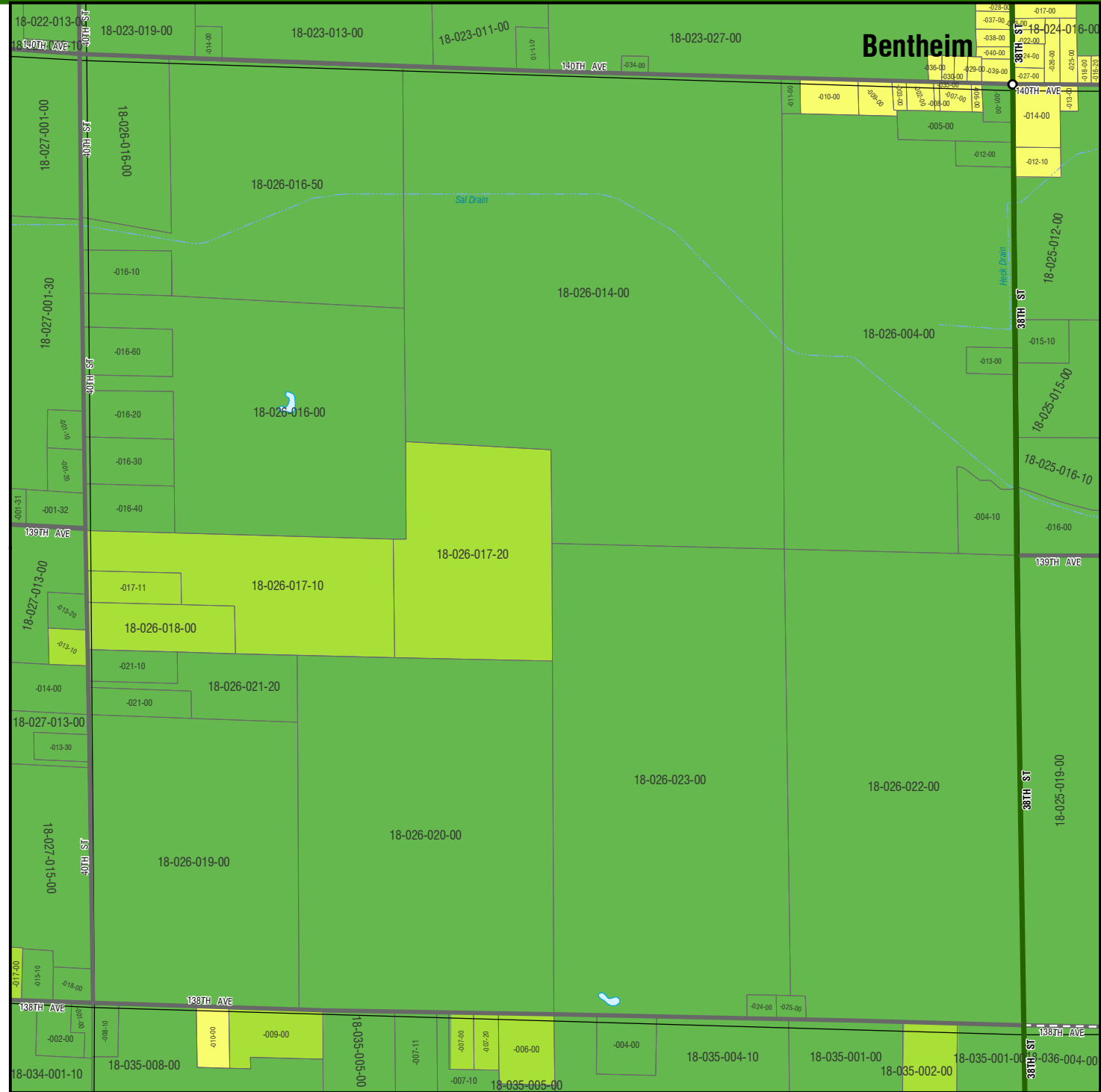


Locator Map

Map Legend

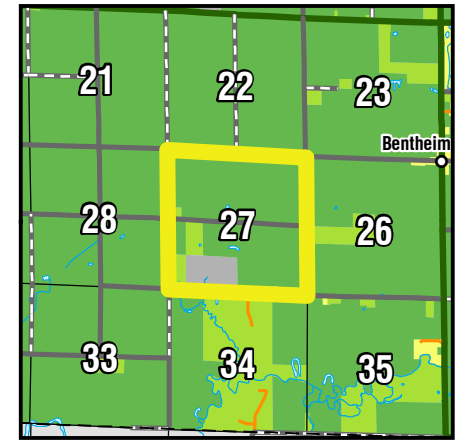
Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



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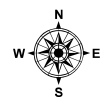
# 27 Overisel Township, Section 27



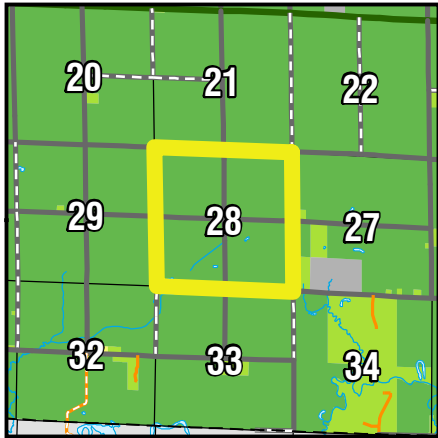
Locator Map

## Map Legend

- Zoning**
- AG** Agricultural District
  - C-1** Neighborhood Business District
  - C-2** General Business District
  - I** Industrial District
  - R-1** Rural Estate District
  - R-2** Low-Density Residential
  - R-3** Medium-Density Residential



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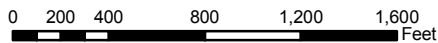
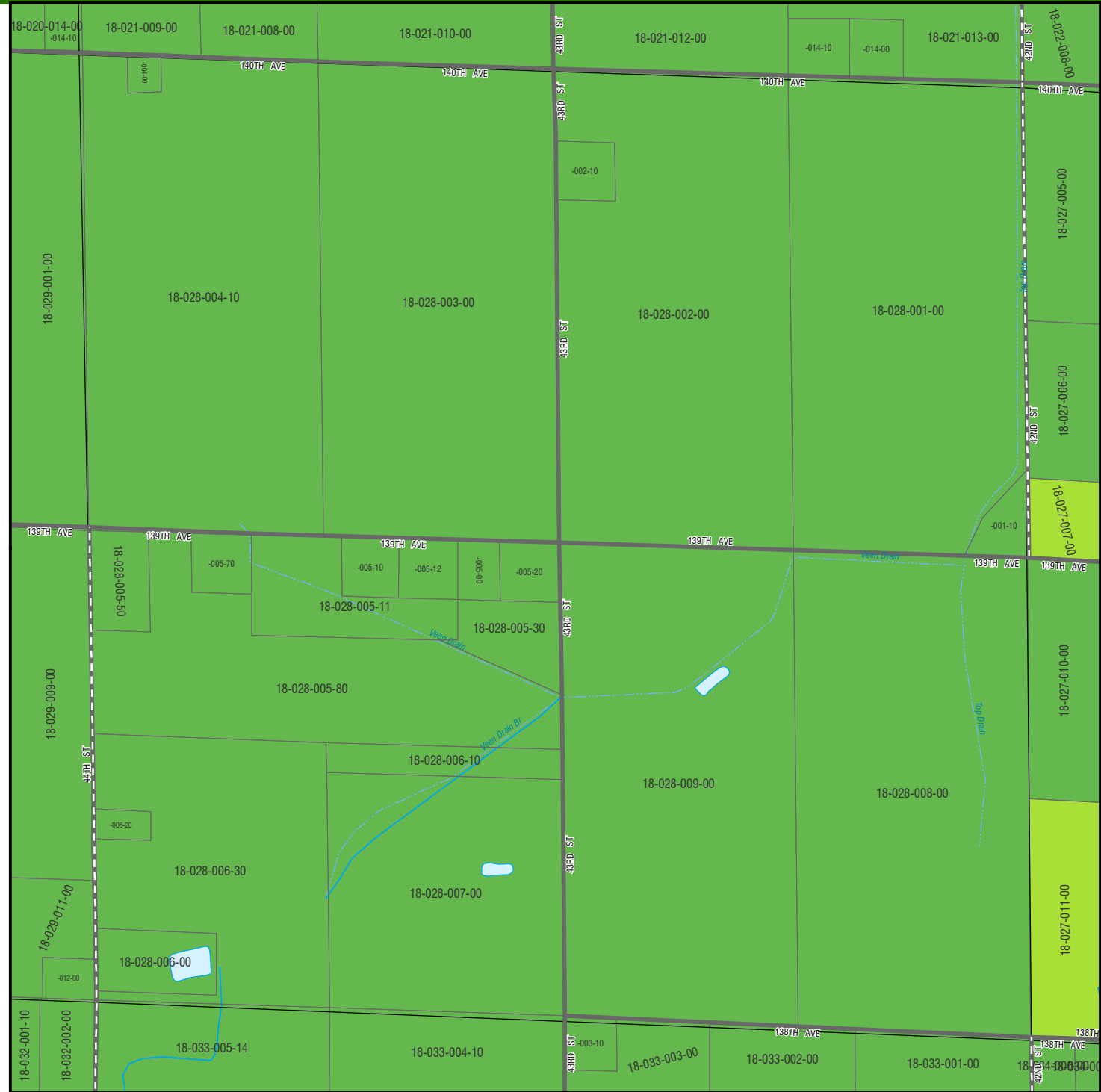


Locator Map

Map Legend

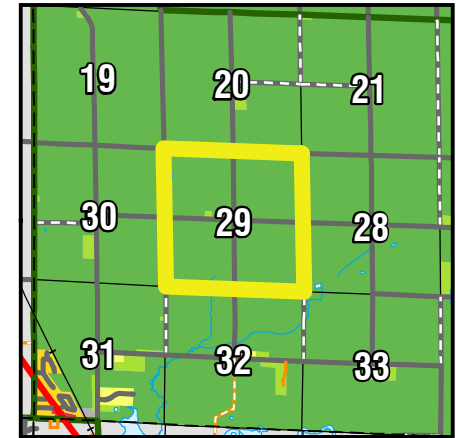
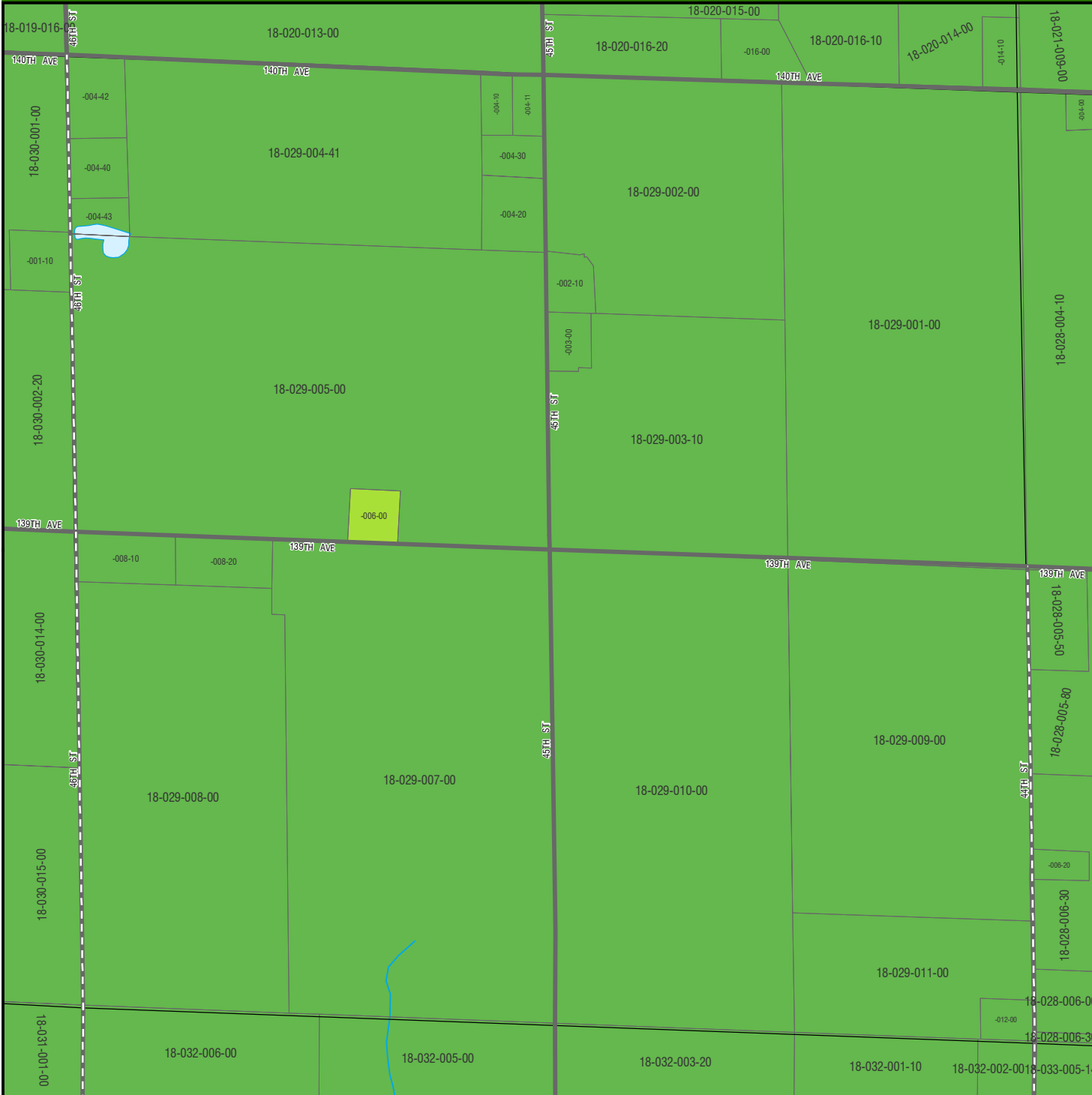
Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.

# 29 Overisel Township, Section 29



Locator Map

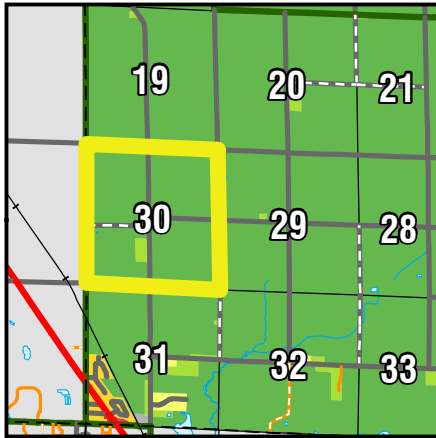
### Map Legend

#### Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.

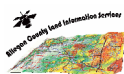
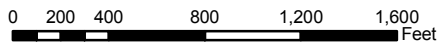


Locator Map

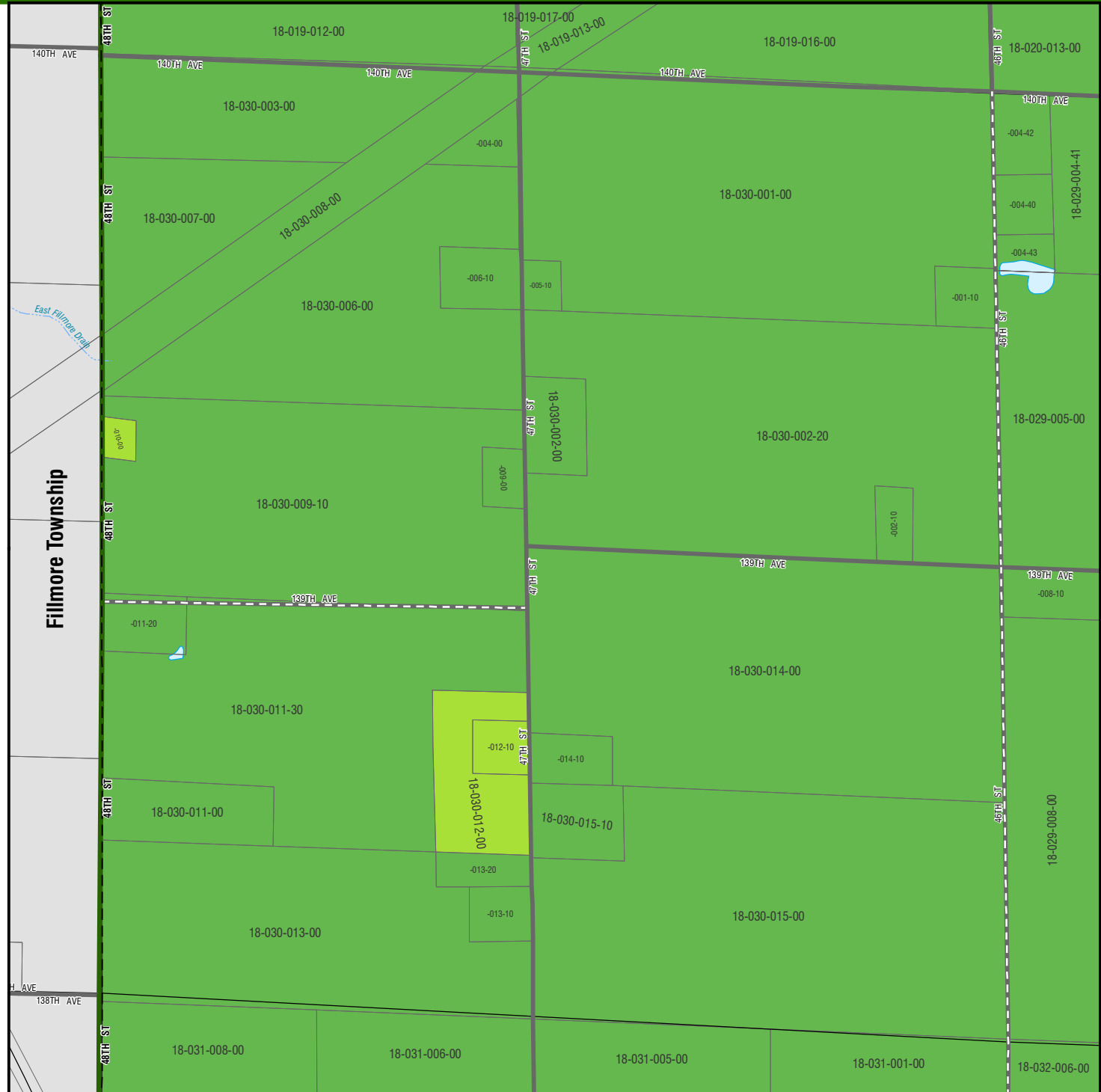
Map Legend

Zoning

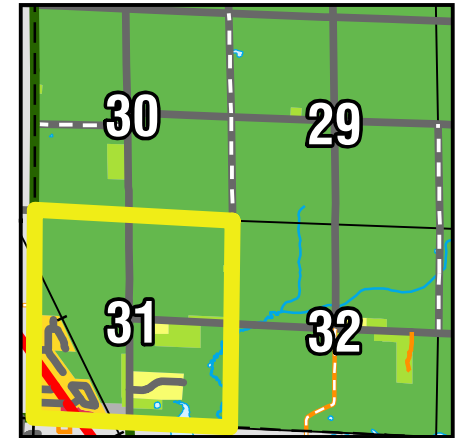
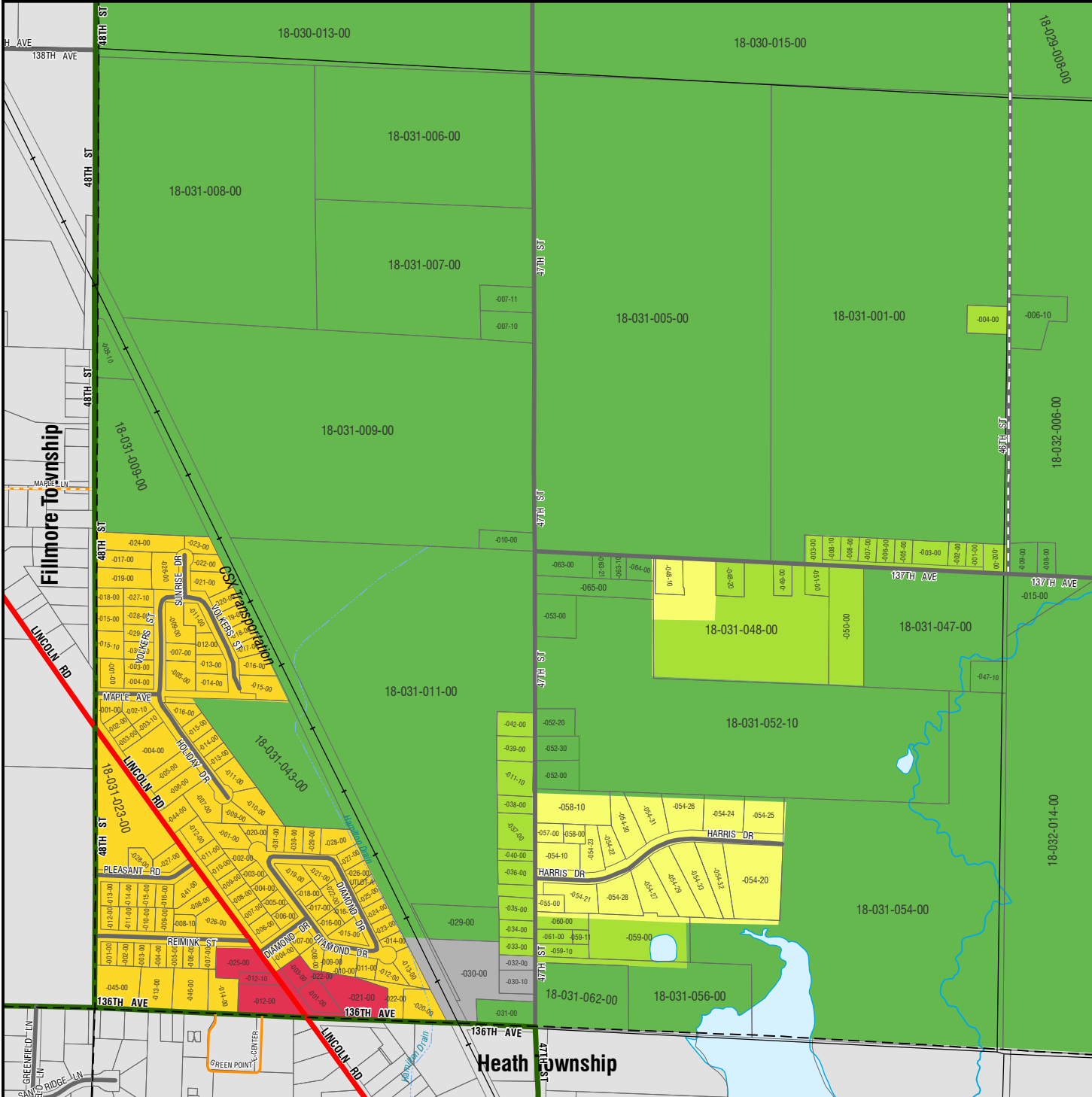
- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.



# 31 Overisel Township, Section 31

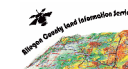


Locator Map

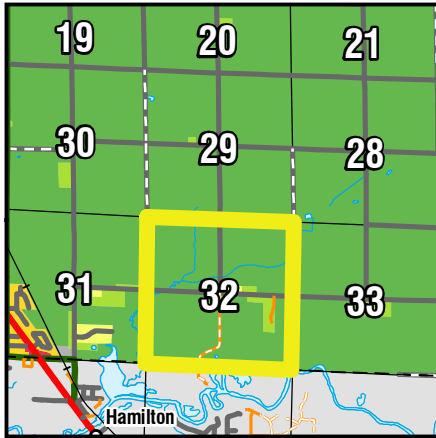
## Map Legend

### Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.

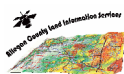
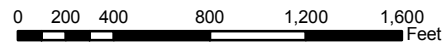


Locator Map

Map Legend

Zoning

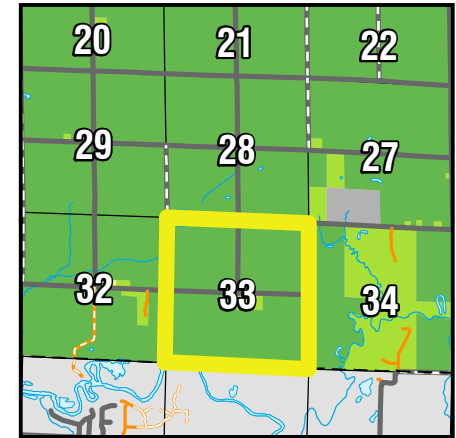
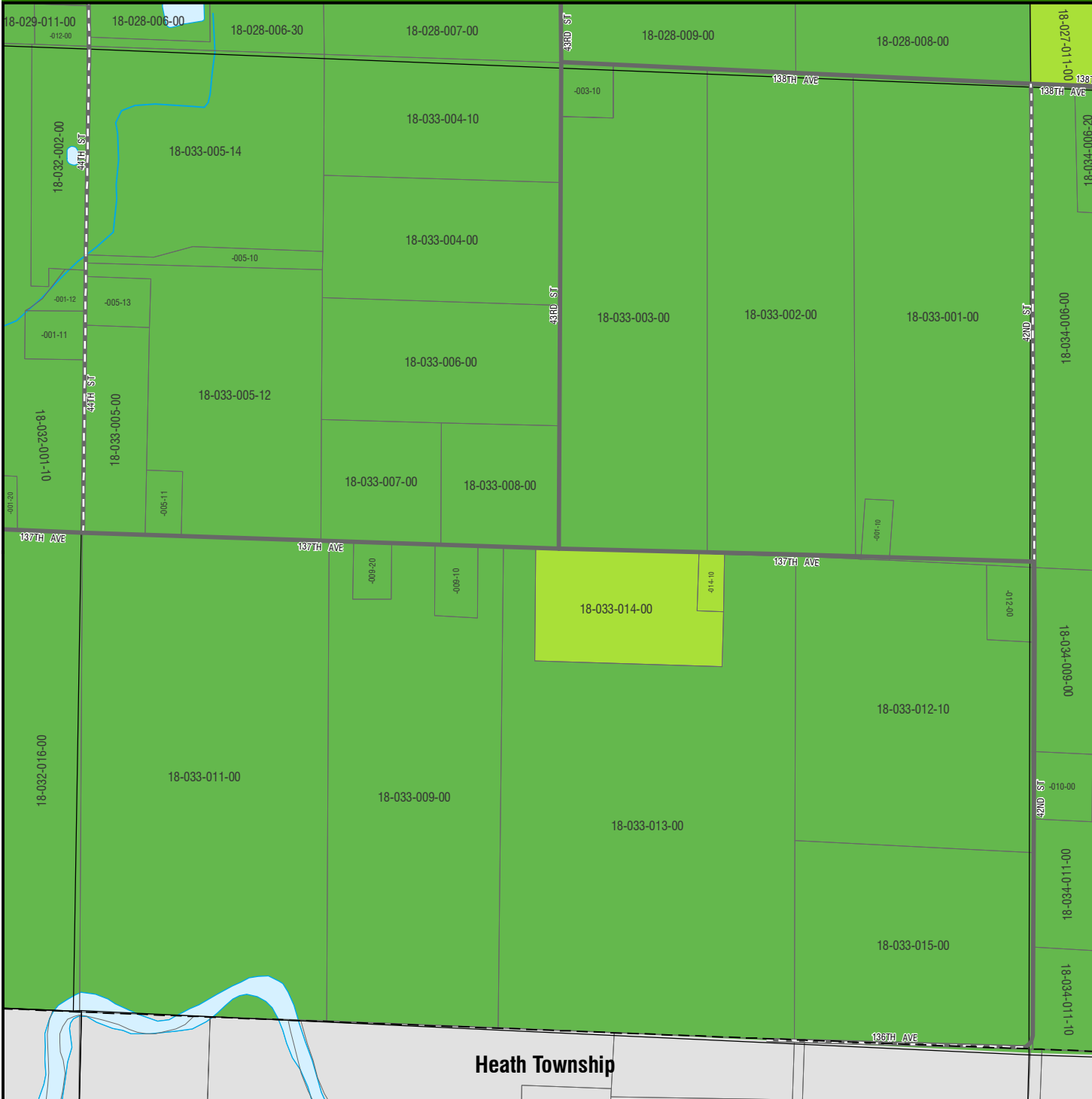
- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
- I** Industrial District
- R-1** Rural Estate District
- R-2** Low-Density Residential
- R-3** Medium-Density Residential



Allegan County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.

Heath Township








# 33 Overisel Township, Section 33



**Locator Map**

### Map Legend

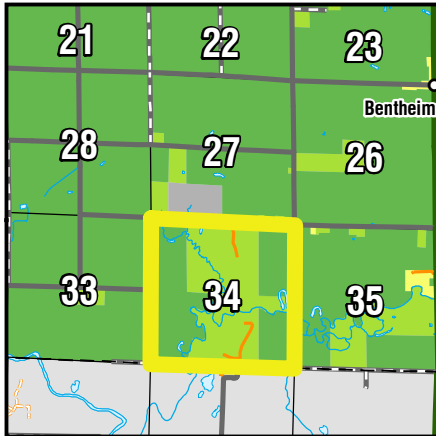
#### Zoning

-  **AG** Agricultural District
-  **C-1** Neighborhood Business District
-  **C-2** General Business District
-  **I** Industrial District
-  **R-1** Rural Estate District
-  **R-2** Low-Density Residential
-  **R-3** Medium-Density Residential



Allegheny County Land Information Services assumes no liability for results or conclusions drawn from the use of these data. Map created October 4, 2013.



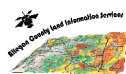
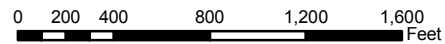


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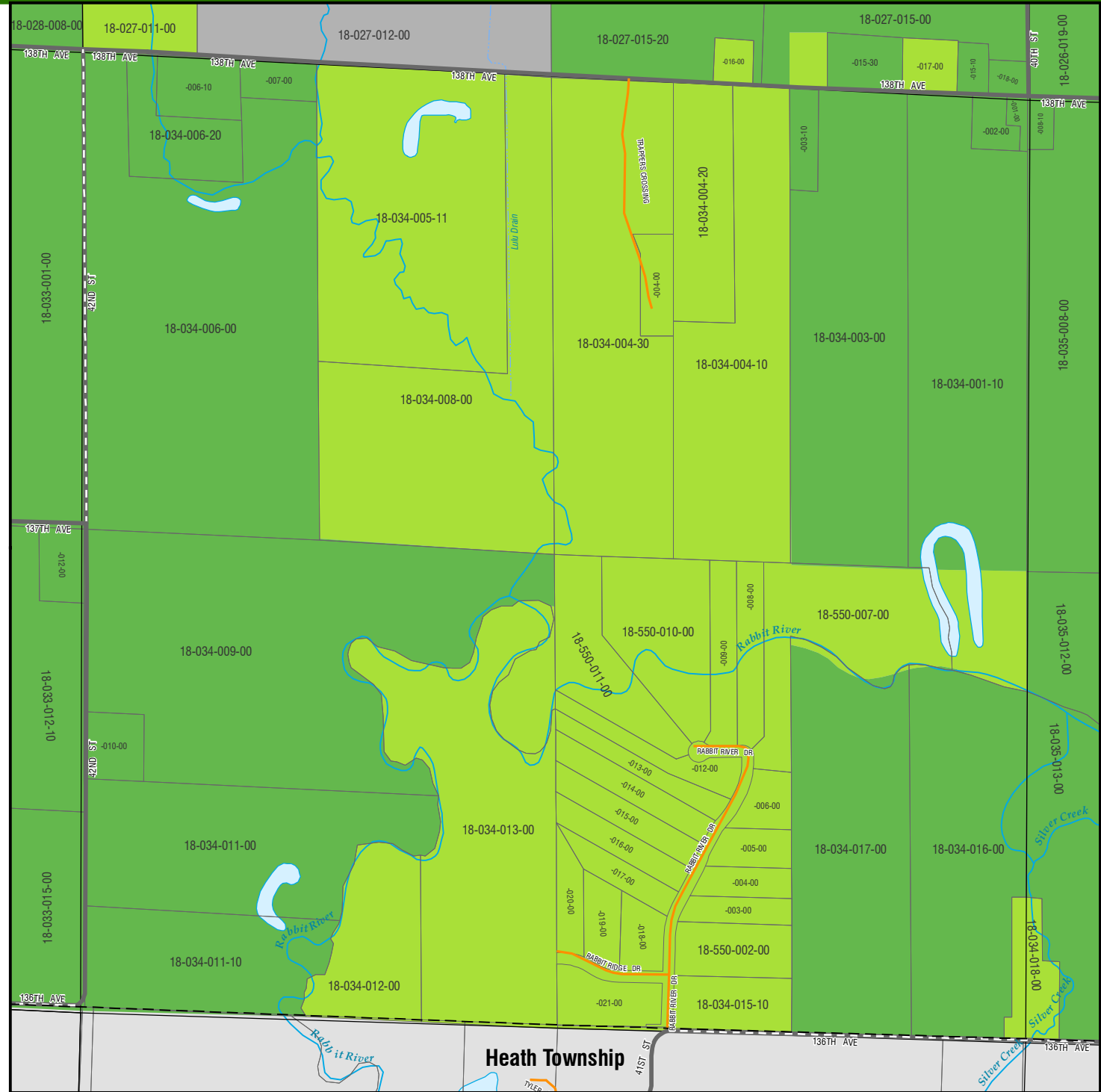
Map Legend

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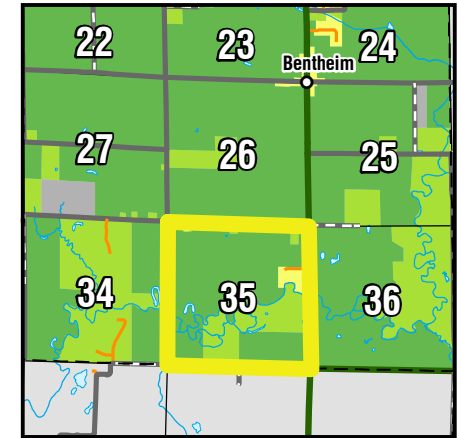
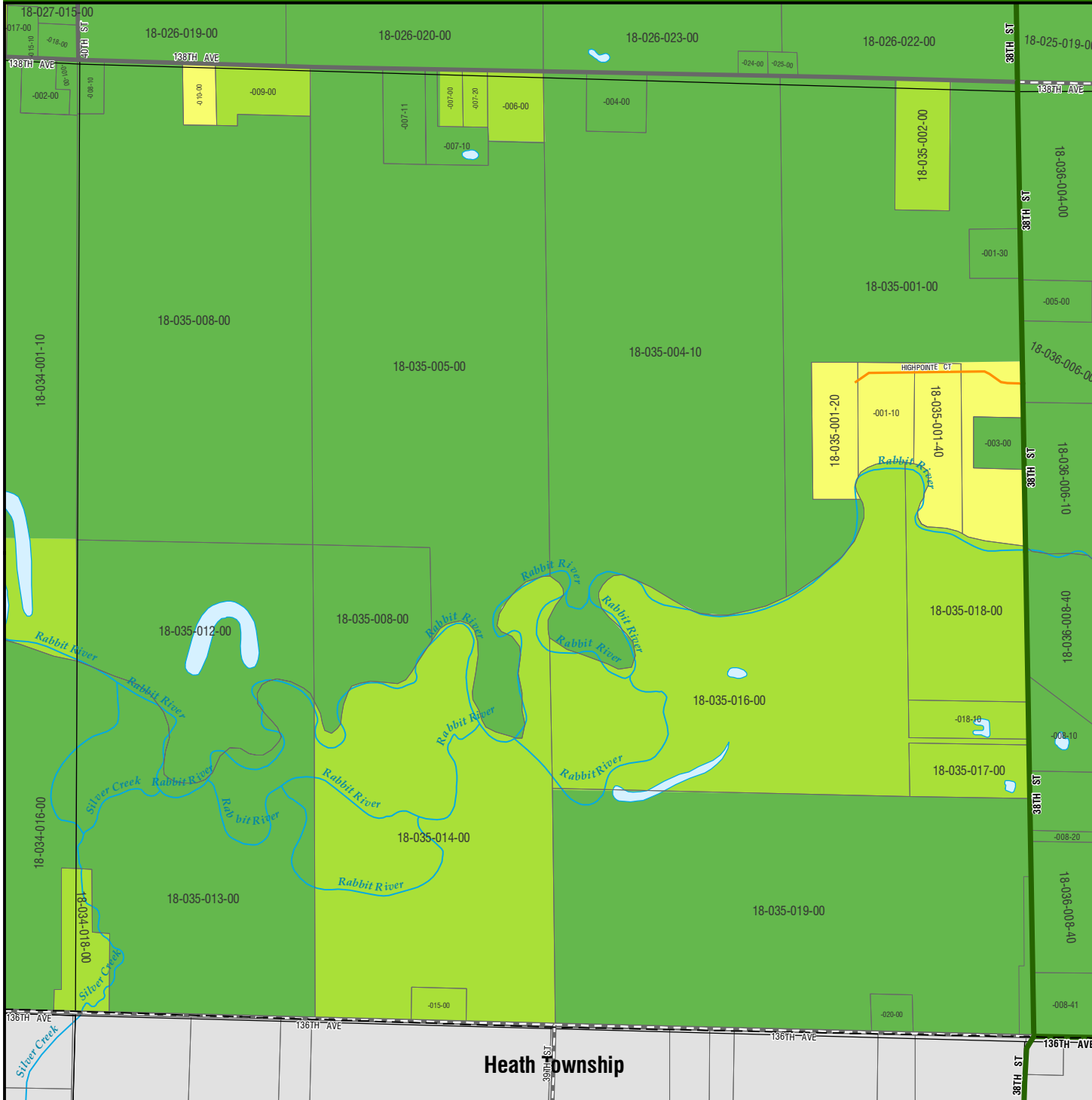


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Heath Township

# 35 Overisel Township, Section 35



Locator Map

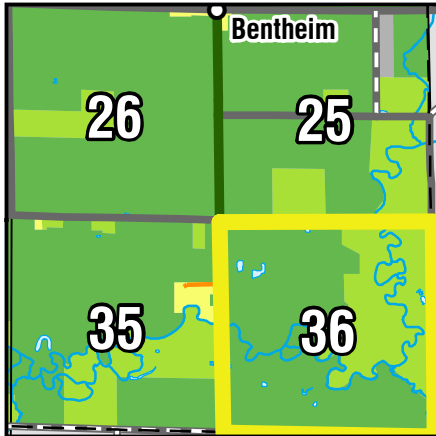
## Map Legend

### Zoning

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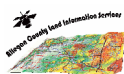
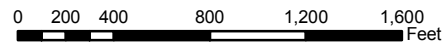
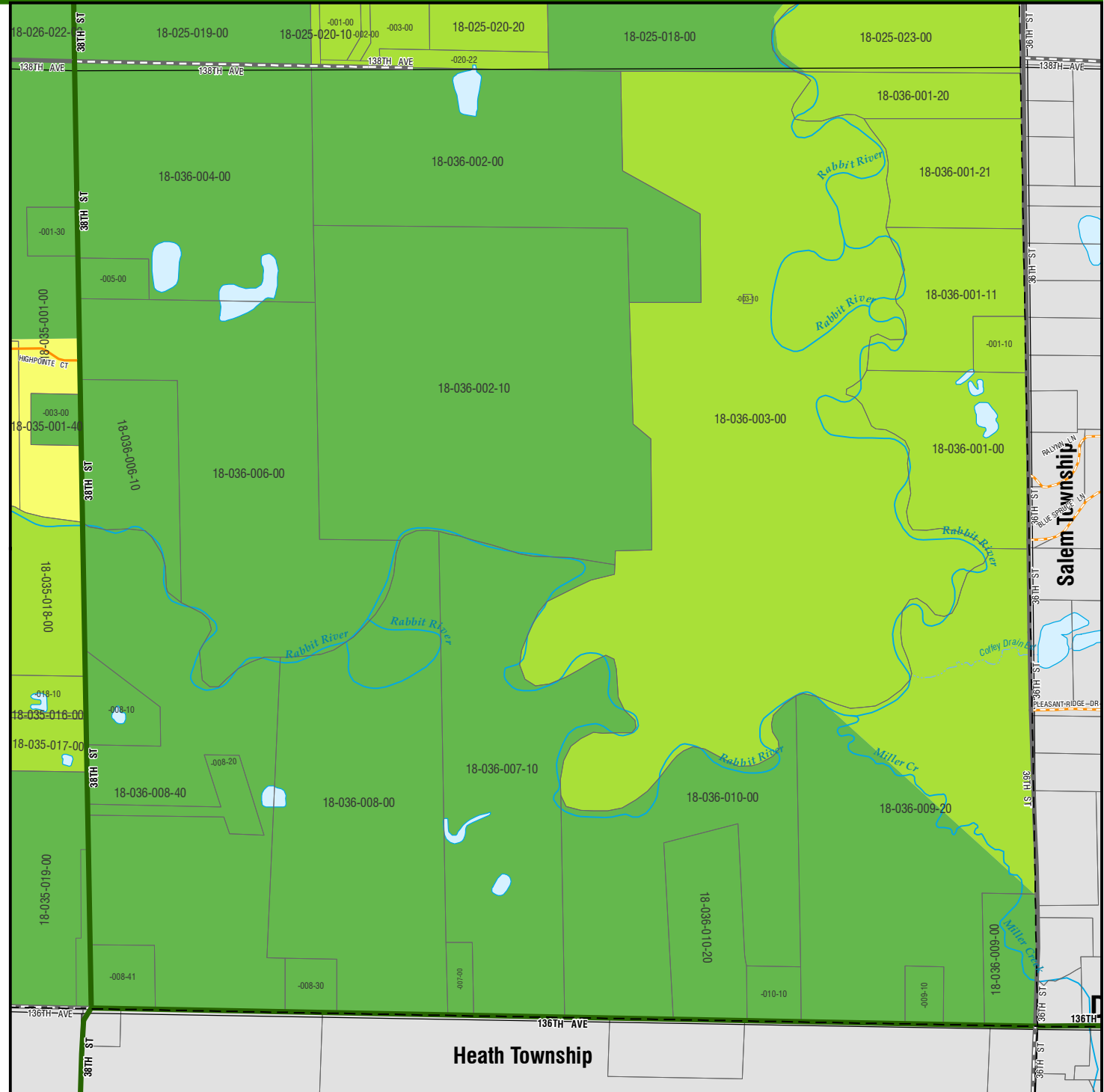


Locator Map

Map Legend

Zoning

- AG** Agricultural District
- C-1** Neighborhood Business District
- C-2** General Business District
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**OVERISEL TOWNSHIP  
ORDINANCE 2011-\_\_\_\_\_**

An ordinance to amend the zoning ordinance for Overisel Township by adding Section 12.22 regarding Wind Energy Systems.

**The Township of Overisel ordains:**

Section 1: This ordinance is adopted to amend the Overisel Township Zoning Ordinance in order to establish standards and procedures by which the installation and operation of a wind energy system (WES) shall be regulated within Overisel Township, in order to promote the safe, effective and efficient use of wind energy.

Section 2: Section 12 of the Overisel Township Zoning Ordinance is amended by the addition of Section 12.22 as set forth herein:

**Chapter XII**

**Section 12.22 Wind Energy System (WES)**

**A Purpose.**

The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

**B Definitions.**

B.1 Wind Energy System (WES) — shall mean any combination of the following:

- B.1.A A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- B.1.B A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- B.1.C 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;
- B.1.D The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- B.1.E The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

*(Note: For purposes of this section a windmill traditionally used to pump water shall not be considered a Wind Energy System.)*

- B.2 On Site Use Wind Energy System — A WES the purpose and use of which is to provide energy to only the property where the WES structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.
- B.3 Single WES for Commercial Purposes—A single WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
- B.4 Wind Farm — Clusters of two or more WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon

which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

- B.5 Utility Grid Wind Energy Systems—A WES designed and constructed to provide electricity to the electric utility grid.
- B.6 Structure Mounted WES —A WES mounted or attached to an existing structure or building.
- B.7 Interconnected WES — A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
- B.8 WES Height — The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.
- B.9 WES Setback — The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project
- B.10 Nacelle — In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.
- B.11 Shadow Flicker — Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.
- B.12 Applicant — The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the land owner and the owner(s) of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.

**C. Wind energy systems allowed as a permitted use.**

Any On Site Use Wind Energy System including structure mounted WES which is 65 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:

- C.1 The height of the WES with the blade in vertical position shall not exceed 65 feet.
- C.2 A WES shall be set back from all lot lines a distance which is at least equal to 1.5 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.
- C.3 A structure mounted WES shall have a distance from the nearest property line which is at least equal to 1.5 times the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position. The blade arcs created by a WES mounted on an existing structure shall have a minimum clearance of eight feet or be designed so the blade or other moving parts do not present a safety hazard.
- C.4 A permit shall be required to be obtained from Overisel Township to construct and operate any WES; including structure mounted WES, 65 feet or less in total height. A permit shall be issued after an inspection of the WES by Overisel Township or an authorized agent of the Township, and where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions. The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.
- C.5 An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.

**D. Wind energy systems which require a special use permit.**

Any WES including a structure mounted WES which is greater than 65 feet in height, Wind Farms, Single WES for Commercial Purposes, and Utility Grid Wind Energy Systems may be

allowed as a Special Use only within the AG Zoning District subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter XIII of this Zoning Ordinance:

- D.1 Site Plan Requirements—For those WES for which a Special Use is required the following items shall be included with or on the site plan:
  - D.1.A All requirements for a site plan contained Chapter XIII herein.
  - D.1.B Dimensions of the area purchased or leased which is to contain the WES.
  - D.1.C Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
  - D.1.D Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
  - D.1.E Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES is or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
  - D.1.F Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WES is proposed to be located.
  - D.1.G Contour elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WES is proposed to be located.
  - D.1.H Land uses within 300 feet of the parcel.
  - D.1.I Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
  - D.1.J All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
  - D.1.K Security measures proposed to prevent unauthorized trespass and access. Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
  - D.1.L Additional information as required by Chapter XIII Special Land Uses of this Ordinance, or as may be required by the Planning Commission.
  - D.1.M The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.
- D.2 Height — The height of a WES for which a Special Use is required shall be determined by compliance with the requirements of this subsection 12.22D.
- D.3 Setbacks — The setback for a WES shall be at least equal to 1.25 times the height of the WES. No part of a WES including guy wire anchors shall be located within or above any required front, side, or rear yard setback. A reasonable setback shall be maintained from overhead electrical transmission lines.
- D.4 Rotor or Blade Clearance — Blade arcs created by a WES shall have a minimum of 30 feet of clearance over and from any structure, adjoining property or tree.
- D.5 Lighting — A WES shall provide lighting as may be required by the FAA.
- D.6 Maintenance Program Required—The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.
- D.7 Decommissioning Plan Required — The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.

- D.8 Setting Standards and Visual Impact.
  - D.8.A A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
  - D.8.B WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.
- D.9 Insurance — The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval.
- D.10 Performance Guarantee — If a special use is approved pursuant to this article, the Planning Commission may require security in the form of a cash deposit, surety bond, or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the township), which will be furnished by the applicant to the township in order to ensure full compliance with this article and any conditions of approval. When determining the amount of the required security, the township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). The financial guarantee shall be deposited or filed with the township clerk after a special use has been approved but before construction commences upon a WES. At a minimum, the financial security shall be in an amount determined by the township to be sufficient to have the WES fully removed (and all components properly disposed of and the land returned to its original state) should the structure or structures become abandoned, dangerous or obsolete, or not in compliance with this article or the special use approval. The financial security shall be kept in full force and effect during the entire time while a WES exists or is in place. The financial security shall be irrevocable and noncancelable (except by the written consent of both the township and the then-owner of the WES). Failure to keep such financial security in full force and effect at all times while a WES exists or is in place shall constitute a material and significant violation of a special use approval and this article, and will subject the applicant to all available remedies for the township, including possible enforcement action and revocation of the special use approval.
- D.11 Abandonment – Any WES or testing facility which is not used for nine successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the lot. All above and below ground materials must be simultaneously removed. The ground must be restored to its original condition within 60 days of abandonment. The zoning inspector may grant extensions to these deadlines if good cause is shown.

***E. Standards for all wind energy systems.***

All WES shall comply with the following:

- E.1 Sound Pressure Level.
  - E.1.A On Site Wind Energy systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
  - E.1.B Utility Grid Systems and Wind Farms shall be subject to the requirements of Subsection E.1.A above, but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.
- E.2 Shadow Flicker. The Planning Commission or Zoning Administrator may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

- E.3 Construction Codes and Interconnection Standards.
  - E.3.A All applicable state construction and electrical codes and local building permit requirements;
  - E.3.B Federal Aviation Administration requirements;
  - E.3.C The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
  - E.3.D The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
  - E.3.E Private landing strips in or adjacent to Overisel Township;
  - E.3.F The Michigan Public Service Commission as applicable and Federal Energy Regulatory Commission if the WES is an interconnected system.
- E.4 Safety.
  - E.4.A Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
  - E.4.B To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
    - E.4.B.1 Tower climbing apparatus shall not be located within 12 feet of the ground.
    - E.4.B.2 A locked anti-climb device shall be installed and maintained.
    - E.4.B.3 A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.
  - E.4.C All WES shall have lightning protection.
  - E.4.D If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors.
  - E.4.E. The minimum height of the lowest position of the rotor or blade shall be at least 30 feet above the ground.
- E.5 Signs.
  - a. Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:
    - 1. The words "Warning: High Voltage"
    - 2. Emergency phone numbers.
  - b. A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.
- E.6 Electromagnetic Interference. WES shall be designed, constructed and operated so as not to cause computer, cell phone, radio and television interference.
- E.7 Maintenance. WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
- E.8 All distribution lines from the WES shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- E.9 A WES, except for structure mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road.

**F. MET Tower**

- F.1 A MET Tower may be permitted as a Special Use only within the AG Districts, subject to the regulations and requirements of this section and also the special use review procedures and standards of Chapter XIII of this Zoning Ordinance.
- F.2 For purposes of this Section a MET Tower is a meteorological tower used for the measurement of wind speed.
- F.3 Application Requirements.



An applicant for a MET Tower shall submit an application in accordance with the requirements of Chapter XIII of this ordinance and shall also submit the following materials;

- F.3.A A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.
- F.3.B A description of the height of the MET tower as well as standard drawings of the structural components of the MET tower including structures, towers, bases and footing. A registered engineer shall certify the drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural, and electrical codes.
- F.3.C An explanation of the purpose of the tower, the type, height and number of wind energy systems anticipated to be proposed for installation on the site or nearby.
- F.3.D A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.
- F.3.E A description of the tower maintenance program.
- F.3.F A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used for a use permitted in that Zoning District.
- F.3.G Security measures including emergency contact personnel.
- F.3.H Ten copies of a site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The site plan shall contain at a minimum the following information unless specifically waived by the Planning Commission.
  - F.3.H.1 The date on which the site plan was prepared.
  - F.3.H.2 A north arrow and legal description of the property.
  - F.3.H.3 Property lines and dimensions of the parcel containing the tower, as well as the area leased for the tower if applicable, the height of the MET tower and its distance to all property lines.
  - F.3.H.4 Any buildings or structures existing on the site and the use of the parcel.
  - F.3.H.5 The distance to the closest building on adjacent property.
  - F.3.H.6 The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower.
  - F.3.H.7 Guy wires, guy wire anchors and any other tower supporting structure or device.
  - F.3.H.8 Type and height of fencing to be installed around the tower or an equipment building. Elevation drawings of any buildings designed to serve the tower.
  - F.3.H.9 Access road; width and construction standards.
  - F.3.H.10 Any lighting proposed to be located on the tower.
- F.4 General Requirements. A MET tower shall comply with all of the following:
  - F.4.A The tower shall be setback from all property lines a distance of not less than 1.25 times the height of the tower as measured from the base of the tower
  - F.4.B All applicable state construction and electrical codes and local building permit requirements;
  - F.4.C Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
  - F.4.D The Michigan Airport Zoning Act (Public Act 23 of 1950);
  - F.4.E The Michigan Tall Structures Act (Public Act 259 of 1959);
  - F.4.F A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be

granted by the Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period.

- F.4.G In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.
- F.5 Planning Commission Review. The Planning Commission shall review the proposed MET tower according to the standards for Special Uses contained in this Section 12.22 and in Chapter XIII of this Ordinance. The Commission may approve a MET tower for a specified period of time subject to renewal by the Planning Commission. The Commission may impose reasonable conditions in its approval of a MET tower in accordance with Chapter XIII herein including but not limited to a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.
- F.6 In approving a MET Tower the Commission shall require that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site.

Section 3: Effective Date. This amending ordinance shall become effective 7 days after publication or 7 days after publication of a summary of its provisions in a local newspaper of general circulation in the township.

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Russell Van Dam  
Township Supervisor

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Renee Hop  
Township Clerk