

TABLE OF CONTENTS

Chapter		page
	INTRODUCTION	
1.	Table of Contents	1-1
2.	PURPOSE, SCOPE & LEGAL BASIS	
	Purpose	2-1
	Scope & Interpretation	2-1
	Legal Basis	2-2
	Special Use	2-2
	Variance	2-3
3.	DEFINITIONS	
	Rules Applying to the Text	3-1
	“A”	3-2
	“B”	3-2
	“C”	3-4
	“D”	3-5
	“E”	3-5
	“F”	3-5
	“G”	3-7
	“H”	3-7
	“I”	3-8
	“J”	3-8
	“K”	3-8
	“L”	3-8
	“M”	3-9
	“N”	3-10
	“O”	3-10
	“P”	3-10
	“Q”	3-11
	“R”	3-11
	“S”	3-12
	“T”	3-13
	“U”	3-14
	“V”	3-14
	“W”	3-14
	“X”	3-15
	“Y”	3-15
	“Z”	3-16
4.	MAPPED DISTRICTS	
	Zoning Districts	4-1
	Zoning Map	4-1
	Areas Not Included Within A District	4-2
5.	AGRICULTURAL DISTRICT	
	Description & Purpose	5-1
	Permitted Uses	5-1
	Special Uses	5-2
	Table of Dimensional Regulations	5-2

6.	R-1 RURAL ESTATE DISTRICT	
	Description & Purpose	6-1
	Permitted Uses	6-1
	Special Uses	6-2
	Table of Dimensional Regulations	6-2
7.	R-2 LOW DENSITY RESIDENTIAL DISTRICT	
	Description & Purpose	7-1
	Permitted Uses	7-1
	Special Uses	7-1
	Table of Dimensional Regulations	7-2
8.	RL RESIDENTIAL LAKE DISTRICT	
	Description & Purpose	8-1
	Permitted Uses	8-1
	Special Uses	8-1
	Table of Dimensional Regulations	8-2
9.	C-1 NEIGHBORHOOD BUSINESS DISTRICT	
	Description & Purpose	9-1
	Permitted Uses	9-1
	Special Uses	9-3
	Table of Dimensional Regulations	9-3
10.	INDUSTRIAL DISTRICT	
	Description & Purpose	10-1
	Permitted Uses	10-1
	Special Uses	10-2
	General Regulations	10-3
	Table of Dimensional Regulations	10-3
11.	GENERAL PROVISIONS	
	Effect of Zoning	11-1
	Restoration of Unsafe Building	11-1
	Height Exceptions	11-2
	Essential Services	11-4
	Required Yards	11-5
	Control of Heat, Glare, Fumes, Dust, Noise, Vibrations and Odors.	11-5
	Temporary Uses or Structures Requiring Zoning Inspector Authorization	11-7
	Alterations	11-8
	Accessory Buildings	11-9
	Principal Building on a Lot	11-10
	Double Frontage Lots	11-10
	Sign Regulations	11-10
	Minimum Public or Private Street Frontage	11-13
	Governmental Improvements	11-13
	Seasonal Outdoor Storage of Boats & Campers on vacant Lots	11-14
	Outdoor Wood burning Furnaces	11-14
12.	NONCONFORMING USES, LOTS AND/OR STRUCTURES	
	Intent & Purpose	12-1
	Nonconforming Uses	12-1
	Nonconforming Lots	12-2

	Nonconforming Buildings or Structures	12-2
	Expansion of Legal Pre-existing Nonconforming Commercial Uses	12-3
	Restoration, Repair and Structural Changes of Buildings or Structures Containing a Nonconforming Use.	12-3
	Building or Structure under Construction on Effective Date of Ordinance.	12-5
	Building or Structure Located Within a Flood Hazard Area.	12-5
13.	SITE PLAN REVIEW	
	Site Plan Review	13-1
	Preliminary Site Plans	13-3
	Review of Preliminary Site Plans	13-5
	Effect of Preliminary Site Plan Acceptance	13-6
	Final Site Plan Submission Requirements	13-6
	Final Site Plan Review Procedures	13-8
	Final Site Plan Approval	13-11
	Site Change	13-12
	Minor Project Review	13-13
14.	PARKING & LOADING SPACES	
	General	14-1
	Joint Use of Facilities	14-3
	Location of Facilities	14-3
	Size of Parking Spaces	14-3
	Requirements for Parking Areas	14-4
	Off-Street Loading Spaces	14-4
15.	SPECIAL USES	
	Purpose	15-1
	Application Procedures	15-1
	Special Use Requirements	15-2
	“A”	15-2
	“B”	15-3
	“C”	15-3
	“D”	15-5
	“E”	15-5
	“F”	15-5
	“G”	15-5
	“H”	15-6
	“I”	15-8
	“J”	15-8
	“K”	15-8
	“L”	15-8
	“M”	15-9
	“N”	15-14
	“O”	15-15
	“P”	15-15
	“Q”	15-16
	“R”	15-16
	“S”	15-18
	“T”	15-18
	“U”	15-19
	“S”	15-19
	“W”	15-19
	“X”	15-22
	“Y”	15-22

	“Z”	15-22
16.	PLANNED UNIT DEVELOPMENTS	
	Intent & Purpose	16-1
	Planned Unit Development Conditions	16-1
	Pre-Planning Conference	16-2
	Standards & Considerations	16-2
	Public Hearing	16-5
	Final Approval	16-5
	Effect of Approval of the Site Plan	16-5
	Amendment of the Site Plan	16-5
	Performance Guarantees	16-6
	Enforcement	16-6
17.	OPEN SPACE PRESERVATION	
	Open Space Preservation	17-1
	Eligibility	17-1
	Minimum Lot Requirements	17-2
	Application	17-2
18.	FIRE LANES AND PRIVATE ROAD PERMITTED	
	Definitions	18-1
	General Provisions	18-1
	Minimum Standards for Private Roads and Fire Lanes	18-2
	Approval	18-2
19.	ADMINISTRATION AND ENFORCEMENT	
	Zoning Administration	19-1
	Zoning Inspector	19-1
	Zoning Application & Approval	19-1
20.	[RESERVED FOR FUTURE USE]	20-1
21.	AMENDMENTS AND PUBLIC NOTICES	
	Initiation of Amendments	21-1
	Procedure	21-1
	Public Notices	21-3
	Factors to be Considered for Rezoning	21-4
	Conditional Rezoning	21-4
22.	BOARD OF APPEALS	
	Establishment & Procedures	22-1
	Zoning Board of Appeals, Powers and Duties	22-2
	Duties of the Zoning Administrator, Zoning Board of Appeals, Township Board, and Courts on Matters of Appeal	22-3
23.	PENALTIES	
	Penalties	23-1
	Procedure	23-1
24.	MISCELLANEOUS PROVISIONS	
	Administrative Liability	24-1
	Severability	24-1
	Repeal	24-1
	Effective Date	24-1

CHAPTER 2

Purpose, Scope and Legal Basis

Section 2.01 Purpose:

This Ordinance is based upon the Trowbridge Township General Development Plan and is designed (1) to promote the public health, safety and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to conserve the natural resources and energy, to meet the needs of the State's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, services and other uses of land; (4) to insure that uses of land will 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 public roads and streets; (8) to reduce hazards to life and property; (9) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (10) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. 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 will 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 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, ordinance, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance will control.

Section 2.03 Legal Basis.

This Ordinance was originally enacted in 1980 pursuant to Michigan Public Act 184 of 1943 and is amended pursuant to Michigan Public Act 110 of 2006, as amended.

SECTION 2.04 Special Use.

After Application and Notices the Planning Board will be the only entities in the Township that is granted the authority to issue Special Use.

The issued Special Use will not harm, or have any adverse impact on the neighborhood, the natural resources, or infrastructure of Trowbridge Township. The issued Special Use will not allow or create a nuisance, hazard or congestion to the existing area or surroundings.

A Special Use may be allowed in specific zoning districts provided they meet certain conditions set out in the ordinance. Those conditions are designed to avoid adverse impacts to the neighboring area.

An example of a special use would be an allowance of a home business such as a tax service, hair salon, or daycare in a residential neighborhood. A special use would allow a small engine repair in a rural residential area.

An applicant for a Special Use does not have to show hardship. Instead, the focus is on simply showing that the proposed use meets the conditions already contained in this ordinance.

SECTION 2.05 Variances

After Application and Notices the Zoning Board of Appeals is the only entity in the Township to have the authority to grant or issue a Variance.

Variations allow for the approval of uses and structures that would otherwise be prohibited because they do not meet the ordinance's requirements (such as minimum property line setback or lot size requirements). To obtain a variance, the applicant must show "hardship." To prove hardship, the applicant must prove that varying from the ordinance's requirements is the only way the property can be expected to provide a reasonable use and return.

This document is used to protect the integrity of the Trowbridge municipality, the rights and value of neighboring properties. This ordinance provides flexibility for the municipality and the property owner. It was written to allow for reasonable uses of the property while minimizing adverse impacts to the other citizens and entities operating within the township.

CHAPTER 3

DEFINITIONS

SECTION 3.01 RULES APPLYING TO THE TEXT.

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

- A. The specific will overrule the general.
- B. With the exception of this Chapter, the headings that 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 “will” 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 will include the future tense;
 - 2. Words used in the plural number will 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, will be construed to include the words “intended”, “arranged”, or “designed to be used or occupied”.
- H. Any word or term not defined in this document will be considered defined in accordance with its common or standard definition.

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

SECTION 3.02 – “A”

Accessory Use or Structure will be defined as; 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.

ANSI. American National Standards Institute

Automobile Repair – Major. General repair, rebuilding, or reconditioning of internal combustion, steam, or electric engines, or vehicles, collision service (including body repair and frame straightening), painting, upholstering; or vehicle steam cleaning and undercoating.

Automobile Repair – Minor. Minor repairs, incidental replacement of parts, engine 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 3.03 – “B”

Basement. A portion of a building partly below grade but located so that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. If the vertical distance from the grade to the ceiling is five (5) feet or more, such basement will be counted as a story.

Bed & Breakfast Inn. See Tourist Home.

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, product, or entertainment that is not conducted on the land upon which the structure is located or where the product is primarily sold, manufactured, processed or fabricated.
- B. Business Sign – Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, product, or entertainment conducted on the land, or within the company boundaries where the structure is located, or where the product is primarily sold, manufactured, processed, or fabricated.
- C. Real Estate Sign – Any temporary structure used only to advertise lot, or building, and lot information, (limited to: two phone numbers, name of seller or realtor, hours to contact, the words; “For Sale” “For Rent”, For Lease” 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 to:
 - 1. tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution;
 - 2. tell the name or address of an apartment house, hotel, or motel; or
 - 3. -inform the public as 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 occupying the building.

Building. Anything that is constructed, erected, or placed on property, having a roof supported by columns, walls, or other supports, which is used, or intended to be 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. Truck trailers, truck bodies, or bus bodies are not considered buildings.

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 a flat roof, to the deck of a mansard roof, and to the height level between the eaves and ridge of a gable, hip or gambrel roof.

Building Setback. The minimal horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which it is located.

Section 3.04 – “C”

Community Center. A building which provides rooms or a hall for community organizations to meet or have social/entertainment events for the community, and other activities of interest to and primarily for the benefit/enjoyment of the community. Such activities may include social events sponsored by or for the benefit of individual members of or groups within the community provided that such events are not the principal function of the facility. Specifically excluded from the activities that fall under this definition are trade shows and conventions, except for art shows, antique fairs and garden shows.

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 an interior angle of one

hundred thirty-five (135) degrees or less. A corner lot has two (2) front yards, one (1) side yard, and one (1) rear yard. The rear yard and the non-front side yard, on a corner lot may be whichever non-front yard best suits the use of the property and the configuration of all structures.

Section 3.05 – “D”

Deck. Any un-roofed platform projecting more than 12 inches above the existing natural grade at any point, attached or unattached to an existing structure. (see also “Porch” and “Patio” for differences).

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

- 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, and having a separate entrance for each dwelling unit.
- C. **Dwelling, Multi-family** – A building designed for use and occupancy by three (3) or more families.
- D. **Dwelling, Single-family Attached** – A dwelling attached to or within a building having or designed to be occupied by a commercial use.

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 cooking facilities and bathroom facilities.

Section 3.06 – “E”

Elderly. A person 62 years of age or older.

Section 3.07 – “F”

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, marriage, foster children or legal adoption, no such family will contain more than five (5) persons.

Farm, General. Any tract of land, regardless of size or area, devoted to general agricultural activities not involving animals for commercial purposes, such as field crops, truck farming, orchards and nurseries. Such farms may include related dwelling units, customary barns and similar structures.

Farmhand. A person employed by a farm owner on a full-time, year-round basis for the primary purpose of performing farm-related work. This work includes crop planting and harvesting, field plowing, fence building, animal care and other similar activities.

Farm, Specialized. Any tract of land used for specialized animal operations, such as apiaries, chicken hatcheries, poultry farms, dairying, beef farms, animal husbandry, stockyards, livestock feed lots, swine farms or establishments keeping fur-bearing animals or game, or operating fish hatcheries. Such farms may include related dwelling units, customary barns, and similar buildings.

FEMA. Federal Emergency Management Agency. The federal agency primarily responsible for natural disaster preparedness, mitigation, response and recovery and the administration of the National Flood Insurance Program.

Flood Hazard Area. The greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year (commonly referred to as the “100-year floodplain”).
2. The area designated as a flood hazard area on a community’s Flood Insurance Rate Map (FIRM) or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The insurance and floodplain-management map issued by FEMA that identifies, based on detailed or approximate analyses, areas of base flood hazard in a community. In areas studied by detailed analyses, the FIRM shows the Base Flood Elevations and base flood (100-year and 500-year) floodplain boundaries and, occasionally, the floodway boundaries.

Floor Area, Gross (GFA). The gross floor area of all floors of a building or an addition to an existing building. For all commercial buildings and for any other building, the basement floor area will be included except that part, which contains heating and cooling equipment and other basic utilities. For all dwelling units, the gross floor area will not include utility rooms, porches or the basement except where there is a finished basement.

Floor Area, Usable (UFA). The measurement of usable floor area will be that portion of floor area used for services to the public as customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used principally for storage or merchandise, utility or mechanical rooms, or sanitary facilities.

Section 3.08 – “G”

Section 3.09 - “H”

Home Business. A small-scale resident-owned and operated business, which is incidental to the principal residential use of property. (see Section 15.11).

Home Occupation. Any use customarily conducted entirely within a dwelling (Class I), or, a limited portion of a residential accessory structure or a limited enclosed area of a residential parcel (Class II) and carried on by the inhabitants of the property. (see Section 15.11).

Section 3.10 – “I”

IEC. International Electro technical Commission. The IEC is a global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO. International Organization for Standardization. The ISO is an international standard-setting body composed of representatives from various national standards organizations.

Section 3.11 – “J”

Junkyard. A place where junk, waste, or discarded or salvaged materials are bought, sold, 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 3.12 – “K”

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

Section 3.13 – “L”

Lot. A parcel, vacant land, occupied land, or land intended to be occupied by a building, accessory building, or utilized for a principal use or uses and accessory uses together with yards and open spaces required under the provisions of this Ordinance. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, when designed and intended for separate ownership and/or use.

Lot Area. The total horizontal area within the lot lines excluding any part of a public road right-of-way or private road easement.

Lot Width. The horizontal straight-line distance between side lot lines, measured between the two points where the required front setback line intersects the side lot lines.

Section 3.14 – “M”

Mobile Home (Manufactured Home). Any movable or portable factory-built dwelling constructed to be towed on a chassis, connected to utilities, with or without permanent foundation, for year-round occupancy as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity.

- A. Single Wide** – a mobile home with a longitudinal width of no greater than fourteen (16) feet for its full length.
- B. Double Wide** – a combination of two (2) single wide mobile home chassis designed and constructed to be connected along the longitudinal axis, thus providing double the living space of the conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

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 the mobile home.

Mobile Home Park. A parcel or tract of land under control of a person, corporation, partnership or other ownership, upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made thereof, together with any building, structure

enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

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

Motel. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping quarters, which may or may not be independently accessible from the outside, with garage or parking space located on the same lot and designed for or occupied by automobile travelers. The term will 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. Motel does not include Bed & Breakfast Inn or Tourist Home.

Motor Vehicle. Any vehicle that is self-propelled.

Section 3.15 – “N”

Section 3.16 – “O”

On Site Use Wind Energy Systems - A wind energy system intended to primarily serve the needs of the property owner.

Section 3.17 – “P”

Parcel. See lot.

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 will include access drives within the actual parking area.

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

Patio. Any un-roofed constructed surface area extending no more than 12 inches above the existing natural grade at any point. A patio is not a porch or deck.

Pier. Concrete columns embedded in the ground to a depth below the frost line.

Planning Commission. The Trowbridge Township Planning Commission.

Porch. A roofed, partially or fully enclosed structure, abutting and/or attached to a building. A porch will be considered a part of the building or structure.

Principal Use (or Main Use). The primary or predominant use of a lot. The principal use may or may not be housed in a structure. A typical residential use would be the house while a commercial use such as an automobile sales lot might not be enclosed by a structure.

Section 3.18 – “Q”

Section 3.19 – “R”

Required Setback. The minimum distance from the property line or right-of-way line at which the foundation or footing of a building or structure may be located as required by the provisions of the district in which the parcel is located.

Residential Care Home. A state licensed child or adult care facility, which is organized for the purpose of receiving children or adults for care, maintenance, and/or

supervision in a home supervised by a resident of the home for that purpose, and operated throughout the year. Residential Care Homes do not include hospitals licensed under Section 59 of Public Acts 269 and/or 139 of 1956, as amended, nor hospitals for the mentally ill licensed under Public Act 151 of 1923, as amended, or nursing and convalescent care centers.

Road (Public). 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, street, or other thoroughfare, except an alley.

Road (Private). A privately owned and maintained right-of-way or easement which affords traffic circulation and principal means of access to abutting properties. It Can also mean a private street, lane, fire lane, drive or alley.

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.

Rotor - An element of a wind energy system that acts as a multi-bladed airfoil assembly which extracts, through rotation, kinetic energy directly from the wind.

Section 3.20 – “S”

SCADA Tower- A freestanding tower containing instruments such as anemometers that is designed to provide present moment wind data for use by a Supervisory Control And Data Acquisition (SCADA) system.

Shadow Flicker- Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window of a dwelling.

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.

Structural Alteration. 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 any addition to or diminution of a structure or building.

Substantial Change. Any change the cost of which exceeds 50% of the assessed value of the structure or structural element.

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

Section 3.21 – “T”

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. Also Bed & Breakfast Inn.

Tower Height. For Horizontal Wind Turbine Rotors, this is the distance between the ground and the highest point of the Wind Energy Conversion System, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades. For a Vertical Axis Wind Turbine, this is the distance between the ground and the highest point of the WECS.

Township Board. The Trowbridge Township Board.

Township. Trowbridge Township.

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

Section 3.22 – “U”

Utility Grid Wind Energy Systems. A structure designed and built to provide electricity to the electric utility grid.

Section 3.23 – “V”

Vehicle. Every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power.

Section 3.24 – “W”

Wind Energy System (WES). A combination of (1) A surface area, either variable or fixed, for utilizing the wind for electrical power generation; (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Wind Energy System, Interconnected. A WES which is electrically connected to the local electrical power utility and could feed back power into the local electrical power utility system.

Wind Energy System. A structure which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and/or tower as well as related electrical equipment and supporting wires. This does not include wiring to connect the wind energy system to the electrical grid.

Wind Site Assessment. An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Section 3.25 – “X”

Section 3.26 – “Y”

Yard. A required open space, other than a court, unoccupied and unobstructed by any building, structure, or portion thereof.

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 and the main wall or porch pier of the building or structure as required by this ordinance. In the case of waterfront lots, the yard fronting on the street will be considered the front yard for the purposes of this ordinance. See also Corner Lot.

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 or porch pier of the main building, as required by this ordinance. See also Corner Lot.

Yard, Side. A yard between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard will be measured from the nearest part of the building to the nearest side lot line. See also Corner Lot.

Yard, Waterfront. That portion of a lot or parcel that abuts or intersects with the 100 year flood line, if that has been established, or with the normal high water mark of a lake or stream as established by either the State of Michigan or a court of competent jurisdiction. For the purpose of this definition and related regulations, a “lake” is any body of water over one (1) acre in surface area.

Section 3.27 – “Z”

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

Zoning Inspector. The Trowbridge Township Zoning Inspector.

CHAPTER 4

MAPPED DISTRICTS

SECTION 4.01 ZONING DISTRICTS.

The Township of Trowbridge is legally divided into the following zoning districts:

AG	Agricultural
R-1	Rural Estate
R-2	Low Density Residential
RL	Residential Lake
C-1	Neighborhood Business
I-1	Industrial

SECTION 4.02 ZONING MAP.

The locations and boundaries of the zoning districts are legally established as shown on a map, as the same may be amended from time to time, entitled “The Zoning Map of Trowbridge Township, Allegan County, Michigan”, which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists regarding the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation will apply:

- A. Boundaries indicated, as approximately following the centerline of streets, highways, or alleys will be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines will be construed as following such lot lines.
- C. Boundaries indicated, as approximately following township boundaries will be construed as following township boundaries.
- D. Boundaries indicated as approximately following shorelines of lakes or streams will be construed as following such shorelines of such lakes or streams. In the event of change in the location of shorelines, such change will be construed as moving the shoreline of the lake or stream.
- E. Lines parallel to streets without indication of the depth from the street lines will be construed as having a depth of two hundred (200) feet from the street right-of-way line.
- F. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey will 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 amendments will follow the section or government survey.

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, that parcel of land will be in the AG Zoning District. Exception to this rule is: where a parcel less than ten (10) acres in area is completely separate from any AG district. In this case, the land will be zoned in conformance with the surrounding or dominant zoning district.

CHAPTER 5

AG Agricultural District

Section 5.01 Description & Purpose

This Zoning District is intended for large tracts of land used for farming, animal husbandry, dairying, horticulture, or other agricultural activities.

Section 5.02 Permitted Uses

Land, buildings and structures in this zoning district will 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 migrant 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. There will be no more than one (1) dwelling unit per 20 acres of land on any parcel. The people living in the dwelling must be involved with some significant aspect of operating and maintaining the farm business. Children are excluded from this requirement.
- B. Riding stables where horses are boarded, rented, leased or sold
- C. Golf courses, athletic grounds, parks, and cemeteries.
- D. Kennels.
- E. Roadside stands that sell products grown or produced on the premises.
- F. State licensed care homes (6 or fewer persons).
- G. Home Occupations – Class I only.
- H. Removal of topsoil, stone, rock, sand, gravel or other such minerals disturbing less than one (1) acre.
- I. Consignment auctions
- J. Churches
- K. One accessory exempt Wind Energy System as permitted in 11.03.B.

Section 5.03 Special Uses

All of the following Special Uses are subject to Site Plan Review in accordance with Chapter 13, and the Special Use standards in accordance with the appropriate sections of Chapter 15.

- A. Home Occupations – Class II.
- B. Home Business.
- C. Any lot less than ten (10) acres in agricultural designated land.
- D. Mining (will be classified as more than one [1] acre of disturbed area). Sod farms are exempt from this provision.
- E. Wind Energy System
- F. Commercial Broadcasting or Cellular Tower
- G. Solar Energy Collector

Section 5.04 Table of Dimensional Regulations for Agriculture

No building or structure, nor any enlargement thereof, will be erected or placed upon a property in this district except in conformance with the following regulations:

Minimum Front Yard Set Back	50 feet from Road Right of Way
Minimum Side Yard Set Back <ul style="list-style-type: none"> - for residential buildings & structures - for all other structures 	<ul style="list-style-type: none"> -Total of fifty (50) feet, not less than twenty (20) feet on any side - fifty (50) feet each side
Minimum Rear Yard Set Back	Fifty (50) feet
Maximum Building Height	35 feet See Exceptions Sec. 11.03, 15.06-15.26
Minimum Road Frontage	50ft

Minimum Lot Area	Ten (10) Acres
Minimum Lot Width	150 feet
Minimum Floor Area	900 square feet of usable floor area per dwelling unit.

CHAPTER 6

R-1 RURAL RESIDENTIAL DISTRICT

SECTION 6.01 DESCRIPTION & PURPOSE

This Zoning District is intended for large rural residential estates and farming.

SECTION 6.02 PERMITTED USES

Land, buildings and structures in this zoning district will 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 is prohibited. See special use regulation regarding temporary housing in R-1 designated areas.
- B. All temporary housing requires a special use permit and review by the board.
- C. Single Family and Two-Family Dwellings.
- D. Publicly owned athletic grounds, parks, and cemeteries.
- E. Removal of topsoil, stone, rock, sand, gravel, or other such minerals disturbing less than one (1) acre
- F. Kennels.
- G. Roadside stands that sell products grown or produced on the premises.
- H. State licensed care homes (6 or fewer persons)
- I. Home Occupations – Class I only
- J. An accessory building on a vacant lot under the following conditions:
Accessory buildings, when located within 200 feet of another lot occupied by a single-family dwelling.
 1. The accessory building will be setback at least 5 feet from any side or rear lot line, 20 feet from any street right-of-way line.
 2. The accessory building shall not exceed 20% of the lot area.
 3. The accessory buildings will not be used for dwelling, home occupation or commercial purposes.

- K. One wind system and/or solar panel system under 300 sq. ft. area as permitted in 11:03.B

SECTION 6.03 SPECIAL USES

All of the following Special Uses are subject to Site Plan Review in accordance with Chapter 8 and the Special Use standards in accordance with the appropriate sections of Chapter 15.

- A. Home Occupations – Class 2
- B. Home Business
- C. Lots smaller than five (5) acres in the R1 Rural Residential District.
- D. Mining (more than one acre of disturbed area)
- E. Two Wind Energy Systems and/or Solar Systems above 300 sq. ft. area
- F. Commercial Broadcasting or Cellular Towers
- G. Temporary Housing.
- H. Dwellings smaller than 900 square feet per floor.

SECTION 6.04 AREA AND HEIGHT REGULATIONS

No building or structure, nor any enlargement of a building or structure, will be erected or placed upon a property in this district except in conformance with the following regulations:

Minimum Front Yard Depth. Depth measured from road right of way to front of structure.	50 feet
Minimum Side Yard Width	-Total of 50 feet, not less than 20 feet any side
Minimum Rear Yard Depth. Depth measured from rear of structure to rear lot line.	50 feet
Maximum Building Height	35 feet
Minimum Lot Area	Five (5) Acres
Minimum Lot Width	150 feet
Minimum Floor Area	900 square feet per dwelling unit
Minimum Road Frontage	150 Feet

CHAPTER 7

R-2 RURAL RESIDENTIAL DISTRICT

SECTION 7.01 DESCRIPTION & PURPOSE

This Zoning District is intended for low-density residential uses, together with required recreational, religious and educational facilities.

SECTION 7.02 PERMITTED USES

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

- A. Single Family Dwellings.
- B. Two-Family Dwellings.
- C. State licensed care homes (6 or fewer persons)
- D. An accessory building on a vacant lot under the following conditions:
Accessory buildings, when located within 200 feet of another lot occupied by a single-family dwelling.
 - 1. The accessory building will not exceed 20% of the lot.
 - 2. The accessory buildings will not be used for dwelling, home occupation or commercial purposes.
- E. One accessory exempt Wind Energy System as permitted in 11.03. B.

SECTION 7.03 SPECIAL USES

All of the following Special Uses are subject to Site Plan Review in accordance with Chapter 13, and the Special Use standards in accordance with the appropriate sections of Chapter 15.

- A. Private and public schools, libraries, museums, art galleries and similar uses.
- B. Parks, playgrounds, community centers and campgrounds, governmental, administration, or service buildings.
- C. Churches.
- D. Home Occupation – Class 1.

E. Commercial Broadcasting or Cellular Tower

SECTION 7.04 TABLE OF DIMENSIONAL REGULATIONS

No building or structure, nor any enlargement thereof, will be erected or placed upon a property in this district except in conformance with the following regulations:

Minimum Front Yard Depth	30 feet
Minimum Side Yard Depth	Total of 20 feet, not less than 7 feet any side
Minimum Rear Yard	25 feet
Maximum Building Height	35 feet
Waterfront Minimum Rear Yard	50 feet
Minimum Lot Area - Single Family -without public sewer and water -with public sewer and water -Two Family -without public sewer and water -with public sewer and water	- 15,000 square feet - 8,500 square feet - 30,000 square feet - 15,000 square feet
Minimum Lot Width and Road Frontage -Single Family with public sewer & water -all other uses	- 85 feet - 100 feet
Minimum Floor Area for Dwelling	900 square feet

CHAPTER 8

RL RESIDENTIAL LAKE DISTRICT

SECTION 8.01 DESCRIPTION & PURPOSE

This Zoning District is intended for lots less than 12,000 square feet in area, located in plats that were of record prior to the adoption of this Zoning Ordinance. In cases where three (3) or more adjacent un-platted lots are less than 15,000 square feet in area or less than 100 feet wide, they may be included in this zoning district. Those lots were created prior to the adoption of the Zoning Ordinance and have remained in separate ownership.

SECTION 8.02 PERMITTED USES

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

- A. Single Family Dwellings.
- B. State licensed care homes (6 or fewer persons)
- C. An accessory building on a RL vacant lot under the following conditions:
Garages intended for automobiles or boats, when located within 200 feet of another lot occupied by a single-family dwelling:
 - 1. The garage will be setback at least 5 feet from any side or rear lot line, 20 feet from any street right-of-way line.
 - 2. The garage will not exceed 20% of the lot area. The garage will not exceed the floor area of the first floor of the dwelling on the related lot occupied by a single-family dwelling.
 - 3. The garages will not be used for dwelling, home occupation or commercial purposes.
- D. Seasonal outdoor storage of boats and campers on vacant lots.
- E. One accessory exempt Wind Energy System as permitted in 11.03. B.

SECTION 8.03 SPECIAL USES

All of the following Special Uses are subject to Site Plan Review in accordance with Chapter 13, and the Special Use standards in accordance with the appropriate sections of Chapter 15.

A. Parks, playgrounds, community centers and campgrounds, governmental, administrative, or service buildings.

SECTION 8.04 TABLE OF DIMENSIONAL REGULATIONS

No building or structure, nor any enlargement thereof, will be erected or placed upon a property in this district except in conformance with the following regulations:

Minimum Street Yard	20 feet, or the average existing setback of similar structures within 300 feet on any side.
Minimum Water front yard	50 feet, or the average existing setback of similar structures within 300 feet on either side.
Minimum Side Yards	Minimum side setback to the roof eaves will be 5 feet.
Minimum Rear Yard.	20 feet.
Maximum Building Height	35 feet or 2 ½ stories for dwellings 25 feet for accessory structures
Minimum Lot Area (see * below) -without public sewer and water -with public sewer and water	- as originally platted - 15,000 square feet or in accordance with
Minimum Lot Width -Single Family with public sewer & water -all other uses	- as originally platted - 100 feet or in accordance with Sections
Minimum Floor Area	864 square feet
Maximum Lot Coverage	30% for lots over 15,000 square feet in area. 25% for lots less than 15,000 square feet in area.
Minimum Lot Coverage	400 square feet for two (2) off-street parking spaces measuring 10 feet by 20 feet and having direct access to a public street.

* Lots in plats recorded prior to January 1, 2008, may be used for a single-family dwelling when connected to **municipal sanitary sewer**, on the condition that there has been no change in any boundary dimension or area of the lot as originally platted.

CHAPTER 9

C1 COMMERCIAL BUSINESS DISTRICT

SECTION 9.01 DESCRIPTION & PURPOSE

This Zoning District is intended for convenience shopping, including retail businesses or service establishments, which supply commodities or perform services which meet the daily needs of the community.

SECTION 9.02 PERMITTED USES

Permits for the uses listed below will be obtained from the Zoning Administrator. A permit may be issued only after submittal of a site plan meeting all the requirements of Section 13.05 Final Site Plan Submission Requirements, B and C., or if applicable, 13.05 D. Exceptions: Minor Projects.

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

- A. Golf courses, athletic grounds, parks, and cemeteries.
- B. Kennels.
- C. Roadside stands that sell farm produce.
- D. Bakery goods store.
- E. Banks, loan or finance offices.
- F. Barber or beauty shop.
- G. Book, stationary or gift store.
- H. Candy store, soda fountain or ice cream store.
- I. Clothes cleaning and/or laundry pick-up station.
- J. Clothing and dry goods store.
- K. Delicatessen store.
- L. Dress store.
- M. Drug store
- N. Florist and gift shop without nursery.

- O. Funeral home.
- P. Grocery store and meat market.
- Q. Hardware store.
- R. Household appliance store.
- S. Jewelry store.
- T. Laundromats
- U. Nursery school and day nurseries.
- V. Paint and wall paper store.
- W. Parking lots.
- X. Photographer.
- Y. Technology store.
- Z. Restaurant and/or café without adult entertainment.
- AA. Shoe repair shop.
- BB. Tailor and/or dress maker.
- CC. Variety store including notions and “five & ten” store.
- DD. Auto & vehicle parts sales within an enclosed building
- EE. Auto, vehicle & heavy equipment sales lot
- FF. Auto repair within an enclosed building (no outside storage)
- GG. Veterinary clinic and office
- HH. Medical office/clinic and similar office for human health care
- II. Gasoline service station
- JJ. Rental Hall, excluding adult entertainment

SECTION 9.03 SPECIAL USES

All of the following Special Uses are subject to Site Plan Review in accordance with Chapter 13, and the Special Use standards in accordance with the appropriate sections of Chapter 15.

- A. Private and public schools.
- B. Parks, playgrounds, community centers and campgrounds, governmental, administration, or service buildings.
- C. Churches, fraternal organizations, libraries, museums, governmental buildings, community halls, art galleries and similar uses.
- D. Other retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding community.
- E. Removal and processing of topsoil, stone, rock, sand, gravel, or other such minerals.
- F. Wind Energy System (see height exception Sec. 11.03 & 15.26)
- G. Solar Energy Collector.

SECTION 9.04 TABLE OF DIMENSIONAL REGULATIONS

No building or structure, nor any enlargement thereof, will be erected or placed upon a property in this district except in conformance with the following regulations:

Minimum Front Yard Set Back	50 feet * see note 1 below for exceptions
Minimum Side Yard Width	** see note 2 below
- abutting commercial uses	- 10 feet
- abutting R or A zoning district	- 25 feet
- street side of a corner lot	- 40 feet
Minimum Rear Yard	** see note 2 below
- abutting R or A zoning district	- 25 feet
- principal building	- 10 feet
- accessory building	- 5 feet
Maximum Building Height	35 feet (see exceptions in Sec. 11.03 & 15.26)
Minimum Lot Area	15,000 square feet
Where there is no public sewer & water	- approval of the County Health Department is required
Minimum Lot Width	- 100 feet

(* & ** for notes see next page)

- * Note 1: Where the entire frontage on the same side of a street between two (2) Streets that intersect 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 will determine the required front yard.
- ** Note 2: Screening - Side Yards and Rear Yards adjoining any lot in an R or A zoning district will be screened by either: (a) a compact hedge of deciduous or evergreen trees which reach a minimum of six (6) feet in height after 3 to 4 growing seasons; or, (b) a solid wall or tight board fence six (6) feet in height.

CHAPTER 10

I-1 INDUSTRIAL DISTRICT

SECTION 10.01 DESCRIPTION & PURPOSE

This Zoning District permits compounding, assembling, or treatment of articles or materials; this district also allows as special uses heavy manufacturing, processing of raw materials, and other similar uses.

SECTION 10.02 PERMITTED USES

Permits for the uses listed below will be obtained from the Zoning Administrator. A permit may be issued only after submittal of a site plan meeting all the requirements of Section 13.05 Final Site Plan Submission Requirements, B and C., or if applicable, 13.05 D. Exceptions: Minor Projects.

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

- A. Manufacturing, compounding, processing, packaging or treatment of such products as candy, cosmetics, perfumes pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
- B. Manufacturing, 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. Manufacturing only by electricity or gas, of pottery and figurines or other ceramic products, using only pulverized clay.
- D. Petroleum storage located at least five hundred (500) feet from any residentially zoned property.
- E. **Gasoline stations & 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 shop.
- M. Sign painting and servicing shops.
- N. Taxidermist.
- O. Warehouse and storage.
- P. Wholesale sales.
- Q. Vehicle & equipment sales yards
- R. Salvage Yard.
- S. Recycled material transfer station without processing equipment

SECTION 10.03 SPECIAL USES

All of the following Special Uses are subject to Site Plan Review in accordance with Chapter 13, and the Special Use standards in accordance with the appropriate sections of Chapter 15.

- A. Drive-in theaters.
- B. Landing and take-off areas for roto-craft and airports.
- C. Parking lots.
- D. Radio and TV towers and cell towers.
- E. Any similar light industrial use that is determined by the Planning Commission to be of the same general character as the permitted uses listed in 10.02.
- F. Billboards and off-premises business signs.
- G. Any other industrial use.
- H. Wind Energy System (see height exceptions Sec. 11.03 & 15.26)
- I. Recycled material transfer station with processing equipment, solid waste hauling businesses and sanitary septic waste hauling & servicing facilities.
- J. Solar Energy Collector.

SECTION 10.04 GENERAL REGULATIONS

- A. Screening: All uses listed in 10.02 will 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.
- B. No goods, materials, or objects will be stacked higher than the fence or wall.
- C. All businesses will be conducted in such a manner that no noise, smoke, dust, vibration, or any other kind of nuisance will exist to adversely affect adjoining residential properties.

SECTION 10.05 TABLE OF DIMENSIONAL REGULATIONS

No building or structure, or any enlargement thereof, will be erected or placed upon a property in this district except in conformance with the following regulations:

Minimum Front Yard	50 feet
Minimum Side Yards	** see note 1 below
- abutting industrial zone	- 10 feet
- abutting C, R or A zoning district	- 50 feet
Minimum Rear Yard	50 feet
Maximum Building Height	45 feet or three (3) stories whichever is less (see exceptions Sec. 11.03 & 15.26)
Minimum Lot Area	15,000 square feet
Minimum Lot Width	- 100 feet

** Note 1: Screening - Side Yards and Rear Yards adjoining any lot in an R or A zoning district will be screened by either: (a) a compact hedge of deciduous or evergreen trees which reach a minimum of six (6) feet in height after 3 to 4 growing seasons; or, (b) a solid wall or tight board fence six (6) feet in height.

Chapter 11

General Provisions

Section 11.01 Effect of Zoning

Zoning requirements in this document apply to every building, structure or land use in Trowbridge Township. No building, structure, or land will be used or occupied without strict compliance with the rules listed in this Ordinance. This Ordinance will be followed when **ANY** building, structure or part thereof is erected, moved, placed, reconstructed, extended, modified, upgraded, enhanced, enlarged or altered.

Section 11.02 The Restoration of an Unsafe Building.

Subject to the provisions of Chapter 12 Nonconforming Uses, Lots and/or Structures, nothing in this Ordinance will prevent the strengthening or restoration to a safe condition any part of any building or structure that is unsafe.

Section 11.03 Height Exceptions

A. The following buildings and structures will be exempt from height regulations in all zoning districts:

- a. Parapet walls not exceeding four (4) feet in height
- b. Chimneys
- c. Cooling towers
- d. Elevator bulkheads
- e. Fire towers
- f. Grain elevators
- g. Silos
- h. Stacks
- i. Elevated water towers
- j. Stage towers
- k. Scenery lofts
- l. Monuments
- m. Cupola
- n. Domes
- o. Spires
- p. Penthouses housing necessary mechanical appurtenances
- q. Television and radio reception and transmission antennas and towers which do not exceed seventy-five (75) feet in height.
- r. Additions to existing buildings and structures which now exceed the height limitations of the applicable zoning district may continue to be repaired, replaced

or reconstructed. This exception is only valid on the condition that the structure or building is set back from all external lot lines or easements by at least the length of the new height of the proposed addition.

B. On-Site Use Wind Energy System which is intended to serve an individual property only. On-Site Use Wind Energy Systems (including Anemometer Towers) with no towers or with tower height(s) less than 75 feet will be a permitted use in all zoning classifications subject to the following regulations:

1. **A Zoning Permit Application** will be submitted to the Zoning Inspector with a scaled site plan demonstrating compliance with these regulations.
2. **Property Setbacks:** The distance between an On-Site Use Wind Energy System and the owner's property lines (and road right-of-way lines) will be at least 1 ½ times the height of the wind energy system structure including the blade in its vertical position. No portion of the structure, including guy wire anchors, will extend closer than ten feet to the property line.
3. **Construction Codes, Towers, and Interconnection Standards:** On-Site Use Wind Energy Systems including towers will comply with all applicable state construction and electrical codes and building permit requirements. On-Site Use Wind Energy Systems including towers will comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and Chapter XIVA. And the AOZ Airport Overlay Zone regulations. An interconnected On-Site Use wind energy system will

comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.

4. **Safety:** An On-Site Use wind energy system will have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. If a tower is supported by guy wire anchors, the wires will be clearly visible at a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade will be 10 feet for a wind energy system employing a horizontal axis rotor.

Section 11.04 Essential Services

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, 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 the public utility or municipal department or commission or for the public health, safety or general welfare are permitted in any Zoning District.

Notwithstanding the exceptions contained in Section 11.03:

- A. Electrical substations and gas regulator stations will be enclosed with a fence or wall at least 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, will be landscaped and will conform to the general character of the architecture of the surrounding neighborhood.

Section 11.05 Required Yards.

All lots, yards, parking areas or other spaces created after the effective date of this Ordinance will comply with the minimum requirements of the Zoning District in which they are located.

SECTION 11.06 The Control Of Heat, Glare, Fumes, Dust, Noise, Vibration And Odors.

Every use will be so conducted and operated that it is not obnoxious or dangerous. Obnoxious or Dangerous will include the following but is not limited to: an ejection, radiation, generation, or expulsion of heat, glare, odor, dust, noise or vibration beyond the lot on which the use is located.

Section 11.07 Temporary Uses Or Structures Requiring Zoning Inspector Authorization.

The following procedures apply:

- A. Any individual requesting a temporary structure must complete a special use permit and submit it to the Zoning Inspector. Only The Zoning Inspector may issue special use permits.
- B. The Zoning Inspector may issue a special use permit for a temporary structure, or construction site. The temporary structure or yard will be used to store non-hazardous construction materials, and equipment which are incidental and necessary to construction of a permanent structure. The temporary structure or construction site will be erected at the site where the construction of the permanent structure is being conducted. “At the site” is defined as: on the

property where the permanent structure or building is being constructed. The temporary structure or construction site will not violate any set back, easement, encroachment or other minimum distance requirements as specified elsewhere in this document for buildings or structures. Each permit will be valid for a period of not more than twelve (12) calendar months. It is possible for the special use permit to be renewed by the Zoning Inspector for a maximum of two (2) additional successive periods of twelve (12) calendar months. The maximum number of time the temporary office building or yard will be in service is thirty-six (36) months at the same location. The temporary permit is valid only as long as the temporary building or yard is still incidental and necessary to construction at the site where located

C. The Zoning Inspector may issue a permit for a temporary office, incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit for a temporary office will specify the exact location of the temporary office and area where the temporary office will be located. The permit for the temporary office will be valid for a period of not more than twelve (12) calendar months.

D. The Zoning Inspector may issue a temporary permit for placement and use of a mobile (manufactured) home or recreational vehicle/trailer for temporary occupancy during construction of a permanent dwelling meeting the requirements of the zoning district in which it is to be located.

Section 11.08 : Temporary Uses or Structures Requiring Township Zoning Board Authorization

A. The Zoning Inspector may issue a special temporary permit for the use of a mobile (manufactured) home or recreational vehicle /trailer for temporary occupancy on a lot or parcel upon which a single family dwelling is located for the purpose of housing, sick or indigent relatives of the family occupying the single family dwelling located on the same property.

B. Temporary mobile homes and motor homes will:

1. Have a valid title issued by the U.S. Department of Housing and Urban Development or the Michigan Secretary of State
2. No parcel, tract, or lot will have more than one (1) such temporary mobile home.
3. Have immediate and unlimited access to all facilities located or to be located in the principal dwelling including potable water and sanitary disposal facilities.
4. Be located within the required setback lines.
5. Will not be located in a front yard of a principal dwelling. for sick or indigent relatives
6. Be set up according to the minimum requirements of the state building code.
7. Be capable of being moved or re-located within thirty (30) days after sick or indigent relative(s) move, or terminate occupancy.

C. Permanent basements or foundation walls are prohibited.

D. The township reserves the right to assess permit holder the cost of removal and cleanup to be applied to taxes in case of default.

E. Special permits for temporary units may be reviewed at any time by the Planning Commission for continued need and compliance. The Planning Commission will have the authority and discretion to revoke or revise the special use permit. All temporary unit permits may be terminated by The Planning Commission as soon as one or more of the conditions in this Section cease to be met.

F. A radius of 100 feet around the mobile home will be kept clear of all:

- a) Garbage
- b) Trash
- c) Rubbish
- d) Tires not attached to the structure,
- e) Engine parts
- f) Automobile, truck, tractor, body parts
- g) Any weeds, grass or other plant life will be kept at a maximum height of three (3) inches. Potted plants, vegetable gardens, and flowerbeds are excluded from the three (3) inch requirement.

Section 11.09 Alterations.

No non-conforming use will be changed or extended, and no non-conforming building or structure will be altered or replaced by a new building. A Special Use Permit may be issued by the Planning Commission. The Planning Commission will only issue a Special Use Permit if it

determines the new construction, alteration or replacement will not bring a substantial detriment to the township, community or neighborhood. The new construction, alteration or replacement will not depart from the purpose and intent of this provision.

Section 11.10 Accessory Buildings.

- A. In any Zoning District, an accessory building may be erected detached from a 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 will comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings will be compatible and similar to the principal building.

- B. Detached accessory buildings, 200 square feet in area or larger, will not be located closer than five (5) feet to the rear lot line or closer than forty (40) feet to the 100 year flood elevation or normal high water level in the case of waterfront lots. Accessory buildings less than 200 square feet in area and less than 12 feet in height, may be located within 40 feet of the 100 year flood elevation or normal high water level but will not be located closer than 10 feet to the 100 year flood elevation or normal high water level (except that pump houses may be located within ten feet of the normal high water level if they do not exceed three (3) feet in height). The total area of all accessory buildings will not occupy more than thirty percent (30%) of any required rear yard space. Accessory buildings will 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 will be not less than ten (10) feet. Accessory buildings will be considered as attached to a principal building when the distance between the two 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 the garage is an accessory building and if it is located not less than ten (10) feet from the right-of-way line.

- E. No accessory building or structure will include residential or living quarters for human beings except a guest house located in the R-1 or R-2 zoning districts.

Section 11.11 Principal Buildings on a Lot.

In the R-1, R-2 and RL residential zoning districts, no more than one (1) principal building will be located on a lot.

Section 11.12 Double Frontage Lots.

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

Section 11.13 Sign Regulations.

- A. No sign or sign structure will 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.

Rotating beam, beacon or flashing illumination resembling an emergency light will never 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. This provision will not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display. Non-commercial uses or displays will be exempt from this Section for any 48-hour period.
- C. All signs will be maintained in good condition and repair. Where a use has been abandoned for one (1) year, all signs will be removed subject to the re-establishment provisions by the Zoning Board of Appeals under Section 12.02 Nonconforming Uses, A.
- D. No permanent business sign, billboard, or other type of permanent signs will be constructed, erected, or attached to a building until a permit is issued by the Zoning Administrator.
- 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, height, area, and location, unless otherwise specified in this Ordinance:

1. Highway signs erected by the State of Michigan, County of Allegan, or Trowbridge 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 that are erected in conjunction with private off-street parking areas, 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:
 - A. Subdivision signs will not exceed thirty-two (32) square feet in area. The signs will be removed within ten (10) days after the first fifty percent (50%) or more of the lots in the subdivision are sold. After five (5) years, the signs will be removed, regardless of how many lots in the sub-division have not been sold.
7. Construction Signs:
 - A. Only one (1) construction sign per project will be allowed on the construction site property. The construction sign for the project will be no more than thirty (30) square feet in area. The construction sign may denote architects, engineers, and/or contractors in conjunction with the

work under construction. A construction sign may be used for the construction of any construction of other than a (1) one or two-family dwellings.

8. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
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. Signs in the agricultural district will:
 - A. Serve only to identify the name of a farm, farm owner, crops or livestock produced, housed, processed or grown on the property. The sign will not exceed eight (8) square feet in size.

Section 11.14 The Minimum Public or Private Street Frontage.

Every principal building and use will be located on a lot having a minimum of fifty (50) feet of frontage on a public or private street.

Section 11.15 Governmental Improvements.

The provisions of this Ordinance will be applicable to, and enforceable against, the Township itself and all other governmental agencies and units. Agencies include: federal, state or local, except those uses and structures specifically exempted by state or federal law from local zoning regulation.

Section 11.16 Seasonal Outdoor Storage of Boats and Campers on Vacant Lots:

Seasonal outdoor storage of boats and campers on vacant lots may be permitted.

The Zoning Inspector may issue a Special Use Permit for the storage of a single boat, or single camper on a vacant lot under the following conditions:

- A. Storage of a single boat or single camper will only be permitted between Labor Day of one year (20xx) and Memorial Day of the following year (20xx+1).
- B. The vacant lot will be owned by the same property owner who owns any other lot occupied by a permanent dwelling within the same recorded subdivision plat where the vacant lot is located.
- C. The stored single boat or single camper will not be placed within twenty (20) feet of any lot line or road right-of-way line.
- D. Special Use Permit for the storage of a single boat, or single camper terminates in one (1) day as soon as the two properties (lot with dwelling and vacant lot) are transferred into separate ownership.

Section 11.17 Wood Burning Devices

Any wood burning device located outside any building will be permitted only under the following conditions:

- A. A zoning compliance permit must be issued by the Zoning Inspector before any type, model or design of wood burning device is placed or installed on any property.
- B. The minimum lot size where any wood burning device is operational or operating will be two (2) acres in area.

- C. All wood burning devices will be “UL” (Underwriters Laboratory) listed and will comply with the State of Michigan Mechanical Code.
- D. The wood burning device will be located a minimum of fifty (50) feet from any property line.
- E. The wood burning device will not be located within a front yard unless it is located over two hundred (200) feet from the road right-of-way.
- F. The wood burning device will not be located within three hundred (300) feet of any residence on any other property. The wood burning device will not constitute a nuisance to any neighboring property regardless of distance the wood burning device is located from the neighboring property.
 - 1. Nuisance is defined in another section of this Ordinance
- G. The height of the chimney of the wood burning device will comply EXACTLY with the manufacturer’s recommendation.

Section 11.18 Fencing and Swimming Pools

- A. All fences of any nature, type of description located within the Township shall conform to the following requirements:
 - 1. No fence in excess of six (6) feet shall be erected, constructed, located or maintained in the AG, R-1, R-2, or R-L zoning districts. In addition , no fences in excess of 48 inches in height shall be erected, constructed, located or maintained in the front yard in the AG, R-1, R-2, or RL zoning districts. All fences in the front yard shall be non-opaque in nature, designed or constructed of materials that provide for a clear field of vision through the fence.

2. No fence located in the AG, R-1, R-2 or RL zoning districts may contain barb wire, spikes, nails or other sharp points or instrument of any kind on top or on the side of any fence, or electrical current or charge in said fence, except for agricultural purposes or lots, parcels or building sites greater than 2 1/2 acres in size.
3. All fences hereafter constructed shall be of ornamental nature consisting of wood, vinyl, chain link and/or metal, brick or block standard fencing materials. The finish portion of the fence shall face outward, toward the adjoining properties. In no case shall items such as, or similar to, the following be used in construction of any fences: Pallets, Tires, Scrap Metal, Etc.
4. In the case of lakefront lot or lots bordering on a river or stream, no fence shall be located on the lake side or fronting upon a river or stream except in conformance with the front yard requirements as set forth above.
5. Fences in the AG, R-1, R-2 or RL, zoning districts may be located on the property lines or the road right of way lines of a parcel of land, providing that such fences are maintained in good construction and do not result in an unreasonable hazard to persons who might come near them.
6. Within the C-1 and I-1 zoning districts, barbed wire cradles shall be permissible, provided they have no more than three (3) strands of barbed wire and have a height from top to the bottom of the cradle of no more than one (1) foot. However, barbed wire cradles shall not be considered as part of the fence for purposes of determining compliance with the maximum eight (8) foot height limitation.
7. The Planning Commission shall have the authority to waive the fence height limitation within the C-1 and the I-1 zoning districts if the Planning Commission determines, based

upon the nature of the site, nature or the properties and streets adjoining the subject property and the nature of the proposed use, that such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will not otherwise be inconsistent with the purposes of this section.

8. No fences, wall. Structure or planting shall be erected, established or maintained in any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where the branches are not less than eight (8) feet above the road level. Such unobstructed corners shall mean a triangle area formed by the street property lines , and a line connecting them at points 30 feet from the intersection of the street lines or in the case of a rounded corner(s), from the intersection of the property lines extended. This shall not prohibit the establishment of shrubbery up to 30 inches in height.

9. Interior fences within a mobile home park shall not exceed 48 inches in height and shall not have less that two (2) gates, which provide free access to all side of the mobile home for firefighting purposes.

B. All swimming pools hereafter constructed outside of a building shall be enclosed by a fence (wall) extending from the ground to a point at least four (4) feet above any ground or climbable object within five (5) feet of said fence (or wall). Such fence (or wall) shall be one of the following types:

1. Vertical board or pole fencing with the boards or poles spaced not greater than two (2) inches with the horizontal members on the pool side of the fence (or wall).

2. Solid fencing having a flush exterior.

3. Chain link or metal mesh, the openings of which shall not exceed two and one fourth (2-1/4) inches.
 4. Gates shall meet the requirement for fencing construction, and shall be self-closing, self-latching, and equipped with a key capable of securely holding the gate closed. Service gates not ordinarily used for ingress or egress for swimmers need not be self-closing or self-latching, but must be securely locked when not in use.
 5. For the purposes of determining suitable, alternative types of fences and gates the Planning Commission shall have the authority to allow suitable fencing and gates, provided that the alternative shall be reasonably equivalent to the types herein specified.
- C. Notwithstanding the above, fencing shall not be required for an above ground swimming pool having a height of at least four (4) feet above any ground or climbable object within five (5) feet of the side and shall have a retractable or removable ladder at all times while swimming pool is not in use.
- D. Hot tubs and Jacuzzi tubs shall be securely covered when not in use.

CHAPTER 12

NONCONFORMING USES, LOTS, OR STRUCTURES

12.01 INTENT AND PURPOSE

- A. Nonconforming Uses:
It is the intent of this section to allow nonconforming uses, lots, and buildings in the township to continue, but to limit expansion of nonconforming uses so as to protect the rights of adjacent property owners and occupants.
- B. Nonconforming Lots:
It is the further intent of this section to allow the use of nonconforming lots until such time as these lots come into common ownership with adjacent lots.
- C. Nonconforming Buildings:
Buildings that are nonconforming may continue but will only be expanded in a fully conforming manner.
- D. Structures and Buildings within Flood Hazard Areas:
All structural changes or repairs to buildings and structures located within any Flood Hazard Area will be in full compliance with the state building code and environmental protection regulations, as well as, federal flood insurance and disaster relief policies.

12.02 NONCONFORMING USES

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 are 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.

- A. A nonconforming use will not be:
 - 1. Changed to any other nonconforming use, unless the change makes the use less nonconforming.
 - 2. Re-established after discontinuance, vacancy, lack of operation, or otherwise for a period of two (2) years. The Zoning Board of Appeals will have the authority to extend this time period upon demonstrating a justifiable cause by the applicant.
 - 3. Re-established after it has been changed to a conforming use.

- B. A nonconforming structure (dimensional) occupied by a nonconforming use will not be structurally changed unless the change makes the structure less nonconforming. Except as provided in Chapter 15 Special Uses. See also Section 12.06 below.

12.03 NONCONFORMING LOTS

- A. Common Ownership of Nonconforming Lots.
Where two or more nonconforming lots are adjacent to each other and in common ownership, such lots will be combined so that the lot or lots created by this combination comply with the minimum requirements of this ordinance.
- B. Creation of Nonconforming Lots Prohibited.
No lot or lots in common ownership and no court, parking area, or other space will be reduced to less than the minimum required under this ordinance. No lot or other area will be further reduced if already less than the minimum. No portion of an existing lot of record will be sold if the newly created lot does not meet the area and dimension requirements of the district in which it is located.
- C. Use of Nonconforming Lots Allowed.
If a lot which is platted or a parcel otherwise of record as of the effective date of this ordinance, does not comply with the area and/or width requirements of its zoning district, then such lots may be used for one use allowed in the zoning district in which it is located only provided that:
 - 1. The property owner (current or past) has not owned concurrently any adjacent parcel, lot or other property since the minimum lot dimension requirements for that zoning district in which the lot is located have been in effect.
 - 2. There is complete compliance with all yard and setback requirements for the zoning district in which the lot is located.
 - 3. No permit will be issued for the construction of a building or structure which will have drinking water and/or sanitary facilities unless such facilities comply with the rules and regulations of the Allegan County Health Department and/or the state of Michigan governing such facilities.

12.04 NONCONFORMING BUILDINGS OR STRUCTURES

- A. Generally:
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 to this ordinance, then on

the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this ordinance or any amendment thereto.

- B. Reference 12.05 and 12.06:
A nonconforming structure occupied by a nonconforming use will not be structurally changed except in conformance with 12.05 and/or 12.06 below.
- C. Expansion of a Conforming Use in a Nonconforming Structure:
Except for structures located within a Flood Hazard Area or encroaching upon a public right-of-way, structures that are nonconforming by reason of dimensional characteristics but are conforming as to use, will be allowed to expand so long as any expansion is fully conforming at every structural level. The portion of such structure that is nonconforming will not be expanded at any structural level. However, except in Flood Hazard Areas or within a public right-of-way, such structures may be completely reconstructed on the same footprint so long as there is no change in volume, roof pitch or enclosure by roof or walls of any previously unenclosed area.
- D. Reconstruction of a Conforming Use Structure:
Where a nonconforming structure occupied by a conforming use is destroyed by accident, act of a public enemy, or act of God (except in a Flood Hazard Area or within a public right-of-way) such structure may be completely restored on the same footprint so long as there is no change in volume, roof pitch or unenclosed area. Such reconstruction will be completed within two (2) years of the date of destruction. The two year period may be extended by the Township Planning Commission after a public hearing conducted under the rules of notice as specified in Chapter 21, provided the applicant is able to provide reasonable evidence justifying the cause for the delay.

12.05 EXPANSION OF LEGAL PRE-EXISTING NONCONFORMING COMMERCIAL USES

Expansion of a legal pre-existing nonconforming commercial use may be allowed as a special land use provided all lot size provisions in the C-1 business district can be met and that the requirements and standards of 12.06 below and Chapter 15 Special Uses, are satisfied.

12.06 RESTORATION, REPAIR AND STRUCTURAL CHANGES OF BUILDINGS OR STRUCTURES CONTAINING A NONCONFORMING USE.

A nonconforming structure occupied by a nonconforming use will not be structurally changed unless the change makes the structure less nonconforming.

- A. Minor Repair: Repair or replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed in or on a nonconforming structure or portion of a structure containing a nonconforming use provided:
 - 1. During any consecutive 12-month period, the extent of repair or replacement will not exceed 10 percent of the current replacement cost of the nonconforming structure.
 - 2. Cubic volume of the structure will not be increased.

- B. Major Repair: Except as provided in 12.06 A. above, where there is any nonconforming structure containing a nonconforming use, and repair or replacement of bearing walls, foundation or roof is needed then such repair or replacement will only take place under the following conditions:
 - 1. If the nonconforming structure or portion of the structure containing a nonconforming use is declared by the Township Building Inspector to be physically unsafe or unlawful due to physical condition, such structures will not be reconstructed or rebuilt except in conformity with the current regulations of the district in which it is located.
 - 2. A building damaged by fire, collapse, or an act of God (except a flood) to such an extent that the cost of re-construction exceeds 75 percent of the Assessed Value of the structure at the time the damage occurred, may be repaired or reconstructed on the same foot-print with the same structural dimensions (horizontal and vertical). If the structure to be reconstructed or repaired is proposed to be altered in any way from the original then all such work will be in full compliance with the provisions of zoning district in which it is located and the building code requirements for new construction. Such reconstruction will be completed within two (2) years of the date of destruction. The two year period may be extended by the Township Planning Commission after a public hearing conducted under the rules of notice as specified in Chapter 21, provided the applicant is able to provide reasonable evidence justifying the cause for the delay.
 - 3. When the cost of rehabilitation exceeds 75 percent of the Assessed Value of a building damaged by wear and tear, deterioration, or depreciation, the structure will be repaired or rehabilitated according to the provisions of this ordinance. The repair will conform to all current building code requirements for new construction.
 - 4. A building permit will be secured by the owner of the building before any reconstruction of a building will be started. The Assessed Value of the structure, prior to the start of construction (or prior to the damage to be repaired), will be determined by the Township Assessor using state

guidelines for such estimate. Before issuing the building permit, the cost of reconstruction will be determined by the building inspector using either standard construction cost factors or a comparison of bids or both. Failure to secure building and zoning permits prior to the start of reconstruction will constitute abandonment. However, if the building inspector finds evidence of the exact location and dimensions of the removed portion of the structure sufficient to make an exact determination of prior existing conditions, This will not constitute abandonment.

12.07 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE

Any building or structure will be considered existing and lawful to have been in use for the purpose for which constructed on the effective date of this ordinance. If a building permit has been obtained, the construction will be pursued diligently to conclusion. If no building permit is required, and substantial progress has been made toward construction, the construction will be diligently pursued to conclusion.

12.08 BUILDINGS OR STRUCTURES LOCATED WITHIN A FLOOD HAZARD AREA

When the cost of any repair reconstruction or improvement equals or exceeds 50% of the assessed value of the structure for all buildings and structures located within a Flood Hazard Area either, (1) before the improvement or repair started, or (2) if the structure is damaged and is being restored, before the damage occurred, will comply with the following standards:

- A. All new construction, replacement, or improvement of residential structures will have the lowest floor, including basement, elevated to at least one (1) foot above the base flood level.
- B. All new construction, replacement or improvement of non-residential structures will be fully compliant with the state building code. For the purpose of this section “improvement” will mean when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure to comply with existing state health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

CHAPTER 13

SITE PLAN REVIEW

SECTION 13.01 SITE PLAN REVIEW

A site plan review procedure is hereby established for the Trowbridge Township Zoning Ordinance. The purpose of a site plan review is to determine compliance with the provisions of the Zoning Ordinance and to promote the orderly development of the Township. The ordinance is designed to protect the stability of land values and investments and the general welfare, to avoid impairment or depreciation of land values and prevent adverse impacts upon existing developments by the erection of structures or additions or alterations without proper attention to siting and appearance.

A. SITE PLAN REVIEW IS REQUIRED.

The following provisions in this Section will apply to all uses, except as provided for in Section 13.05, D. Exceptions, requiring site plan review by this Ordinance, including:

1. Private roads and fire lanes (new or expansion of existing);
2. Site condominium or platted subdivisions (new or any change in existing lot lines);
3. All commercial uses or developments (new or change of use – see B. below) including Home Businesses but not Home Occupations. ‘Minor Projects’ (defined in 13.05, D.) are exempt from review by the Planning Commission, but will be reviewed by the Zoning Inspector as provided for in Section 13.09 Minor Project Review;
4. All industrial uses or developments (new or change of use – see B. below), except ‘Minor Projects’ (13.05,D.), see 13.09 Minor Project Review;
5. All proposed uses, except single-family and two-family dwellings, to be located within a Well-head Protection Area (see C. below); and
6. All uses requiring Special Use Approval.

Approved plans will regulate the development on the premises, unless modified by the procedures defined in this ordinance. Mobile Home Parks (manufactured housing developments) are subject to submission and preliminary site plan review provisions only.

B. CHANGE OF USE.

Site plan review is required for a change of use in an existing structure only if (1) the new use is a Special Use where there was no Special Use before; or, (2) if the special use site requirements (i.e. parking requirements) for a new special use differ from the site requirement for a previous special use.

C. WELL-HEAD PROTECTION AREA

If any of the conditions listed in this sub-section C. apply to any proposed use or change of use within a designated Well-Head Protection Area, then site plan review is required and the following agencies will be contacted prior to preliminary site plan review:

Allegan County Health Department
Michigan Department of Environment, Great Lakes, and Energy (EGLE),
Waste Management Division, Plainwell District Office,
Drinking Water Program, Plainwell,
Waste Management Division.
Groundwater Permits Unit, Lansing,
Hazardous Waste Program Section, Lansing,
Surface Water Quality Div., Permits Section, Lansing,
Storage Tank Division, Lansing,
Environmental Response Division, Lansing,
Air Quality Division, Permits Section, Lansing.
Land & Water Management Division,
Permit Consolidation Unit, Lansing
Soil Erosion & Sedimentation, Lansing.
Great Lakes Section, Lansing,
Michigan Department of Natural Resources,
Forest Management Division,
Natural Rivers Program Unit, Lansing
Michigan Department of Agriculture,
Pesticides & Plant Pest Management Division, Lansing

Review by at least one of the above listed agencies is required if the project involves:

1. Generation of hazardous waste.
2. Construction or alteration of any sewage collection or treatment facility.
3. Storage or use of chemicals, petroleum products, or salt.
4. Landfilling, transferring or processing non-hazardous water on-site.
5. An on-site wastewater treatment system or septic system.
6. Any earth change within 500 feet of a lake or stream, or if the earth change will involve more than one acre.
7. Construction of water supply well or the extension of a water supply service from an existing water system.
8. Out-of-service wells, abandoned wells, or cisterns on the site (drinking water, irrigation or monitoring wells).
9. A condominium or platted subdivision utilizing individual on-site septic systems or wells.
10. Discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, or other surface water.

11. Direct or indirect discharge of waste, waste effluent, wastewater, pollutants, and/or cooling water into groundwater or on the ground.
12. Installation, operation, or removal of an underground or above ground storage tank containing petroleum products or a hazardous substance.
13. Liquefied petroleum gas storage tanks or container filling locations.
14. Installation of a compressed natural gas dispensing station with storage.
15. On-site treatment, storage or disposal of hazardous waste.
16. Transport of hazardous waste or non-hazardous liquid industrial waste.
17. Installation, construction, reconstruction, relocation, or alteration of any process or process equipment, which has the potential to emit, air contaminants.
18. Storage, mixing or distribution of pesticides or fertilizers in bulk quantities.
19. Dredging, filling, or construction in, across or under: a river, stream, creek, ditch, drain, lake, pond, swamp, wetland, floodplain, or any area that may have or ever had either standing or flowing water.
20. Any dredging proposal within 500 feet of a lake, river, stream, creek, or ditch.
21. Any earth change activity within 500 feet of a lake or stream, or, disturb an area greater than one acre in size.
22. Any construction or land alteration within 400 feet of a designated natural river or tributary.
23. Dredging, filling, grading or other alteration of the soil, vegetation or natural drainage, or placement of permanent structures in a designated environmental area.
24. On-site storage of sanitary sewage prior to transport and disposal off-site (pump and store).
25. A property or facility that has ever been subject to a remedial action, limited closure, or other environmental cleanup response under Part 201, Natural Resources and Environmental Protection Act (NREPA). Or, a property currently subject to a 'response action', and/or has had a Baseline Environmental Assessment (BEA) completed for the property.

SECTION 13.02 PRELIMINARY PLAN REVIEW

A. MANDATORY (for Mobile Home Parks and platted subdivisions):

Where a Preliminary Site Plan Review is required by the ordinance, then the preliminary sketches of proposed site and development plans must be submitted to the Zoning Inspector for review by the Planning Commission. The purpose of such procedure is to allow discussion between the applicant and the planning commission to better inform the applicant of the acceptability of the proposed plans before incurring extensive engineering and other costs that might be necessary for final site plan approval.

B. OPTIONAL:

Any applicant who proposes a project that is subject to site plan review may request preliminary site plan review. If preliminary site plan review is not required by the ordinance, then the applicant may request preliminary review by the Planning Commission.

C. PROCEDURES FOR PRELIMINARY SITE PLANS:

The applicant will submit eight (8) copies of the preliminary site plan to the Zoning Inspector at least fifteen (15) days prior to a scheduled Planning Commission meeting, or thirty (30) days prior to a special meeting or public hearing by the Planning Commission. Such plans will include the following:

1. Names, addresses, and telephone number of the property owner, the person or firm who prepared the plans and the applicant if other than the owner of the property.
2. Scale, north arrow, and date of preparation.
3. Legal description of the property.
4. Small-scale location sketch showing location of properties and the relationship of subject property to the area within ½ mile.
5. A generalized site plan showing existing and proposed arrangement of:
 - a. Streets.
 - b. Lots.
 - c. Access points.
 - d. Other motorized transportation facilities such as frontage roads, bus stops, internal circulation, intended direction of flow, parking areas, and loading areas.
 - e. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, dune classifications, dune crests, and similar natural assets.
 - f. Existing and proposed structures and building dimensions.
 - g. Adjacent property land uses and zoning.
 - h. Dimensions, square footage, and acreage of the property.
6. A written narrative describing:
 - a. The overall objectives of the proposed development.
 - b. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
 - c. Dwelling unit densities by type (if any).
 - d. Proposed method of providing sewer and water service, and other public and private utilities.
 - e. Proposed stormwater management, including calculations of impermeable surfaces, increased run-off, detention/retention and/or infiltration systems with generalized locations.

7. Agency reviews by:
 - a. Allegan County Road Commission and/or Michigan Department of Transportation,
 - b. Allegan County Health Department,
 - c. Allegan County Drain Commissioner,
 - d. Trowbridge fire inspector

8. If a special meeting of the Planning Commission is requested, the applicant will submit a fee according to the fee schedule established by the Township Board to cover the normal and specially incurred expenses of the Planning Commission. The special meeting fee will be paid upon submission of the preliminary site plan.

SECTION 13.03 REVIEW OF PRELIMINARY SITE PLAN

The Planning Commission will review the preliminary site plan and make recommendations to the applicant based on the purposes, objectives, and requirements in this ordinance, and specifically, the following considerations when applicable:

- A. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency. Prior to submittal of the site plan the applicant will submit the site plan to the County Road Commission or Michigan Department of Transportation, and the fire inspector for review and comment.

- B. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.

- C. Sanitary sewer, water, and storm drainage with reference to locations, availability, and compatibility. Prior to submittal of the final site plan the applicant will submit a site plan to county health department and the County Drain Commissioner for review and comment.

- D. Screening and buffering with reference to type, dimensions, and character.

- E. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.

- F. Required setbacks.

- G. General compatibility with adjacent properties.

- H. The general purpose and spirit of this ordinance and the General Development Plan of the township.

SECTION 13.04 EFFECT OF PRELIMINARY SITE PLAN ACCEPTANCE

Acceptance of or recommendation for approval of a Preliminary Site Plan by the Planning Commission will only indicate acceptance of the general character of the proposed development except for Mobile Home Parks.

- A. Mobile Home Parks. The Planning Commission will recommend approval, approval with conditions or denial to the Township Board. Approval of the Preliminary Site Plan of a Mobile Home Park by the Township Board will have the same effect as final approval of a final site plan as described below.
- B. Preliminary review by the Township Board only occurs where specifically required by this ordinance or state law.
- C. Approval of a preliminary site plan will be valid for a period of six (6) months from the date of approval and will expire and be of no effect unless an application for final site plan approval is filed with the Zoning Inspector within that time period (for mobile home parks application to the state Mobile Home Commission will be actively pursued within six months-final approval is dependent upon the schedule of the state). The time limit may be extended upon a written request by the applicant (or successor in ownership) and approval by the Planning Commission for a period not to exceed six (6) months. Applicants for Mobile Home Park approval will not be required to request an extension until six (6) months after final approval by the State Mobile Home Commission.

SECTION 13.05 FINAL SITE PLAN SUBMISSION REQUIREMENTS

Ten (10) copies of all site plans, as required by this Ordinance will be submitted to the Zoning Inspector at least fifteen (15) days prior to the Planning Commission meeting, or thirty (30) days if the proposal requires a public hearing. Copies of the site plan will also be submitted to Allegan County Road Commission and/or the Michigan Department of Transportation (whichever has jurisdiction) and the Allegan County Drain Commissioner/engineer for review in sufficient time for those agencies to prepare a formal written review and comment which will be delivered to the Zoning Inspector prior to the Planning Commission meeting. If the reviewing agency has had the site plan for more than 30 days, the Zoning Inspector will schedule the site plan for review by the Planning Commission without the agency's comments.

- A. All site plan reviews will use the following procedures
 - 1. The Planning Commission will review the site plan at its next regularly scheduled meeting. The Planning Commission may elect to postpone a decision on the site plan until a succeeding regularly scheduled meeting if the site plan is determined to be incomplete or has been submitted less than fifteen (15) calendar days prior to the meeting.

2. The Planning Commission will approve, approve with specified changes and/or conditions, or disapprove (or recommend) the applicant's request, using the standards described in this Chapter.
 3. Conditions or changes stipulated by the Planning Commission will be recorded in the minutes of the meeting and made available to the applicant in writing.
 4. All copies of an approved site plan, with or without changes, will contain the signatures of the Chairman of the Planning Commission and the applicant
 5. Of the site plan copies submitted, one will be kept on file by the Planning Commission, one delivered to the Clerk, one given to the Zoning Inspector, one given to the Building Inspector and one returned to the applicant.
- B. The following information will accompany all plans submitted for final review, except Minor Project as qualified in sub-section D. below:
1. A legal description of the property under consideration.
 2. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 3. The names, addresses and seal of the architect, planner, designer or engineer responsible for the preparation of the site plan.
 4. Drawing or sketches of the exterior and elevations, and/or perspective drawings of any building or structures under consideration.
- C. The following information will be included on site plans submitted for final approval, except for Minor Projects as qualified in D. below:
1. A scale of not less than 1" = 40', if the subject property is less than three (3) acres, and 1" = 100', if it is three (3) acres or more.
 2. Date, north point and scale.
 3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 4. The siting of all structures on the subject property and abutting properties.
 5. The location of each proposed structure in the development area, the use or uses to be contained in each structure, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
 6. The location and dimensions of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
 7. All pedestrian walks, malls or open areas.
 8. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and maintained.

9. The location and right-of-way widths of all abutting streets
10. Types of surfacing, such as paving, turf or gravel to be used at the various locations.
11. For site development involving any grade change or change of surface type, a grading plan with topographic elevation of at least 2' contours in the area, showing method of storm drainage into the storm sewer system. The plan will show sufficient on-site stormwater retention/detention or infiltration from impermeable surfaces within the development to meet the requirements of the Allegan County Drain Commissioner.
12. Size and location of proposed sewer and water lines and connections.
13. For multiple family developments, the number of proposed units.
14. Significant environmental features such as wetlands, shoreline, streams, woodlots, existing trees and vegetation. All Special Flood Hazard Areas shown on the community's Flood Insurance Rate Map(s) will be clearly determined and marked.
15. Information as may be required by the Planning Commission to assist in the consideration of the proposed development.
16. For all Industrial Special Use applications an environmental impact assessment is required. For all other Special Uses an environmental impact assessment may be required.

D. **EXCEPTIONS: MINOR PROJECTS** - In order to facilitate review of a development or expansion project having a building permit value of less than \$100,000 or having a building footprint smaller than 2,000 square feet, the Zoning Inspector may waive the data submission requirements of this Sub-Section and accept a site plan with the following information:

1. A legal description of the subject property.
2. A description of the land uses surrounding the project.
3. Date, north arrow and scale.
4. The dimensions of all lot and property lines.
5. The dimensions of all proposed construction and siting of all structures on the subject property.
6. Significant environmental features such as wetlands, and water bodies.

Such projects are subject to review and approval under Section 13.09 Minor Projects.

SECTION 13.06 FINAL SITE PLAN REVIEW PROCEDURES

In order that building, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission will determine whether the site plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable. The Planning Commission may require an environmental impact study for any of the below listed criteria:

REVIEW CRITERIA: In the case of site plan review for multiple family, industrial or commercial uses or in other cases deemed appropriate by the Zoning Administrator, the reviewing body may consider among other factors:

A. LIGHTING

All exterior lighting will be shielded so as to reduce upward reflection of light into the nighttime sky and to prevent lighting of neighboring properties. There will be no direct or sky-reflected glare exceeding 1½ foot-candles or which could be damaging to the human eye measured at the property line of the lot occupied by the source of the light. This regulation will not apply to lights used at the entrance or exit of service drives leading to a parking lot; however, no exterior lighting will cause a traffic hazard.

B. OUTDOOR STORAGE AND WASTE DISPOSAL

1. No flammable or explosive liquids, solids, or gases will be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connected with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
2. All outdoor storage facilities for fuel, raw materials, and products; and all fuel, all raw materials, and products stored outdoors will be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
3. No materials or wastes will be deposited upon a lot in a form or manner that may be transferred off the lot by natural forces or causes.
4. All materials or wastes that might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects will be stored outdoors only in enclosed containers.
5. Semi-trailers, shipping containers and similar enclosures will not be used for storage of equipment, parts, articles, trash, rubbish, garbage, merchandise, stock, materials or any other similar items outside of a building on any property except where a valid building permit has been issued and active construction of a substantial nature is continuing, or for temporary storage after a fire or natural disaster.

C. POLLUTION PREVENTION PLAN – WELLHEAD PROTECTION

For any use where materials listed in the Michigan Critical Materials Registry are stored or used the applicant will prepare a pollution prevention plan meeting the requirements of the Michigan Department of Environmental Quality. The exact location where all such materials are stored must be reported annually to the Fire Chief/Inspector. Spill containment structures will be located at least 50 feet from any lot line, wetland boundary, flood hazard boundary, county drain easement or the high-water limit of any other body of water.

D. TRAFFIC MANAGEMENT

Generally, if the traffic projected to be generated by a project is less than 50 vehicles at peak hour, 50 peak direction trips, or less than 500 daily trips, then a traffic impact assessment is not warranted. However, no development will have a projected level of traffic that would lower the “Level-of-Service” rating of any county road or state highway. To that end, the Planning Commission may require a traffic impact analysis from the developer, prepared by a registered civil engineer, and such analysis will be reviewed by the road agency having jurisdiction. The Planning Commission may also request a separate traffic impact analysis from the road agency. Where a roadway is already at level-of-service “D” or lower, development predicted to produce more than 100 peak-hour, peak-direction trips or 750 vehicle trips per day will be prohibited.

E. DRAINAGE

All sites will be designed to retain or detain any increase in stormwater runoff produced by any increase in impervious area on the site. The County Drain Commissioner or his designated engineer will have final jurisdiction of any increase in runoff from any site subject to site plan review. All channelization or concentration of storm water will be approved by the agency or agencies with regulatory authority over the receiving body of water.

F. SCREENING, GREENBELTS AND BUFFERING

When a proposed non-residential use is contiguous to any dwelling, the parcel owner of the proposed use will establish one of the following buffers on his/her parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:

1. A buffer area (setback) of fifty (50) feet, or
2. A buffer area (setback) of 1.5 times the height of the building, or
3. A berm four (4) feet, or more high, with landscaping, sufficient to screen neighboring properties from site and/or sound, or
4. A solid wall or fence six (6) feet or more in height sufficient to screen neighboring properties from site and/or sound, or
5. A proportionately adjusted combination of the above.

G. The site plan will comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

H. Fire protection measures will be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.

I. Security deposit(s) may be required by the Township for any project where the development is to be done in phases. In such case the security will cover 100% of the required site development costs. A security deposit may also be required for

any temporary use sufficient to cover the cost of removal of any structures constructed, altered, installed or placed specifically for the temporary use. Such security deposits will be in a form acceptable to the Township Treasurer and/or Township Attorney.

SECTION 13.07 FINAL SITE PLAN APPROVAL

The site plan will be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Planning Commission feels should be imposed.

- A. The Planning Commission will have the function and power to approve or disapprove the site plan subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other Ordinances.
- B. The Planning Commission will have the function and power to request additional professional review from the Township Attorney, Engineering Consultant and/or Planning Consultant. The person requesting the permit will be responsible for any and all charges incurred therefore.
- C. The Site Plan Approval and Zoning Permit may be revoked in any case where the conditions of such approval and/or permit have not been or are not being complied with. In such case the Planning Commission will hold a hearing. At least ten (15) days prior to the hearing the Commission will give the person requesting the permit notice of intention to revoke such permit. After conclusions of such review the Planning Commission may revoke such approval and permit if it feels that a violation in fact exists and has not been remedied prior to such hearing. The Commission may also request that the Building Inspector issue a 'Stop Work' order and/or deny issuance of an occupancy permit.
- D. Approval of a final site plan will expire and be of no effect after six (6) months following final approval by the Planning Commission unless all required permits have been obtained. In cases where a state agency permit is also required, expiration may be extended to twelve (12) months by the Zoning Inspector provided the applicant presents evidence that the application is progressing through the state agency. Approval will expire and be of no effect one (1) year following the date of issuance of a zoning permit unless authorized construction has begun on the property in conformance with the approved site plan. The applicant may petition the Planning Commission for an extension of up to one (1) year upon the presentation of written request with acceptable justification for the delay.

SECTION 13.08 SITE CHANGE

A. Major Change

1. Any structure, use or field change added subsequent to the initial site plan approval must be approved by the Planning Commission, however, changes determined by the Zoning Inspector to be minor in nature, using the guidelines listed below in part B, may be approved by the Zoning Inspector.
2. Any structure, use or field change added to any site and/or use for which no site plan was required or which was established prior to the adoption of the Zoning Ordinance will be subject to the requirements for final site plan review of this Chapter, unless the change is minor in nature.

B. Minor Change

Minor changes to an approved final site plan may be authorized by the Zoning Inspector without prior Planning Commission review. Incidental and minor variations of the approved site plan, with the written approval of the Zoning Inspector, will not invalidate prior site plan approval.

In approving a minor site plan change, the Zoning Inspector will require that the original site plan be re-drafted by the applicant. The quality of the re-draft will be the same as the original, except where the Zoning Inspector is able to determine that a lesser standard will be sufficient to protect the general health, safety and welfare of the community.

Examples of minor changes include the following:

1. Minor variations in concept of design of the development that are determined by the Zoning Inspector not to be major changes.
2. Increases or decreases of residential or non-residential floor areas by ten (10) percent or less.
3. Relocation of any surface or subsurface structure or improvement by less than twenty (20) feet from its planned location.
4. Increases or decreases in planned elevations of finish grades, or changes in the area or materials of paved areas, which affect less than five hundred (500) square feet or five percent (5%) of the total lot area, whichever is less.
5. Increases or decreases or changes in type, height, or length of walks, fencing, berms, or screen plantings.
6. Additions or deletions of permitted accessory uses to the principal uses permitted by the approved site plan.
7. Changes in the location of essential public utilities and services from those approved on the site plan in order to accommodate their installation.

C. Appeal:

If an applicant decides to appeal the disapproval of a minor change by the Zoning Inspector, the applicant will file such appeal in accordance with Chapter 22 Zoning Board of Appeals, and in conformance with the requirements of Chapter 21 Amendments and Public Notice. Upon appeal, the Zoning Inspector will forward the applicant's file with the Zoning Inspector's reasons for disapproval to the Township Zoning Board of Appeals.

D. Phased Construction

Where phased or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development.

SECTION 13.09 MINOR PROJECT REVIEW

Minor projects are those projects with a maximum development cost of \$100,000 or which involve a structure less than 2,000 square feet in total areas (foot print). Minor projects will be subject to review by the Zoning Inspector who will not approve the project or use until the applicant has delivered written letters of approval, required permit, or a form signed by the appropriate agency official, from:

- A. Any road agency with jurisdiction (Michigan Department of Transportation and/or Allegan County Road Commission).
- B. Allegan County Department of Public Health:
 1. Well & Septic permits
 2. Street address
 3. Soil Erosion & Sedimentation Control permit
- C. Trowbridge Township Fire Department

CHAPTER 14

PARKING AND LOADING SPACES

SECTION 14.01 GENERAL

In all zoning districts, there will be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking for motor vehicles as follows:

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
A. Dwellings	Two (2) spaces for each dwelling unit
B. Lodging, rooming and boarding houses	Two (2) spaces for each three (3) guest rooms or each six (6) beds for guest, whichever amount is greater
C. Private clubs and lodges	One (1) for every 100 square feet of meeting room floor area.
D. Hospital, institutions & clinics.	Two (2) spaces for each patient bed.
E. Sanitariums, convalescent or nursing homes.	One (1) space for each two (2) beds.
F. Homes for senior citizens	One (1) for each three (3) beds.
G. Hotels and motels	One (1) for each guest room.
H. Bed & breakfast inns & tourist homes	One (1) for each sleeping room.
I. Theaters, auditoriums, stadiums	One (1) for each four (4) seats.
J. Bowling alleys	Eight (8) for each alley
K. Elementary & junior high school	One (1) for every eight (8) auditorium seats Or, if no auditorium, then two (2) for each classroom.
L. Senior high schools and colleges	One (1) for each classroom plus one (1) additional space for every four (4) students of capacity (per fire code) for the school.

M.	Churches	One (1) space for every four (4) seats in the main worship area or if no seating is established then one (1) space for every four (4) persons of permitted capacity (per fire code). If there is an educational facility on the same grounds, it will be assumed that only the parking for the church will be needed for both facilities.
N.	Community center	One (1) space for each one hundred (100) square feet of assembly floor area.
O.	Libraries, museums and post offices.	One (1) for each 500 square feet of usable floor area.
P.	Professional offices	One (1) for each 200 square feet of usable floor area.
Q.	Restaurants, grills, dining rooms, ice cream stands, soda fountains	One (1) for each four (4) seats.
R.	Medical doctors offices or dental clinics	Two(2) for each examination room or dental chair.
S.	Banks, business offices and public buildings not specifically mentioned elsewhere.	One (1) for each 150 square feet of usable floor area.
T.	Mortuaries or funeral homes	One (1) for every 50 square feet of floor area used for services.
U.	Taverns and bars	Two (2) for every three (3) seats but not less than forty (40) spaces.
V.	Marinas	Two (2) for each slip or mooring
W.	Drive-through establishments	Eight (8) for each service window
X.	Use groupings	
	1. Retail stores, supermarkets, department stores, personal service shops, general business	One (1) for each one hundred (100) square feet of usable floor area for retail sales on a first floor or basement, and one (1) for each 400 square feet of retail sales floor area on a second floor, and one (1) for each 800 square feet of retail space on any additional floors.

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| 2. | Business offices and/or research laboratories and/or similar uses. | One for each 400 square feet of usable floor area |
| 3. | Manufacturing, processing, and/or fabricating, and/or any and all facilities related to but not necessarily connected to a manufacturing building. | Two (2) for each work station. |
| 4. | Other uses not specifically mentioned. | The closest similar use listed above in terms of estimated building capacity, or employees |
| 5. | Mixed uses in the same building | In most cases the amount of parking specified for each use will be provided unless, as with a church and school, the additional use would not generate the need for parking at the same time of day. |

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 individual requirements except as provided for in 15.03 Planning Commission Modification.

SECTION 14.03 LOCATION OF FACILITIES.

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

- A. For all residential buildings and for all non-residential buildings and uses in Residential zoning districts, required parking will be provided on the lot with the building or use it is required to serve.
- B. For commercial and all non-residential buildings and uses in Commercial and Industrial zoning districts, required parking will be provided within three hundred (300) feet.

SECTION 14.04 SIZE OF PARKING SPACES.

Each off-street parking space will have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and will be a minimum of ten (10) 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 municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, will be developed and maintained in accordance with the following requirements:

- A. The parking lot and its driveways will be effectively screened on each side that adjoins or faces properties located in an R or AG zoning district, by a greenbelt ten (10) feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees which will be at least five (5) feet in height and five (5) feet in width after one (1) growing season; or, by some other suitable screening device.
- B. The parking lot and its driveway will 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.
- C. The parking lot and its driveways will not be used for repair, dismantling, or servicing of any vehicles.
- D. The parking lot will be provided with entrances and exits so located as to minimize traffic congestion.
- E. Lighting facilities will be so arranged as to reflect the light away from adjoining properties.
- F. No part of any public or private parking area regardless of the number of spaces provided will be closer than ten (10) feet to the street right-of-way.

SECTION 14.06 OFF-STREET LOADING SPACES.

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For every building or addition to an existing building hereafter 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 of goods materials and/or merchandise in vehicles, there will be provided and maintained on the same lot with such building or addition (1) an area for adequate maneuvering, ingress and egress for delivery vehicles; and (2) off-street loading spaces in relation to floor area as follows:

- a. Up to twenty-thousand (20,000) square feet of floor area – one (1) space.
- b. Twenty-thousand (20,000) square feet to fifty-thousand (50,000) square feet of floor area – two (2) spaces.
- c. One (1) additional space for each additional fifty-thousand (50,000) square feet of floor area or fraction thereof.

Each such loading space will be at least ten (10) feet wide and thirty-five (35) feet long, and have fourteen (14) feet clearance in height. No loading space will be located closer than fifty (50) feet to a lot line in or adjacent to any R Zoning District.

CHAPTER 15

SPECIAL USES

SECTION 15.01 PURPOSE

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

SECTION 15.02 APPLICATION PROCEDURES.

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

- A. **Application.** Applications for a special use will be submitted by the person requesting the special use consideration. The application will be submitted at least thirty (30) days prior to the Planning Commission meeting at which it will be reviewed. The application will be delivered by the person requesting the special use consideration to the Zoning Inspector. The Zoning Inspector will review the application for completeness, then send a copy to the Planning Commission and direct the applicant to the appropriate Township officer for payment of fees and publication of notices. Each application will 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, and publication and mailing of the required notices.
- B. **Required Information.** An application for a special use permit will be accompanied by the following documents and information:
 1. A Special Use Application form supplied by the Zoning Inspector which has been completed in full by the applicant and is accompanied by the required fee.
 2. A site plan, meeting all of the requirements of Chapter 13 – Site Plan Review.
 3. A statement with regards to compliance with the criteria required for the specific use for approval in Sections 15.04 through 15.29 Special Use Requirements, and other criteria imposed by this Ordinance for the Zoning District in which the special use is being proposed.

- C. **Public Hearing.** For all Special Uses, a public hearing is required in conformance with Section 21.03 Public Notices, including publication of said notice and notification to adjacent property owners and occupants of property within 300 feet of the outer limits of the subject property in all directions.
- D. **Approval.** After the Public Hearing the Planning Commission, will either: approve the Special Use; grant conditional approval upon receipt by the Zoning Inspector of specific changes to the site plan and/or certain required approvals by other governmental agencies; deny the Special Use; or, table the application for a specific time period, if more information is needed.
- E. **Effects of Decision.** If the application is approved then all required permits will be obtained within six (6) months and active construction or use will begin within one (1) year or all approvals will expire. If any approval expires, the person requesting the special use consideration will require a new special use request. New fees, permits and approvals will be re-submitted to the Zoning Inspector. If the application is denied then the applicant will not re-apply for the same or a similar use for at least one (1) year.

SECTION 15.03 SPECIAL USE REQUIREMENTS:

Planning Commission Modification: Any requirements of Sections 15.04 through 15.29 below, or 14.01, may be waived or modified through Site Plan approval, provided the Planning Commission identifies characteristics of the site or site vicinity which would make the specific requirement(s) unnecessary or ineffective, or where it would impair general public safety immediately adjacent to the specific site. Any such determination by the Planning Commission granting a waiver or modification will be confirmed or modified by a recorded roll call vote when giving final approval.

SECTION 15.04 “A”

Agribusiness

An agribusiness will be buildings, structures, lots, parcels or parts thereof which are used to provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities.

1. Agribusinesses are listed below:
 - Any production, modification or processing of agricultural products is permitted.
 - Facilities used to store Agricultural products.
 - Bulk feed, plant, and nursery stock fertilizer outlets and distribution centers are permitted.
 - Any sales, servicing, rental or repairing of farm machinery is permitted.

Riding stables are permitted.
Seed and farm plant or nursery stock dealership outlets and distribution centers are permitted.
Veterinary hospitals, clinics and indoor kennels are permitted.

2. **CONDITIONS:** The following conditions apply to agribusinesses:
 - a. Minimum lot or parcel area will be three (3) acres and minimum road frontage will be 200 feet.
 - b. All agribusiness uses will be located at least 330 feet from all R-1, R-2 or RL zoning district boundary lines, and existing residential structures located on adjacent properties.
 - c. All agribusiness uses will meet the requirements of the State.
 - d. County Health Department regulations and rules for water supply, liquid and solid waste disposal. All other health and sanitation requirements will meet the requirements of the State and County Health Departments. Copies of the required permits will be delivered to the Zoning Inspector before issuance of a zoning permit.

SECTION 15.05 “B” - (reserved for future uses)

SECTION 15.06 “C”

Churches, Fraternal Organizations, Libraries, Museums, Government Buildings and Community Halls:

1. Minimum lot width will be one hundred and fifty (150) feet.
2. Minimum lot area will be one (1) acre, for structures with an intended capacity less than one hundred (100) persons. For structures with an intended capacity over one hundred (100) persons there must be sufficient area to allow for the required parking on-site (see Chapter 12). Existing churches, schools, etc. on non-conforming lots may be expanded only if the off-street parking requirements are met for the entire capacity.
3. This type of structure may be exempted from the height limitations of the zoning district. For every foot of height by which the building, exclusive of spire, bell or clock towers, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback will be required.
4. For uses exceeding a seating capacity of two-hundred fifty (250) persons, a traffic study (see Section 13.06 Final Site Plan Review) will be required to be submitted by the applicant
5. Access driveways will meet the requirements of the Allegan County Road Commission and/or the Michigan Department of Transportation, whichever has jurisdiction.

Commercial Broadcasting or Cellular Tower

Under Section 11.03 of this ordinance, towers less than 75 feet in height will be exempt from this Section and are exempt from the Special Use requirements.

Towers 75 feet in height or higher will conform to the following regulations:

1. Will be located on a parcel of not less than five (5) acres with a minimum lot width and depth of at least 330 feet.
2. Will have a separation distance between the base of the tower and the closest residential building foundation of 200 feet for towers 150 feet or less in height or three (3) times the height of the tower for towers over 150 feet in height.
3. There will be a separation distance between communication towers less than 150 feet in height of 5,000 feet. No new communication tower 150 feet in height or higher will be constructed within minimum distance to federal standard of an existing communications tower unless evidence is submitted to the Planning Commission demonstrating that:
 - (a) There is an immediate and necessary need for such close proximity that cannot be met in any other way in conformance with the ordinance; and
 - (b) There is no physically viable alternative; and
 - (c) Additional buffers and screening is provided to lessen the negative impacts upon neighboring properties.
4. No communication tower will be located within 1,500 feet of an existing residential plat, site condominium subdivision, mobile home park or multi-family dwelling or in any 40 acre quarter-quarter section with 8 or more single family dwelling units.
5. Additional antennas and small equipment buildings (under 600 square feet in area) may be added to any communication tower without site plan review by the Planning Commission. There will be no zoning limit to the number of antennas allowed if the height of the antenna is not increased.
6. An assurance bond or other type of security acceptable to the Township Board and Township Attorney will be provided by the applicant to provide for the complete disassembly and complete removal of the tower within the succeeding 10-year period when the use of the tower is discontinued. Such security will be renewable, at the permit holder's request, without limitation in ten-year increments.
7. If subsequent to the approval of a communication tower a residence is located within the required separation distance this action will not make the communications tower non-conforming, however, the tower height may not be increased.
8. Co-location of additional antennas will be allowed by the owner.
9. Engineering Certification: The applicant will provide verification that any antenna mounts and structures have been reviewed and approved by a licensed, professional engineer. The proposed installation will be in compliance with all applicable local, state and federal codes. The final

plans for the communications tower will be certified by a registered structural engineer and meet all the requirements of the Federal Communications Commission, the national Environmental Protection Act and the Federal Aviation Administration.

10. Communications towers will be enclosed by a security fence not less than eight (8) feet in height. The Tower will be equipped with any anti-climbing devices.
11. Communications towers will be landscaped with a buffer of plant materials that effectively screen the view of the tower compound from property occupied by residential dwellings or zoned residential. The standard buffer will consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. Existing mature tree growth and natural landforms on-site will be preserved to the maximum extent possible. The Planning Commission may approve a natural existing wood lot around the property perimeter as a sufficient buffer. All maintenance, up-keep, repairs and replacements will be paid for and provided by the individual requesting the tower.

SECTION 15.07 “D” - (reserved for future uses)

SECTION 15.08 “E”

Expansion of Nonconforming Uses.

Expansion of any nonconforming use of any building or structure or any land or premises which is nonconforming for reasons other than height, area or parking and loading space provisions may only be expanded, extended, enlarged, altered, remodeled under the following conditions:

1. All extensions or enlargements of the area of the nonconforming use will not exceed 50% of the original area of the nonconforming use,
2. The extension or enlargement will not substantially extend the probable duration of the nonconforming use. To this end, foundations, basement walls, or any load-bearing wall or roof truss system will not be replaced and repairs to such structural members will not exceed 25% of the foundation, basement or wall and/or roof system.
3. Expansion of a use will not involve the installation of any additional, permanent impervious surface.
4. The extension or enlargement will not interfere with the use of other properties in the surrounding neighborhood, which are in compliance with the provisions of the zoning district and other requirements of this Ordinance.

SECTION 15.09 “F” - (reserved for future uses)

SECTION 15.10 “G” - (reserved for future uses)

SECTION 15.11 “H” - (reserved for future uses)

Home Businesses:

A Home Business may be allowed on properties in residential or agricultural districts of the Township as a means for a person or persons to start a business on the same property as their homestead with a higher level of intensity than a home occupation. The regulations that follow are intended to result in a minimal impact on adjacent properties and the neighborhood in general. In reviewing and approving a Special Use for a Home Business the following conditions will be met:

1. Only properties on a public road will be eligible.
2. Maximum area of impact: The total area covered by the home business including outside storage, parking lots, driveways and all structures involved in the business will not cover more than five (5) acres.
3. All parking areas will be set back at least ten (10) feet from any street right-of-way will be graded gravel or paved surface with parking spaces clearly defined.
4. Storm drains and water run-off infra-structure will be required on the parking areas.
5. The owner and operator of the home business will qualify for and legally claim a homestead exemption on a dwelling on the property under Michigan property tax law and will legally register to vote at the address.

Home Occupations:

A home occupation will not involve employees other than members of the immediate family dwelling on the property, and the use will be clearly incidental and secondary to the use of the dwelling for dwelling purposes. “Incidental” will mean that the use does not occupy more than 20% of the gross floor area of the dwelling in which it is located, not more than 20% of any structure or land so used.

1. **Exempt Activities – Home Occupations – Class I:**
Home occupations meeting the requirements of this sub-section 1 will be allowed as a permitted accessory use and will not be deemed a home occupation requiring a special land use permit. Such Exempt Home Occupations may be approved by the Zoning Inspector who upon receipt of a completed application determines that the proposed home occupation meets the limitations of this sub-section. If the Zoning Inspector denies the application then an application can be filed with the Planning Commission for a Special Use Home Occupation.
An Exempt Home Occupation will not exceed the following requirement:
 - a. Only persons having their principal residence in the dwelling will be engaged in the occupation.
 - b. Will not have a sign over 2 square feet in area.

- c. Will not be conducted in whole or in part in a detached garage or accessory building, and has no outside storage area or display of good.
 - d. Will not occupy more than 20% of the main floor area of the dwelling.
 - e. Except for students in the fine arts, will not involve any physical presence at the residence by customers or business associates not residing in the dwelling.
2. **Special Use Standards – Home Occupations-Class II:** In considering Special Use Home Occupations the Planning Commission will consider the following standards:
- a. The home occupation will not occupy more than two (2) acres of land and that land will also be occupied by the dwelling.
 - b. In no event will the home occupation alter the residential or agricultural character of the property or structure.
 - c. The use of the dwelling for the home occupation will be clearly incidental and subordinate to its use for residential purposes by its occupants. The dwelling will not use an area exceeding 20% or 300 square feet of the main floor area of the dwelling unit. Not more than 2,000 square feet of the permitted garage or permitted accessory structure may be used in the conduct of the home occupation. The use of the garage or permitted accessory structure, in home occupation will not result in the displacement and outside placement of equipment and materials (e.g. lawn mower, snow blower, garden equipment, recreation equipment, etc.) normally stored in said garage or permitted accessory building.
 - d. Outside storage area(s) will be screened: (1) by a compact hedge of deciduous or evergreen trees that reach a minimum height of five feet after one growing season, (2) a solid wall of tight board fence six feet in height, or (3) any alternative screening devices if they conceal the area as effectively as alternatives 1 or 2 if approved by the Planning Commission.
 - e. For the purpose of identification, one (1) nameplate not exceeding nine (9) square feet in area will identify the name of the profession, vocation or trade of the person or persons operating the home occupation. No other sign will be utilized in connection with the home occupation. The nameplate may be illuminated.
 - f. No equipment or process will be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at the property line. No equipment or process will be used which creates visual or audible interference in any radio or television receivers off the premises, or caused fluctuation in line voltage off the premises.

- g. The home occupation will not require any type of special construction beyond that customarily associated with a single-family dwelling.
- h. The home business will not involve improper storage of any flammable, explosive, oxidizing, corrosive or any materials considered hazardous by local, state or Federal authorities.
- i. If the home occupation involves retail sales, at least four (4) but not more than eight (8), off-street parking spaces will be provided. The off-street parking spaces will be clearly marked, and setback at least 10 feet from the road right-of-way and any side or rear lot line.
- j. Examples of uses that are not suitable for home occupations in the R1, R2 or RL zoning districts include, but are not limited to: auto repair, small engine repair, medical or dental offices, excavating contractor, building and/or trades contractor.
- k. Auto repair, small engine repair, medical or dental offices, excavating contractor, building and/or trades contractor may be permitted as home occupations in the AG or C1 zoning districts. A vehicle sales permit issued under P.A. 203 of 2004 as amended will be prohibited for any Home Business in any zoning district except C1 Commercial.
- l. Outdoor storage of more than one commercial vehicle is prohibited. Outdoor storage of any type of commercial equipment is prohibited. Outdoor display of more than four (4) articles or merchandise for sale is prohibited.

Hunting and shooting facilities:

Practice Ranges must have berm protection sufficient to protect the surrounding neighborhood and will have a setback of 450 feet from any property line. All such facilities will be in compliance with Michigan Compiled Laws (MCL 691.1542 through 691.1543)

SECTION 15.12 “I” - (reserved for future uses)

SECTION 15.13 “J” - (reserved for future uses)

SECTION 15.14 “K” - (reserved for future uses)

SECTION 15.15 “L”

Light Industry Similar in Character to Listed Permitted Uses, and: Manufacturing, Compounding, Processing, Packaging, Treating, Assembly and Bulk Storage of Certain Products:

Food processing employing more than 10 people; fertilizer manufacturing, slaughter or meat packing houses or stockyards, including killing, dressing, or live storage of poultry; Plastic manufacturing or production of articles made from plastic.

1. Minimum site size will be five (5) acres.
2. Minimum required front setback for all buildings will be 100 feet.
3. No use of this type will be permitted within 500 feet of any residential district.
4. The site will abut and have direct access to a county primary road or state highway.
5. Proposed truck routes to and from the site will be subject to Planning Commission approval.
6. Compliance to All applicable federal, state and county regulations are required.

Lots Smaller than Ten (10) Acres in the AG – Agricultural District. (see 15.17)

Any lot created by the division or splitting of any existing lot platted or otherwise of record as of the effective date of this Ordinance may be used for one (1) single family dwelling (as a permitted use) provided the lot has been created after a public hearing in conformance with the following conditions:

1. Minimum lot area will be at least one (1) acre,
2. Minimum lot width will be at least 150 feet, and will have at least 100 feet of frontage upon a public road,
3. Such lots which are not served by public sanitary sewer and water will not be approved unless private septic and well permits are approved by the Allegan County Health Department for each lot.
4. Must comply with all Ag setbacks.

Lots Smaller than Five (5) Acres in the R1 – Rural Residential District.

Any lot created by the division or splitting of any existing lot platted or otherwise of record as of the effective date of this Ordinance may be used for one (1) single family dwelling (as a permitted use) provided the lot has been created after a public hearing and is in conformance with the following conditions:

1. Minimum lot area will be at least one (1) acre,
2. Minimum lot width will be at least 150 feet,
3. Such lots that are not served by public sanitary sewer and water will not be approved unless private septic and well permits are approved by the Allegan County Health Department for each lot.
4. Must comply with all Rural Res. Setbacks.

SECTION 15.16 “M”

Mining:

Removal and processing of topsoil, sand, gravel, and other similar minerals disturbing more than one (1) acre of ground.

For the approval of all mining operations the following procedure and standards will be required:

1. Minimum parcel size will be 40 acres.
2. All operations must be screened from outside view by a berm.
3. All uses will be established and maintained following all applicable state and county laws,
4. All storage or processing areas will be set back at least 75 feet from any street right-of-way or property line and 500 feet from any residential district. Such setbacks will be landscaped to minimize the appearance and impact of the operation; the spacing and type of plant materials will be approved by the planning commission.
5. Application for permits for mining will include:
 - a. Detailed plans of the property in question and surroundings drawn to a scale of one inch (1") equals five hundred feet (500') or larger and showing the location and type of excavation to be made, access roads, location of any grading, washing, storing or loading operations planned, and plans for re-grading or rehabilitating the site after completion of the resource extraction operations.
 - b. A plan for disposal or treatment of any harmful or toxic material found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land and of chemicals or materials used during the mining or processing operations.
 - c. A contour map of the tract of land involved in the operation, including dimensions of the property and nature of abutting improvements on adjoining property; the number of acres and the locations of same, proposed to be operated upon with the following twelve (12) months period after commencement of operations; the type of mining or processing proposed to be conducted and the nature of the equipment to be used; the location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - d. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
 - e. Plans for protecting the public from danger and protecting neighboring properties from dust, noise, and unsightly views will be shown.
6. The Planning Commission may require fences, screen plantings or other barriers for sight and sound to be erected for the protection of surrounding property in accordance with Section 1, C. above.
7. All such operations should be located on a hardtop thoroughfare, if

possible, for ingress and egress, a road that does not create traffic on an area developed primarily for residential purposes. Operations affecting or design long-term to affect more than five (5) acres will only be located on those primary roads as required and identified in the introductory paragraph of C. Mining (above). Where necessary, the applicant may be required to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads. Contractors will utilize the truck routes with contractor's equipment established by the Planning Commission as reasonable and appropriate for the conducting of the licensee's business and as will be least detrimental to residents within the township and to local and secondary roads within the Township. Where an operation is permitted on the gravel road, the licensee will use dust control.

8. Sufficient setbacks will be provided from all property lines, public highways and roads to assure adequate lateral support for adjacent public and private property. No such excavation operations will be permitted closer than one hundred (100) feet to interior boundary lines of the property, or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to fifty (50) feet if reclamation of the land is promptly completed and effectively increases the setback to at least 100 feet in accordance with the reclamation plan approved by the township, and, so long as adequate lateral support, as required is at all times maintained.
9. No such excavation operation will be permitted within fifty (50) feet of adjoining public right-of-way except from the lowering of land adjoining said right-of-way to the grade level of said right-of-way. Such excavation businesses will at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
10. The permanent and movable processing plant and its accessory structures will not be located closer than two-hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and will, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing will apply to the digging or excavating apparatus and to the stockpiling or loading of material and to the location of transportation.
11. No such excavation operation will be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources commission or such other state commission having jurisdiction thereof. No such mining operations will interfere with the natural established flow of surface water to the detriment or damage of adjoining public or private properties.

12. Sight barriers will be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers will consist of one or more of the following:
 - a. Earth berms constructed to a height of six (6) feet above the mean elevation of the adjacent public highway or six (6) feet above the general level of terrain not in excess of one (1) foot vertical to three (3) feet horizontal and will be planted with grass, trees, or shrubs.
 - b. Planting of evergreen trees or shrubbery in rows parallel to the boundaries of the property not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective sight barriers within 6 feet of height.
 - c. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than (6) feet and maintained in good repair.
13. Nuisance abatement, Hours, and Fencing for public protection. Noise and vibration will be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment will be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
14. Air pollution in the form of dust and dirt will also be kept to a minimum through the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations will have their surface treated to minimize such nuisance.
15. All dangerous excavations, pits, pond areas, banks or slopes will be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and dangerous conditions will be removed immediately after work is accomplished and gravel is removed from that area.
16. Reclamation of Mined Areas. Reclamation and rehabilitation of mined areas will be accomplished as soon as practicable following the mining or excavation of area. Rehabilitation and reclamation will be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation will be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period will constitute, for this purpose, termination of mining activity.
17. For reclamation and rehabilitation: All excavation will be either to a

water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or will be graded or back-filled with non-noxious, non-inflammable and noncombustible solids to insure:

- a. That the excavated area will not collect stagnant water and not permit the same to remain therein.
 - b. That the surface of such area which is not permanently submerged will be graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
 - c. The banks of all excavations will be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation, at a slope which will not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - d. Top soil of a quality equal to that occurring naturally in the area will be replaced on excavated areas not covered by water except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, topsoil will be applied to a minimum depth of four (4) inches sufficient to support vegetation.
 - e. Vegetation will be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion
 - f. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, will remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.
18. Bonding. A performance bond or cash will be furnished to the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee will be not less than three-thousand (\$3,000) dollars per acre proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more will be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereon and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal feet for the purpose of this financial guarantee. Such financial guarantee will be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the Zoning Administrator

and the Township Planning Commission. In no event will such financial guarantee be less than three-thousand (\$3,000) dollars in amount.

19. Liability Insurance. All operators will be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists in the amount of not less than five hundred thousand (\$500,000.00) dollars for each person or property injured or damaged and not less than one million (\$1,000,000.00) dollars for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance will cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto as a result of conditions or activities existing upon the site. A copy of the policy will be filed with the Township Clerk.

Mobile Home Park:

Note: This use is only subject to a public hearing of a preliminary site plan review by the Planning Commission. A complete application for the application will contain the following reviews, permits, information and preliminary plans in accordance with Sections 13.02, 13.03 and 13.04:

1. Agency Reviews: The preliminary site plan will be submitted to the following agencies for review and the public hearing will not be scheduled until comments from each agency have been received by the Planning Commission for review:
 - a) Allegan County Drain Commissioner
 - b) Allegan County Road Commission permits officer, or Michigan Department of Transportation permits officer
 - c) Allegan County Health Department and/or Michigan Department of Environment, Great Lakes, and Energy (EGLE).
 - d) Trowbridge Township Fire Inspector
2. The minimum lot size for a mobile home park or manufactured housing park, subdivision or development will be ten (10) acres.
3. In addition to the requirements of this Ordinance, the Mobile Home Park will comply with all requirements of the State of Michigan as administered by the Michigan Mobile Home Commission.

SECTION 15.17 “N”

Non-Farm Dwellings in the AG Agricultural District: (to be used with 15.15)

Non-farm dwellings

1. Will not break up a tillable field.
2. Will not interfere with or substantially hinder any existing or potential future farming operations or activity within the immediate area
3. Buildable Area: Each parcel will have a minimum of 20,000 square feet of buildable area on sandy soils and a maximum buildable area of 45,000 square feet. If not served by public sanitary sewer and water, parcels for

non-farm dwellings will be approved by the Allegan County Health Department.

Buildable area will not include:

- a. sand dunes with slopes greater than 18%
 - b. beach contiguous to a lake or stream
 - c. wetland
 - d. area which is not accepted by the County Health Department for on-site disposal unless an alternative system of sewage disposal is approved by the County Health Department
 - e. that part of a flood plain where flood waters are expected to have a destructive current,
 - f. existing public utility easements,
 - g. existing public rights-of-way,
 - h. waterfront setback areas, and
 - i. slopes over 25% grade.
4. Minimum parcel width will be 150 feet of actual public road frontage

SECTION 15.18 “O”

Other Uses Similar to Principal Uses that are Deemed Compatible with the Character and Intent of the Zoning District.

1. Minimum site size will be five (5) acres.
2. Minimum required front setback for all buildings will be in accordance with its applicable zoning district.
3. No non-residential use of this type will be permitted within 300 feet of any residential district.
4. Proposed truck routes to and from the site will be subject to Planning Commission approval.
5. All applicable federal, state and county regulations will be complied with.

SECTION 15.19 “P”

Parks, Recreation Areas, Campgrounds, Seasonal Mobile Home Parks and Recreational Vehicle (RV) Parks:

Parks, recreation areas, campgrounds, seasonal mobile home parks and RV parks will be allowed subject to the following procedures and conditions:

1. The total area of the property will be at least 20 acres.
2. There will be a required setback of not less than 50 feet along all property lines. Uses with more than 50 parking spaces must have a setback of 200 feet. No campsite or any structure will be located in this required setback.

3. There will be a greenbelt-planting strip with a width of not less than 20 feet along the property lines and may be within the 50-foot setback as required in 2 above. Such greenbelt may consist of either; existing undisturbed woods, or may contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs, spaced not more than eight (8) feet apart, that grow to an ultimate height of 12 feet.
4. If there are recreational areas these may be located within the 50-foot required setback but not within the 20-foot greenbelt.
5. Vehicular circulation system will consist of improved drives or roads with a right-of-way of at least 33 feet and will have unrestricted access to or from a public street.
6. No structure will exceed 25 feet in height.
7. One (1) detached single-family dwelling, which may include a park office and/or convenience store, used for purposes of residence by a park manager or owner and conforming to requirements of the zoning district may be allowed.
8. There will be a maximum of two signs that will have a maximum area of 100 square feet each. Such signs may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located with the required setback.
9. There will be allowed a facility for the retail sale of groceries, sundries, and other similar commodities provided this facility is centrally located and have hours of operation coincidental with hours of operation of the campground.
10. There will be no sales or display of camping vehicles.
11. There will be located, within the campground, approved sanitary dumping facilities
12. All requirements, as regulated by Michigan Public Act 368 or 1978, as amended, will be complied with.
13. The planning commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the community and will have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that property may be developed in a reasonable manner but, in so doing, complying with other applicable provisions of this ordinance.
14. Potential traffic will not be predicted to lower the roadway capacity rating. A traffic impact statement will be prepared, by the developer and approved by the Allegan County Road Commission, calculating the capacity of the roadway, the existing traffic volumes and existing level of service rating(s), projected traffic volumes and projected impact upon the level of service rating.

SECTION 15.20 “Q”

Recreation Vehicles and Camping:

1. **Purpose.**

This section is intended to regulate use of recreational campers (RVS) for camping on private property and to discourage blight that arises from the use of old, un-used campers left on property.
2. **Definitions.**
 - a. Camper: as used in this subsection, the following terms shall be defined to include, but not be limited to, items commonly referred to as camper trailer, travel trailer, motor home, fold down, pop-up trailer, or fifth-wheel trailer typically used as a sleeping place.
 - b. Setback: As used in this subsection, the required minimum distance of a camper or associated feature, including attached shades, patios, outdoor seating areas, as well as septic systems, from the property line or other feature.
3. **Regulations**
 - a. Camper must remain legally licensed.
 - b. Campers must remain mobile and road worthy, as determined by Michigan Department of Transportation.
 - c. The Camper shall not become a permanent residence of fixture.
 - d. Campers will be permitted on lake lots May 1 to October 1(must be moved or put into storage outside of these dates).
 - e. No camping fees may be charged.
 - f. Campers must register with Trowbridge Township Zoning Administrator if stay is over 14 days.
 - g. Campers must comply with setbacks required in the applicable zoning district, except a camper must maintain a minimum set back of 10' if any requirement is less than 10'.
 - h. Allegan County Health department regulations apply to the disposal of sanitary waste including grey water.
 - i. Campfires must be attended at all times.
 - j. Any animals staying or visiting at a camper must be controlled at all times.
 - k. Noise levels must comply with Township Ordinance.
 - l. Garbage must be removed regularly, with minimum amount of time between the removal of garbage being at least once every two days.
 - m. Any complaints regarding campers and camping as authorized in this subsection must be made in writing and forwarded to the Township Zoning Administrator.
 - n. Campers must comply with all applicable Trowbridge Township Ordinances, rules and regulations, in addition to any Allegan County Health Department regulations.
 - o. The maximum number of campers allowed on a property of one acre or less in size is 1(one). The maximum numbers of campers allowed on

property larger than one acre is 1(one) per acre. Any fraction of acres will be rounded down.

p. Violation of this subsection is considered a nuisance per se and may be enforce as provided in Chapter 23 of this Ordinance.

SECTION 15.21 “R” - (reserved for future uses)

Recycled material transfer station with processing equipment, solid waster hauling businesses, and/or sanitary septic waste hauling & servicing facilities.

1. All solid water hauling businesses and all sanitary waste hauling and servicing facilities will be established and maintained in conformance with all applicable State of Michigan and Allegan County statutes.
2. No use of this type will be permitted within 300 feet of any residential use district.
3. The site will abut and have direct access to a county primary or state highway.
4. All equipment, operations, loading and unloading areas and areas of outdoor storage will be enclosed by a fence six (6) feet or more in height around the periphery of the operation. Such fence will be adequate to conceal the facilities from adjacent properties.
5. All operations will be maintained in an orderly condition so as to prevent adverse impacts upon adjacent properties or the community in general.
6. Odor Control:
 - a. There will be no emission of odorous matter in such quantities as to be offensive at the lot boundary lines.
 - b. Any process that involves the creation or emission of any odors will be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
 - c. *There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 “Air Pollution Abatement Manual” copyright 1951, by Manufacturing Chemists’ Association, Inc., Washington, D.C.*
7. Outdoor Storage and Waste Disposal
 - a. No flammable or explosive liquids, solids, or gases will be stored in bulk *above ground*.
 - b. No materials or wastes will be deposited upon a lot in a form or manner that may be transferred off the lot by natural forces or causes.

Restaurant and/or Café with Dancing, Floor Show or Drive-in Service

1. Where dancing or a floor show is included, off-street parking will be provided based on the maximum room capacity under the state building code or fire code, whichever is greater. There will be one parking space for every four (4) persons.
2. Where drive-in service includes a drive-through window, there will be an unobstructed minimum vehicle stacking capacity for five (5) vehicles in all cases, with 20 feet of length required for each vehicle. Stacking spaces will be located so as not to interfere with vehicle circulation and ingress or egress from the property by vehicles not using the drive-through.
3. Driveway access will be at least 50 feet from any intersection as measured from the nearest right-of-way to the nearest edge of the driveway.
4. Outdoor speakers for the drive-in or drive-through will be located in a way that minimizes sound transmission to adjacent property lines.
5. At least three (3) parking spaces will be provided for in close proximity to a drive-through for customers waiting for delivery of orders.

Restoration and Repair of Nonconforming Structures Exceeding 50% of the Structural Value.

In the event any nonconforming building or structure 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, (structural value will be determined by the Township Assessor using the state guidelines for determining structural value), then such rebuilding or restoration will conform to the following conditions:

1. Such rebuilding or restoration will not substantially extend the probable duration of a nonconforming use. To this end, foundations, basement walls, or any load-bearing wall or roof truss system, will not be replaced. Repairs to such structural members will not exceed 25% of the foundation, basement or wall and/or roof system.
2. Such rebuilding or restoration will not be in conflict with the existing fire code, public health code, federal/state floodplain regulations, or any other public safety code or ordinance. Nor will any building or structure that encroaches upon an adjacent property or right-of-way or easement be rebuilt or restored unless the encroachment is totally removed.
3. Where the conditions listed above in 1. cannot be met to the satisfaction of the Planning Commission, in such instance, and only in such instance, the Trowbridge Township Zoning Ordinance specifically authorizes the Zoning Board of Appeals to hear evidence on appeal, under the rules and regulations of the ZBA and may, if compelling evidence is presented grant a structural variance. This provision will not be understood to grant the ZBA any authority to consider use variances as that authority is denied to the ZBA under Michigan Public Act 110 of 2006, as amended, nor is the

ZBA given authority to grant variances from state building code regulations governing construction within a floodway or flood hazard area.

SECTION 15.22 Solar Energy Collector.

1. **Purpose.**

A) Installing/Operating ground mounted solar energy collectors as defined herein, will comply with the provisions of this section.

2. **Definitions:**

A) Solar Energy Collector- is a panel/panels or other devices, equipment or a combination thereof, used in the collection, distribution, transforms and or stores radiant energy into electrical, chemical or thermal energy for generating electric power or other form of energy.

B) Abandonment- to give up, withdraw or discontinue from. Any facility that does not produce energy for a continuous 6 months will be considered abandonment.

C) Building- any structure supported by columns, walls and is intended or designated for the protection of personal property, people or animals.

D) Ground Collector- is not attached to or is separate from a building and is attached to the ground, parcel of land that the collector is located.

E) Solar Facility/Utility- is 10 acres or more principally used for solar energy collection in a group of panels to sell electricity to be used off site.

3. **Location.**

A) Personal systems will be allowed in all zones.

B) Solar Facility/Utility will be allowed only in AG, C1, and L1.

C) All must comply with Federal, State, and local requirements and laws.

4. **Personal.**

A) Must be located no more than the maximum height of the building, not in the front yard, not in the setback areas, and not outside the area of the roof.

B) All solar equipment will be replaced or repaired within 3 months and considered abandoned in 6 months of becoming nonfunctional.

C) Ground mounted or solar energy collectors outside the roof area will require a site plan reviewed by the planning commission under section 13, site plan review.

5. **Facility/Utility.**

A) Will require a site plan review by the planning commission under section 13. Site plan review.

B) All equipment will be installed according to all Federal, State and local and building/electrical codes.

C) All Facilities must have contact information posted with a phone number.

6. **Abandonment/Decommissioning.**

A) A Facility/Utility that has ceased or reached its useful life of producing solar energy for 6 months continuous will be considered abandoned. The owner/Operator will physically remove or replace all facilities and equipment on the parcel. If the facility and the equipment are removed, the parcel must be restored to the original condition prior to the development within 270 days of notice by the Zoning Administrator/Planning Commission Chairperson or their designee.

B) If the Owner/Operator fails to comply with the Zoning Administrator notice, the property owner will be subject to legal action up to and including decommissioning cost assessed to the property taxes.

C) The removal and disposal of all equipment, solids, and hazardous material will be done in accordance to all Federal, State, and Local laws.

7. **Screening.**

A) All related structures shall be subject to reasonable regulations concerning the bulk and height of structures, lot area. Setbacks, open space, parking and building coverage requirements. All such related structures including, but not limited to, equipment, shelter, storage facilities, transformers, and substations, shall be architecturally compatible with the other structures in the installation. Whenever reasonable, structures should be shielded from view by vegetation to avoid adverse visual impacts.

B) When a utility scale solar equipment is adjacent to a residentially zoned parcel, side and rear yard screening may be required at any given time according to the planning commission's digression.

SECTION 15.23 "T" - (reserved for future uses)

SECTION 15.24 "U" - (reserved for future uses)

SECTION 15.25 "V" - (reserved for future uses)

SECTION 15.26 Wind Energy Systems (WES) "windmills"

1. **Exemption from Special Use Requirements for Single, On-Site Use Wind Energy Systems less than 75 feet in height:** An On-Site Use wind energy system, **exempt from the Special Use requirements**, is intended

to serve an individual property. **Such WES may also serve adjacent properties under the same ownership or control as the property where the WES is located, and/or the WES may serve adjacent properties under separate ownership, where there is a signed mutual consent to share the energy from a single WES.** On-Site Use Wind Energy Systems (including Anemometer Towers) with no towers or with tower height(s) less than 75 feet will be a permitted use in all zoning classifications subject to the requirements of Chapter XI General Provisions, Section 11.03 Height Exceptions.

2. **Special Use Wind Energy System: Single or Multiple Structure (Wind Farm) of any height - for Commercial Purposes.** Commercial Wind Energy System(s) 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 (with the exception noted above in 1). The WES may or may not be owned by the owner of the property upon which the WES is located. Such WES will be subject to the requirements of this chapter. Such WES will be exempt from the height limitations of Section 11.03 height exceptions.

NOTE: An agreement with the power company to credit the account of the owner of a single WES for excess energy produced will not constitute “commercial purposes” under this ordinance.

3. **Special Use On-Site Use Wind Energy Systems (75 feet in height or more).** On-Site Use Wind Energy Systems (including Anemometer Towers) with tower height(s) of 75 feet or more, will be considered a Special Use allowed in all zoning districts where **such** structures are allowed subject to **the requirements of this chapter. Such WES will be exempt from the height limitations of Section 11.03 height exceptions.**
4. **Site Plan:** The site plan will show:
 - a. **The location of electrical transmission or distribution lines, whether utilized or not;**
 - b. The location of the Wind Energy System (WES) with its specific dimensions including the entire area through which the rotors may pass;
 - c. The location of any guy wires or other support devices;
 - d. The location of all occupied dwellings within three hundred (300) feet of the WES.
5. **Manufacturer Information.** Each site plan submission will be accompanied by a complete set of the manufacturer’s instructions which will at a minimum include:
 - a. A standard foundation and anchor design;
 - b. A detailed parts list;
 - c. Clearly written instructions for assembly, installation, checkout,

- operation, and maintenance of the WES on site;
 - a. A list of warning documents to be provided as required herein;
 - b. Grounding and lighting procedures which follow the National Electrical Code, Article 250 – Grounding, and Article 280 – Lightning Arresters;
 - c. Underwriters label where appropriate
 - d. Proof of insurance.

- 6. Site Requirements:
 - a. **Property Setbacks:** The distance between an On-Site Use Wind Energy System and the owner’s property lines (and road right-of-way lines) will be at least 1 ½ times the height of the wind energy system structure including the blade in its vertical position. No portion of the structure, including guy wire anchors, will extend closer than ten feet to the property line.
 - b. **Utility Setbacks –** No WES will be erected so that any portion of the tower or turbine is closer to utility lines than the total height of the tower and rotor combined.
 - c. **Construction Codes, Towers, and Interconnection Standards:** On-Site Use Wind Energy Systems including towers will comply with all applicable state construction and electrical codes and building permit requirements. On-Site Use Wind Energy Systems including towers will comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-Site Use wind energy system will comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.
 - d. **Safety:** An On-Site Use wind energy system will have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers will have lightning protection. If a tower is supported by guy wire anchors, the wires will be clearly visible at a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade will be 20 feet for a wind energy system employing a horizontal axis rotor.
 - e. **Electromagnetic Interference –** The entire WES including turbines, alternators, generators, and interconnected systems will be filtered and/or shielded to prevent the emission of generated radio frequency energy which could cause interference with radio and television broadcasting and/or reception. The entire WES will also comply with Federal Communication Commission Rules and in

particular with 47 CFR, Part 15, Subparts A and F and Part 18, Subparts A, D, and H.

- f. Height, WES – The maximum allowable height, of a wind turbine will be the distance to the center hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. Generally the hub height will be limited to two hundred seventy-five (275) feet from the existing grade, unless otherwise prohibited by state or federal statutes or regulations. The maximum allowable height for any specific site will be further regulated by the requirements of the Federal Aviation Administration, the Michigan Aeronautics Division, Michigan Department of Transportation and the Michigan Aeronautics Commission. The applicant will demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended) and FAA guidelines as part of the approval process.
- g. Ground Clearance – For both horizontal and vertical axis turbines, the WES rotor will be located on the tower or support such that the minimum blade clearance above ground will be twenty (20) feet.
- h. Accessibility – Towers will be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder at a minimum height of twelve (12) feet.
- i. Height, Anemometer Tower – Towers used to conduct wind assessment studies for possible installation of a WES, including attached equipment, will not exceed a height of 199 feet and will be setback at least 1 ½ times the height of the tower from any lot line or right-of-way line.
- j. Temporary Towers - Use of temporary towers (those without permanent foundations) are limited to a two (2) year period.

7. Interconnected WES:

In the case of a WES proposed to be interconnected with the power grid of the local electric utility, the applicant will provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The applicant will comply with all requirements of the servicing utility if the WES is to be interfaced with the utility grid. The utility will install appropriate electric metering and the applicant will be required to install a disconnecting device adjacent to the electric meter(s).

8. Decommissioning:

The applicant will submit a plan describing the intended disposition of the WES at the end of its useful life, and will describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance security or equivalent financial instrument will be posted in an amount determined by the Township Board (to be utilized in the event

the decommissioning plan must be enforced with respect to tower removal, site restoration, etc.). The security deposit will be in favor of Trowbridge Township and will be in an amount of at least \$1 million and will contain a replenishment obligation.

SECTION 15.27 “X” - (reserved for future uses)

SECTION 15.28 “Y” - (reserved for future uses)

SECTION 15.29 “Z” - (reserved for future uses)

CHAPTER 16

PLANNED UNIT DEVELOPMENTS

SECTION 16.01 INTENT & PURPOSE

Planned developments are provided for in the same manner as a special use permit in order to allow for some degree of flexibility and innovation in the design of developing areas, as well as to allow for an efficient and aesthetic use of land. Based upon the standards and criteria contained in each Zoning District, the Planning Commission may review and approve with conditions, a modification in bulk requirements in order to allow certain forms of development containing both privately owned sites and common property, and which are planned collectively as a single unit.

SECTION 16.02 PLANNED UNIT DEVELOPMENT CONDITIONS

A residential planned unit development (PUD) will be developed through the special use permit procedure. The granting of a permit for a PUD is permitted in all zoning districts.

- A. Site Eligibility: The minimum area necessary to qualify as a PUD will not be less than ten (10) acres of land of which not less than five (5) acres will be continuous. However, an owner of land that is less than the minimum required area may apply if the subject land is adjacent to a lawfully approved or constructed PUD having uses similar to the one proposed.
- B. As a separate collective “use”, PUD’s may be constructed in any combination of uses and structures provided that:
1. At least twenty (20%) percent of the total area is reserved for open space and natural drainage. This area may consist of land included as part of the required yard setbacks, roads, greenbelt area drainage easements, open space, wetlands, flood plains or any

recreational amenity; but will not include any areas used for structures, or off-street parking and loading.

2. Full compliance with the provisions of this Ordinance and the tables and schedules contained here will be met, unless waived by the Township Planning Commission and the Township Board.

3. Density and Open Space Requirements for PUD's with Residential Uses.

(Bonus density)

- a. In addition to part B.1, above, if a proposed PUD is residential, wholly or in part, that part of the PUD may be increased but will not exceed a net residential density of one point five (1.5) times the maximum number of units allowed per acre under conventional single family lot sizes as required in the Zoning District. The number of dwelling units will be rounded to the nearest whole number.
- b. This density is granted, provided that at least twenty-five (25%) percent of the total area devoted to residential PUD development is reserved for open space and natural drainage by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land.

SECTION 16.03 PRE-PLANNING CONFERENCE

Prior to formal application submission for a proposed planned development, the developer/applicant will be required to make a presentation to the Planning Commission in order to discuss initial design concepts and the application of said concepts to the land in question.

SECTION 16.04 STANDARDS AND CONSIDERATIONS

In addition to complying with the standards for special use permits, the following special standards for a Clustered Residential Development or a PUD must be met:

- A. Ownership: The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association or association of individual owners (condominium). An application may be filed by the owner, jointly by the owners of all property to be included, or by a person, persons, corporation, or corporation with an option to buy said property. A plan, once approved, will be binding.
- B. Utilities: A Clustered Residential Development within a PUD will have public community water and sewer provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) that are in authority and have jurisdiction. All utilities will be placed underground.
- C. Permitted Residential Housing Types and Uses: The following are considered eligible for inclusion in an application:

PRINCIPAL PUD USES AND STRUCTURES

Residential PUD's:

- Single family detached homes
 - Two family homes
 - Single family attached homes
 - Multiple family structure (apartments), not to exceed 50% of the total number of dwelling units within a PUD
 - Day care centers

ACCESSORY USES AND AMENITIES

- Open space – passive and active.
 - Indoor and outdoor recreational facilities.
 - Carports.
 - Community building and meeting hall.
 - On-premise laundry facilities.
 - Churches and schools.

-Commercial uses of less than 2,000 square feet each and will not exceed 10% of the total number of units.

A. Site plan design standards: Unless modified by the Planning Commission in writing at the time of application and approval, compliance with the following design standards is required to be shown on the site plan:

1. Minimum yard requirements and building setbacks from all exterior property lines will be thirty (30) feet.
2. Maximum building height 2 ½ stories or thirty-five (35) feet (excludes antennas, steeples, spires, etc.).
3. Minimum spacing between detached buildings will not be less than ten (10) feet.
4. All sensitive natural features such as wetlands will remain unencumbered by residential buildings and structures.
5. Drainage-ways will be protected by a public easement measured twenty-five (25) feet from the centerline of such drainage-ways.
6. Off-street parking is required at the rate of two (2) parking spaces per dwelling unit.

A. Facility Site Standards: The site standards for all individual uses and facilities as provided in this Ordinance, must be observed unless waived by the Planning Commission for any (or all) of the specific uses and facilities.

B. Common property which is Privately Owned: Common property is a parcel or parcels of land, a privately owned road, or roads, together with improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property will be private. When privately owned, arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas. This will not be waived.

- C. Public Easement on Common Property which is Privately Owned: When common property exists in private ownership, the owners will grant easements, over, under and through such property to the Township as may be required for public purposes.
- D. After approval of a planned unit development, a site plan may be revised upon approval by the Township Planning Commission.

SECTION 16.05 PUBLIC HEARING

A public hearing by the Planning Commission in accordance with the public notice requirements of Section 21.03, is required for all planned developments. After the public hearing, the Planning Commission may approve, approve with conditions (see 16.06 Final Approval), or deny the proposal.

SECTION 16.06 FINAL APPROVAL

- A. Final approval of all Planned Unit Developments is reserved to the Planning Commission. Before giving final approval the Planning Commission may request review by the Township Attorney, the County Road Engineer, the state highway engineer, the County Drain Commissioner, the County Health Department, the Michigan Department of Environment Quality, or any other entity as seems appropriate.
- B. A Planned Unit Development is not a form of land division and approval of a PUD does not grant either land division or subdivision approval as required under the Land Division Act being Public Act 591 of 1996, as amended; or the Condominium Act, being Public Act 59 of 1978, as amended.

SECTION 16.07 EFFECT OF APPROVAL OF THE SITE PLAN

The PUD site plan, as approved by the planning commission, including all approved maps and accompanying written materials and any conditions of approval, will be binding upon the applicant and owners of record and upon their heirs, successors, and assigns with respect to all future development of the property. No construction of buildings or structures or any other site improvements or changes will be made except in strict compliance with the approved site plan.

SECTION 16.08 AMENDMENT OF THE SITE PLAN

An approved PUD site plan will not be varied or modified in any respect without an amendment approved by the planning commission. An application for a proposed amendment to a PUD site plan will be reviewed and approved, approved with conditions, or denied by the planning commission pursuant to the procedures prescribed by this chapter for original submittal and review of the site plan.

SECTION 16.09 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the provisions of this ordinance and any conditions imposed under this ordinance may be required by the planning commission at the time of approval of a site plan.

SECTION 16.10 ENFORCEMENT

A site plan approved by the planning commission concerning a PUD will have the full force and effect of the zoning ordinance. Subsequent actions relating to the use or activity authorized will be consistent with the site plan as approved. Any violations of

an approved site plan will be grounds for the township to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantees of removal of the violation is provided to the township. In addition, a violation of any approved site plan or failure to comply with any requirements of this section, including conditions of approval, will be considered a violation of this ordinance.

CHAPTER 17

OPEN SPACE PRESERVATION

SECTION 17.01 OPEN SPACE PRESERVATION

In order to comply with Section 506 of the Michigan Zoning Enabling Act being Act 110 of 2006, 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 land owner, 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.

SECTION 17.02 ELIGIBILITY

A. In “AG” and “R-1” zoning districts, in the Township, a land owner may choose to apply for a land division(s), plat or site condominium under Open Space Preservation option. Provided that no more than the same number of dwelling units allowed on the entire land area of the tract, under existing Township Zoning District Regulations, State Laws and Rules, may be created.

B. To qualify for an Open Space Preservation land division, plat or site condominium option the land owner must: Sign and record either a conservation easement, plat dedication, restrictive covenant or other legal document that runs with the land and is agreeable to the Township Board, whereby the land owner will agree to reserve at least 50% of the developable land area in a perpetual undeveloped state. Developable property will not include areas under road or utility easements; wetlands as defined by the Michigan Department of Environmental Quality; areas within the 100 year flood plain of a river, stream or county drain; areas under the normal high water mark of any

lake. 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. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area; children’s play area, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the public use.

SECTION 17.03 MINIMUM LOT REQUIREMENTS

A. Minimum Lot Width and Depth – the minimum lot width and depth will be equal to 75% of the minimum lot width required for the zoning district by this

B. Minimum Lot Area – may not be less than half the required area of lots in the zoning district in which the property is located. Proof of build-ability may require septic and well permits from the Allegan County Health Department.

C. Access – all lots created under this section must have at least 75% of the required minimum width along a county road right-of-way or along an approved private road. Any division which, under other provisions of this ordinance, would require the creation of a private road in order to obtain the required road frontage may not be created with direct access to a county road or State highway but must front upon an approved private road as provided for in this ordinance.

SECTION 17.04 APPLICATION

A demonstration plan is required showing the maximum layout of lots and roads meeting all standard zoning provisions that could be created on the applicants property. The demonstration plan will use the exact dimensions of the parcel to be developed and will not encroach upon existing easements and water bodies (average shoreline). The demonstration plan may include otherwise un-buildable areas such as

wetlands, floodplains and steep slopes of gullies where the intent is to preserve these areas from destruction.

A. Plats – Applicant will inform the Township Clerk in writing at the time of application for the preliminary plat if the landowner chooses to exercise the Open Space Preservation option.

B. Site Condominiums – Applicant will indicate on the Zoning application form when submitting the preliminary site plan to the Planning Commission if the owner chooses to exercise the Open Space Preservation option.

C. Exempt Divisions Under the State Land Division Act – Applicant will indicate on the Land Division Application form if the owner chooses to exercise the Open Space Preservation Option, when submitting the application to the Township Supervisor.

CHAPTER 18

FIRE LANES AND PRIVATE ROADS PERMITTED

The purpose of this Chapter is to encourage the orderly development of properties having inadequate public road frontage, to define private drives and private roads, to set common standards for private roads and to except planned unit developments from the standards set forth herein.

SECTION 18.01. DEFINITIONS.

- A. Fire Lane. A drive for ingress and egress serving or to serve one (1) or two (2) lots which do not have frontage on a public road.
- B. Private Road. A road not dedicated to nor accepted for public use, maintained by the owners of adjacent property and/or an association serving or to serve three (3) or more lots.
- C. Accessible. For the purpose of determining whether or not a parcel of land in Trowbridge Township is “accessible” as required under Public Act 591 of 1996 as amended, Section 102, (j) being MCL 560.102, and Section 109, (e) being MCL 560.109.

SECTION 18.02. GENERAL PROVISIONS.

- A. A building permit may be issued for the construction of a dwelling or other principal structure upon a parcel that does not have the required minimum public road frontage where such parcel has the required minimum road frontage on an approved fire lane or private road.
- B. Any private road or fire lane constructed prior to the adoption of this chapter may continue in use. Any private road or fire lane established after the date of this chapter shall not be extended or relocated except in conformance with this Ordinance.
- C. If any private road or fire lane is designed to append, abut, or extend from another private road or fire lane, then the private road or fire lane from which the proposed road or fire lane appends, abuts or extends shall conform to the standards of Section 18.03 below.
- D. A new land division proposed to have its required access from an existing private road or fire lane that is nonconforming as to this Chapter, shall not be approved. Such new lot or parcel shall not be considered to be accessible until such time as the entire private road or fire lane is brought into full compliance with the provisions of this Chapter.

SECTION 18.03. MINIMUM STANDARDS FOR PRIVATE ROADS AND FIRE LANES.

- A. A private road shall have a minimum unobstructed surface width of at least 24 feet from shoulder to shoulder along the whole length and shall have no less than an eight inch (8") class II sand base, and six inch (6") class 22A gravel surface. Private roads shall have a minimum easement or right-of-way width of at least 50 feet.

Design standards for roads: Private roads shall meet the following design standards:

1. Ditches will outlet into a cross culvert or drainage course.
 2. Culverts will be placed at all natural drainage courses or other waterways. Culvert sizes and grades will be determined using the County Road Commission storm runoff calculations formula. Materials for culverts will conform to standard highway construction requirements.
 3. All cul-de-sacs must end with turnarounds having a right-of-way radius of 60 feet and a turning radius of 20 feet.
- B. A fire lane shall have a minimum unobstructed surface width of at least 16 feet from shoulder to shoulder along the whole length and shall have no less than a six inch (6") class 22A aggregate base. Vehicle passing/pull-out lanes, 9 feet wide and 40 feet long and surfaced to conform to the standards of the roadway, shall be required for every 150 feet of fire lane length or as recommended by the Fire Inspector. Fire lanes shall have a minimum easement or right-of-way width of at least 24 feet except where passing/pull-out lanes are required in which locations the minimum easement width shall be 30 feet and such areas shall have a minimum length of at least 55 feet. Fire lanes over 150 feet in length shall have a turnaround with either a minimum centerline radius of 50 feet or a "T" or "Y" turnaround, approved by the Fire Inspector.
- C. Maintenance and repair: Maintenance, repair, and liability for private roads and fire lanes are the responsibility of property owners adjacent to the private road or fire lane and not the responsibility or liability of the township. The developer will establish, by appropriate deed provisions, an association responsible for road/lane maintenance and repair that has the authority to apportion and collect the cost of maintenance and repair from benefiting property owners.

SECTION 18.04. APPROVAL.

- A. Private Roads shall be subject to the provision of Chapter XIII Site Plan Review. Site plans submitted for final approval to the Planning Commission shall have an engineer's seal and approvals by the Township's Fire Inspector, and the Allegan County Drain Commissioner, and, the connection to a county road or state

highway (if any) shall have the approval of the appropriate highway engineer or permits officer. A maintenance and repair agreement shall be reviewed and approved by the Township Attorney prior to final approval and such agreement shall be recorded with the deeds to each dependent parcel or lot prior to final approval of such lot or parcel.

- B. Fire Lanes shall be subject to review and approval by the Zoning Inspector. Site plans submitted for final approval to the Zoning Inspector shall have approvals by the Township's Fire Inspector, the County Drain Commissioner and either the state highway or county road commission's driveway permits officer. Where there is more than one (1) dependent lot or parcel, a maintenance and repair agreement shall be reviewed and approved by the Township Attorney prior to final approval and such agreement shall be recorded with the deeds to each dependent parcel or lot prior to final approval of such lot or parcel.

CHAPTER 19

ADMINISTRATION AND ENFORCEMENT

SECTION 19.01 ZONING ADMINISTRATION.

The provisions of this Ordinance will be administered and enforced by the Zoning Inspector.

SECTION 19.02 ZONING INSPECTOR.

The Zoning Inspector will be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board will 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,
- C. Be in good health and physically capable of fulfilling the duties of Zoning Inspector.
- D. The Inspector must have Township Supervisors Approval for personal Zoning Approval.

SECTION 19.03 ZONING APPLICATION AND APPROVAL.

- A. **Approval Required.** No building or structure will be erected, moved, placed, reconstructed, extended, enlarged or altered, except wholly interior alterations or repairs costing less than five hundred dollars (\$500.00), unless approval for such work has been issued by the Zoning Inspector. An application for approval will be in writing and upon duplicate printed forms furnished by the Township. Zoning approval is required prior to the commencement of any excavation, erection, alteration or movement of any building or structure. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Inspector and will be furnished upon request. If the application is approved, the Zoning Inspector will so mark both copies of the application over his/her signature and file one copy with the Township Clerk and return the other copy to the applicant. The Zoning Inspector will also provide the applicant with a construction card signed by the Zoning Inspector stating the extent of the work authorized. This card will be attached to, and remain on, the lot or premises during the progress of the work authorized.
- B. **Contents of Application.** Each application will 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 will include, as a minimum, the following information:
 - 1. The location and actual dimensions of the lot or premises to which the approval is to apply

2. The kind of building or structure to which the zoning approval is to apply
3. The width of abutting streets
4. The area, size and location of all buildings or structures to which the approval is to apply
5. The type of use to be made of the building or structure to which the approval 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/her discretion, may waive the inclusion of any of the foregoing information in an application if he/she determines that such information is not reasonably necessary for him/her 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 zoning approval for the principal building, will not require the issuance of a separate approval. A separate zoning approval will 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 will be marked approved by either the Secretary or the Chairperson of the Planning Commission in addition to being so marked, as provided above, by the Zoning Inspector.

E. Issuance of Zoning/Planning Approval.

Within ten (10) days after the receipt of any fully complete application, the Zoning Inspector will either (1) issue a zoning approval if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of an approval 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 will be transmitted to the owner or his agent. An application is "complete" when all of the applicable sections of the form have been properly filled in, all required diagrams, drawings, seals and agency approvals have been attached, and any required fee is paid.

F. Expiration of Zoning/Planning Approval.

Zoning approval for a single family dwelling for which construction work has not been started within one (1) year from the date of its issuance will expire automatically; zoning approval for any other building or structure for which construction work has not been started within two (2) years from the date of issuance will expire automatically. Zoning approval expiring automatically

pursuant to this subsection will, upon reapplication, be renewable once for additional terms of one (1) and two (2) years, respectively (one year for single family dwelling, two years for any other building or structure), on payment of an additional fee equal to one half (1/2) of the original zoning/planning fee.

G. Cancellation of Zoning/Planning Approval.

The Zoning Inspector will have the power to remove and cancel any approval in the event of failure or neglect to comply with all the terms and provisions of this Ordinance. The Zoning Inspector will also have the power to cancel or remove approval in the event of any false statement or misrepresentation in the application. Notice of such cancellation and revocation will be securely posted on the construction, such posting to be considered as service upon and notice to the approval holder of the cancellation and revocation of the approval.

CHAPTER 20

Reserved for future use.

CHAPTER 21

AMENDMENTS AND PUBLIC NOTICES

SECTION 21.01 – INITIATION OF AMENDMENTS

Amendments of this Ordinance may originate with the Township Board or by the Township Planning Commission by petition of one or more owners of property to be affected by the proposed amendment.

SECTION 21.02 - PROCEDURE

Each proposed amendment not originating with the Planning Commission will be referred to the Planning Commission for its consideration and recommendation.

- A. Filing of Applications: All petitioners will submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the Township Clerk.
- B. All petitions for amendments to this ordinance, without limiting the right to file additional material, will contain the following:
 - 1. The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person, firm, or corporation having a legal or equitable interest in the land.
 - 2. The nature and effect of the proposed amendment.
 - 3. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- C. Public Hearing: Before submitting its recommendation on the petition to amend, the Planning Commission will hold at least one public hearing, notice of which will be given in conformance with Section 21.03, below.
- D. Following the public hearing the Planning Commission will submit the proposed amendment to the County Planning Commission for review and recommendation. The County Planning Commission will have waived its right for review and recommendation of the ordinance amendment if, the recommendation of the County Planning Commission has not been received by the Township within 30 days from the date the proposed amendment is received by the County.
- E. The Planning Commission, after receiving the review and recommendation of the County Planning Commission or after 30 days has elapsed, will refer the proposed amendment to the Township Board along

with any comments from the County and the Township Planning Commission's written recommendations for approval or disapproval and their reasons.

- F. A hearing conducted by the Township Board will not be necessary unless a request is made by an interested party, in writing, by certified mail addressed to the Township Clerk. Notice of any such hearing will be noticed in the manner prescribed by the Open Meeting Act (P.A. 267 of 1976, as amended).
- G. Thereafter, at any regular meeting, or at any special meeting called for that purpose, the Township Board may adopt and enact the proposed amendment, in accordance with Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act.
- H. Following adoption of amendments to this Ordinance, one (1) notice of adoption will be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice will include the following information:
 - a. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - b. The effective date of the amendment.
 - c. The place and time where a copy of the amendment may be purchased or inspected.
- I. Within seven (7) days after publication of any amendment to the zoning ordinance, a registered elector residing in the township may file a notice of intent to file a petition with the township clerk.

If a notice of intent is filed, the petitioner will have 30 days following publication of the zoning ordinance amendment to file, with the clerk, a petition signed by registered electors residing in the township totaling not less than 15% of the votes cast at the last preceding general election at which a governor was elected. Upon the filing of a notice of intent to petition the amendment will not take effect until one of the following occurs:

- a. The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.
- b. If a petition is filed within the 30 days, and the township clerk determines that the petition is not adequate.
- c. If a petition is filed within the 30 days and the clerk determines that it is adequate and the amendment is approved by a majority of the registered electors residing in the township and voting on the petition at the next regular election or any special election called for the purpose.

SECTION 21.03 – PUBLIC NOTICES

- A. Notice, in conformance with the Open Meeting Act (P.A. 267 of 1976, as amended), is required for all meetings of the Planning Commission and Zoning Board of Appeals. A schedule of monthly meetings will be published each year 15 days prior to the Planning Commission's first meeting of the year. The Zoning Board of Appeals does not have regularly scheduled meetings. Each meeting must be noticed separately except when a variance hearing is tabled until a certain date, time and place as announced to those attending during a previously noticed meeting.
- B. Notice of public hearings as described in C. below are required for the following:
1. A public hearing before the Planning Commission to amend the Zoning Ordinance text.
 2. A public hearing before the Planning Commission to amend the Zoning Map.
 3. A public hearing before the Planning Commission to consider a Special Land Use or a Planned Unit Development.
 4. A public hearing before the Zoning Board of Appeals to consider a dimensional Variance, to request an interpretation of the Zoning Ordinance text or map as it applies to a specific property, or to appeal an administrative decision of the Zoning Administrator.
- C. Notice of Public Hearing: After receipt of the completed application with required fees, the Township Clerk will establish a date for a public hearing on the application. The Township Clerk will give notice of the public hearing in the following manner:
1. By one (1) publication in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing.
 2. For any proposed amendment to the zoning map, or special use hearing, by the Planning Commission, or any variance hearing by the Zoning Board of Appeals, written notice will be delivered by mail, or hand-delivered, to all persons to whom any real property is assessed within three hundred (300) feet of the premises in question, and to the occupants of all dwelling units within three hundred (300) feet of the premises in question. The notice will be made at least fifteen (15) days prior to the hearing. Requirements of written notice to property owners will not apply to a text amendment, a comprehensive revision to the Zoning Ordinance or when 11 or more adjacent properties are proposed for rezoning.

3. The notice will do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice will include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.

SECTION 21.04 – FACTORS TO BE CONSIDERED FOR REZONING

When reviewing any rezoning request the Township Planning Commission and the Township Board will consider the following factors:

- A. Will the rezoning be consistent with other zones and land uses in the area?
- B. Will the new district be consistent with the development trends in the area?
- C. Will other uses in the proposed zone be equally or better suited to the new zoning than the current zoning?
- D. Will the proposed rezoning be consistent with the policies and uses proposed for the area in the Township’s Master Plan?
- E. Is the proposed location appropriate for all of the uses, which will be permitted under the requested zoning?

SECTION 21.05 – CONDITIONAL REZONING

- A. Intent.
It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use or development of land as part of the rezoning request.
- B. Application and Offer of Conditions.
 1. An owner of land may voluntarily offer in writing conditions relating to the use or development of land for which a rezoning is requested. This offer may be made either at the time of application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions will be the same as that for considering rezoning requests made without an offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions will bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application will be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Chapter 21 Section 21.04 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board will deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations will include, but not be limited to, a consideration of the factors for rezoning set forth in Chapter 21 Section 21.04 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board will, in accordance with Section 401 of the Michigan Zoning Enabling Act (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions will be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions will be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions will:
 - a. Be in a form recordable with the Allegan County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference will specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Allegan County Register of Deeds.

- f. Contain the notarized signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map will be amended to reflect the new zoning classification along with the designation that the land was rezoned with a Statement of Conditions. The Township Clerk will maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof will be filed by the Township with the Allegan County Register of Deeds. The Township Board will have authority to waive this requirement if it determines that, given the nature of the conditions or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned will conform thereafter to all of the zoning requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions will continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions will constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation will be deemed a nuisance per se and be subject to judicial abatement as provided by law.
2. No permit or approval will be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not

been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.

- H. Reversion of Zoning.
If approved development or use of the rezoned land does not occur with the time frame specified under subsection G. above, then the land will revert to its former zoning classification as set forth in MCL 125.3405. The reversion process will be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning the land to its former zoning classification. The procedure for considering and making this reversionary rezoning will thereafter be the same as applies to all other rezoning requests.

- I. Subsequent Rezoning of Land.
When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion or zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification will cease to be in effect. Upon the owner's written request, the Township Clerk will record with the Allegan County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

- J. Amendment of Conditions.
 - 1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township will not add to or alter the conditions in the Statement of Conditions.
 - 2. The Statement of Conditions may be amended thereafter in the same manner as prescribed for the original rezoning and Statement of Conditions.

- K. Township Right to Rezone.
Nothing in the Statement of Conditions nor in the provisions of this Section will be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning will be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3401 et seq.).

- L. Failure to Offer Conditions.

The Township will not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions will not affect the owner's rights under this Ordinance.

Chapter 22

Zoning Board of Appeals

Section 22.01 Establishment & Procedures

- A. A Zoning Board of Appeals (ZBA) is hereby established; it will consist of three (3) members and may have up to two (2) alternate members. At least one of the alternate members will be selected from the electors residing in the Township. The other may be an alternate from the Planning Commission. Alternate members will have the same term as regular members. Alternates are only called to serve for the full duration of a case when a regular member is absent (absent due to illness, vacation, etc.), or has a conflict of interest. The first member of the Board of Appeals will be a member of the Township Planning Commission. The remaining members of the Board of Appeals will be selected from the electors of the township residing outside of incorporated cities and villages. The members will be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township will not serve as chairperson of the Board of Appeals. Members of the Board of Appeals will be removed from office by the Township Board for: the abuse of lawful authority, illegal actions, or neglecting to act upon written charges and a public hearing. A member will disqualify him/herself from a vote in which he/she has a conflict of interest. Failure of a member to disqualify him/herself from a vote in which he/she has a conflict of interest will constitute a misfeasance in office. As a matter of courtesy to the applicant and other members of the Zoning Board of Appeals, if a member knows of a conflict of interest prior to the hearing, that member will inform the Chairperson who will notify the alternate to attend.
- B. The terms of office for members appointed to the Zoning Board of Appeals will be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms will be limited to the time they are members on those bodies. A successor will be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms will be filled for the remainder of the term.
- C. The Zoning Board of Appeals will adopt necessary rules of conduct and a conflict of interest policy in keeping with the provisions of this Ordinance. Said rules and procedures will be made available to the public and will conform to the terms of this Ordinance and the Michigan Zoning Enabling Act as amended. Meetings will be held at the call of the chairperson and at other such times as the Zoning Board of Appeals in its rules and procedures may specify. All meetings for variance, appeal, or interpretation involving a specific property will be open to the public. All hearings will be noticed in conformance with Article 21 Amendments and Public Notices, Section 21.02, of this Ordinance.

- D. The Zoning Board of Appeals will keep minutes of its proceedings, show the vote of each member upon each question, or if absent or failing to vote indicating such fact and will keep records of its examinations and other official actions, all of which will be a public record and be filed in the office of the Township Clerk.

Section 22.02 – Zoning Board of Appeals, Powers And Duties

- A. The Township Zoning Board of Appeals will have all powers and responsibilities and will carry out all duties as set forth and required for a Township Zoning Board of Appeals in the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended, to include consideration of variances and appeals in accordance with all applicable provisions of this ordinance. No authority is granted to the Zoning Board of Appeals to hear appeals from Special Land Use or Planned Unit Development decisions.
- B. The Zoning Board of Appeals will hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The Zoning Board of Appeals will also hear and decide on matter referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under this Ordinance. It will hear and decide appeals from and review any administrative order, requirement, decision, or determination made by the Zoning Inspector, Planning Commission or Township Board made under this Zoning Ordinance.

The Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done. To that end, the ZBA will have all of the powers of the Zoning Inspector and may issue or direct the issuance of a permit.

- C. Public Notice: All hearings before the Zoning Board of Appeals will be noticed in conformance with Article 21 ‘Amendments and Public Notice’, Section 21.03, of this ordinance and in conformance with Section 604 of P.A. 110 of 2006.
- D. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the Zoning Inspector, Planning Commission or Township Board, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance.
(For the purpose of this ordinance, there are three members of the Zoning Board of Appeals. An alternate is only called to be present when a regular member cannot attend. Two votes will constitute a majority).
- E. Standards for Dimensional Variances: Where practical difficulties or unnecessary hardship may exist in conforming to the strict letter of the Zoning Ordinance, the Zoning Board of Appeals may vary or modify any of the rules or provisions of this Ordinance relating to construction, or structural changes in or alterations of buildings or structures,

so that the intent of this chapter should be observed, public safety secured, and substantial justice done. To obtain a dimensional variance, the owner must show practical difficulty by demonstrating that all of the following standards are met:

1. That strict compliance with area, setback, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 2. That a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
 3. That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;
 4. That the problem is not self-created or based on personal financial circumstances.
- F. Standards for Use Variances. Where unnecessary hardship exists on a specific property in conforming to the use requirements of the Zoning Ordinance, the Zoning Board of Appeals may by a 2/3 vote of the full membership, grant a use variance. To obtain a use variance, the owner must prove that the property cannot be used for any use allowed in the zoning district and must demonstrating that all of the following standards are met:
1. The property in question cannot be put to a reasonable use if permitted to be used only for uses allowed in the district in which it is located.
 2. The plight of the owner is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
 3. The use variance, if granted would not alter the essential character of the area or neighborhood.
 4. The problem is not self-created.
- G. Conditions. In granting a variance, the ZBA may impose and attach such conditions, restrictions and requirements as it will determine are necessary and/or appropriate. Such conditions, restrictions and/or requirements may impose greater or more restrictive conditions and/or requirements than are included in this Ordinance. Violation of such restrictions, conditions and/or requirements will be deemed a violation of this Ordinance. Such conditions may include the provision of financial security to ensure performance.

Section 22.03 – Duties of The Zoning Inspector, Zoning Board Of Appeals, Township Board, And Courts On Matters Of Appeal

- A. It is the intent of this Ordinance that all questions under appellate jurisdiction will be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Inspector or Planning Commission. Requests for Variances constituting matters under original jurisdiction of the Zoning Board of Appeals will be filed with the Zoning Board of Appeals via the Zoning Inspector and will not be construed as an appeal from a decision of the Zoning Inspector. Recourse from the decision of the Zoning Board of Appeals will be to the courts as provided by the laws of the State of Michigan.

- B. It is further the intent of this Ordinance that the duties of the Township Board in connection with this Ordinance will not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions will be stated in this Ordinance. Under this Ordinance the Township Board will have only the following duties: (1) considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, (2) establishing a schedule of fees and charges and (3) appointing members of the Zoning Board of Appeals and the Zoning Inspector.

CHAPTER 23

PENALTIES

SECTION 23.01 PENALTIES.

Any person or entity that violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, will be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner or agent, will be liable as a principal. Each day that a violation exists will constitute a separate offense.

Any violation of this Ordinance is hereby declared to constitute a public nuisance, and will constitute a basis for such judgment, writ, order or injunctive relief necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statutes and will be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
- 1 st Offense within 3-year period*	\$ 75.00	\$500.00
- 2 nd Offense within 3-year period*	\$150.00	\$500.00
- 3 rd Offense within 3-year period*	\$300.00	\$500.00
-4 th or More Offense within 3-year period*	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator will pay costs, which may include all expenses, direct and indirect, to which Trowbridge Township has been put in connection with the municipal civil infraction. In no case, however, will costs of less than \$9.00 or more than \$500.00 be ordered. The Township has the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

SECTION 23.02 PROCEDURE.

The Township Board 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 24

MISCELLANEOUS PROVISIONS

SECTION 24.01 ADMINISTRATIVE LIABILITIES.

No office, agent, employee, or member of the Planning Commission, Township Board or Zoning Board of Appeals will render him/herself liable for any damage that may be charged to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this Ordinance.

SECTION 24.02 SEVERABILITY.

This Ordinance and the various parts, sections, subsection, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is found to be unconstitutional or invalid, the remainder of this Ordinance is not to be affected.

SECTION 24.03 REPEAL.

This Ordinance will constitute a new zoning ordinance for the Township of Trowbridge, Allegan County, Michigan, superseding and replacing in its entirety the previous Township Zoning Ordinance. All other ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 24.04 EFFECTIVE DATE.

This Ordinance was approved by the Township Board on November 20, 2014, and is ordered to take immediate effect.

Township Supervisor

Township Clerk

Adopted: _____

Published: _____

Effective Date: _____

Amended: _____