

Thornapple Township Zoning Ordinance

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ARTICLE I

TITLE, PURPOSE AND SCOPE

Section 1.1 Title

This Ordinance shall be known and cited as the “Thornapple Township Zoning Ordinance”.

Section 1.2 Authority

This Thornapple Township Zoning Ordinance is enacted pursuant to the authority granted and provisions of the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended [MCL 125.3101-125.3702].

Section 1.3 Purpose and Intent

The Thornapple Township Board of Trustees determines this Zoning Ordinance is necessary to promote the public health, safety, morals and general welfare of the Township as well as to:

- (a) Provide places for residences, recreation, industry, trade, services and other uses of land.
- (b) Ensure uses of land are situated in appropriate locations.
- (c) Limit inappropriate overcrowding of land and congestion of population, public streets and highways and other public facilities.
- (d) Facilitate adequate and efficient public infrastructure including but not limited to transportation, sanitary sewer, potable water, fire protection, storm sewer collection and disposal, pedestrian facilities, recreation and other public services and community amenities.
- (e) Promote a balanced supply of commercial, industrial and institutional land uses that are compatible with adjacent uses of land and provide good access to public infrastructure and transportation services.
- (f) Preserve the overall quality of life for residents.
- (g) Protect the character and quality of rural areas and established residential neighborhoods.
- (h) Allow for and encourage innovation in new residential development and redevelopment that meets need for housing with a greater variety in type and design of dwelling.
- (i) Maintain and enhance business and commercial areas and encourage infill within existing business and commercial areas.
- (j) Implement the policies, goals and physical plans contained in the officially adopted 2007-2020 Thornapple Township Master Plan.
- (k) Promote active, healthy life styles with provision of pedestrian and bicycle facilities.
- (l) Ensure adequate light, air, privacy and access to all real property.
- (m) Support and implement environmentally responsible development practices.

- (n) Establish clear, fair and consistent development review and approval procedures.
- (o) Facilitate a visually pleasing, man-made environment.
- (p) Use land and maintain property and buildings in a manner that is not detrimental to or a nuisance to adjoining properties.
- (q) Conserve natural resources and protect sensitive natural environment, wildlife habitat and areas with unique flora and fauna.
- (r) Accommodate growth and development within the Township that complies with purposes stated in paragraphs a-q in this section.

Section 1.4 Applicability of Zoning Ordinance

This Ordinance is applicable to all lands, buildings and structures located within Thornapple Township, except as otherwise provided by law.

No land, buildings, structures or premises within the Township shall be used, occupied, erected, razed, moved, placed, reconstructed, structurally altered or enlarged except in conformance with the terms, conditions and requirements of this Ordinance.

Section 1.5 Vested Rights

Nothing in this Ordinance shall be interpreted or construed to give rise to permanent vested rights in the continuation of any use of land, density of use, zoning district or permissible activity therein. All land, buildings, structures, land use and zoning districts are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation and protection of the public health, safety and general welfare.

Section 1.6 Relationship of Zoning Ordinance to the Adopted Township Master Plan

Administration, enforcement and amendment of this Ordinance shall be consistent with the adopted 2007-2020 Thornapple Township Master Plan and any adopted area specific or topic specific plans. In the event this Ordinance becomes inconsistent with the aforementioned plans, then this Ordinance or the Plan shall be amended within a reasonable time period to become or remain consistent.

Section 1.7 Relationship to Other Laws, Agreements and Private Covenants

- (a) This Ordinance is intended to compliment other municipal, state and federal laws and regulations that affect use of land. Whenever conditions, standards or regulations imposed by this Ordinance are more restrictive than those imposed by other laws or regulations, the provisions of this Ordinance shall apply.

- (b) Private agreements and covenants are not revoked or repealed by this Ordinance provided, however, that whenever this Ordinance imposes a greater restriction or imposes higher standards or requirements, the provisions of this Ordinance shall govern and control. Nothing in this Ordinance shall have the effect of abrogating any deed restriction on land, but shall not excuse failure to comply with this Ordinance. The Township is not obligated nor will it enforce any provision of any recorded private agreements, covenants or deed restrictions between private parties.

Section 1.8 Conflicting Provisions

In cases where two or more standards in this Ordinance may be in conflict, the more restrictive standard shall apply.

Section 1.9 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Ordinance. In the case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure or illustration, the text shall govern.

Section 1.10 Severability

- (a) If any court of competent jurisdiction invalidates any provision of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this Ordinance.
- (b) If any court of competent jurisdiction invalidates the application of any provision of this Ordinance as to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- (c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- (d) Whenever a condition or limitation is included in an administrative action authorizing regulated activity, then it shall be conclusively presumed that the authorizing officer, commission or board considered such condition or limitation necessary to carry out the spirit and intent of this Ordinance and that the officer, commission or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

Section 1.11 Transitional Provisions

The purpose of transitional provisions is to resolve the status of properties with pending applications or recent approvals and properties with outstanding violations prior to the effective date of this Ordinance.

- (a) **Processing of Applications.** Applications, re-applications or requests that were submitted in complete form and are pending approval before the effective date of this ordinance, shall be governed exclusively by the previous Zoning Ordinance originally enacted on September 5, 1991 (known as “previous Ordinance”). All development applications, re-applications or requests submitted on or after the effective date of this ordinance shall be subject to and reviewed wholly under the terms of this Ordinance.
- (b) **Approved Project.** Any building, development or structure for which a building permit was issued, may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this Ordinance. If construction is not commenced or diligently pursued within the time allowed under the original permit then the building, development or structure must be constructed, completed and occupied only in full compliance with the standards of this Ordinance.
- (c) **Violation Continues.** Any violation in existence prior to the effective date of this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement. If the use, development, construction or other activity that was a violation prior to the effective date of this Ordinance complies with the express terms of this Ordinance, enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Ordinance. The adoption of this Ordinance does not affect or prevent any pending or future prosecution of, or action to abate, violations that occurred before the effective date of this Ordinance.
- (d) **Nonconformity.** Any nonconformity in existence prior to the effective date of this Ordinance shall also be a nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status continues to exist. If, however, a nonconforming situation in existence prior to the effective date of this Ordinance becomes conforming because of the adoption of this Ordinance, or any subsequent amendment, then the situation shall no longer be considered a nonconformity. A situation that did not constitute lawful nonconforming status prior to the effective date of this Ordinance does not achieve lawful nonconforming status under this Ordinance merely by repeal of the previous Ordinance.

Section 1.12 Existing Special Land Uses

Whenever a use classified as a special land use existed prior to the effective date of this Ordinance, such special land use may continue so long as it conforms to all terms and conditions of the initial special land use approval granted by the Planning Commission.

Any existing, lawful special land use that is not allowed as a special land use under terms of this Ordinance shall be considered a lawful nonconforming land use and shall be subject to all applicable regulations.

Sections 1.13 – 1.99 *[Reserved]*

ARTICLE II

ESTABLISHMENT OF ZONING DISTRICTS

Section 2.1 Establishment of Zoning Districts

Thornapple Township is hereby divided into the following zoning districts:

“A”	Agricultural Zoning District
“AR”	Agricultural Residential Zoning District
“RR”	Rural-Residential Zoning District
“RE”	Residential Estates Zoning District
“R-1”	Low Density Residential Zoning District
“R-2”	Medium Density Residential Zoning District
“R-3”	Multiple Family Residential Zoning District
“R-4”	Manufactured Home Community Residential Zoning District
“O”	Office Zoning District
“C”	General Commercial Zoning District
“I”	Industrial Zoning District
“NR”	Natural River and Shorelands Overlay Zoning District
“WP”	Well Head Protection Area Overlay Zoning District
“AM”	Access Management Overlay Zoning District
“PUD”	Planned Unit Development Overlay Zoning District
“NC-PUD”	Non-Contiguous Planned Unit Development Zoning District

Section 2.2 Official Zoning Districts Map

The location and boundaries of zoning districts in Thornapple Township are hereby established as shown on the “Official Zoning Districts Map of Thornapple Township, Barry County, Michigan”. The Official Zoning Districts Map is hereby adopted and made a part of this Ordinance.

Section 2.3 Identification of Official Zoning Districts Map

The Official Zoning Districts Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bear the following words: “This is to certify that this is the Official Zoning Districts Map referenced in Article II of the Thornapple Township Zoning Ordinance.” The effective date of the Official Zoning Districts Map and amendments thereto shall be shown on the map.

Section 2.4 Changes to the Official Zoning Districts Map

Whenever the Official Zoning Districts Map is amended by the Board of Trustees, consistent with provisions of Michigan Public Act 110 of 2006, [MCL 125.3101 et seq.] as amended, and a change in a zoning district boundary occurs, such

amendment shall be entered on the map by the Zoning Administrator. Each such amendment to the Official Zoning Districts Map shall be captioned as a rezoning [RZ], accompanied by an identifying number.

After the first effective date of the Official Zoning District Map within this Ordinance, each rezoning amendment shall be added to this Article as a new section and shall contain the following information:

- (a) Rezoning [map amendment] number,
- (b) legal description of the property on which the zoning district was changed,
- (c) the original zoning district and the zoning district to which the land was changed,
- (d) the effective date of the map amendment.

If the Official Zoning Districts Map information is stored electronically, whenever an amendment to the map is approved by the Board of Trustees, a new copy of the map shall be published and the Zoning Administrator's signature shall appear on the map.

Section 2.5 Replacement of the Official Zoning Districts Map

In the event that the Official Zoning Districts Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the zoning ordinance or the prior official zoning map. The new official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the following words: "This is to certify that this is the official zoning map referred to in the zoning ordinance of Thornapple Township, adopted on (date) which replaces and supersedes the official zoning map which was adopted on (date)."

Section 2.6 Interpretation of Official Zoning Districts Map

Whenever uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

- (a) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as following shorelines of a lake, river, or stream beds shall be construed as following such shorelines. In the event of

change in the location of shorelines, boundaries shall be construed as moving with the shoreline of a lake, river or stream.

- (d) Boundaries indicated as following Township boundaries shall be construed as following Township boundaries.
- (e) Boundaries indicated as following property lines, section lines, or other lines of a government survey shall be construed as following such property lines, survey lines, or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendments thereto.

If, after application of rules (a) – (e) above, the actual zoning district boundary remains uncertain, the Thornapple Township Zoning Board of Appeals is empowered to make a determination of the zoning district[s] boundary location. Said determination is final and shall govern thereafter.

Section 2.7 Amendments – Official Zoning Districts Map

The following is a list of Amendments to the Official Zoning Districts Map as approved by the Board of Trustees:

- (1) Rezoning # _____
- (2) Legal Description of Real Property _____
- (3) Original Zoning District _____ Changed to _____;
- (4) Effective Date of Amendment: _____

Sections 2.8 – 2.99 [Reserved]

ARTICLE III

“A” AGRICULTURAL ZONING DISTRICT

Section 3.1 Description and Purpose

This zoning district is primarily intended for farming and related land uses with limited residential use. Lands designated “A” Agricultural contain prime and important soil types as related to crop production.

Section 3.2 Permitted Land Uses

Land and buildings in the “A” Agricultural District may be used by right for the following purposes only:

- (a) Farm and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.
- (b) Single family dwelling.
- (c) Greenhouse and nursery, except retail store selling items not produced on premise.
- (d) Orchard, vineyard and apiary.
- (e) Group daycare home for not more than six minor children.
- (f) Adult foster care family home for not more than six adults.

Section 3.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission; subject to regulations contained in Article XIX: *(As amended June 8, 2015 effective date June 20, 2015)*

- (a) Church, synagogue, temple, mosque and any other recognized place of worship.
- (b) Public and private K-12 school.
- (c) Public and institutional uses and buildings.
- (d) Publicly-owned park, playground, recreation area and athletic ground.
- (e) Golf course and country club; commercial riding stable; private recreation area.
- (f) Bed and breakfast establishment.
- (g) Farm market with roadside stand.
- (h) Greenhouse and nursery accessory retail store.
- (i) Kennel.
- (j) Group daycare home for more than six minor children.
- (k) Adult foster care family home for 7-12 adults.
- (l) Subdivision or Site Condominium Subdivision that is served by public roads meeting standards of the Barry County Road Commission.

- (m) Mineral extraction and processing.
- (n) Intensive livestock operation complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- (o) Essential services building.
- (p) Commercial communications antenna and tower; non-commercial, ground-mounted communications antenna and tower exceeding a height of 50 feet or, if roof mounted, exceeding a height of 15 feet above the roof.
- (q) Home-based business.
- (r) Household and Recreational storage facility as provided in Section 21.40.
- (s) Contractor Yard
- (t) Accessory dwelling for the use of individuals requiring special care *[amended 4-28-2018]*
- (u) Barn Event Venue *[amended 3-28-2020]*
- (v) Greenhouse Special Event Venue *[amended 3-28-2020]*

Section 3.4 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated by this Ordinance.
- (b) Temporary use as regulated by this Ordinance.
- (c) Non-contiguous PUD (open space only).

Section 3.5 “A” Agricultural Zoning District Regulations

Land divisions, building and structures in the “A” Agricultural District shall comply with the following requirement unless expressly provided otherwise in this Ordinance:

- (a) **Minimum Lot Area and Width.** One and one-half acres and 200 feet; provided, however, that a lot or parcel of land which is platted or otherwise recorded in the records of the Barry County Register of Deeds prior to April 1, 1997 may be used for one single family detached dwelling if it has a minimum area of 25,000 square feet and a minimum width of 120 feet, but further provided that this provision pertaining to a lot or parcel of record at the effective date of this Ordinance shall apply only for a period of five years from the effective date and shall be of no effect thereafter.
- (b) **Minimum Required Building Setbacks.**
 - (1) **Front yard.** There shall be a minimum front yard building setback of 40 feet.
 - (2) **Side Yard.** Side yard building setback shall not be less than 20 feet.
 - (3) **Rear Yard.** There shall be a minimum rear yard building setback of 35 feet.

- (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers; provided, however, that this provision shall not apply to barns and other bona fide farm buildings and farm structures.
- (c) **Minimum Floor Area for Dwelling.** Each single family dwelling hereafter constructed, shall meet requirements of Section 21.10 herein.

Section 3.6 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 3.7 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 3.8 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 3.9 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 3.10 Special Regulations

- (a) **Overlay Districts.** Lands in the “A” Agricultural District that are also located in any “NR”, “WP”, or “AM” overlay district shall also comply with terms of applicable overlay district(s).
- (b) **Private Roads.** Construction of and use of private roads for access to new lots or parcels after the effective date of this Ordinance is specifically prohibited within the “A” Agricultural District. Non-conforming private roads listed in Appendix 1 hereto, and existing on the effective date of this Ordinance shall not be increased in length but may be upgraded to meet requirements of this ordinance applicable to private roads.

Sections 3.11 – 3.99 [Reserved]

ARTICLE IV

“AR” AGRICULTURAL-RESIDENTIAL ZONING DISTRICT

Section 4.1 Description and Purpose

This zoning district is intended to permit farming and related uses and large lot single family residential use.

Section 4.2 Permitted Land Uses

Land and buildings in the “AR” Agricultural-Residential zoning district may be used by right for the following purposes only:

- (a) Farm and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.
- (b) Single family dwelling.
- (c) Greenhouse and nursery, except retail store selling items not produced on premise.
- (d) Orchard, vineyard and apiary.
- (e) Family day care for not more than six minor children.
- (f) Adult foster care family home for not more than six adults.
- (g) Open space residential development, subject to requirements of Section 21.38.

Section 4.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX.

- (a) Airport – general aviation.
- (b) Adult foster care for 7-12 adults.
- (c) Bed and breakfast establishments.
- (d) Campground.
- (e) Church, synagogue, temple, mosque and any other recognized place of worship.
- (f) Commercial riding stable.
- (g) Communications tower and antenna.
- (h) Contractor yard.
- (i) Farm market with roadside stand.
- (j) Golf course, country club.
- (k) Greenhouse and nursery accessory retail store.
- (l) Group day care for 7-12 minor children.
- (m) Home-based business.
- (n) Kennel.

- (o) Land division creating 5 or more new lots or parcels.
- (p) Mineral extraction and processing.
- (q) Private road serving 5 or more lots or parcels.
- (r) Public and institutional use.
- (s) Public and private K-12 school.
- (t) Publicly owned park, playground, recreation area and athletic ground.
- (u) Site condominium that is not an open space residential development.
- (v) Subdivision that is not an open space residential development.
- (w) Two-family residential building.
- (x) Essential services building.
- (y) Veterinarian service.
- (z) Household and Recreational Storage Facility as provided in Section 21.40.
- (aa) Intensive livestock operation complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- (bb) Accessory dwelling for the use of individuals requiring special care *[amended 4-28-2018]*
- (cc) Barn Event Venue *[amended 3-28-2020]*
- (dd) Greenhouse Special Event Venue *[amended 3-28-2020]*

Section 4.4 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this ordinance.
- (b) Temporary use as regulated by this ordinance.

Section 4.5 “AR” Agriculture-Residential Zoning District Regulations

Land divisions, buildings and structures in the “AR” Agricultural-Residential zoning district shall comply with the following requirements unless expressly provided otherwise in this Ordinance:

- (a) **Minimum Lot Area and Width.** One and one-half acres and 200 feet; provided, however, that a lot or parcel of land which is platted or otherwise recorded in the records of the Barry County Register of Deeds prior to April 1, 1997 may be used for one single family detached dwelling if it has a minimum area of 25,000 square feet and a minimum width of 120 feet, but further provided that this provision pertaining to a lot or parcel of record at the effective date of this Ordinance shall apply only for a period of five years from the effective date and shall be of no effect thereafter.
- (b) **Minimum Required Building Setbacks.**
 - (1) **Front yard.** There shall be a minimum front yard building setback of 40 feet.
 - (2) **Side Yard.** Side yard building setback shall not be less than 20 feet.

- (3) **Rear Yard.** There shall be a minimum rear yard building setback of 35 feet.
- (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers; provided, however, that this provision shall not apply to barns and other bona fide farm buildings and farm structures.

- (c) **Minimum Floor Area.** Each single family dwelling hereafter constructed shall meet requirements of Section 21.9 herein.

Section 4.6 Parking Regulations

All uses of land and buildings in this district shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 4.7 Sign Regulations

All signs in this district shall conform to applicable sign regulations contained in Article XXIV.

Section 4.8 Site Plan Review

All uses of land and buildings in this district shall conform to applicable site plan content and review requirements contained in Article XX.

Section 4.9 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 4.10 Special Regulations

- (a) **Overlay Districts.** Lands in the “AR” Agricultural-Residential Zoning District that are also located in any “NR”, “WP”, “AM” Overlay District shall also comply with terms of applicable overlay district(s).
- (b) Prior to final approval by the Planning Commission, of any residential development in the “AR” district consisting of 5 or more new parcels or lots, each such parcel or lot shall have an approved site evaluation issued by the Barry-Eaton District Health Department.
- (c) Private roads serving 1-4 parcels of land may be reviewed and approved by the Zoning Administrator, subject to compliance with private road standards within this Ordinance.

Sections 4.11 – 4.99 [Reserved]

ARTICLE IX

“R-3” MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT

Section 9.1 Description and Purpose

The “R-3” Multiple-Family Residential Zoning District is intended to accommodate buildings with multiple dwelling units. Lands within this zoning district will be served with a full complement of public infrastructure including, but not limited to public utilities, water supply adequate for fire protection, streets with sufficient volume capacity, storm drainage, and suitable recreation areas for higher density residential land use. All locations considered for zoning to the “R-3” Zoning District will be consistent with the adopted 2007-2020 Master Plan for the Township or for the Joint Planning Area.

Building design, building height and setbacks, vehicle parking, service areas, open space and site amenities are elements considered crucial in review of any proposed multiple family residential development.

Section 9.2 Permitted Land Uses

Land and buildings in the “R-3” Multiple-Family Residential Zoning District may be used by right for the following purposes only:

- (a) Single-family attached dwelling.
- (b) Building occupied by two dwelling units.
- (c) Building occupied by 3 or more dwelling units.
- (d) Assisted living facility.
- (e) Nursing home.
- (f) Self-storage facility when accessory to the principal use of multiple-family residential.
- (g) Management office for any multiple-family residential development with 32 or more separate dwelling units.

Section 9.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX.

- (a) Adult foster care facility with 7-12 adults.
- (b) Child care center.
- (c) Church, synagogue, temple, mosque and any other recognized place of worship.
- (d) Group day care home with 7-12 children.
- (e) Public or private K-12 school, college or university.
- (f) Publicly-owned park, playground, recreation area and athletic ground.
- (g) Bed and breakfast establishment.

- (h) Governmental facility.
- (i) Essential services building.
- (j) Other uses of land or buildings determined by the Planning Commission to be similar to permitted uses and special land uses in the zoning district and that such land use will not be detrimental to the surrounding neighborhood nor the public health, safety and general welfare.

Section 9.4 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.
- (b) Temporary use as regulated by this Ordinance
- (c) Non-contiguous Planned Unit Development [*development site*].

Section 9.5 “R-3” Multiple-Family Residential Zoning District Regulations

Land divisions, buildings and structures in the “R-3” Multiple-Family Residential Zoning District shall comply with the following requirements unless expressly provided otherwise in this Ordinance.

- (a) **Minimum Lot Area and Width.** The minimum lot area for any development with 3 or more dwellings in this district shall be 40,000 square feet and not less than 100 feet of frontage along a public street.
- (b) **Minimum Required Building Setbacks, Lot Area & Lot Width.**
 - 1. **The minimum lot area and frontage** per dwelling unit in this zoning district shall be:
 - (a) for each two-family building on a separate lot or parcel 12,000 square feet and 85 feet of frontage on a public street,
 - (b) for each single-family attached dwelling there shall be 6,000 square feet, with a 40,000 square foot minimum lot area and 100 feet minimum lot width, and
 - (c) for each multiple-family dwelling unit there shall be 4,500 square feet, subject to a 40,000 square foot minimum lot area and a 100 ft. lot width.
 - 2. **Side Yard.** The minimum side yard setback shall be 25 feet, except for a building occupied by two dwelling units which shall be not less than 7 feet.
 - 3. **Rear Yard.** The minimum rear yard setback shall be 25 feet for all types of residential use in this zoning district.
 - 4. **Maximum Height.** The maximum building height shall be 35 feet, except for permitted communication antennas and towers.
 - 5. **Additional Setback Requirements:**
 - a. For any parcel in this zoning district that abuts single-family residential land use or vacant land zoned for single-family use, the minimum building setback shall be 50 feet.

- b. The minimum distance between multiple-family occupancy buildings shall be no less than the height of the tallest abutting building.
6. **Minimum Floor Area for Dwelling.** Each dwelling unit in the “R-3” Multiple-Family Residential Zoning District shall have a minimum floor area as specified in Section 21.10.

Section 9.6 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 9.7 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 9.8 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 9.9 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 9.10 Special Regulations

- (a) Overlay Districts. Lands in the “R-3” District that are also located in the “NR”, “WP” or “AM” Overlay District shall also comply with terms of applicable overlay district(s).
- (b) Private roads are prohibited in the “R-3” Multiple-Family Residential Zoning District.

Section 9.11 Joint Planning Area

The “R-3” Multiple-Family Residential Zoning District may be applied only to lands lying within the Joint Planning Area as defined in Article XXXII and only if the land use is consistent with the adopted 2007-2020 Thornapple Township Master Plan.

Sections 9.12 – 9.99 [Reserved]

ARTICLE V:

“RR” RURAL RESIDENTIAL ZONING DISTRICT

Section 5.1 Description and Purpose

A residential zoning district intended for outlying areas of the Township in which public sanitary sewer or water supply services are unlikely.

Section 5.2 Permitted Land Uses

Land and buildings in the “RR” Rural-Residential District may be used by right for the following purposes only:

- (a) Greenhouse, nursery, orchard, vineyard, tree farm and apiary.
- (b) Family daycare home for not more than six minor children.
- (c) Adult foster care family homes for not more than six adults.
- (d) Single family dwelling.
- (e) Common open space residential development, subject to requirements of Section 21.38.
- (f) Farm and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.

Section 5.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX.

- (a) Adult foster care for 7-12 adults.
- (b) Bed and breakfast establishment.
- (c) Campground.
- (d) Church, synagogue, temple, mosque and any other recognized place of worship.
- (e) Communication tower and antenna.
- (f) Farm market with roadside stand.
- (g) Golf course, country club.
- (h) Greenhouse and nursery accessory retail store.
- (i) Group day care for 7-12 minor children.
- (j) Home-based business.
- (k) Kennel.
- (l) Land Division creating 5 or more new lots or parcels.
- (m) Private road serving 5 or more lots or parcels.
- (n) Public and institutional use.
- (o) Public and private K-12 school.
- (p) Publicly owned park, playground, recreation area and athletic ground.

- (q) Site Condominium that is not a common open space residential development.
- (r) Subdivision that is not a common open space residential development.
- (s) Essential services building.
- (t) Accessory dwelling for the use of individuals requiring special care [amended 4-28-2018]

Section 5.4 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.
- (b) Temporary use as regulated by this Ordinance.

Section 5.5 “RR” Rural Residential Zoning District Regulations

Land divisions, buildings and structures in the “RR” Rural Residential District shall comply with the following requirements unless expressly provided otherwise in this Ordinance:

- (a) **Minimum Lot Area and Width.** One and one-half acres and 175 feet; provided, however, that a lot or parcel of land which is platted or otherwise recorded in the records of the Barry County Register of Deeds as of the effective date of this section may be used for one single family detached dwelling if it has a minimum of 25,000 square feet and a minimum width of 120 feet, but further provided that this provision pertaining to a lot or parcel of record at the effective date of this ordinance shall apply only for a period of five years from the effective date and shall be of no effect thereafter.
- (b) **Minimum Required Building Setbacks.**
 - (1) **Front Yard.** There shall be a minimum front yard building setback of 40 feet.
 - (2) **Side Yard.** Side yard building setback shall not be less than 20 feet.
 - (3) **Rear Yard.** There shall be a minimum rear yard building setback of 35 feet.
 - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.
- (c) **Minimum Floor Area for Dwelling.** Each single family dwelling hereafter constructed shall meet requirements of Section 21.9 herein.

Section 5.6 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 5.7 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 5.8 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 5.9 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscape standards contained in Article XXV.

Section 5.10 Special Regulations

- (a) Overlay Districts. Lands in the “RR” District that are also located in any “NR”, “WP”, or “AM” Overlay District shall also comply with terms of applicable overlay district(s).
- (b) Prior to final approval by the Planning Commission, of any residential development in the “RR” district consisting of 5 or more new parcels or lots, each such parcel or lot shall have an approved site evaluation issued by the Barry-Eaton District Health Department.
- (c) Private roads serving 1-4 parcels of land may be reviewed and approved by the Zoning Administrator, subject to compliance with private road standards within this Ordinance.

Sections 5.11 – 5.99 *[Reserved]*

ARTICLE VI

“RE” RESIDENTIAL ESTATES ZONING DISTRICT

Section 6.1 Description and Purpose

A single family residential zoning district intended to provide for larger home sites. It may be applied in the area of the Township lying within the Joint Planning Area or near Duncan Lake only on lands served by public sanitary sewer service.

Section 6.2 Permitted Land Uses

Land and buildings in the “RE” Residential Estates Zoning District may be used by right for the following purposes only:

- (a) Family day care home for not more than six (6) minor children.
- (b) Adult foster care family home for not more than six adults.
- (c) Single family dwelling.
- (d) Common open space residential development, subject to regulations of Section 21.38.

Section 6.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX:

- (a) Adult foster care for 7-12 adults.
- (b) Bed and breakfast establishment.
- (c) Church, synagogue, temple, mosque and any other recognized place of worship.
- (d) Communication tower and antenna.
- (e) Golf course, country club.
- (f) Group day care for 7-12 minor children.
- (g) Home-based business.
- (h) Land division creating 5 or more new lots or parcels.
- (i) Public and institutional use.
- (j) Public and private K-12 school.
- (k) Publicly owned park, playground, recreation area and athletic ground.
- (l) Site condominium that is not a common open space residential development.
- (m) Subdivision that is not a common open space residential development.
- (n) Essential services building.

6.4 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.
- (b) Temporary use as regulated by this Ordinance.
- (c) Planned Unit Development Overlay District.

6.5 “RE” Residential Estates Zoning District Regulations

Land divisions, buildings and structures in the “RE” Residential Estates Zoning District shall comply with the following requirements unless expressly provided otherwise in this Ordinance:

- (a) **Minimum Lot Area and Width.** 20,000 square feet and 100 feet lot width; provided, however, that a lot or parcel of land which is platted or otherwise recorded in the records of the Barry County Register of Deeds prior to April 1, 1997 may be used for one single family detached dwelling if it has a minimum area of 15,000 square feet and a minimum width of 80 feet.
- (b) **Minimum Required Building Setbacks.**
 - (1) **Front Yard.** There shall be a minimum front yard building setback of 35 feet.
 - (2) **Side Yard.** Side yard building setback shall not be less than 12 feet.
 - (3) **Rear Yard.** There shall be minimum rear yard building setback of 35 feet.
 - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.
- (c) **Minimum Floor Area for Dwelling.** Each single family dwelling hereafter constructed shall meet requirements of Section 21.9 herein.

Section 6.6 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 6.7 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 6.8 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 6.9 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 6.10 Special Regulations

- (a) Overlay Districts. Lands in the “RE” District that are also located in any “NR”, “WP”, or “AM” Overlay District shall also comply with terms of applicable overlay district(s).
- (b) Private Roads. Construction of and use of private roads for access to new residential use parcels after the effective date of this Ordinance is specifically prohibited within the “RE” Residential Estates Zoning District. Private roads listed in Appendix A hereto, and existing on the effective date of this ordinance shall not be increased in length but may be upgraded to meet requirements of this Ordinance applicable to private roads.

Section 6.11 Joint Planning Area

The “RE” Residential Estates Zoning District may be applied only to lands served by public sanitary sewer and lands within the Joint Planning Area as defined in Article XXXII and only if residential density is consistent with the adopted 2007-2020 Thornapple Township Master Plan.

Sections 6.12 – 6.99 *[Reserved]*

ARTICLE VII

“R-1” LOW DENSITY RESIDENTIAL ZONING DISTRICT

Section 7.1 Description and Purpose

This residential zoning district is intended to accommodate low density single family home sites and other forms of low density residential land use. All lands in this zoning district will be served by public water supply and sanitary sewer service

Section 7.2 Permitted Land Uses

Land and buildings in the “R-1” Low Density Residential Zoning District may be used by right for the following purposes only:

- (a) Family day care home for not more than six (6) minor children.
- (b) Adult foster care family home for not more than six (6) adults.
- (c) Single family dwelling.

Section 7.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX:

- (a) Adult foster care for 7-12 adults.
- (b) Bed and breakfast establishment.
- (c) Church, synagogue, temple, mosque and any other recognized place of worship.
- (d) Communication tower and antenna.
- (e) Golf course, country club.
- (f) Group day care for 7-12 minor children.
- (g) Home-based business.
- (h) Land division creating 5 or more new lots or parcels.
- (i) Public and institutional use.
- (j) Public and private K-12 school.
- (k) Publicly owned park, playground, recreation area and athletic ground.
- (l) Site condominium that is not a common open space residential development.
- (m) Subdivision that is not a common open space residential development.
- (n) Essential services building.

Section 7.4 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.
- (b) Temporary use as regulated by this Ordinance.

- (c) Planned Unit Development Overlay District.
- (d) Non-Contiguous Planned Unit Development Overlay District [*development site*].

Section 7.5 “R-1” Low Density Residential Zoning District Regulations

Land divisions, buildings and structures in the “R-1” low density residential district shall comply with the following requirements unless expressly provided otherwise in this Ordinance:

- (a) **Minimum Lot Area and Width.** 10,000 square feet minimum lot area and 85 feet minimum lot width; provided however, that a lot or parcel of land which is platted or otherwise recorded in the records of the Barry County Register of Deeds prior to April 1, 1997 may be used for one single family detached dwelling if it has a minimum area of 8,000 square feet and a minimum width of 70 feet, but further provided that this provision pertaining to a lot or parcel of record at the effective date of this Ordinance shall apply only for a period of five years from the effective date and shall be of no effect thereafter.
- (b) **Minimum Required Building Setbacks.**
 - (1) **Front Yard.** There shall be a minimum front yard building setback of 30 feet.
 - (2) **Side Yard.** Side yard building setback shall not be less than 7 feet.
 - (3) **Rear Yard.** There shall be a minimum rear yard building setback of 25 feet.
 - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.
- (c) **Minimum Floor Area for Dwelling.** Each single family dwelling hereafter constructed shall meet requirements of Section 21.10 herein.

Section 7.6 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 7.7 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 7.8 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 7.9 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 7.10 Special Regulations

- (a) Overlay Districts. Lands in the “R-1” District that are also located in the “NR”, “WP” or “AM” Overlay District shall also comply with terms of applicable overlay district(s).
- (b) Private roads are prohibited in the “R-1” Low Density Residential Zoning District.

Section 7.11 Joint Planning Area

The “R-1” Low Density Residential Zoning District may be applied only to lands lying within the Joint Planning Area as defined in Article XXXII and only if residential density is consistent with the adopted 2007-2020 Thornapple Township Master Plan.

Sections 7.12 – 7.99 [Reserved]

ARTICLE VIII:

“R-2” MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT

Section 8.1 Description and Purpose

The “R-2” Medium Density Residential Zoning District is intended for medium density single-family residential and other forms of medium density residential land use. All land uses in this zoning district will be served by public water supply and sanitary sewer services.

Section 8.2 Permitted Land Uses

Land and buildings in the “R-2” Medium Density Residential Zoning District may be used by right for the following purposes only:

- (a) Family day care home for not more than six (6) minor children.
- (b) Adult foster care family home for not more than six adults.
- (c) Single family dwelling.

Section 8.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX:

- (a) Adult foster care for 7-12 adults.
- (b) Bed and breakfast establishment.
- (c) Church, synagogue, temple, mosque and any other recognized place of worship.
- (d) Communication tower and antenna.
- (e) Essential Services Building
- (f) Golf course, country club.
- (g) Family day care for 7-12 minor children.
- (h) Home-based business.
- (i) Land division creating 5 or more new lots or parcels.
- (j) Public and institutional use.
- (k) Public and private K-12 school.
- (l) Publicly owned park, playground, recreation area and athletic ground.
- (m) Site condominium that is not a common open space residential development.
- (n) Subdivision that is not a common open space residential development.
- (o) Two-Family Dwelling

Section 8.4 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.

- (b) Temporary use as regulated by this Ordinance.
- (c) Planned Unit Development Overlay District.
- (d) Noncontiguous Planned Unit Development [*development site*].

Section 8.5 “R-2” Medium Density Residential Zoning District Regulations

Land divisions, buildings and structures in the “R-2” Medium Density Residential Zoning District shall comply with the following requirements unless expressly provided otherwise in this Ordinance:

- (a) **Minimum Lot Area and Width.** 7,250 square feet minimum lot area and 85 feet minimum lot width; provided however, that a lot or parcel of land which is platted or otherwise recorded in the records of the Barry County Register of Deeds prior to April 1, 1997 may be used for one single family detached dwelling if it has a minimum area of 6,500 square feet and a minimum width of 70 feet, but further provided that this provision pertaining to a lot or parcel of record at the effective date of this Ordinance shall apply only for a period of five years from the effective date and shall be of no effect thereafter.
- (b) **Minimum Required Building Setbacks.**
 - (1) **Front Yard.** There shall be a minimum front yard building setback of 30 feet.
 - (2) **Side Yard.** Side yard building setback shall not be less than 7 feet.
 - (3) **Rear Yard.** There shall be a minimum rear yard building setback of 25 feet.
 - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.
- (c) **Minimum Floor Area for Dwelling.** Each single family dwelling hereafter constructed shall meet the requirements of Section 21.10 herein.

Section 8.6 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 8.7 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 8.8 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 8.9 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 8.10 Special Regulations

- (a) Overlay Districts. Lands in the “R-2” Medium Density District that are also located in any “NR”, “WP” or “AM” Overlay District shall also comply with terms of applicable overlay district(s).
- (b) Private roads are prohibited in the “R-2” Medium Density Residential Zoning District.

Section 8.11 Joint Planning Area

The “R-2” Medium Density Residential Zoning District may be applied only to lands lying within the Joint Planning Area as defined in Article XXXII and only if residential density is consistent with the adopted 2007-2020 Thornapple Township Master Plan.

Sections 8.12-8.99 [Reserved]

ARTICLE X

“R-4” MANUFACTURED HOME COMMUNITY RESIDENTIAL ZONING DISTRICT

Section 10.1 Description and Purpose

- (a) The “R-4” Manufactured Home Community Residential Zoning District is provided in recognition that certain land in the community may be appropriately developed as areas of moderate population concentration with special consideration for the location and provision of facilities for manufactured homes if properly related to the existing and potential development character of the vicinity and if adequate public services and facilities can be provided
- (b) The “R-4” Manufactured Home Community Residential Zoning District is intended to allow the development of manufactured home parks in association with other residential development types while maintaining a reasonable population density and by providing for the unique requirements for this type of development. To this end, the site development and arrangement in relation to other areas together with the provision of associated facilities shall be an important consideration in achieving an attractive residential environment of sustained desirability with all development in harmony to promote stability, order, and efficiency of the manufactured home park and adjacent areas.
- (c) Public sanitary sewer and water services are mandatory for all uses of land in this District.

Section 10.2 Uses Permitted by Right

The following uses shall be permitted by right in the R-4 Manufactured Home Community Residential Zoning District:

- (a) Manufactured homes requiring a vehicle license and meeting construction standards of the US Department of Housing and Urban Development.
- (b) Manufactured dwelling units designed for transport to a site and that meet requirements of the Michigan Residential Building Code or Building Officials and Code Administration (BOCA).
- (c) Manufactured home condominium projects as regulated by the Condominium Act, being Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- (d) Office and maintenance facilities for the operators of the manufactured home park.
- (e) Such other facilities, including recreation, as may be provided for the use and amenities of the occupants of the manufactured home park and provided such facilities are an approved part of the development plan.
- (f) The sale of mobile homes by individual resident owners, and the sale of manufactured home model units by a licensed dealer/broker on individual manufactured home sites when same are blocked, leveled, skirted and otherwise appear to be completely installed on site. The establishment of a

commercial sales lot offering manufactured homes for placement on sites other than the manufactured home community where offered for sale shall not be permitted.

Section 10.3 Special Land Uses

The following uses may be allowed as special uses in the “R-4” Manufactured Home Community Residential Zoning District in accordance with Article XIX of this Ordinance.

- (a) Churches and other places of worship.
- (b) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental unit or nonprofit organization.
- (c) Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental unit or a nonprofit organization.
- (d) Home occupations, in accordance with Article XIX of this Ordinance.

Section 10.4 Other Land Uses

Other uses in the “R-4” Manufactured Home Community Residential Zoning District shall be:

- (a) Signs as are provided in Article XXIV of this Ordinance.
- (b) Accessory uses as are provided for in Section 21.4.
- (c) Essential services as provided for in Section 21.11.
- (d) Temporary uses or structures requiring zoning inspector authorization as provided for in Sections 21.27 and 21.28.
- (e) Parking and loading requirements as are required in Article XXIII of this Ordinance.

Section 10.5 Height Limitations (other permitted uses)

Notwithstanding any other requirement of this chapter, no building or structure in the “R-4” Manufactured Home Community Residential Zoning District shall exceed 35 feet in height.

Section 10.6 Area Regulations (other permitted uses)

Area regulations for other permitted uses in the “R-4” Manufactured Home Community Residential Zoning District shall be:

- (1) **Front Yard.** There shall be a front yard of not less than 30 feet.
- (2) **Side Yard.** There shall be total side yards of not less than 30 feet; however, no side yard shall be less than 15 feet. The street side yard of a corner lot shall not be less than 25 feet.
- (3) **Rear Yard.** There shall be a rear yard of not less than 25 feet; however, in the case of waterfront lots, the rear yard shall not be less than 75 feet.

- (4) **Lot Area and Width (other permitted uses).** The minimum lot area and width for other permitted uses shall be 15,000 square feet and 100 feet, respectively.
- (5) **Lot Coverage.** Not more than 30 percent of each R-4 area may be occupied by dwellings or structures.
- (6) **Additional Setbacks.** There shall be a setback from any property zoned for agricultural or residential purposes, which the development abuts, of not less than 50 feet, and from any property zoned for commercial or industrial purposes of not less than 75 feet.

Section 10.7 Mandatory Site Plan Review

All residential and nonresidential uses in the “R-4” Manufactured Home Community Residential Zoning District, other than manufactured home communities, that require more than four parking spaces per lot or parcel, shall be subject to mandatory site plan review, in accordance with Article XX of this Ordinance.

Section 10.8 Manufactured Home Park Regulations

All manufactured home communities in the “R-4” Manufactured Home Community Residential Zoning District shall comply with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.); provided further that such developments meet the standards and conditions of the following Sections 10.9 to 10.13 and all other provisions as established in this Article.

Section 10.9 Site Location Standards

Site location standards in the “R-4” Manufactured Home Community Residential Zoning District shall be:

- (1) **Access.** Each manufactured home community shall have direct street access that enters from a state highway, village major street, county primary road or no less than 2 village local streets.
- (2) **Minimum Park Size.** The minimum size for a manufactured home community shall be 15 contiguous acres.
- (3) **Utilities.** Public water and sanitary sewer shall be required for all manufactured home communities.

Section 10.10 Site Development Standards

Site development standards in the “R-4” Manufactured Home Community Residential Zoning District shall be:

- (1) **Manufactured Home Site Dimensions.** A manufactured home community shall be developed with manufactured home sites averaging 5,500 square feet per manufactured home unit.

- a. This 5,500 square feet for any one manufactured home site may be reduced by 20 percent provided that the individual manufactured home site shall be equal to at least 4,400 square feet.
- b. For each square foot of land gained through the reduction of a manufactured home site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.
- c. In no case shall the open space and distance requirements be less than that required under the Manufactured Home Commission regulations.

(2) **Setbacks.**

- a. In addition to the restrictions of the Manufactured Home Commission, each manufactured home shall be no less than 20 feet from any part of an attached or detached structure of an adjacent manufactured home which is used for living purposes and shall be located no closer than ten feet from an internal road.
- b. A manufactured home, accessory building, utility building or manufactured home community office building shall not be located closer than 50 feet to a public right-of-way, other than an internal road dedicated to the public.

(3) **Screening.** The following regulations for screening shall apply:

- a. If the manufactured home community abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development consistent with buffer zone B in Article XXV.
- b. If the manufactured home community abuts a nonresidential development, the manufactured home community shall provide screening in accordance with buffer zone A in Article XXV.
- c. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way consistent with buffer zone C in Article XXV.
- d. Alternative screening design may be approved by the Planning Commission if the design is as effective as otherwise required.

(4) **Open Space.** Open space areas, as required by these regulations and under Manufactured Home Commission rules, shall comply with the following:

- a. Each Manufactured Home Community shall contain an open space area or areas equal in size to no less than two percent of the Manufactured Home Community’s gross acreage.
- b. In order to be considered an open space area, the area must be at least 50 feet in width and must contain not less than 1,000 contiguous square feet.
- c. Open space areas shall not include required setback or buffer zones, nor any existing and proposed street rights-of-way, parking areas, manufactured home sites or non-recreational buildings.
- d. Open space areas may be located within a 100-year floodplain.

- e. Open space areas shall be accessible to all residents of the manufactured home community.
- (5) **Ground Cover.** All unpaved ground surfaces in a mobile home park must be planted with trees, grass or shrubs, or ground cover capable of preventing soil erosion. A minimum of one canopy tree shall be provided for each two manufactured home sites. Such canopy trees shall have at least a 2 ½ inch caliper when planted.
- (6) **Drainage.** The ground surface in all parts of a manufactured home community shall be graded and designed to drain all surface water in a safe and efficient manner.
- (7) **Storage of Recreational Vehicles.**
 - a. If a manufactured home community contains a storage area for recreational vehicles, the storage of these vehicles shall be permitted only in the area designated by the owner/operator of the manufactured home community.
 - b. This storage area shall be completely screened around its entire perimeter by a solid-type screening device at least six feet in height or by plantings of sufficient size to provide a similar screen.
- (8) **Recreational Areas.** If a recreational area is to be provided in any manufactured home community, such area shall be designated on the preliminary plan, and if so designated, must be developed and maintained. The development and maintenance of each recreational area shall be the responsibility of the park manager.
- (9) **Utilities.** Public sanitary sewer and water shall be connected to all manufactured home units located in the mobile home community according to the applicable regulations of the Manufactured Home Commission. The homes in a manufactured home community do not have to be separately metered, although the park itself must be metered. Such utilities for manufactured homes located in the manufactured home community shall be designed, installed, operated and maintained in accordance with Manufactured Home Commission regulations, and the state department of public health.
- (10) **Lighting.** The lighting system in a manufactured home community shall provide sufficient lighting to illuminate all parking areas, streets and sidewalks within the manufactured home community.
- (11) **Signs.** Signs in the manufactured home community shall conform to the requirements of Article XXIV of this chapter and the requirements of the mobile home commission.
- (12) **Street Requirements.**
 - a. All two-way streets in a manufactured home community shall have a minimum pavement width of 22 feet where no on-street parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
 - b. All one-way streets in a manufactured home community shall have a minimum pavement width of 14 feet where no on-street parking is

permitted, 21 feet where parallel parking is permitted along one side of the street, and 33 feet where parallel parking is permitted along both sides of the street.

- c. All streets in the manufactured home community shall be constructed in accordance with current construction standards and specifications of the American Association of State Highway and Transportation Officials (AASHTO).
- (13) **Parking Requirements.** Two parking spaces shall be provided for each manufactured home lot.
- a. If on-site vehicle parking is provided, the parking spaces may be either in tandem or side by side.
 - 1. If in tandem, the width shall not be less than 10 feet and the combined length shall not be less than 40 feet.
 - 2. If side by side, the combined width of the two parking spaces shall not be less than 19 feet and the combined length shall not be less than 20 feet.
 - 3. In either method, the length shall be measured from the curb or inner walkway.
 - b. Each vehicle parking space shall be conveniently located in relation to the manufactured home for which it is provided.
- (14) **Paving.** All streets and parking areas in a manufactured home community shall at a minimum be paved with a hard surface which complies with the requirements of the Manufactured Home Commission.
- (15) **Sidewalks.** Paved sidewalks along any street in a manufactured home community, other than a public street, shall be at least four feet in width and shall otherwise comply with the requirements of the manufactured home commission regulations. Such sidewalks shall be required of all streets within the manufactured home community.

Section 10.11 Building and Structure Requirements

Building and structure requirements in the “R-4” Manufactured Home Community Residential Zoning District shall be:

- (1) **Maximum Height.** The maximum height for any building or structure in a manufactured home community shall not exceed the lesser of 35 feet or 2 ½ stories.
- (2) **Minimum Floor Area.** The minimum floor area for any dwelling in a manufactured home community shall be 720 square feet, exclusive of garage, basement or porch.
- (3) **Manufactured Home Foundation.** A manufactured home foundation must be in compliance with Manufactured Home Commission standards for provision of a home site in a manufactured home community.
- (4) **Installation.** Each manufactured home shall be installed pursuant to the manufacturer’s set up instructions and pursuant to Manufactured Home Commission regulations. Each manufactured home shall be

secured to the premises by an anchoring system or device compatible with Manufactured Home Commission regulations.

(5) **Accessory Buildings.**

- a. One accessory building for private use may be placed on each manufactured home site, not to exceed 120 square feet in area and 15 feet in height.
- b. Detached storage sheds shall be permitted only in the rear or side yard of the manufactured home site, and shall in no event be placed forward of the rear half of any home lot.
- c. On-site detached storage sheds shall be a minimum of three unobstructed feet from the manufactured home it serves, unless the wall adjacent to the manufactured home is lined with class A fire-resistant material.
- d. Attached or detached structures or accessories of a manufactured home that are not used for living space shall be a minimum distance of ten feet from an adjacent home or its adjacent attached or detached structures.

(6) **Skirting.** All manufactured homes located in a manufactured home community shall be skirted in accordance with Manufactured Home Commission requirements.

(7) **Unit Certification.** Any manufactured home built since 1976 must be certified by HUD (Department of Housing and Urban Development).

10.12 Site Plan Review

- (a) Application for rezoning to the “R-4” Manufactured Home Community Residential Zoning District shall be accompanied by a site plan of the proposed manufactured home community and all permanent buildings.
- (b) The site plan referred to in subsection (a) of this section shall be in conformance with the provisions and requirements of Article XX of this Ordinance, however, such requirements thereof shall not be allowed to usurp the requirements of the Manufactured Home Commission.

A public hearing shall be held by the Planning Commission consistent with Article XXIX of this Ordinance.

10.13 Variances. A request for a variance from the regulations of this Article shall comply with the requirements of Public Act No. 96 of 1987 and Public Act No.110 of 2006 [MCL 124.38-1 et seq].

Sections 10.14 – 10.99 *[Reserved]*

ARTICLE XI

“O” OFFICE ZONING DISTRICT

Section 11.1 Description and Purpose

The “O” Office Zoning District is intended to provide for a variety of office uses as well as certain related uses. This district will be applied on major streets and in locations as a transition between commercial and residential uses of land. Public sanitary sewer and water supply for domestic use and fire protection are required to serve any building in this District.

Section 11.2 Permitted Land Uses

Land and buildings in the “O” Office Zoning District may be used by right for the following purposes only:

- (a) Executive or administrative office, data processing center and business office such as real estate, insurance, and non-profit organization.
- (b) Professional office for medical doctors, chiropractors, dentists, architects, engineers, accountants, attorneys, physical and massage therapy and similar professions.
- (c) Medical or dental laboratory.
- (d) Radio or television station. Not including tower or antenna.
- (e) Funeral home, not including crematory, subject to the following restrictions:
 1. Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in funeral processions. The assembly area shall be provided in addition to otherwise required off-street parking area.
 2. Loading and unloading area used by ambulances, hearses, or other such service vehicles shall be obscured from view with an opaque fence or wall not less than six (6) feet in height.
- (f) Publicly-owned building, exchange, and public utility office not including storage yard, maintenance facility, substation, regular station, and materials handling facility.
- (g) Bank, credit union, savings and loan institution, not including drive-in and outdoor automatic teller facility.
- (h) The following personal service establishments, when located within an office building and provided that:
 1. Such establishment is limited to basement and ground floors of the building.
 2. The total gross floor area collectively occupied by personal service establishments shall not exceed ten (10) percent of the gross floor area of the building’s ground floor.
 3. The gross floor area occupied by any single personal service establishment shall not exceed ten (10) percent of the gross floor area of the building’s ground floor or 1,500 square feet, whichever is the lesser amount.

- a. News stand, tobacco stand and confectionery.
- b. Barber and beauty shop.
- c. Tailor and dressmaker shop.
- d. Shoeshine and shoe repair shop.
- e. Dry cleaning and laundry pickup station.
- f. Photographic studio and print shop.
- g. Cafeteria or food service operated during normal business hours primarily catering to on premises employees.
- h. Other personal service establishments including child care and day nursery which are compatible with, subservient to and which cater to, on premises or neighboring businesses and employees.

Section 11.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX.

- (a) Athletic club, health spa and other indoor and outdoor recreation facility including tennis, racquetball and handball courts and similar facilities, but not including bowling alley, ice rink, and athletic field.
- (b) Drive-in banking, loan and finance facility.
- (c) Antenna and tower for cellular phone and other communication services.
- (d) Veterinary clinic, excluding boarding facility.
- (e) Hospital.
- (f) Restaurant with or without a drive-through service window.
- (g) Essential services building and structure.
- (h) College or university.
- (i) Any use not listed in Section 11.2 that may be similar to uses permitted by right in this District as determined by the Planning Commission.

Section 11.4 Prohibited Uses

The following uses in the “O” Office Zoning District are prohibited:

- (a) Retail sales unless otherwise specified in this Article.
- (b) Outdoor displays.

Section 11.5 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.
- (b) Temporary use as regulated in this Ordinance.

Section 11.6 “O” Office Zoning District Regulations

Land divisions, buildings and structures in the “O” Office Zoning District shall comply with the following requirements unless otherwise provided in this Ordinance:

- (a) **Minimum Lot Area and Width.** The minimum lot area shall be 8,700 square feet and 66 feet minimum lot width. Lots of record on the effective date of this Ordinance may be utilized, so long as they are not further diminished in area.
- (b) **Minimum Required Building Setback.**
 - (1) **Front yard.** There shall be a minimum front yard building setback of 50 feet.
 - (2) **Side Yard.** Side yard minimum setback shall be 10 feet when abutting any Office or Commercial Zoning District or use and no less than 25 feet when abutting residential zoning or use.
 - (3) **Rear yard.** There shall be a minimum rear yard building setback of 25 feet when abutting residential zoning or use. In all other cases, the minimum rear yard setback shall be 10 feet.
 - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communication antennas and towers.
 - (5) **Maximum Building Lot Coverage.** The maximum lot coverage for all buildings shall be 50 percent of actual lot area, excluding public right-of-way and area within private easements for ingress and egress.
 - (6) **Maximum Lot Coverage.** The maximum lot coverage for all buildings and hard-surfaced area shall be 85 percent of actual lot area.

Section 11.7 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 11.8 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 11.9 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 11.10 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 11.11 Special Regulations

Overlay Districts. Lands in the “O” Office District that are also located in any “NR”, “WP” or “AM” Overlay District shall also comply with terms of applicable overlay districts. This shall include any property hereinafter zoned to “O” Office or any parcel on which a conversion of occupancy from residential use to office, service or commercial use occurs and any expansion, alteration or structural change to an existing building in the “O” Office District, regardless of current use.

Section 11.12 Joint Planning Area

The “O” Office Zoning District may be applied only to lands lying within the Joint Planning Area as defined in Article XXXII and only if the land use is consistent with the adopted 2007-2020 Thornapple Township Master Plan.

Sections 11.13 – 11.99 *[Reserved]*

ARTICLE XII

“C” GENERAL COMMERCIAL ZONING DISTRICT

Section 12.1 Description and Purpose

The “C” General Commercial Zoning District provides for a wide array of office, retail and service commercial uses. This District is intended to apply along segments of M-37 Highway consistent with the adopted Master Plan. All land development and building construction in this District will be served by public sanitary sewer and water supply for both potable water and fire protection.

Architectural standards will also be applied to all buildings and renovations of existing buildings. Large floor area, single-occupant retail use buildings are prohibited in this zoning district. In-fill and reuse of existing sites planned and zoned for commercial use will be encouraged before rezoning of vacant lands.

Section 12.2 Permitted Land Uses

Land and buildings in the “C” General Commercial Zoning District may be used for the following purposes only:

- (a) Antique Retail Store.
- (b) Auto Parts Retail Store.
- (c) Bakery Goods.
- (d) Barber and Beauty Shop.
- (e) Bookstore, (including coffee shop and reading area).
- (f) Bowling Alley.
- (g) Broker and Financial Institution.
- (h) Camera Store.
- (i) Carpet and Upholstery.
- (j) Catering Establishment.
- (k) Childcare Center.
- (l) Clothing and Apparel Retail Store.
- (m) Coin Laundry and service.
- (n) Computer and Electronic Retail and Service.
- (o) Dance Studio.
- (p) Delicatessen.
- (q) Department Store under 40,000 Square feet of Floor Area.
- (r) Dry Cleaning.
- (s) Duplicating and Printing Service.
- (t) Electronics Retail.
- (u) Fitness Center.
- (v) Florist (without greenhouse or nursery).
- (w) Funeral Home.
- (x) Furniture Store.
- (y) Garden Supply Retail (excluding implement sales).
- (z) General Offices.

- (aa) Gift Shop.
- (bb) Grocery Store.
- (cc) Hardware.
- (dd) Health Spa.
- (ee) Hotel.
- (ff) Household Appliance Store and Service.
- (gg) House Wares Retail.
- (hh) Jewelry Retail.
- (ii) Laboratory, (Materials and Chemical Testing).
- (jj) Laboratory, (Medical, Dental).
- (kk) Lighting Fixture Retail.
- (ll) Music Store.
- (mm) Newspaper Publishing.
- (nn) Off-Street Parking Lot.
- (oo) Package Delivery & Shipping Service.
- (pp) Paint and Wallpaper Retail.
- (qq) Pet Shop & Supply Retail.
- (rr) Photography Studio.
- (ss) Professional office for medical doctors, chiropractors, dentists, architects, engineers, accountants, attorneys, physical and massage therapy and similar professions.
- (tt) Restaurant (without drive-up window).
- (uu) Shoe Repair Store.
- (vv) Sporting Goods Retail (except motorized vehicles and boats).
- (ww) Tailor.
- (xx) Variety Store (such as a “5 & 10”).

Section 12.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX:

- (a) Any office, retail or service use including a drive-through or drive-up window or opening providing direct service to occupant(s) of a motor vehicle.
- (b) Gasoline, diesel or alternative fuels filling station which may or may not include companion convenience goods retail sales.
- (c) Automobile, motorcycle and equipment repair and service facility of any kind.
- (d) Car Wash.
- (e) Commercial amusement enterprise including but not limited to video games, pinball, billiards and pool tables and similar amusement devices.
- (f) Automobile, truck, motorcycle, recreational vehicle, recreational equipment, agricultural implement and similar vehicle and equipment sales with or without service and repair facility.
- (g) Adult entertainment facility.
- (h) Any establishment with on-premise sales of beer, wine, and/or liquor in packaging or by the glass.

- (i) Office, retail and/or service use building designed and intended for multiple ownership and/or condominium ownership.
- (j) Any building occupied or to be occupied by three or more separately owned and operated businesses.
- (k) Any use of land or building involving outdoor display of merchandise or materials for retail sales.
- (l) Any use not listed in Section 12.2 that may be similar to office, retail or service use permitted by right in this District as determined by the Planning Commission.
- (m) Self-Storage Facility (self-storage warehouse, self-storage facility, mini storage)

Section 12.4 Prohibited Uses

The following uses in the “C” General Commercial Zoning District are prohibited:

- (a) A building in excess of 40,000 square feet of gross floor area occupied by one separate retail business entity.

Section 12.5 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.
- (b) Temporary use as regulated by this Ordinance

Section 12.6 “C” General Commercial Zoning District Regulations

Land divisions, buildings and structures in the “C” General Commercial Zoning District shall comply with the following requirements unless provided otherwise in this Ordinance:

- (a) Minimum Lot Area and Width.** The minimum lot area shall be 8,700 square feet and 66 feet minimum lot width. Lots of record on the effective date of this Ordinance may be utilized, so long as they are not further diminished in area.
- (b) Minimum Required Building Setbacks.**
 - (1) **Front Yard.** There shall be a minimum front yard building setback of 50 feet.
 - (2) **Side Yard.** Side yard minimum setback shall be 10 feet when abutting any office, commercial or special commercial district and no less than 25 feet when abutting any residential zoning district.
 - (3) **Rear Yard.** There shall be a minimum rear yard building setback of 25 feet when abutting any residential district. In all other cases, the minimum rear yard setback shall be 10 feet.
 - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.

- (5) **Maximum Building Lot Coverage.** The maximum lot coverage for all buildings shall be 50 percent of actual lot area excluding public right-of-way and area within private easements for ingress and egress.
- (6) **Maximum Lot Coverage.** The maximum lot coverage for all buildings and hard surfaced area shall be 85 percent of actual lot area.

Section 12.7 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 12.8 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 12.9 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 12.10 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 12.11 Special Regulations

- a) Access Management Overlay District standards within Article XVI shall apply to all properties within the “C” General Commercial Zoning District. This shall include any property hereinafter zoned to “C” Commercial or any parcel on which a conversion of occupancy from residential use to office, service or commercial use occurs and any expansion, alteration or structural change to an existing building in the “C” District, regardless of current use.

Section 12.12 Joint Planning Area

The “C” General Commercial Zoning District may be applied only to lands lying within the Joint Planning Area as defined in Article XXXII and only if the land use is consistent with the adopted 2007-2020 Thornapple Township Master Plan.

Sections 12.13 – 12.99 [Reserved]

ARTICLE XIII

“I” INDUSTRIAL ZONING DISTRICT

Section 13.1 Description and Purpose

The Industrial Zoning District provides for a wide range of light industrial and manufacturing uses, heavy manufacturing and processing of raw materials. Protection of adjacent land uses is an important component of this District. Application of this zoning district will reflect the location, goals and objectives of the 2007-2020 Master Plan. All land development and building construction in this District will be served by public sanitary sewer and water supply for both potable water and fire protection.

Section 13.2 Permitted Land Uses

Land and buildings in the “I” Industrial Zoning District may be used by right for the following uses only:

- (a) Assembly, production, manufacturing of food, textile products, wood products, furniture and fixtures, paper, clay, glass or fabricated metal.
- (b) Manufacturing, compounding, processing, packing or treatment of products such as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, except rendering or refining of fats and oils.
- (c) Printing, publishing and allied industries.
- (d) Tool and die facility.
- (e) Commercial laundry.
- (f) Special trade contractors including plumbing, heating and cooling, electrical, concrete and water well drilling, but excluding structural steel erectors, excavating, oil/gas well drilling, wrecking and demolition contractor.
- (g) Stone works.
- (h) Warehousing.
- (i) Self-storage facility.
- (j) Wholesale.
- (k) Research and development facility.
- (l) Vocational training facility.
- (m) Office accessory to any permitted use.
- (n) Accessory facilities and uses customarily associated with and essential to permitted uses and operated incidental to the principal permitted use.

Section 13.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX:

- (a) Commercial fueling facility.

- (b) Manufacturing of alcohol, ammonia, bleaching powder of chlorine, brick, tile or terra cotta, chemicals, paint, shellac, turpentine, varnish, petroleum products, plastics, soap, except rendering of fats and oils.
- (c) Materials recovery and recycling.
- (d) Truck transportation and distribution facility.
- (e) Contractors including oil and gas, well drilling, structural steel erectors and excavating.
- (f) Heating and electric power generating plant.
- (g) Electrical substation.
- (h) Lumber yard and building materials wholesale or retail.

Section 13.4 Prohibited Uses

The following uses of land or buildings are prohibited in the “I” Industrial zoning District:

- (a) Petro chemical refinery.
- (b) Asphalt and concrete crushing and recycling facility.
- (c) Asphalt and cement production facility.
- (d) Any use requiring open storage of material stockpiles.
- (e) Junk yard and salvage yard.
- (f) Any use requiring discharge into public sanitary sewer system of compounds not capable of treatment at the municipal wastewater treatment plant.

Section 13.5 Other Land Uses

The following other land uses may be permitted as provided in the Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.
- (b) Temporary use as regulated by the Ordinance.
- (c) Planned Unit Development Overlay District.

Section 13.6 “I” Industrial Zoning District Regulations

Land divisions, buildings and structures in the “I” Industrial Zoning District shall comply with the following requirements unless expressly provided otherwise in this Ordinance.

- (a) **Minimum Lot Area and Width.** The minimum lot area in the “I” Industrial Zoning District shall be 43,560 square feet, exclusive of public road right-of-way or private road easement with a minimum lot width of 175 feet; provided however, that a lot or parcel of land platted or recorded in the records of the Barry County Register of Deeds prior to April 1, 1997 may be used for a permitted use if it has a minimum area of 15,000 square feet, a minimum width of 100 feet and was zoned for industrial use prior to the effective date of this Ordinance.
- (b) **Minimum Required Building Setbacks.**

1. **Front Yard** - There shall be a minimum front yard building setback of 40 feet.
2. **Side Yard** – The minimum side yard setback shall be 20 feet, except when located adjacent to residential use or zoning, in which case the minimum setback shall be 50 feet.
3. **Rear Yard** – The minimum rear yard setback shall be 40 feet, except when located adjacent to residential use or zoning, in which case the minimum setback shall be 50 feet.
4. **Maximum Height** – No building or structure shall exceed 35 feet in height, except permitted height exceptions in Section 21.20.

Section 13.7 Performance Standards

All permitted and special uses in the “I” Industrial Zoning District shall be subject to the following performance standards:

- (a) All uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least 6 feet in height; provided that no goods, materials, or objects shall be stacked higher than the fence or wall. No outdoor storage or processing shall be located in the required front yard setback.
- (b) There shall be minimal emission of smoke, radiation, fumes, gas, dust, odors, or any other atmospheric pollutant disseminated beyond the boundaries of the lot or parcel. The applicant for any type of permit shall submit information to the Zoning Administrator regarding any type of atmospheric emission.
- (c) The discharge of industrial waste into a body of water or into or onto the ground is prohibited, except in the case of septic systems approved by the Barry-Eaton District Health Department.
- (d) There shall be no vibration which is discernable to the human senses beyond the property line of the site on which such use is conducted.
- (e) There shall be no noise emanating from the operation which will be more audible beyond the boundaries of the lot or parcel in excess of limits imposed by the noise ordinance.
- (f) There shall be no direct or sky-reflected glare exceeding 1 foot candle at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrance or exit or service drives leading to a parking lot. Exterior lighting sources shall be full cut-off fixtures or equivalent.

Section 13.8 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 13.9 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 13.10 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 13.11 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 13.12 Special Regulations

- (a) Overlay Districts. Lands in the “I” Industrial District that are also located in any “NR”, “WP” or “AM” Overlay District shall also comply with terms of applicable overlay district(s).
- (b) Private roads are prohibited in the “I” Industrial Zoning District.

Section 13.13 Joint Planning Area

The “I” Industrial Zoning District may be applied only to lands lying within the Joint Planning Area as defined in Article XXXII and only if the industrial zoning is consistent with the adopted 2007-2020 Thornapple Township Master Plan.

Sections 13.14 – 13.99 [Reserved]

ARTICLE XIV

“NR” NATURAL RIVER AND SHORELANDS OVERLAY ZONING DISTRICT

Section 14.1 Description and Purpose

This Overlay Zoning District is located along the Thornapple River, Bassett Creek, Duncan Creek, Duncan Lake, Harwood Lake and Leeks Lake. This District includes all lands within 100 feet of the ordinary high water mark of these surface waters, except as otherwise stated herein.

The purpose of this District is to assure preservation of the natural shoreland areas. Future man-made changes, uses and buildings are controlled to maintain or improve the surface water quality and shoreline environment. Enhancing scenic and recreational values is an important objective of this Overlay Zoning District.

Section 14.2 Permitted Land Uses

Land and buildings in the “NR” Natural River and Shorelands Overlay Zoning District may be used by right for the following purposes only:

- (a) Damming, dredging, filling or channelization, but only if approved by the Department of Natural Resources and Environment in accordance with applicable statutory requirements.
- (b) Withdrawal of water from a river or stream for irrigation purposes only, but only to such extent as will not unreasonably interfere with the riparian rights of other land owners in the watershed.
- (c) Stream improvements for fish habitat, river bank stabilization and other natural resource management practices, but only if approved by the Michigan Department of Natural Resources and Environment under applicable statutory requirements.
- (d) Gas or oil pipeline, electric transmission or distribution lines, subject to requirements of law.
- (e) Signs, but only if necessary for identification, direction, resource information or regulation of use, and pursuant to Article XXIV of this Ordinance.
- (f) A natural vegetation strip 35 feet in depth bordering the water body. Such vegetation strip to be planted with trees, shrubs and other vegetation native to the area, subject however to the following provisions:
 - (1) Dead, diseased, unsafe or fallen trees, noxious weeds and shrubs may be removed.
 - (2) Lawns may be maintained to within ten feet of the waters edge.
 - (3) Trees and shrubs may be pruned to afford a view of the surface water.

- (4) Selective removal of trees for commercial harvest or landscaping may occur upon written approval of a registered forester and the Zoning Administrator.
- (g) Grazing of livestock, if the keeping of livestock is otherwise permitted by the underlying zoning district. If permitted, the grazing activity shall be conducted in a manner to prevent soil erosion and so as not to cause sediment and animal wastes to enter the surface water.
- (h) Municipal groundwater well.
- (i) Boating and canoeing launch facilities.
- (j) Publicly owned and operated boardwalks, pathways or trails.
- (k) Hunting and fishing, unless prohibited by another ordinance.
- (l) Private dock and/or bulkheads, provided that only natural materials such as rocks, logs and lumber shall be used in the construction of bulkheads, and provided further that such facilities shall be constructed only in accordance with the Department of Natural Resources rules and regulations. All other materials proposed for bulkheads shall be allowed only by a special land use permit approved by the Planning Commission consistent with requirements of Article XIX.

Section 14.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX.

- (a) Any addition to a building located within this Overlay District.
- (b) Any proposed building located within this Overlay District.

Section 14.4 Prohibited Uses

Lands within the “NR” Overlay District may not be covered with concrete or bituminous pavement, unless part of an approved storm drainage system, emergency fire access driveway to obtain water, boat launch, canoe livery, public walkway or trail facility, or building footing or foundation.

Section 14.5 “NR” Overlay District Regulations

Area regulations in the “NR” Natural River Overlay District shall be the same as required in the underlying zoning district, except for the following: Building Setback – No building or structure shall be located closer than 100 feet from the edge of the Thornapple River nor closer than 50 feet to any other water body and subject to this provision shall not preclude the placement or construction of docks, boat landings, pump houses or similar structures in their usual and customary location. An existing building within the “NR” Overlay Zoning District may not be enlarged within the “NR” but may otherwise continue as a lawful building.

Section 14.6 Site Plan Review

Any land use, building or structure to be located within the “NR” Overlay Zoning District shall be subject to site plan review as required in Article XX of this Ordinance.

Section 14.7 Flood-Resistant Construction

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230 of the Public Acts of 1972, as amended, Professional Code Inspections of Michigan [PCI or building code official of record] and the Township Zoning Administrator are hereby designated to discharge the responsibility of Thornapple Township under said act, State of Michigan. Thornapple Township assumes responsibility for the administration and enforcement of said Act with the boundaries of the Township.

- (a) Pursuant to the provisions of the Michigan Construction code, **Appendix G** shall be enforced by PCI and the Zoning Administrator within Thornapple Township.
- (b) The Federal Emergency Management Agency [FEMA] Flood Insurance Study [FIS] entitled Barry County, Michigan Flood Insurance Study and dated May 4, 2009 and the Flood Insurance Rate Maps [FIRMS] panel numbers 26015C0025C, 0050C, 0150C and 0175C for community # 260630 and dated May 4, 2009, are adopted by reference for the purpose of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

Section 14.8 Flood Plain Management

The Zoning Administrator is hereby designated as the flood plain manager. The administration shall prevent placement of new buildings or structures within any floodplain or land area susceptible to being inundated by water from any source and areas within the Zone A as shown on the Flood Hazard Boundary Map [FHBM] issued by FEMA, unless otherwise allowed by law.

The administrator shall review all zoning permits, plats, site condominiums, site plans, planned developments, land divisions and zoning variances to minimize flood hazard, property damage, injury to persons and to assure the availability of flood insurance under the National Flood Insurance Program [NFIP].

Sections 14.9 – 14.99 [Reserved]

ARTICLE XIX

SPECIAL LAND USES

Section 19.1 Description and Purpose

Certain uses of land and/or buildings require a higher level of review and scrutiny due to characteristics that may be incompatible with neighboring properties. Such uses may be permitted by the Planning Commission following a public hearing and subject to design standards and operating conditions set forth in this Article. The Planning Commission may also impose conditions on any special use deemed necessary to reduce or eliminate possible adverse or negative impacts upon adjoining properties.

Section 19.2 Special Land Use Application Procedure

Whenever a use of land and/or building is identified as a special land use in any zoning district in this Ordinance, such use shall not be established unless approved by the Planning Commission. Application and review of each special land use shall be in accordance with the following procedure, except as provided in Section 21.40:

- (a) Each application for special use shall be filed with the Zoning Administrator. A special land use application shall consist of the following information:
 - (1) Completed special land use application form.
 - (2) Legal description of the real property.
 - (3) Site Plan prepared in accordance with Article XX of this Ordinance.
 - (4) A narrative provided by the applicant describing the proposed special land use, explanation of why the location is appropriate, and statement addressing expected impacts on emergency services and other public services.

When the Zoning Administrator determines the application is complete, the application shall be forwarded to the Planning Commission. The Zoning Administrator shall schedule a public hearing on behalf of the Planning Commission and shall provide public notice as required by law.

- (b) The public hearing notice shall:
 - (1) Be published in a newspaper of general circulation not less than 15 days prior to the date of the public hearing held by the Planning Commission.
 - (2) Be sent by first class mail to all persons to whom real property is assessed and occupants of dwellings within 300 feet of the subject property not less than 15 days prior to the date of the public hearing, except in any A, AR or RR zoning district, notification shall be 500 feet.

- (3) Shall describe the nature of the special land use requested; identify the property on which the special use is proposed; state the date, time and place of the public hearing on the special use; and indicate to whom and where written comments will be received concerning the proposed special land use. On receipt of a special land use application, the Planning Commission shall convene a public hearing on the application.
- (c) At the public hearing, the Planning Commission shall review the application materials filed by the applicant, receive statements from the applicant and convene a public hearing to receive statements and information from any interested party. The Planning Commission shall make a record of the public hearing proceedings.
- (d) Based on statements and information received at the public hearing, the Planning Commission may request specific supplemental information from the applicant before rendering a decision on the special land use application. If additional information is requested, the Planning Commission shall postpone the matter to a date certain.
- (e) The Planning Commission, at any time following conclusion of the public hearing, may render a decision on the special land use application.

Section 19.3 Basis of Decision

The decision of the Planning Commission on a special land use shall be incorporated in a statement which sets forth the findings, determinations and conclusion relative to the special land use application being considered. The statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

Prior to the approval of a special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Article, shall be satisfied by the special land use application being considered.

The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards, and shall approve a special land use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Article:

- (1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
- (2) The special land use shall not impair the essential character of the surrounding area.
- (3) The special land use shall not create serious nuisance nor be hazardous to the adjacent property or involve uses, activities, materials, or

equipment which will be detrimental to the public health, safety and general welfare.

- (4) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.
- (5) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
- (6) The special land use shall not have a substantial negative impact on the natural resources and natural features.
- (7) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.
- (8) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
- (9) The special land use shall not place demands on public services and facilities in excess of current capacities.
- (10) The special land use is in general agreement with the Township's Master Plan.

The Planning Commission may impose conditions with the approval of a special land use which are necessary to protect the public health, safety and general welfare and to ensure compliance with the standards for approval stated in this Section or any other applicable standards contained in this Article. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the Zoning Administrator.

Section 19.4 Appeal of Special Land Use Decision

The decision of the Planning Commission of any special land use application is final and may not be appealed to the Zoning Board of Appeals nor to the Township Board. Any person or party aggrieved by the decision of the Planning Commission may seek relief in a court of competent jurisdiction.

Section 19.5 Performance Guarantee

The Planning Commission may require a performance guarantee for any site improvement necessary in connection with an approved special land use. Such performance guarantee shall be in an amount sufficient to fund the installation of required improvements and shall meet requirements of Section 20.09.

Section 19.6 Establishing the Special Land Use

Any special land use approved by the Planning Commission shall not be commenced, established or operated unless and until all requirements of this Article, any conditions imposed and all required building or site improvements have been completed and approved by the Zoning Administrator. Alternatively, a performance guaranty may be filed with the Zoning Administrator.

Section 19.7 Amendment, Duration and Transfer of Special Land Use Permit

Each special land use approved by the Planning Commission is effective when and if all conditions set by the Commission have been satisfied. Any amendment to the approved special land use permit shall be considered following the same procedure as the initial permit review and approval.

Each special land use permit shall stay in effect so long as the approved use remains in compliance with this Ordinance and conditions of the approved permit. An approved special land use permit will expire with the occurrence of one or more of the following:

- (1) If replaced or superseded by a subsequent permitted use or special land use permit.
- (2) If the special land use included a time limit stipulation by which date the special use was to expire.
- (3) If the Planning Commission, following due process, acts to rescind the special land use permit.
- (4) If the special land use is abandoned, vacated or ceases to exist.
- (5) The property on which the special land use has been approved is sold to another person, unless application is made to the Planning Commission to transfer the special land use permit to the new land owner. The Planning Commission shall not unreasonably withhold approval to transfer the special use if it is in compliance with this Ordinance and any conditions imposed.

Section 19.8 Special Land Use Design, Operating and Performance Standards

The standards and requirements for stated special land uses in this Article are mandatory and applicable to the special land use. If the proposed special land use does not conform to any standard in this Article, the special land use application shall be denied by the Planning Commission. A definition of each special land use listed in this Article appears in Article XXXII.

Section 19.9 Adult Entertainment Business

The regulation of sexually oriented business is to regulate the location and operation of sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses

have serious objectionable operational characteristics, which can have negative effects and impacts upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding area and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Article are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market.

Definitions applicable to adult, sexually oriented businesses are:

- (a) *Sexually Oriented Business* – An establishment engaged in providing services, entertainment or adult products characterized by an emphasis on matters involving, depicting, describing or relating to specified sexual activities and/or specified anatomical areas, as defined.
- (b) *Specified Anatomical Areas* – Specified anatomical areas shall include:
 - (1) Less than completely and opaquely covered human genitals, anus and female breasts at or below the top of the areola.
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (c) *Specified Sexual Activities* – Any of the following:
 - (1) The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
 - (3) Masturbation, actual or simulated.
 - (4) Excretory functions as part of or in connection with any of the activities set forth in (1) thru (3) above.

Each adult, sexually oriented business shall be subject to the following standards:

- (a) The proposed Adult Sexually Oriented Business shall not be located within 500 feet of any residentially zoned property, public park, school, child care center, place of worship or other Adult Sexually Oriented Business. The distance between a proposed Sexually Oriented Business and any residence, residentially zoned property, park school, child care center, place of worship or other Adult Sexually Oriented Business shall be measured in a straight line from the nearest property line upon which the proposed Adult Sexually Oriented Business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care center, place of worship, or other Adult Sexually Oriented Businesses.
- (b) Entrances to the proposed Sexually Oriented Business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

- (1) “Persons under the age of 18 are not permitted to enter the premises”.
- (2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- (c) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining public road right-of-way or a neighboring property.
- (d) Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.
- (e) All parking shall be in accordance with Article XXIII of this Ordinance. In addition, all off-street parking areas shall be illuminated during all hours of operation of the Adult Sexually Oriented Business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining public road right-of-way.
- (f) As a condition of approval and continued operation of an Adult Sexually Oriented Business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing.
- (g) Any booth, room or cubicle available in any Adult Sexually Oriented Business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - (1) Be constructed in accord with the Michigan Building Code, as amended.
 - (2) Be unobstructed by any door, lock or other entrance and exit control device.
 - (3) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - (4) Be illuminated by a light bulb of wattage not less than 60 watts.
 - (5) Have no holes or openings, other than doorways, in any side or rear walls.
- (h) Compliance with all other applicable standards of this Ordinance.

Section 19.10 Adult Foster Care Facility

Each Adult Foster Care Facility shall conform to the following standards:

- (a) Provides housing and in-residence supervision for 7 and no more than 12 adults who are aged, emotionally disturbed, developmentally disabled or physically handicapped and in need of care.
- (b) An Adult Foster Care Facility shall not be located within fifteen hundred (1,500) feet of any other Adult Foster Care Facility operating under a special land use permit issued by the Planning Commission.
- (c) Maintains at all times required federal and state licenses.
- (d) The facility meets all applicable requirements of the building code in effect, as documented following inspection by the building code official.

- (e) The facility meets all applicable requirements of the fire code in effect, as documented following inspection by the fire marshal.
- (f) Continuing conformance with all applicable provisions of this Ordinance.

An Adult Foster Care Facility does not include any of the following establishments:

- (a) Nursing homes and hospitals licensed under Article 17 of Act 368 of the Public Acts of 1978, as amended.
- (b) Hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended.
- (c) County infirmary operated by a county department of social services under Section 55 of Act 280 of the Public Acts of 1939, as amended.
- (d) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended.
- (e) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.
- (f) A veteran's facility created by Act 152 of the Public Acts of 1885 [MCL 36.1 er seq], as amended.

Section 19.11 Airport – General Aviation

All general aviation airports shall conform to the following standards:

- (a) The site plan accompanying the special land use permit application shall, in addition to requirements of Article XX, depict location of aircraft hangers, aprons, aircraft outdoor tie-down area, taxiway(s), runway(s), aircraft maintenance facility, fueling and fuel storage area, and related facilities.
- (b) Charter service, flight school and aircraft pilot club are allowable accessory uses at a general aviation airport, if approved as a part of the special land use permit.
- (c) Approach, departure clearance, runway lighting and related appurtenances shall meet regulations of the Federal Aviation Administration [FAA].
- (d) A minimum setback of 50 feet from any property line shall apply to all buildings and aircraft staging areas and a minimum setback of 100 feet from any part of a runway to any property line.
- (e) Commercial passenger and air freight services are not permitted, except as provided herein.
- (f) Compliance with all applicable standards of this Ordinance.

Section 19.20 Athletic Club

Each athletic club shall conform to the following standards:

- (a) An athletic club may include indoor space for receptions or other gatherings.
- (b) If food service for patrons or receptions is provided on premise, a food service license issued by the Barry-Eaton District Health Department shall be required.
- (c) All outdoor athletic facilities shall be enclosed with a screening fence with decorative rail top to provide security and aesthetic enhancement.

Section 19.21 Automobile, Motorcycle and Equipment Repair Facility

Each repair facility shall conform to the following standards:

- (a) All repair work shall be conducted inside a building.
- (b) Outdoor parking of autos, trucks, motorcycles, other motor vehicles and equipment waiting for repairs shall be located separately from patron parking. Such parking area shall be enclosed by a 6 ft. high screen fence.
- (c) Each repair facility shall have on premise a self-contained oil and fluids recycling container capable of being completely pumped of such fluids.
- (d) All used parts taken from vehicles or equipment repair shall be kept indoors or within an enclosed, screened receptacle.

Section 19.22 Auto, Truck and Equipment Sales or Leasing Facility

Each vehicle and equipment sales facility shall conform to the following standards:

- (a) Parking spaces for patrons shall be separate from spaces used to display vehicles or equipment for sale or for lease.
- (b) If a sales or leasing facility includes repair services, the facility shall also conform to standards within Section 19.21.
- (c) Direct access from a public street is required and internal drive aisles and parking arrangement shall be convenient and on no occasion create adverse traffic impact.

Section 19.23 Bed and Breakfast Establishments

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation and including provisions for a morning meal for overnight guests only. A bed and breakfast establishment is distinguished from a hotel or motel by having one kitchen facility serving overnight guests and resident family, employs only those persons residing in the dwelling and not more than two (2) non-resident employees and has a façade style consistent with other homes in the vicinity.

Each bed and breakfast establishment shall conform to the following standards:

- (a) May occupy a single-family, detached dwelling.
- (b) Shall have no more than twelve guest rooms. Said rooms shall not include any form of kitchen facility but may include a full bathroom.

- (c) The parcel on which the facility is located shall not be less than 1 ½ acres.
- (d) There shall be one paved parking space provided for each guest room, not less than one parking space for the resident family and one parking space for each employee.
- (e) The operator of the establishment must reside and be domiciled within the dwelling.
- (f) The resident operator of the establishment may employ 2 non-resident persons to assist in daily operations.
- (g) All outdoor lighting shall be designed and placed so that illumination at any property line is not greater than 1 ft. candle.
- (h) If parking areas serving the establishment are closer than 25 feet to any property line, they shall be screened from view of neighboring dwellings by a 6 ft. high decorative, opaque fence or landscape screening as may be approved by the Planning Commission. All parking areas shall be drained so as not to discharge storm water onto any adjoining property.
- (i) One ground-mounted sign not to exceed 4 square feet in area for each sign face. Off-premise signs, as defined in this Ordinance, are expressly prohibited, unless approved as a special land use by the Planning Commission.
- (j) The establishment must include a common entry for both resident operator and overnight guests. Quarters for the resident operator shall not be designed as a separate and complete living unit, though a separate kitchenette may be approved by the Planning Commission.
- (k) The application for a bed and breakfast establishment shall include written documentation of approval by the Barry-Eaton District Health Department [BEDHD]. Bi-annual inspection reports by the BEDHD are required to assure continuing safe drinking water supply and properly functioning waste water disposal system.
- (l) All modifications made to the dwelling necessary to accommodate the establishment shall be in conformance to applicable building, plumbing, mechanical, electrical and fire codes.
- (m) All guest gatherings outdoors shall be concluded not later than 11 p.m.
- (n) Prior to approving a bed and breakfast establishment as a special land use, the Planning Commission must make a finding of no adverse impact on the surrounding neighborhood and as regards the public health, safety and general welfare.
- (o) A certificate of occupancy shall not be issued for the establishment unless and until (1) all required final inspections have been approved and documented, (2) the Fire Marshall has, in writing, approved all fire safety installations, and (3) the Zoning Administrator issued a written approval for occupancy as a bed and breakfast establishment.
- (p) Annual compliance inspections by the Zoning Administrator or authorized agent are required for any approved bed and breakfast establishment.
- (q) There shall be a maximum stay limit of 30 consecutive days.

Section 19.24 Beer, Wine and Liquor Sales Establishment in Package or by the Glass

Each establishment offering alcoholic beverages for sale in a package for take-out or for on-premise consumption shall conform to the following standards:

- (a) Access to the establishment shall be directly from a public street.
- (b) All licensing and other requirements of the Michigan Liquor Control Commission, applicable to the establishment, shall be complied with fully, at all times.
- (c) The front yard setback of parking areas, and the required setback from side and rear lines, shall be determined by the Planning Commission.
- (d) Access driveways shall be located a sufficiently safe distance away from any intersecting street, and from other driveways, so as to avoid adverse traffic conditions.

Section 19.25 Campground

Each campground shall conform to the following standards:

- (a) All provisions of the Township noise regulations applicable to residential use shall apply to each campground.
- (b) All refuse containers within campground premises over 96 gallons capacity shall be enclosed with screening in accordance with Section 21.19.
- (c) The Planning Commission may establish, as a condition of approval, hours of operation with respect to morning and evening check-in.
- (d) Electrical, water supply and/or waste water connections at each campsite, if provided, shall conform to the electrical code in effect and requirements of the Barry-Eaton District Health Department.

Section 19.26 Car and Motor Vehicle Washing Establishment

Each facility design for car, pick-up, recreational vehicle or commercial truck drive through washing shall conform to the following standards.

- (a) Each vehicle washing facility shall have direct access from a public street. The access drive shall not create adverse impact on intersecting streets.
- (b) Outdoor vacuuming facilities shall be located no less than 50 feet from any adjoining property used for, zoned for or planned for residential use. Vacuum facilities shall not be located so as to interfere with required stacking aisles.
- (c) Stacking capacity for each wash bay shall be (1) 10-car spaces for an automatic or service washing bay, (2) 2 spaces in front of each self-service washing bay, and (3) 1 space at the exit of each self-service washing bay.
- (d) Noise levels on premise shall conform to the noise ordinance in effect.
- (e) All vehicle or equipment washing activity shall occur indoors.
- (f) There shall be provisions made to contain wash water on-premise and prevent off-site discharge, unless by way of public sanitary sewer.

- (g) A litter container shall be provided at each vacuum facility. A refuse container larger than 96 gallons shall be enclosed in accordance with Section 21.19.

Section 19.27 Child Care Center

Each child care center shall conform to the following standards:

- (a) All required state and local licensing shall be maintained at all times.
- (b) All outdoor play areas shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining land used, zoned or planned for residential use and a 4-foot to 6-foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way are prohibited.
- (c) Any dumpster on site in excess of 96 gallons shall be enclosed as required by Section 21.19.
- (d) Such facilities shall be located at least 1,500 feet from any one of the following:
 - (1) A licensed or pre-existing operating group day-care home or child care center.
 - (2) Adult foster care facility.
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - (4) A community correction center, resident home, halfway house or similar facility under jurisdiction of the County Sheriff or the Department of Corrections.
- (e) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- (f) The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10 p.m. and 6 a.m.

Section 19.28 Churches, Synagogues, Temples, Mosques and Other Recognized Places of Worship

Each place of worship shall conform to the following standards:

- (a) The minimum parcel size shall be 2 acres unless served by public sanitary sewer.
- (a) Indoor or outdoor recreation facilities may be permitted if approved by the Planning Commission.
- (b) A nursery school or child care center may be permitted if approved by the Planning Commission.
- (c) The main access drive to the facility shall accommodate stacking for no less than 6 motor vehicles outside of the adjoining public road right-of-way.

Section 19.29 College or University

Each college or university, whether public or privately owned and operated, shall conform to the following standards:

- (a) Access to the site shall be directly from a state highway or county primary road. Said access shall conform to requirements of Article XVI of this Ordinance.
- (b) Whether a single building or group of buildings comprising a campus, no building shall be located closer than 100 feet from any property line abutting land used for, zoned for and planned for residential use.
- (c) Parking facilities serving the college or university shall be located and arranged to minimize walking distance and shall include segregated pedestrian walkways.
- (d) The site shall include a bus transit stop with a shelter structure for passenger waiting.
- (e) Within 75 feet of each public entry to a building, a bicycle rack to accommodate no less than twelve (12) bicycles shall be placed.

Section 19.30 Commercial Amusement (Indoor/Outdoor)

Each commercial amusement establishment shall conform to the following standards:

- (a) In all cases involving outdoor amusements, the minimum lot area shall be 5 acres.
- (b) Indoor, accessory retail sales are permitted but limited to supplies and goods related to games and activities provided on site.
- (c) Indoor food and drink services are permitted, excluding alcoholic beverages.
- (d) Noise levels at any property line shall not exceed standards of the noise ordinance.
- (e) Outdoor recreation areas such as tennis courts, ball fields or batting cages may be lighted, but only in conformance with Section 21.31.

Section 19.31 Commercial Communication Antennas and Towers

Each antenna or tower used for cellular telephone, television or radio communications shall conform to the following standards:

- (a) **Qualifying Conditions.** The following site and developmental requirements shall apply:
 - (1) A minimum lot size shall be one and one-half (1½) acres.
 - (2) The use of guyed wires is strictly prohibited within one thousand feet of any zoned or planned residential use.
 - (3) The base of the tower and wire cable supports shall be fenced with a minimum 6 foot high chain link fence.
 - (4) An applicant may locate a tower in the “A”, “AR” or “RR” zoning districts. In all other zoning districts the applicant must demonstrate that:

- a) The new tower cannot be located within the permitted zoning districts and still satisfy the reasonable needs of the applicant; and
 - b) The applicant's tower or antennae cannot be co-located on an existing tower or other structure and still satisfy the reasonable needs of the applicant.
- (5) Each application shall be accompanied by a written demonstration of need (including height) relative to the proposed location. If a leased site, a copy of the lease or proposed lease shall accompany the application.
 - (6) Towers shall be constructed to facilitate the reasonable co-location of other providers' antennas or transmitters.
 - (7) To the extent possible, towers shall be located on public lands or existing utilities.

(b) Special Performance Standards:

- (1) The tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by a consulting engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of tower failure is minimal. The applicant shall incur all costs associated with Township engineering review.
- (2) No part of any tower, antenna, or accessory structure (including guyed wire bases) shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within 30 feet of a property line.
- (3) Each accessory structure shall not exceed 600 square feet of gross building area.
- (4) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- (5) The applicant shall provide verification that the tower construction and antenna mount plans have been prepared by a registered structural engineer and that the installation is in compliance with all applicable codes.
- (6) All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- (7) Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ mile radius of a helipad. Notice of all applications received by the Township shall be provided to the Gerald R. Ford International Airport. Any communications received from the Gerald R. Ford International Airport shall be considered by the Planning Commission.
- (8) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- (9) Antennae and metal towers shall be grounded for protection against a

direct strike of lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

- (10) Towers with antennae shall be designed to withstand wind loading as prescribed in the BOCA building code.
- (11) Towers shall be located so that they do not interfere with reception in nearby residential areas.
- (12) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- (13) Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Strobe style and flashing lighting shall not be permitted, except for emergency use.
- (14) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (15) There shall not be visible advertising signage of any kind. One 4 square foot owner-identifying sign shall be placed on the exiting gate providing an emergency telephone number.
- (16) The antenna shall be treated to match the exterior treatment of the tower. The chosen scheme should be designed to minimize off-site visibility of the antenna.
- (17) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Planning Commission. Cost for testing and verification of compliance shall be borne by the operators of the antennae.
- (18) There shall be no employees located on the site on a permanent basis to service or maintain the tower and antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- (19) An access exclusive to the communication tower shall be required and shall be gated to prevent unauthorized entry by unauthorized vehicles.
- (20) Where the property is within 1,000 feet of any existing Residential Zoning District, the developer shall plant 2 alternating rows of evergreen trees with a minimum height of 5 feet on 20 foot centers along the entire perimeter fenced enclosure of the tower and related structures. In no case shall the evergreens be any closer than 10 feet to any structure.
- (21) The tower shall be removed by the property owner or lessee with 6 months of disuse.
- (22) A performance guarantee, bond or satisfactory financial surety at the discretion of the Planning Commission, shall be required to provide for tower removal and site reclamation.

- (23) The demonstrated need, tower height and type (monopole skeleton framework, guyed wire) and any other technical claims shall be subject to independent verification at the applicant's cost.
- (24) The applicant shall indicate to the Township the existing or proposed land line phone service provider to provide for assurance that existing utility franchise agreements are maintained.
- (25) The applicant shall provide in writing a detailed tower maintenance program and schedule.

Section 19.32 Commercial Fueling Facility

Each commercial fueling facility shall conform to the following standards:

- (a) Turning radii on-site shall be sufficient to accommodate a semi-truck and 53 foot semi-trailer.
- (b) Dispensing station shall be located no closer than 100 feet from any property line adjacent to residential use, residential zoning or planned residential use.
- (c) The canopy over the fuel dispensers shall be lighted with recessed lighting and in conformance with Section 21.31.
- (d) All fuel dispensing, pump and storage apparatus shall be installed in conformance with requirements of the Michigan Department of Environmental Quality [MDEQ].
- (e) Storm drainage on-site shall be designed to collect separately and retain fuel and oil residues from vehicles. A maintenance plan for the collection device shall be noted in the final site plan.

Section 19.33 Commercial Riding Stable

Each commercial riding stable shall conform to the following standards:

- (a) The minimum site area shall be 10 acres.
- (b) The maximum number of horses, whether or not for hire, shall conform to requirements of Section 21.5.
- (c) A building in which horses are stabled shall be located no closer than 100 feet to any property used for, zoned for or planned for residential use.
- (d) An animal waste management plan shall be filed with the application for special use.

Section 19.34 Contractor Facility

Each contractor facility as defined in this ordinance shall conform to the following standards:

- (a) All drilling, cranes, excavating and other large equipment and all materials stored outdoors shall be enclosed by a 4 foot high earthen berm topped with a 6 foot high decorative screen fence. The storage yard shall have a single gated access.
- (b) Vehicle and equipment repair and fueling activities on-site shall conform to

applicable standards elsewhere in this Ordinance.

Section 19.35 Contractor Yard

Each contractor yard shall conform to the following standards:

- (a) The minimum lot area shall be one and one-half (1½) acres and the maximum lot area shall be 5 acres. All or part of the actual lot area may be used, so long as the area occupied does not exceed 5 acres.
- (b) If the contractor yard is proposed to be located on a parcel greater than 5 acres, the site plan shall clearly depict that portion of the larger site which is to be occupied by the contractor yard. The site plan shall also depict existing and/or planned use(s) for the area not occupied by the contractor yard.
- (c) All equipment, materials and parts stored outdoors shall be enclosed by a 4 foot high earthen berm topped with a 6 foot high decorative screen fence. The storage yard shall have a single gated access.
- (d) No outdoor storage or use shall be permitted in the required front yard.
- (e) Repair activities on-site shall take place within a building.

Section 19.36 Drive-Through Facility

Each business or establishment having a drive-through facility shall conform to the following standards:

- (a) Vehicle queuing for a drive-through window shall be separated from other on-site traffic aisles and vehicle parking by a physical barrier such as curbing or raised landscape island.
- (b) Pedestrian facilities shall be designed so that pedestrians do not cross the drive-through stacking queue.
- (c) The drive-through aisle shall be no less than 9 feet in width and shall have no turning radius less than 35 feet.
- (d) The stacking queue for each drive-through window shall be sufficient in length to accommodate on-site, the highest vehicle volume likely to occur. In no case shall queuing traffic encroach into a moving lane of a public street, drive aisle for parking or access drive. The applicant shall provide relevant data to demonstrate sufficient capacity. If the Planning Commission is not satisfied the queuing capacity is sufficient, the special use shall be denied.

Section 19.37 Electrical and Gas Transmission Substations

Each electric substation or gas transmission substation shall conform to the following standards:

- (a) If the site of the substation abuts property used for, zoned for or planned for residential use, there shall be no less than 50 feet between the common property line and the nearest structure and other apparatus appurtenant to the facility.

- (b) There shall be placed an opaque screen fence 6 feet in height on the perimeter of the property on which the substation is located.
- (c) Access to the facility is limited to one driveway, said driveway to be secured with a gate with a locking mechanism. The gate shall also offer screening.
- (d) Lighting of the facility shall conform to Section 21.31 of this ordinance.

Section 19.38 Farm Market with Roadside Stand

Each farm market shall conform to the following standards:

- (a) Parking serving the market shall not occur within a public road right-of-way nor shall parking spaces be located to cause motor vehicles to back directly onto the public roadway.
- (b) The patron parking area may be gravel but must be well defined and well maintained.
- (c) The market building or stand shall be set back no less than one-half the setback required for a principal structure on the same parcel.

Section 19.39 Gasoline, Diesel or Alternative Fuel Filling Station

Each auto or pick-up fueling station shall conform to the following standards:

- (a) The location of, number of and design of driveway access shall be subject to Planning Commission review and approval, including modification to gasoline station sites in existence at the effective date of this Ordinance if a building or use enlargement is proposed.
- (b) The location of pump islands shall afford ample motor vehicle stacking to prevent vehicle queuing into an access driveway or onto a public roadway. The application shall demonstrate that vehicle stacking is sufficient to meet peak demand periods.
- (c) Site drainage shall be designed to collect, separate and retain fuel and oil residues from vehicles. A maintenance plan for the collection device shall be noted on the final site plan.
- (d) If retail sales occur on-premise, parking on-site shall meet requirements of Article XXIII. Site circulation shall be designed to prevent conflict among vehicles using the pump islands and other vehicles.
- (e) If motor vehicle repairs occur on the same premises, parking for vehicles waiting for service and customers seeking repair service shall be in addition to pump-island stacking and other retail sales, if any.

Section 19.40 Golf Course or Country Club

Each golf course, whether for public use or a member-only country club, shall conform to the following standards:

- (a) All buildings on-premise shall have a setback of no less than 100 feet from abutting land used for, zoned for or planned for residential use, except in cases where residential use is designed as an element of the golf course.

- (b) Retail sales of golf apparel and equipment, golf cart rentals, restaurant, banquet facilities or cross-country skiing, may be included as uses accessory to the golf course. Parking for these accessory uses shall be in addition to parking required for the golf course.
- (c) There shall be maintained along all property lines not abutting a public road, a natural vegetative strip no less than 25 feet in width.
- (d) The layout of each fairway within the golf course shall be configured to prevent golf ball shots entering a public roadway, adjoining properties or lands within the golf course used for purposes other than golf play.
- (e) Golf cart paths serving each tee box, fairway, green and paths connecting each golf course fairway shall be paved with a bituminous or concrete surface.
- (f) Water features within the golf course shall have edge slopes no greater than 1 foot vertical to 3 feet horizontal or, if greater, a barrier fence, wall or plant grouping shall be provided to prevent pedestrian access to the top of slope.
- (g) Storm water system design and turf management practices shall be designed and operated to prevent fertilizers and nutrients entering natural streams or lakes.

Section 19.41 Greenhouse or Nursery Accessory Retail Store

Each greenhouse or plant nursery with an accessory retail store shall conform to the following standards:

- (a) Parking spaces serving the retail store shall not occur within a public road right-of-way nor shall parking spaces be located to cause motor vehicles to back directly onto the public roadway.
- (b) Required parking for the retail store shall be in addition to patron parking needed for the greenhouse or plant nursery.
- (c) The building in which the retail store is located shall meet the minimum front yard setback required for a principal structure.
- (d) The retail store shall be accessory to the principal use of a greenhouse or plant nursery. If the principal use ceases to operate for a period of one year, (365 days), the retail store shall no longer operate.

Section 19.42 Group Day Care Home

Each group day care home shall conform to the following standards:

- (a) An area for dropping off and picking up of children served by the day care facility shall be provided outside of the public or private road right of way.
- (b) Each outdoor play area shall be enclosed by a fence no less than 36 inches in height, including an access gate.
- (c) All playground equipment shall be located in a side yard, rear yard or no less than the required front yard setback for a principal structure, if within the front yard.
- (d) A group day care home shall not be located closer than 1,500 feet to any of the following:

- (1) An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979 [MCL 400.701 et seq], as amended.
 - (2) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978 [MCL 333.61 et seq], as amended.
 - (3) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections or Barry County.
- (e) A minimum of 1 additional off-street parking space shall be required for each employee working on the same shift in the operation.
 - (f) Maintains the property consistent with the visible characteristics of the neighborhood.
 - (g) One non-illuminated nameplate or free standing sign not to exceed 4 square feet in area shall be permitted.

Section 19.43 Home Based Business

Each home based business shall conform to the following standards:

- (a) A home based business meeting criteria set forth below for a minor home based business may receive a home based business permit issued by the Zoning Administrator without holding a public hearing. All other home based businesses shall file for special land use approval as prescribed in this Article.

Permitted home based businesses include, but are not limited to the following:

- (1) Beauty salons and barber shops.
- (2) Photography studios.
- (3) Drapery design and fabrication.
- (4) Furniture upholstery.
- (5) Computer repair and service.
- (6) Small engine repair.
- (7) Cabinet making and carpentry work.
- (8) Seamstress service.
- (9) Television and other appliance repair.
- (10) Organized classes with not more than six students at one time for art or craft instruction.
- (11) Internet based business.
- (12) Sign maker.
- (13) Catering business.
- (14) Turf services and landscaping enterprises.
- (15) Other home based businesses complying with the requirements of this Section and which are determined by the Planning

Commission to be reasonably similar in character to those listed in this subsection, and which do not have adverse effects on adjacent or nearby lands that are greater or more serious than those resulting from any of the above-listed home based businesses.

- (b) A minor home based business shall conform to the following site, building and operating criteria:
- (1) The use shall be conducted entirely within the dwelling or accessory building.
 - (2) The use shall be operated only by persons residing in the dwelling.
 - (3) The exterior appearance of the dwelling shall not be modified to accommodate the home based business.
 - (4) The home based business shall not occupy more than 30 percent of the floor area of the dwelling, excluding area of the basement as defined in this Ordinance.
 - (5) There shall be no selling of goods, merchandise, supplies or products, provided that orders made by telephone, internet or at sales events off the premises may be filled on premise so long as customers do not arrive on premise to acquire orders.
 - (6) Outdoor storage or display is prohibited.
 - (7) There shall be no regular deliveries from commercial suppliers to the premises.
 - (8) There shall be no activity on premise resulting in noise, vibration, smoke, dust, odors, heat or glare that creates a nuisance to adjoining properties.
 - (9) As a result of operating the home based business, there shall occur no more motor vehicle traffic than would be normal for a dwelling.
 - (10) No combustible, toxic or hazardous substances shall be kept on premise attendant to the home based business.
 - (11) Each minor home based business is subject to an annual compliance inspection at the discretion of the Zoning Administrator.
 - (12) The Zoning Administrator shall have discretion to refer any home based business to the Planning Commission for approval.
- (c) For all other home based businesses, a special land use permit shall be required as issued by the Planning Commission following public hearing and subject to the following site, building and operating criteria:
- (1) The use shall be conducted entirely within the dwelling and/or not more than 1 accessory building.
 - (2) The use shall be operated by persons residing in the dwelling and not more than one 1 other person.
 - (3) The exterior appearance of the dwelling and accessory building, if used in connection with the home based business, shall not be modified to accommodate the use.
 - (4) The home based business shall not occupy more than 49 percent of the total dwelling floor area, excluding the basement as defined in this Ordinance.
 - (5) The use shall be clearly incidental and secondary to the dwelling.

- (6) Outdoor display of goods or merchandise is prohibited.
- (7) Equipment used in connection with the home based business shall be parked or stored within a building or within a gated 6 foot high screening fence enclosure.
- (8) There shall be adequate off-street parking and maneuvering area.
- (9) There may be only incidental and occasional selling of goods, merchandise, supplies or products.
- (10) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.
- (11) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat, or glare resulting in an adverse effect at or beyond the property line.
- (12) As a result of the home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.
- (13) There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.
- (14) Any sign shall be non-illuminated and shall comply with the sign requirements for the zoning district in which the use is located.
- (15) Each home based business is subject to an annual compliance inspection at the discretion of the Zoning Administrator.

Section 19.44 Hospital

Each hospital shall conform to the following standards:

- (a) The minimum parcel area shall be 5 acres.
- (b) Public sanitary sewer and water supply services are mandatory, without exception.
- (c) Adequate off-street parking area shall be provided. Areas designed for dropping off and picking up of patients and others shall be located a sufficient distance back from the public street so as to avoid motor vehicle conflicts and unsafe conditions.
- (d) Access shall be from a public street. Driveways shall be located a sufficient distance away from street intersections so as to avoid unsafe traffic conditions. A traffic impact study will be required consistent with Article XVI of this Ordinance.
- (e) Access for ambulances and other emergency vehicles shall be from a state highway or county primary road.
- (f) Trash and refuse receptacles shall be fully enclosed and screened as required in this Ordinance.

- (g) Adequate driveways and parking areas for delivery of goods and supplies and for service vehicles, shall be provided, and if required by the Planning Commission, they shall be separated from driveways and parking areas used by the public.
- (h) If permitted by the Planning Commission in the approval of the special land use, the use may include a helicopter landing pad for ambulance purposes, at such location and under such operational conditions as may be determined by the Planning Commission.

Section 19.45 Heating and Electric Power Generating Plant

Each steam generator or electric power generating plant, regardless of fuel source, shall conform to the following standards:

- (a) For an electric power generating plant, the minimum site area shall be 20 acres.
- (b) For a steam generating plant used for providing common steam heating to a defined service area, the minimum site area shall be 5 acres or less, if approved by the Planning Commission.
- (c) Each type of generating plant shall conform to the following site, operating and environmental criteria:
 - (1) No building, structure or appurtenant apparatus shall be located closer to any property line than 100 feet.
 - (2) A perimeter buffer zoned as defined in Article XXV shall be required, except at the entry driveway, regardless of adjacent land use, zoning district or planned land use. This requirement may be waived in whole or in part by the Planning Commission as part of the final site plan review and approval. The waiver shall be solely based on what land uses adjoin the site and whether the buffer zone serves the intended purpose.
 - (3) Delivery of fuel stock shall occur via a Class A, All-weather roadway.
 - (4) Fuel stock piles or storage tank facilities shall occur as far as possible on-site from existing residential land use.
 - (5) All operating equipment needed on site shall be stored or parked within a building or within an enclosed screening fence not less than 6 feet in height.
 - (6) All environmental criteria within Article XXII shall be met as well as criteria imposed by state or federal agencies. Whichever criteria are more restrictive, that criteria shall apply.

Section 19.46 Intensive Livestock Operation

Each intensive livestock operation as defined in Article XXXII shall conform to the following standards:

- (a) The minimum lot area shall be 40 acres of contiguous land.
- (b) Any building in which animals are housed shall be located no less than 500 feet from an occupied non-farm dwelling, a natural surface water feature or

- wetland depicted in the National Wetland Inventory.
- (c) Manure management shall conform to the generally accepted agricultural management standards promulgated by the Michigan Department of Agriculture.
 - (d) Each application for a new or expanded intensive livestock operation shall be accompanied by a manure waste management plan. If land application of manure is included in the plan, documentation of soil types and depth to the water table shall also be provided with the application.
 - (e) The intensive livestock operation shall not result in surface runoff of nutrients to an abutting property or natural surface water.

Section 19.47 Kennel

Each kennel as defined in Article XXXII shall conform to the following standards:

- (a) When animals are kept in shelters located within outdoor enclosures, the minimum lot area shall be 3 acres. When animals are kept in an indoor enclosure with direct access to an enclosed outdoor area, the minimum lot area shall be 1 ½ acres. When animals are kept indoors for human attended outdoor exercise, the minimum lot area shall be 20 thousand square feet.
- (b) Whenever outdoor animal enclosures are present or proposed, such enclosures shall not be located closer than 100 feet to an occupied dwelling.
- (c) Animal outdoor exercise areas shall not be located within an actual front yard area nor within a required side or rear yard setback.
- (d) All animal enclosures including indoor or outdoor exercise areas shall be kept in a clean, sanitary condition and all animal wastes shall be disposed of without adverse effects on the environment or adjoining lands.
- (e) The Planning Commission may require screening to minimize nuisance to any adjoining lands, including one or more of the following: (1) privacy fence, (2) earth berm and/or (3) landscape screening.
- (f) A kennel may be included as an element within a veterinary clinic if approved by the Planning Commission.

Section 19.48 Land Division – 5 or More New Parcels

Land divisions that are not within a plat or site condominium subdivision shall conform to requirements of Section 21.36 of this Ordinance. Land division applications involving 5 or more parcels shall require special land use review and approval by the Planning Commission and shall comply with the following standards:

- (a) If the land division involves less than the entire parent parcel tract of land, there shall be provisions made to assure access to the remainder of the land not included in the proposed land division.
- (b) If private road access is proposed to any proposed lot and/or the remainder of the land, a private road application shall be filed concurrent with the land division application.

Section 19.49 Lumber Yards and Building Materials, Wholesale or Retail

Each lumber yard or building materials enterprise shall conform to the following standards:

- (a) The principal and accessory buildings in which the use operates shall not be located within 100 feet of any Residential Zoning District.
- (b) Outside storage is prohibited in the required front yard setback.
- (c) All outside storage of goods and materials shall occur within a screening fence or enclosure equal in height to the materials stored.
- (d) Commercial deliveries to or shipping from the property shall only occur via a single driveway constructed to commercial standards. Said driveway shall not be located closer than one-hundred 100 feet to the nearest public street intersection. If access is direct to highway M-37, the design and location of the driveway shall conform to requirements of Article XVI.

Section 19.50 Massage Parlor*

Each massage parlor shall conform to the following standards:

- (a) All activities shall be conducted indoors.
- (b) Any person administering a massage shall be clothed with a sleeved shirt and slacks at all times during a patron visit to the massage parlor premises.
- (c) Physical contact or touching of genitals or breasts by the person administering a massage or by the person to whom a massage is given, is prohibited.
- (d) Indoor or outdoor display of sexually suggestive or explicit live, printed, video or computer-generated images is prohibited.

Section 19.51 Manufacture of Alcohol and Other Products Listed in Section 13.3(b)

Each manufacturer of products stated in Section 13.3(b) of this ordinance shall conform to the following standards:

- (a) All finished manufactured products and processing wastes shall be fully contained to prevent spill or leaking.
- (b) A manufacturing facility in this category shall be connected to public sanitary sewer.
- (c) Depending on chemical content of wastewater discharge, pre-treatment may be required. The chemical content of wastewater shall be disclosed at the time of making the special use application or, if approved without the data, first discharge will be sampled and pre-treatment requirements then set.

* Definition to exclude state-licensed physical or massage therapists.

Section 19.52 Materials Recovery and Recycling

Each materials recovery and recycling facility shall conform to the following standards:

- (a) All sorting, chipping, shredding and processing activities shall be conducted within an enclosed building, including all operating machinery used in the processing operation.
- (b) Any recovered materials considered toxic or hazardous to human health or to the natural environment shall be stored in containers designed to prevent exposure to humans, animals or the environment.
- (c) Truck or commercial vehicle access to and departure from the recovery or recycling facility shall be directly to or from a major street, county primary road or state trunkline.
- (d) Outdoor storage of raw materials to be processed in any way is prohibited.
- (e) Outdoor storage of materials recovered or recycled, except toxic or hazardous compounds, is permitted so long as these materials are placed within a covered container such as a roll-off.
- (f) All materials, whether raw or processed, shall be handled, processed or stored in such a manner as to prevent leaching of toxic or hazardous compounds into the soil, air and/or groundwater.
- (g) The facility shall include an interior unloading or dumping area for unsorted materials brought to the facility for processing.

Section 19.53 Mineral Extraction and Processing

Each mineral extraction and/or processing facility shall conform to the following standards:

- (a) Permits for mineral extraction and processing shall be in the names of both the operator and the landowner (hereinafter, “permit holder”).
- (b) It shall be the responsibility of the permit holder to use ecological conservation practices for all areas used for excavation.
- (c) No business or industrial buildings or structures of a permanent nature shall be erected except in the Industrial District.
- (d) Before the commencement of any mineral extraction, a 10/47 fence (standard farm-type fence) or six foot chain link fence (or a suitable substitute approved by the Planning Commission) shall be erected around the perimeter of the active extraction and/or processing site and maintained in good condition until extraction and mining operations have been completed. A locked gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation.
- (e) No excavation shall occur within 100 feet of a road right-of-way. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 50 feet of any road right-of-way. No excavation shall occur within 200 feet of an off-site residence. No excavation shall be within 100 feet of a property line. The Planning Commission may allow excavation within this

minimum setback area as part of the reclamation process provided no excavation is allowed within 25 feet of any property line. The Planning Commission may also allow mineral extraction within the minimum setbacks set forth above if those residents and property owners abutting that portion of the site affected by the minimum setbacks consent in writing.

- (f) No processing of minerals, including washing, sorting, grating, grading, crushing, etc. shall be conducted within 500 feet of any off-site residence or within 300 feet of any property line. The Planning Commission may permit processing to be located within the set back requirements if, due to environmental or topographical features, such location will create less adverse impact than strict compliance with the set back requirements.
- (g) Noise and vibration shall 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 shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- (h) Air pollution in the form of dust and dirt shall also be kept to a minimum by 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 shall have their surface treated to minimize any such nuisance. Ingress and egress to a public right-of-way shall be paved with asphalt or concrete for a distance of 200 feet from the property line.

- (i) The operation of mineral extraction and processing shall be restricted to the hours of 7 a.m. until 6 p.m. Monday through Friday and 7 a.m. to 12 p.m. on Saturday. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the Planning Commission in order to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads.
- (j) All truck operations shall be directed away from residential streets, whenever practical.
- (k) In approving the processing area, the Planning Commission may require berms and/or other screening to reduce sound or vibration impact on neighboring properties.
- (l) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Exclusive of processing and storage areas, not more than 10 acres of the intended project area may be disturbed at one time. Substantial completion of reclamation and rehabilitation shall be effected within one year after the termination of mining or excavation activity in each area.

- (m) The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a final slope which shall not be steeper than one foot vertical to four feet horizontal.
- (n) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a 1-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.
- (o) Vegetation similar to that which existed prior to the excavation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- (p) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall 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 may be retained.
- (q) No special use permit for mineral extraction or processing shall exceed a term of 2 years. In any request for extension or renewal of a mineral extraction and processing special use permit, the Planning Commission shall take into consideration any violations of restrictions during the preceding period.
- (r) Inspection fees:

For the purpose of reimbursing the Township for inspections, monitoring, administration and enforcement of this Ordinance with respect to the permit holder, and in view of the relative impossibility of calculating and precisely anticipating amounts to be required for such purpose, the permit holder shall, upon approval of the special use, and prior to commencing operation, make an initial deposit of an amount determined by the Township to be sufficient to provide for the cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this Ordinance to the Township. The Township Treasurer shall hold such amount in an interest bearing account for the permit holder for each approved special use. Interest earned will accrue to the account held in the name of the permit holder. Balance of deposited inspections fees with accumulated earned interest shall be returned to applicant after reclamation is completed and approved by the Township Board.

The fee requirement shall be determined on a monthly basis and paid out of said account, and shall be equal to the aggregate of the statements and invoices to the Township for all costs and expenses incurred which are

reasonably related to inspections, monitoring, administration and enforcement of this Ordinance.

The fee requirement shall be invoiced to the permit holder on a monthly basis, and shall be paid to the Township within 30 days. Upon receipt, the payment shall be disbursed as follows: the amount equal to the statements and invoices shall be credited to the permit holder's account, to reimburse the amounts paid out, as aforementioned.

The amount on account with the Township in connection with the permit holder shall be maintained at a minimum of the amount determined by the Township to be sufficient to provide for the Township's cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this ordinance. The permit holder shall be invoiced immediately for the deficiency and such amount shall be paid within 30 days.

(s) Performance Bond: Insurance

(1) Bond

The mining operation shall not commence until such time as the permit holder has posted with the Township Clerk a performance bond in an amount determined by the Planning Commission, following recommendation of its experts, to be reasonably necessary to ensure reclamation. The bond shall be in the form of cash, an irrevocable letter of credit issued by a banking or savings and loan institution licensed to do business in the State of Michigan, or a corporate surety bond issued by a company licensed for such purposes in the State of Michigan. The conditions of such bonds shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the special use permit in accordance with the approved reclamation plan, the performance bond shall be returned to the permit holder; otherwise, the Township shall have a right to use the performance bond to the extent necessary to reclaim the property and to cover the costs of enforcing and bringing about compliance with this Ordinance, including reasonable attorney's fees. Irrevocable letters of credit and corporate surety bonds shall be in a form approved by the Township's attorneys.

The performance bond for reclamation shall be in the name of the applicant on the special use permit and, if different, the property owner. The performance bond shall remain in effect with the Township until the parcel or parcels have been reclaimed, *inspected* and all equipment, machinery, materials, buildings and other operation related improvements removed as required by this Ordinance and/or by the terms of the special use permit.

In the establishment of the amount of the performance bond, the Planning Commission shall take into account the size and scope of the proposed operation, the maximum acreage allowed to be disturbed prior to requiring reclamation, the current and projected costs of reclamation in the event of default by the operator at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. The Planning Commission, in considering any application to renew the special use permit, may in its discretion, increase or decrease the amount of the performance bond, based upon increased costs, new information, or partial reclamation.

In the event that the permit holder chooses to post cash in lieu of an irrevocable letter of credit or corporate bond, as provided above, such cash may be deposited in an interest bearing account in control of the Township at a bank or savings and loan institution satisfactory to the Township, provided that all sums of deposit shall be readily accessible to the Township in the event of need. Such interest shall accrue for the benefit of the permit holder, or be paid over to the permit holder.

(2) Insurance

Insurance shall be a pre-condition to commencement of operations. Insurance shall be a pre-condition to the right to continue operations. Insurance shall be maintained in full force during the term of special use approval. The permit holder shall provide personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times when any reclamation is left to be done, and during all times that any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to name the Township, its officers and employees as co-insured or additional insured. This insurance shall be carried in amounts no less than one Million Dollars (\$1,000,000.00) for injury and damage to more than one person's property arising out of single occurrence. This insurance shall cover injury or damage occurring upon the site of the operations, as well as injuries or damage occurring upon adjoining property as the result of conditions or activities conducted upon the subject property.

The insurance certificate shall contain a clause stating that, coverage to be the same as dates of the special land use permit. Insurance shall be in the name of the applicant on the special use permit and, if different, the property owner.

(Sect. 19.53 effective June 1, 2013)

Section 19.54 Multiple Occupancy Buildings

Each building containing three or more separate retail, office and/or service businesses shall conform to the following standards:

- (a) Public sanitary sewer and water supply shall be required for multiple occupancy buildings.
- (b) All physical features of the site and building shall be of unified and coordinated design, including anticipated phasing of site or building construction.
- (c) Storm water facilities shall be initially designed and installed to accommodate a built-out site and shall conform to best storm water management practices.
- (d) Site and building signage shall be of uniform style and design.
- (e) Parking layout and design shall incorporate pedestrian facilities separate from traffic aisles and shall be oriented to building entrance(s).
- (f) Fire lanes, if required, shall be shown on the site plan.
- (g) Water mains size and location, water main valves, service lateral size and location and fire hydrants shall be shown on the site plan.
- (h) Sanitary sewer size and location, man-hole structures, and service laterals shall be shown on the site plan.
- (i) Landscape design details, including plant size, species and ground cover, shall be harmonious throughout the site.
- (j) Outdoor lighting shall be uniform as to standards and illuminaries.
- (k) Common refuse management space shall be incorporated on the site plan or reasons for not including on-site waste management shall be stated on the site plan. The Planning Commission shall determine whether or not to accept a plan without waste management facilities on site.

Section 19.55 Migrant Worker Housing

Each farm, on which migrant housing is located on the farm property, shall conform to the following standards:

- (a) Each migrant dwelling unit shall contain one bedroom for each three occupants plus a kitchen, bathroom and living room.
- (b) A building that houses migrant farm workers shall contain no more than two dwelling units, unless a larger number of dwelling units is approved by the Planning Commission.
- (c) The wastewater disposal system and water supply for each migrant housing dwelling unit shall be approved by the Barry-Eaton District Health Department.
- (d) No less than 1 motor vehicle parking space shall be provided for each migrant worker housing unit, said space to be located adjacent to the housing unit.
- (e) The location of each building accommodation migrant worker housing unit shall conform to required setbacks in the zoning district in which they are located.

- (f) Migrant worker housing units shall be located on the farm on which the migrant workers are employed.

Section 19.56 Outdoor Display of Goods, Merchandise or Equipment for Retail Sale

Each retail business in a Commercial Zoning District including outdoor display of goods, merchandise or equipment for retail sale shall conform to the following standards:

- (a) The proposed area on any property intended for outdoor display shall be depicted on the site plan.
- (b) The entire area used for outdoor display shall be enclosed with decorative fencing. The fence enclosure need not be opaque. This requirement shall not apply to outdoor display of less than 200 square feet.
- (c) The enclosure fence height shall be equal to the height of goods, merchandise or equipment on display.
- (d) Establishments offering new or used motor vehicles, construction equipment or farm implements for sale are not included in this section, however, such establishments shall conform to requirements of Section 19.22 of this Ordinance.

Section 19.57 Private Roads Servicing 5 or More Lots or Parcels

Private Roads serving 5 or more lots, parcels, condominium units or dwelling units shall conform to requirements of Section 21.26 of this Ordinance and the following standards:

- (a) The Planning Commission shall consider the location of the private road in relation to existing land contours, regulated wetlands and other natural features on-site.
- (b) The objectives of this review are: (1) minimal changes of existing contours to accommodate the proposed road, (2) no impact on existing regulated wetlands, (3) minimal 100-year flood plain fill, (4) tree clearing limited to area of road construction and required road grading, and (5) evaluate negative impact on other natural features on the property.
- (c) The private road shall be designed and located to serve the entire site. No portion of the site may be served by an unimproved easement for ingress and egress.

Section 19.58 Public and Private K-12 Schools

All public school district facilities and privately owned and operated or charter school facilities shall conform to the following standards:

- (a) Public School Facilities
 - (1) New or modified access points to public streets or county roads shall be located, designed and built to assure safe ingress and egress to the school site and safe traffic operations on the public street.

- (2) Water supply shall be sufficient to accommodate domestic consumption and fire protection. Fire protection shall include on-site water mains located and sized to provide required fire flows as well as fire hydrant location and densities to conform with the fire code in effect.
 - (3) Wastewater treatment and disposal shall be via publicly operated sanitary sewer system or an on-site system approved by the Barry-Eaton District Health Department.
- (b) Privately owned and operated or charter schools
- (1) Conformance to requirements of Section 19.58(A)(1-3) above.
 - (2) A complete site plan as required by Section 20.4 in this Ordinance.
 - (3) A traffic impact study, if required by the Planning Commission.

Section 19.59 Public and Institutional Uses

Each public facility and institutional use shall conform to the following standards:

- (a) Access shall be from a public street.
- (b) Driveways shall be located so as to assure safe and convenient access. Parking areas shall be of sufficient size to accommodate patrons.
- (c) Facilities for the loading/unloading or patron drop-off shall be located a sufficient distance away from the public street right-of-way so as to avoid hazardous traffic conditions.
- (d) Facilities with an occupancy rating over 100 persons shall be required to provide a calculated fire flow requirement by a licensed fire inspector. This information will be compared with available fire flow capacity of the water system by the fire marshal to determine whether or not adequate fire suppression is available.

Section 19.60 Publicly-Owned Parks

Each publicly owned and operated park facility shall conform to the following standards:

- (a) Access driveways shall be a sufficient distance away from intersecting streets so as to avoid adverse traffic conditions.
- (b) Uses in the park involving public assembly, or having characteristics which may cause noise or other adverse impacts shall be located a sufficient distance away from other lands, or shall be adequately shielded and buffered so as to avoid the transmission of noise or other adverse impacts onto other lands.
- (c) There shall be adequate and convenient water supply and sanitary sewage disposal for use by park patrons.
- (d) The screening and buffering of various elements of park use may be required specific to the element and nearby uses in the park or adjoining property.

Section 19.61 Restaurant with Drive-Up Window Service

Each restaurant with drive-up window service shall conform to the following standards:

- (a) Conformance with Section 19.36 (a) – (d).
- (b) For restaurants with seating capacity greater than 100 people, a traffic impact study consistent with Article XVI may be required by the Planning Commission.
- (c) The speaker system for taking orders from a vehicle shall be located and designed to minimize broadcast of noise to any adjoining property.

Section 19.62 Site Condominium Subdivision

Each site condominium subdivision intended for development under terms of 59 PA 1978 [MCL 559.101 et seq.], as amended, shall conform to the following standards:

- (a) Conformance with requirements of Section 21.30 of this Ordinance.
- (b) Prior to a formal application for special land use and project approval, the proprietor/developer shall present a sketch plan concept to the Planning Commission for a pre-application review by the Commission. Comments and recommendations offered by the Commission relating to the project concept shall be considered when preparing preliminary project plans.

Section 19.63 Subdivision

Each subdivision intended for development under terms of 288 PA 1967, as amended and 591 PA 1996 [MCL 560.101 et seq.], as amended shall conform to the following standards:

- (a) Conformance with requirements of Section 21.30 of this Ordinance.
- (b) Prior to a formal application for special land use and project approval, the proprietor/developer shall present a sketch plan concept to the Planning Commission for a pre-application review by the Commission. Comments and recommendations offered by the Commission relating to the project concept shall be considered when preparing preliminary project plans.

Section 19.64 Two-Family Residential Building

Each two-family residential building shall conform to the following standards:

- (a) A minimum lot area of 12,000 square feet shall be required with a minimum lot width of 100 feet.
- (b) If access is to a major street or county primary road, a single driveway opening at the abutting street shall serve each two-family building.
- (c) Each two-family building shall be of substantially similar appearance as other residential buildings on adjacent properties and in the neighborhood.
- (d) Front, side and rear yard setback shall be no less than the minimum setback required in the “RZ” Zoning District.
- (e) Each two-family building shall have direct access to a public street.
- (f) Access to public water and sewer (*as amended 11-20-2021*)

Section 19.65 Truck Transportation and Distribution Facility

Each truck terminal, distribution facility, motor freight warehouse or combination thereof shall conform to the following standards:

- (a) Minimum lot size shall be 3 acres with a minimum lot dimension of 250 feet. The lot location shall be such that at least 1 property line abuts a paved major street or County Primary Road. The ingress and egress for all vehicles shall be directly from said Primary Road.
- (b) The main and accessory buildings shall be set back at least 50 feet from all property lines. If such use abuts residentially zoned property or a residential use, then the setback shall be 100 feet from any such lot line.
- (c) Truck parking and staging areas shall be screened from the view of any abutting Residential Zoning District or land use, as required in Article XXI of this Ordinance.
- (d) Access driveways shall be located as required by Article XVI if located abutting Highway M-37. In all other cases, no closer than 100 feet to an adjoining driveway or intersecting street.
- (e) No overnight truck parking shall be permitted unless the trucks are parked at the main loading/unloading dock and the truck engines are turned off.
- (f) This use shall be supported by a full complement of infrastructure, including Class A roads, municipal water and sanitary sewer and storm drainage.
- (g) Storm water systems on site shall utilize Best Management Practices.

Section 19.66 Utility and Public Service Buildings

Each utility or public service building or structure shall conform to the following standards:

- (a) For each lot or parcel abutting residential zoning or use, the driveway access to each such building shall be screened for its entire length with a 6 foot high screen fence.
- (b) Landscaping/screening on all lot or parcel boundaries shall conform to the “C-2” Zoning District requirements abutting residential zoning except where the abutting zoning district is “I”.
- (c) Site security lighting shall conform to requirements of Section 21.31 of this Ordinance.

Section 19.67 Veterinary Services

Each veterinary service shall conform to the following standards:

- (a) All buildings shall be set back no less than 50 feet from any property line.
- (b) Landscaping shall be as required for Office use adjacent to an “R-1” Zoning District in Article XXV.
- (c) If animal kennels, pens or runs are proposed, then requirements for kennels set forth in Section 19.47 shall be fully complied with.

Sections 19.68 Accessory Dwellings for an Immediate Family Member Requiring Special Care (Amended 4-18-2018)

Accessory dwellings for the use of individuals requiring special care due to age, illness, or disability shall conform to the following standards:

1. The lot has a principal single-family dwelling located on it.
2. Accessory dwelling must be for a member of the property owner's immediate family (child/step-child, brother/sister, parent/parent-in-law, and grandparent/grandparent in-law)
3. The lot meets the lot size and width regulations of the zoning district in which it is located.
4. The accessory dwelling is not located within the front setback area and is not closer than 20 feet to any other lot line.
5. A certification signed by a licensed physician shall be presented to the Planning Commission stating that the need is present.
6. The accessory building shall be compatible in appearance to the dwelling on the property and dwellings in the area. In determining whether the proposed accessory building is compatible in appearance, the following shall be considered: exterior colors, materials, roof pitch, window coverage, landscaping and other features of the structure and site.
7. The proposed accessory dwelling shall meet the provisions of Section 21.9(b) and 21.9(c).
8. Written approval of the Barry Eaton District Health Department for well and septic hook up.
9. The accessory dwelling shall be removed within 90 days after the intended occupancy ceases.
10. Establishment of an escrow fund, in accordance with Section 28, in the amount of 125% of a written estimate to remove the structure and restore the site. Escrow fund must be in place prior to the placement of an accessory dwelling. The applicant shall obtain a written cost estimate for the complete removal of the accessory dwelling and site restoration. In the event the dwelling is not removed within 90 days after intended use ceases, the Township will use the escrow fee to pay for removal of structure and restoration of the site.
11. Subject to annual inspections of accessory use to ensure full compliance with special use permit and review of escrow amount.

Section 19.69 Commercial Ground-mounted Solar Energy and Solar Farm Special Use Standards *[As Amended Ordinance 2019-01 effective 9-21-2019]*

Intent and Purpose: To promote the use of Solar Energy within Thornapple Township as a clean alternative energy source and to provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic

solar farm facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

1. Height Restrictions: All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.
2. Setbacks:
 - a. All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of ten (10) feet from a side or rear property line and a minimum of forty (40) feet from any road or highway right-of-way.
 - b. All inverters and transformers must be at least 150 feet from all property lines.
3. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
4. Safety/Access: A security fence (height and material to be established through the special use permit process) may be required to be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
5. Noise: No large photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.
6. Landscaping: Large photovoltaic solar farm facilities may be required to install perimeter landscaping equal to one (1) tree for each twenty-five (25) feet of road frontage. One (1) tree shall be required along the sides and rear of such developments equal to one (1) tree every twenty-five (25) feet of property line when abutting existing homes or developed parcels. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site. Trees shall be a minimum of four (4) feet tall when planted and be maintained in good condition for the life of the large photovoltaic solar farm.
7. Local, State and Federal Permits: Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Thornapple Township, and comply with standards of the State of Michigan adopted codes.
8. Electrical Interconnections: All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
9. Additional Special Use Criteria: The following topics shall be addressed in a Special Use application for such large photovoltaic solar farm facilities in addition to the Special Use Review Criteria:
 - (a) Project description and rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the

system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions;

- (b) Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with the development;
- (c) Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements;
- (d) Wildlife: Review potential impact on wildlife on the site;
- (e) Environmental analysis: Identify impact analysis on the water quality and water supply in the area, and dust from project activities;
- (f) Waste: Identify solid waste or hazardous waste generated by the project;
- (g) Lighting: Provide lighting plans showing all proposed lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height;
- (h) Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site;
- (i) Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created;
- (j) Sound limitations and review: Identify noise levels at the property line of the project boundary when completed;
- (k) Telecommunications interference: Identify electromagnetic fields and communications interference generated by the project;
- (l) Life of the project and final reclamation: Describe the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final removal of power generating equipment within six (6) months of decommissioning.

10. The Planning Commission Review: Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general,

the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found in this Section.

11. Performance Bond: Insurance

1) Bond

The solar operation shall not commence until such time as the permit holder has posted with the Township Clerk a performance bond in an amount determined by the Planning Commission, following recommendation of its experts, to be reasonably necessary to ensure reclamation of the site. The bond shall be in the form of cash, an irrevocable letter of credit issued by a banking or savings and loan institution licensed to do business in the State of Michigan, or a corporate surety bond issued by a company licensed for such purposes in the State of Michigan and subject to the review and approval of the Township. The conditions of such bonds shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the special use permit in accordance with the approved reclamation plan, the performance bond shall be returned to the permit holder; otherwise, the Township shall have the right to use the performance bond to the extent necessary to reclaim the property and to cover the costs of enforcing and bringing about compliance with this Ordinance, including reasonable attorney's fees. Irrevocable letters of credit and corporate surety bonds shall be in a form approved by the Township's attorneys.

The performance bond for reclamation shall be in the name of the applicant on the special use permit and, if different, the property owner.

The performance bond shall remain in effect with the Township until the parcel or parcels have been reclaimed, inspected and all equipment, machinery, materials, buildings and other operation related improvements removed as required by this Ordinance and/or by the terms of the special use permit.

In the establishment of the amount of the performance bond, the Planning Commission shall take into account the size and scope of the proposed operation, the maximum acreage allowed to be disturbed prior to requiring reclamation, the current and projected costs of reclamation in the event of default by the operator at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances.

The Planning Commission, may in its discretion, increase or decrease the amount of the performance bond, based upon increased costs, new information, or partial reclamation.

In the event that the permit holder chooses to post cash in lieu of an irrevocable letter of credit or corporate bond, as provided above, such cash may be deposited in an interest bearing account in control of the Township at a bank or savings and loan institution satisfactory to the Township, provided that all sums of deposit shall be readily accessible to the Township in the event of need. Such interest shall accrue for the benefit of the permit holder, or be paid over to the permit holder.

2) Insurance

Insurance shall be a pre-condition to commencement of operations. Insurance shall be a pre-condition to the right to continue operations. Insurance shall be maintained in full force during the term of special use approval. The permit holder shall provide personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times when any reclamation is left to be done, and during all times that any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to name the Township, its officers and employees as co-insured or additional insured. This insurance shall be carried in amounts no less than one Million Dollars (\$1,000,000.00) for injury and damage to more than one person's property arising out of single occurrence. This insurance shall cover injury or damage occurring upon the site of the operations, as well as injuries or damage occurring upon adjoining property as the result of conditions or activities conducted upon the subject property.

The insurance certificate shall contain a clause stating that, coverage to be the same as dates of the special land use permit. Insurance shall be in the name of the applicant on the special use permit and, if different, the property owner. The Township shall be identified as an additional insured on any such policy and the policy shall further provide that it may not be cancelled, revoked, or modified without first providing the Township with a minimum of 30 days written notice.

Section 19.70 – Barn Event Venue

(a) **Purpose and Intent.** The purpose of this section is to allow for productive and desirable use of post and beam buildings (often called barns) which were originally constructed for agricultural purposes but are no longer being used for

those purposes. The preservation of such buildings has a public benefit to the Township in maintaining rural character and the agricultural tradition of the Township. In addition, while location on an active operating farm is not required, adaptation of farm buildings to modern uses can enhance and financially support existing farm operations for the benefit of the rural character and promotion of agriculture within the Township.

In order to preserve compatibility with the neighborhood and the road system, and in recognition of a lack of public water, sewer and other public services, the operation of barn event venues is permitted only on a seasonal basis, with limited days and hours of operation, and other appropriate requirements. The use of a barn for wedding receptions and similar gatherings is subject to a special land use approval as an accessory use which is incidental and subordinate to the property's primary use: the single-family home.

(b) **Definition.** A "barn event venue," as described in this section and allowed as a special land use in the Agriculture (A) and Agriculture-Residential (AR) zoning districts, is defined as follows: The use of an existing post and beam building constituting a barn, originally constructed for agricultural uses, and made available currently on a lease or rental basis as a site for events which are open on an invitation only basis, such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers. Post and beam construction is a traditional building method characterized by heavy timbers carefully fitted and joined by wooden pegs or iron straps as the main structural support rather than dimensional lumber or metal.

(c) **Application.** In addition to a site plan as required for special land uses under Section 19.2(a)(3) and other application materials required by this Ordinance, an application for a barn event venue shall include all of the following:

(1) A narrative describing the plan for the operation of the business, including types of events, catering, alcohol service, proposed days and hours of operation, supervision by responsible parties, and other information necessary or useful to demonstrate compliance with the intent and purposes of the requested special land use approval and the requirements imposed herein.

(2) A written report by a qualified engineer, architect or builder stating at least a preliminary conclusion that the building proposed is in, or can be brought into, compliance with all applicable building, electrical, mechanical and structural codes and requirements applicable to a place of public assembly.

(3) Confirmation in writing from the Barry County Road Commission that a commercial driveway permit can be issued to provide access to the site and parking area.

(4) Verification of the date or approximate date upon which the building proposed for the use was originally constructed. The Zoning Administrator or Planning Commission may waive this requirement if it is obvious that the building was constructed prior to 1960.

(d) **Requirements.** In addition to the general requirements for special land use approval, the following specific requirements and standards shall also apply to a barn event venue:

- (1) Existing Building. The building proposed to be used as the barn event venue shall have originally been constructed for farming or agricultural purposes prior to 1960. At least 60% of the main floor area of the barn shall be contained within a traditional post and beam framed barn building. This does not prevent remodeling or reinforcement of an existing building, or the construction of accessory buildings in support of the main building, as allowed in this section.
- (2) Minimum Parcel Size. The barn event venue shall be located on a parcel of no less than 10 acres. The Planning Commission may modify the minimum acreage requirement for a particular use upon a finding that the use is compatible with adjacent or nearby properties and may be conducted in compliance with all other standards in this Ordinance on less than 10 acres. The size and capacity of the buildings, parking area, and sanitation facilities shall be capable of safely handling all of the events on the property.
- (3) Operation by Occupants. The person(s) who operates the barn event venue shall have a primary residence on the same property. This shall not prevent the use of caterers or others to perform functions under the supervision of the operator of the business (who must live on the same property as the barn event venue). To assure continued compliance with this provision, notification of all transfers of property associated with a barn event venue special land use shall be given by the property owner to the Zoning Administrator at least 30 days prior to any such land transfer.
- (4) Food and Beverage Service. Food and beverage service shall be provided by caterers, and not through a full-scale kitchen or the equivalent on the premises. Alcohol service is permitted by licensed caterers in compliance with the Michigan Liquor Control Code. This shall not prevent the installation of warming, storage, cooling or other equipment to assist the caterers in their operation.
- (5) Seasons and Timing of Events. Events shall conform to the following schedule:
 - (i) Events shall be held only during the months of April through October (inclusive).
 - (ii) All events shall be completed by 11:00 p.m., and all guests shall vacate the premises by that time. Any cleanup activity shall be completed no later than 48 hours after an event. Alcohol service shall be concluded not later than 10:00 p.m. Any events held on Sundays shall conclude by 5:00 p.m. The Planning Commission may impose more restrictive days and hours of use for a given operation if appropriate to protect neighboring properties or nearby land uses.
 - (iv) Number of events: The Planning Commission shall set the maximum number of events per week between one (1) and three (3) events and is subject to annual review. The number of events shall be determined based on the location of the venue and potential impacts on neighboring properties and.
- (6) Attendees. The maximum number of attendees shall be not more than 200, or such lesser number as may be specified by the Planning Commission, subject to the further limitation of the maximum capacity of the buildings as permitted by the Michigan Building Code and available parking. The Planning

Commission may also impose supplemental restrictions, such as a limit prohibiting more than one event with an attendance greater than a specified number of persons in any weekend, or limiting the number of events during a given time period.

(7) Amplified Music. Any speakers for amplified music or announcements shall be permitted only inside a fully enclosed building or structure. Amplified music shall comply with all Township noise ordinance requirements. In no event shall music, amplified or not, be reasonably detectable off the property.

(8) Parking. Off-street parking shall be provided as shown on the site plan approved pursuant to the special land use. The minimum number of spaces shall be as provided in Article XXIII, Table 23.1 “Minimum Parking Spaces Required”, for a banquet center. The Planning Commission may impose a maximum number of permitted vehicles, and shall require appropriate screening, fencing or other landscaping, and shall prohibit the parking of vehicles within a specified distance from the right-of-way line of adjacent streets and provide other regulations to assure that vehicles are arranged in a safe manner, consistent with neighboring lands and uses. Any temporary banners, sawhorses, cones or other devices used to mark parking areas and direct traffic will be installed no more than 48 hours before an event and removed no later than 48 hours after an event. No parking whatsoever shall occur on public roads, even if permitted by Road Commission regulations, and violation of this requirement shall constitute grounds for revocation of the special land use approval.

(9) Parking Surface. Barn event venue parking areas may have a grass surface if maintained in a dust and mud free condition. For more permanent parking, Article XXIII shall control, except that the Planning Commission may grant a parking modification with respect to the amount of parking area required to be paved, and allow (or require) parking on gravel, crushed concrete, grass, and similar areas, upon finding that a paved parking would result in unnecessary amounts of paved parking area for the particular needs of the proposed use and that adequate parking for the business on non-paved areas as clearly designated on the approved site plan is safe, sufficient and is compatible with adjacent or nearby properties. Dust and mud conditions shall, in all events, be controlled and avoided.

(10) External Lighting. Small lantern lights not over eight feet above ground may be used to supplement existing lights. Additional exterior lighting shall only be in compliance with the Zoning Ordinance and shall require the approval of the Zoning Administrator. No lighting shall shine onto adjacent properties. Supplemental exterior lighting shall only be used during scheduled events.

(11) Temporary Structures. Any tent or other temporary structure which is constructed or installed in addition to the existing buildings and structures, so as to accommodate an event, shall be installed no more than 48 hours before an event and shall be dismantled and removed no more than 48 hours after an event.

(12) Signage. One permanent sign shall be permitted in the same manner as allowed for permitted non-residential uses in the zoning district involved.

Temporary signage providing additional identification of the location and parking areas may be used only on the day of the scheduled event.

(13) Toilets and Lavatory Facilities. Toilets and lavatory facilities shall be provided in accordance with the Michigan Building Code and applicable health department regulations, including handicap accessibility when required, but in no event shall less than two separate toilets and lavatory facilities be provided. The applicant may use portable facilities which, if used, shall be located as shown on the approved site plan.

(14) Trash and Refuse. All trash and refuse management must comply with Article XXI Section 21.19, Refuse Management in All Zoning Districts.

(15) Responsible Party. The property owner shall be responsible for all operations at the barn event venue site. The applicant shall designate to the Township a responsible party, with cellular and other phone contact, who is one of the owners or residents of the property, as a contact in case there are problems during the course of an event. The contact person shall at all times be available on the property during an event or shall designate to the Township the person who shall be at the site, available by phone and responsible (in addition to the named property owner) during an event. As a condition of special land use approval, the property owner shall be responsible for compliance with all of the conditions of the special land use approval and this Ordinance, regardless of whether violations are actually committed by employees, contactors, guests or others.

(16) Setback Requirements. All buildings and structures on the site shall comply with the minimum setback requirements of the zoning district in which they are located, unless the Planning Commission imposes a greater setback requirement. An existing legal non-conforming building and structure shall not be used for the business if such building or structure does not meet the current minimum setback requirements.

(17) Traffic Control and Security. If necessary, to ensure that traffic entering or exiting the property moves promptly and safely into and out of the parking area, security personnel shall be supplied by the property owner to direct traffic on site. Also, security personnel shall be provided by the property owner to the extent necessary to ensure that good order and safety are maintained during all events.

(18) Auxiliary Structures. It is the intention of this section that significant additional buildings generally not be constructed to support the barn event venue. Auxiliary structures connected with the barn event venue, such as gazebos, pavilions and restroom facilities may be constructed as shown on the approved site plan. Auxiliary structures constructed to support the barn event venue shall not exceed a total area of 1,200 square feet.

(19) Noise. A barn event venue business, and all uses, events, programs and activities connected with the operation, shall not create, assist in creating, continue or permit the continuation of any excessive or unnecessary noise or loud disturbances.

(20) Compliance with all Laws, Regulations and Permits. All required federal, state, county and local permits for each use, event, program or activity shall be

secured and maintained by the applicant, including but not limited to the following:

- (i) Buildings, including but not limited to barns, shall not be used in the business until documentation is provided to the Township from a certified architect or engineer that the building so used is structurally sound and safe for the proposed activity. In addition, all buildings used in the business shall be inspected by and shall pass inspection by the Township building, electrical and other inspectors for all proposed uses of the building for the business.
 - (ii) Food provided for the business shall be prepared offsite by a licensed caterer in accordance with Barry-Eaton District Health Department requirements.
 - (iii) Alcoholic beverages shall not be provided unless the caterer secures and maintains an appropriate license from the Michigan Liquor Control Commission.
 - (iv) Barry County driveway permits are necessary for ingress and egress from the site.
 - (v) All buildings and structures shall be kept in a good, safe and sanitary condition and in compliance with all applicable building and construction codes.
- (21) Insurance. The landowner shall have (and keep in effect) liability insurance covering the business in an amount not less than \$1,000,000 adjusted every five (5) years pursuant to the Federal Consumer Price Index (or successor index). The applicant shall provide written proof of such insurance to the Township upon the Township's request.
- (22) Additional Requirements. The Planning Commission is authorized to impose additional conditions and limitations upon the operation of the business concerning traffic, traffic patterns, parking arrangements, frequency of events, noises and disturbances and other operational aspects based on experience with the operation based on annual compliance inspections and/or complaints.
- (23) Violations. Violation of the conditions of a special land use approved under this section shall constitute a violation of the Zoning Ordinance. Repeated or serious violations of the conditions of approval are grounds for revocation of the special land use, following notice and a public hearing by the Planning Commission. The requirements of this section shall be incorporated into the approval of the special land use and compliance herewith shall be a continued requirement for operation of the special land use. *[amended 3-28-2020]*

Article XIX Section 19.71 – Greenhouse Special Event Venue

(a) **Purpose and Intent**. The purpose of this section is to allow for productive and desirable ancillary use of greenhouses and retail greenhouses for hosting a limited number of special events unrelated to the regular and customary activities associated with greenhouses.

In order to preserve compatibility with the neighborhood and the road system, and in recognition of a lack of public water, sewer and other public services, the operation of greenhouse special event venues is permitted only on a seasonal basis, with limited days and hours of operation, and other appropriate requirements.

The use of a greenhouse for wedding receptions and similar gatherings is subject to special land use approval as an accessory use which is incidental and subordinate to the property's primary use: greenhouse.

(b) **Definition.** A Greenhouse Special Event Venue, as described in this section and referred to as a special land use in the Agriculture (A) and Agriculture-Residential (AR) zoning districts, is defined as follows: The use of an existing greenhouse building, originally constructed for greenhouse growing or retail uses, and made available as a venue for special events unrelated to the regular and customary activities associated with greenhouses, which are open on an invitation only basis such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers.

(c) **Application.** In addition to a site plan as required for special land uses under Article XIX, Section 19.2(a)(3) and other application materials required by this Ordinance, an application for a Greenhouse Special Event Venue shall include all of the following:

(1) A narrative describing the plan for the operation of the business, including types of events, catering, alcohol service, proposed days and hours of operation, supervision by responsible parties, and other information necessary or useful to demonstrate compliance with the intent and purposes of this special land use and the requirements imposed herein.

(2) A written report by a qualified engineer, architect or builder stating at least a preliminary conclusion that the building proposed is in, or can be brought into, compliance with all applicable building, electrical, mechanical and structural codes and requirements applicable to a place of public assembly.

(3) Confirmation from the Barry County Road Commission that a commercial driveway permit can be issued to provide access to the greenhouse special event venue and parking area.

(d) **Requirements.** In addition to the general requirements for special land use approval, the following specific requirements also apply to a Greenhouse Special Event Venue:

(1) A greenhouse special event venue is considered an ancillary use only: The use of a greenhouse as a special event venue must be subordinate to the principal and continuing use as an operating greenhouse.

(2) Number of events: The Planning Commission shall set the maximum number of special events per week between one (1) and three (3) events and is subject to annual review. The number of events shall be determined based on the location of the venue and potential impacts on neighboring properties.

(3) Existing Building. The building proposed as the venue shall have originally been constructed as a greenhouse and still used as such.

(4) Minimum Parcel Size. The event venue shall be located on a parcel of no less than 10 acres. The Planning Commission may modify the minimum acreage requirement for a particular use upon a finding that the use is compatible with adjacent or nearby properties and may be conducted in compliance with the other standards in this Ordinance on less than 10 acres. The size and capacity of the buildings, parking area, and sanitation facilities shall be capable of safely handling all of the events on the property.

(5) Operation by Occupants. The person who operates the greenhouse special event venue shall have a primary residence on or adjacent to the property with the greenhouse. This shall not prevent the use of caterers or others from performing functions under the supervision of the operator of the business. To assure continued compliance with this provision, notification of all transfers of property associated with a greenhouse special event venue special land use shall be given by the property owner to the Zoning Administrator at least 30 days prior to any such land transfer.

(6) Food and Beverage Service. Food and beverage service shall be provided by caterers, and not pursuant to a full-scale kitchen (or the equivalent) on the premises. Alcohol service is allowed by licensed caterers in compliance with the Michigan Liquor Control Code. This shall not prevent the installation of warming, storage, cooling or other equipment to assist the caterers in their operation.

(7) Seasons and Timing of Events. Events unrelated to the regular and customary activities associated with greenhouses shall conform to all of the following schedule requirements:

(i) Events shall be held only during the months of April through October (inclusive).

(ii) All events shall be completed by 11:00 p.m., and guests shall vacate the premises by that time. Any cleanup activity shall be completed no later than 48 hours after an event. Alcohol service shall be concluded not later than 10:00 p.m. Any events held on Sundays shall conclude by 5:00 p.m. The Planning Commission may impose more restrictive days and hours of operation if appropriate to protect neighboring properties or land uses.

(8) Attendees. The maximum number of attendees shall be not more than 200, or such lesser number as is specified by the Planning Commission, subject to the further limitation of the maximum capacity of the buildings as permitted by the Michigan Building Code and available parking. The Planning Commission may also impose supplemental restrictions, such as a limit prohibiting more than one event with an attendance greater than a specified number of persons in any weekend, or limiting the number of events in a weekend.

(9) Amplified Music. Any speakers for amplified music or announcements shall be permitted only inside a fully enclosed building or structure. Amplified music shall comply with all Township noise ordinance requirements. In no event shall music, amplified or not, be reasonably detectable off the property.

(10) Parking. Off-street parking shall be provided as shown on the approved site plan. The minimum number of spaces shall be as provided in Article XXIII, Table 23.1 “Minimum Parking Spaces Required”, for a banquet center. The Planning Commission may impose a maximum number of permitted vehicles, and shall require appropriate screening, fencing or other landscaping, and shall prohibit the parking of vehicles within a specified distance from the right-of-way line of adjacent streets and provide other regulations to assure that vehicles are arranged in a safe manner, consistent with neighboring lands and uses. Any temporary banners, sawhorses, cones or other devices used to mark parking areas and direct traffic will be installed no more than 48 hours before an event

and shall be removed no later than 48 hours after an event. No parking whatsoever shall occur on public roads, even if permitted by Road Commission regulations, and violation of this requirement shall constitute grounds for revocation of the special land use approval.

(11) Parking Surface. Venue parking areas may have a grass surface if maintained in a dust and mud free condition. For more permanent parking, Article XXIII shall control, except that the Planning Commission may grant a parking modification with respect to the amount of parking area required to be paved, and allow (or require) parking on gravel, crushed concrete, grass, and similar areas, upon a finding that paved parking would result in unnecessary amounts of paved parking area for the particular needs of the proposed use and that adequate parking for the business on non-paved areas as clearly designated on the site plan is safe, adequate and is compatible with adjacent or nearby properties. Dust and mud conditions shall, in all events, be controlled and avoided.

(12) External Lighting. Small lantern lights not over eight feet above ground may be used to supplement existing lights. Additional exterior lighting shall be in compliance with the Zoning Ordinance and shall require the approval of the Zoning Administrator. No lighting shall shine onto adjacent properties. Supplemental exterior lighting shall only be used during scheduled events.

(13) Temporary Structures. Any tent or other temporary structure which is constructed in addition to the existing buildings and structures, so as to accommodate an event, shall be installed no more than 48 hours before an event and shall be dismantled and removed no more than 48 hours after an event.

(14) Signage. No additional signage, other than that allowed for the principle use as a greenhouse, is permitted.

(15) Toilets and Lavatory Facilities. Toilets and lavatory facilities shall be provided in accordance with the Michigan Building Code and applicable health department regulations, including handicap accessibility when required, but in no event shall less than two separate toilets and lavatory facilities be provided. The applicant may use portable facilities which, if used, shall be located as shown on the approved site plan.

(16) Trash and Refuse. All trash and refuse management must comply with Article XXI Section 21.19, Refuse Management in All Zoning Districts.

(17) Responsible Party. The property owner shall be responsible for all operations at the site. The applicant shall designate to the Township a responsible party, with cellular and other phone contact, who is one of the owners or residents of the property, as a contact in case there are problems during the course of an event. The contact person shall at all times be available on the property during an event or shall designate to the Township the person who shall be at the site, available by phone and responsible (in addition to the named property owner) during an event. As a condition of special land use approval, the property owner shall be responsible for compliance with all of the conditions of the special land use approval and this Ordinance, regardless of

whether violations are actually committed by employees, contactors, guests or others.

(18) Setback Requirements. All buildings and structures on the site shall conform to the minimum setback requirements of the zoning district in which it is located, unless the Planning Commission imposes a greater setback requirement. An existing legal non-conforming building and structure shall not be used for the business if such building or structure does not meet the current minimum setback requirements.

(19) Traffic Control and Security. If necessary, to ensure that traffic entering or exiting the property moves promptly and safely into and out of the parking area, security personnel shall be supplied by the property owner to direct traffic. Also, security personnel shall be provided by the property owner to the extent necessary to ensure that good order and safety are maintained during all events.

(20) Auxiliary Structures. It is the intention of this section that significant additional buildings generally not be constructed to support the event venue. Auxiliary structures connected with the event venue, such as gazebos, pavilions and restroom facilities, may be constructed as shown on the approved site plan. Auxiliary structures constructed to support the event venue shall not exceed a total area of 1,200 square feet.

(21) Noise. A greenhouse special event venue business, and all uses, events, programs or activities connected with the business, shall not create, assist in creating, continue or permit the continuation of any excessive or unnecessarily loud disturbances.

(22) Compliance with Laws, Regulations and Permits. All required federal, state, county and local permits for each use, event, program or activity shall be secured and maintained by the applicant, including, but not limited to, the following:

(i) Buildings, including but not limited to the greenhouse, shall not be used in the business until documentation is provided to the Township from a certified architect or engineer that the building so used is structurally sound and safe for the proposed activity. In addition, all buildings used in the business shall be inspected by and shall pass inspection by the Township building, electrical and other inspectors for all proposed uses of the building for the business.

(ii) Food provided for the business shall be prepared offsite by a licensed caterer in accordance with the Barry-Eaton District Health Department requirements.

(iii) Alcoholic beverages shall not be provided unless the caterer secures and maintains an appropriate license from the Michigan Liquor Control Commission.

(iv) Barry County driveway permits are necessary for ingress and egress from the site.

(v) All buildings and structures shall be kept in good condition and repair at all times and in compliance with all applicable building and construction codes.

(23) Additional Requirements. The Planning Commission is authorized to impose additional conditions and limitations upon the operation of the business concerning traffic, traffic patterns, parking arrangements, frequency of events,

noises and disturbances and other operational aspects based on experience with the operation, annual compliance inspections and/or complaints.

(24) Violations. A violation of any of the conditions of a special land use approval under this section shall constitute a violation of the Zoning Ordinance. Repeated or serious violations of the conditions of approval are grounds for revocation of the special land use approval, following notice and a public hearing by the Planning Commission. The requirements of this section shall be incorporated into the approval of the special land use and compliance herewith shall be a continued requirement for operation of the special land use.

(25) Insurance. The landowner shall have (and keep in effect) liability insurance covering the business in an amount not less than \$1,000,000 adjusted every five (5) years pursuant to the Federal Consumer Price Index (or successor index). The applicant shall provide written proof of such insurance to the Township upon the Township's request. *[amended 3-28-2020]*

Sections 19.72 Self Storage Facility (self-storage warehouse, self-storage facility, mini storage) *[effective 7-23-2022]*

- A. Minimum lot size is 4 acres.
- B. No building shall exceed a height of 24 feet.
- C. The entire public road frontage, exclusive of access drives, shall be enclosed with a six (6) foot high decorative metal fence. Fencing not facing the public road may be enclosed with a six (6) high vinyl coated chain-link fence. Fencing plan subject to Planning Commission approval.
- D. Exterior appearance: Buildings shall be attractive and surfaced with high quality materials as approved on the site plan. Site plan shall include architectural renderings or shop drawings indicating material types, surface textures, and colors.
 - a. Storage units shall have pitched roofs with gables.
 - b. Building exterior shall be faced with metal, brick or stone unless otherwise approved by the Planning Commission.
 - c. Buildings shall have neutral colors.
 - d. Buildings shall be oriented so that the doors to storage units do not face toward the road unless such doors will be completely screened from view from the road. Planning Commission may consider allowing gable ends with doors to face the roadway.
- E. Driving areas in and around buildings shall have a solid surface (cement or asphalt) as specifically shown and labeled on site plan.
- F. On-site circulation
 - a. All one-way driveways shall be designed with at least two lanes. One ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane, for a total pavement width of at least twenty-five (25) feet.
 - b. All two-way driveways shall be designed with at least three lanes. One ten (10) foot wide loading/unloading lane and two twelve (12) foot travel lanes, for a total pavement width of at least thirty-four (34) feet.

- c. The loading/unloading lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.
- G.** All site plans require approval from Thornapple Township Emergency Services.
- H.** All storage shall be enclosed within a building; provided, however, that up to 25% of the gross fenced area may be used for the outdoor storage of licensed trailers, recreational vehicles, and similar items. The outdoor storage area shall be specifically identified on the site plan and screened from the view of adjacent properties by walls, fencing or landscaping.
- I.** No sales, service or repair activities or anything other than storage (and the rental, maintenance, and supervision of storage units) shall be conducted on the premises. Auctions may be allowed from time to time in the event of an eviction or failure to claim belongings.
- J.** There shall be no storage of hazardous or dangerous materials on the premises.
- K.** Buffer zones as required in Article XXV.
- L.** Use of semi-trailers for storage is prohibited.
- M.** Electrical service, except for lighting, is prohibited within storage units.

Sections 19.73 – 19.99 [Reserved]

ARTICLE XV

“WP” WELLHEAD PROTECTION OVERLAY ZONING DISTRICT

Section 15.1 Description and Purpose

Provision of a safe drinking water supply is a paramount public objective and purpose. Water supply for the Village of Middleville comes from groundwater aquifers via five (5) municipal water wells. Water supply to Township households is via private water wells. Most private water wells are in glacial deposits. To assure a long-term, safe supply of drinking water, regulation of land uses and activities of people within so-called municipal wellhead protection zones is deemed to be absolutely necessary. Therefore, by enacting this overlay zoning district, the Township participates with the Village of Middleville to regulate activities within necessary wellhead protection zones.

Section 15.2 Definitions Applicable to the “WP” Overlay Zoning District

The following words, terms and phrases shall have the meaning ascribed to them, unless the context clearly indicates a different meaning:

- (a) Hazardous waste, compound or material: Any waste, fluid, compound or material which, because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - (1) Cause or significantly contribute to an increase in incapacitating illness or mortality among human population.
 - (2) Pose a substantial, actual, or potential hazard to human health or to the environment when released or improperly discharged.
 - (3) Can be absorbed into soil or groundwater.
- (b) Wellhead: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.
- (c) Wellhead Protection Zone: An area around a public supply water well encompassed within the area described in Section 15.3 of this Ordinance.

Section 15.3 Location and Legal Description of Wellhead Protection Zones

Established wellhead protection zones are located as shown on the Official Zoning Districts Map adopted as part of this Ordinance and as identified in Section 2.3 of this Ordinance.

Section 15.4 Permitted Land Uses

Land and buildings in the “WP” Wellhead Protection Overlay Zoning District may be used by right for the following purposes only:

- (a) Parks, playgrounds and other recreational uses along with associated accessory uses and buildings.
- (b) Wildlife areas.

- (c) Maintenance of wellheads and infrastructure.
- (d) Landscaping and maintenance, except application of fertilizers and pesticides.
- (e) Any other open land use where any building located on property is incidental and accessory to the primary open land use.

Section 15.5 Prohibited Land Uses and Activities

The following land uses and activities are prohibited within the “WP” Wellhead Protection Overlay Zoning District:

- (a) Above ground or surface use, storage, or discharge of any hazardous waste or material, including agricultural pesticides, household detergents, industrial or commercial solvents, fuel or other materials falling within the definition set forth under Section 15.2
- (b) Septic tanks and/or drain fields for septic systems.
- (c) Impervious surfaces other than roofs of buildings, streets, driveways and walks serving uses permitted under Section 15.4.
- (d) Sanitary landfills or other disposal sites where solid waste or other substances falling within the definition of Section 15.2 are disposed of by placement of same under earthen cover.
- (e) Waste disposal sites involving the storage or maintenance of any materials falling within the definition set forth under Section 15.2.
- (f) Storm water infiltration basins or sewage treatment lagoons, whether operated by a private entity or governmental agency.
- (g) Underground storage tanks, except those used for the storage of municipal water.
- (h) Sanitary sewer lines within 150 feet of a wellhead.
- (i) Land application of animal wastes.

Section 15.6 Private Water Wells

Homeowners and residents are encouraged to follow measures suggested in the Township Master Plan, pages 11-17 and 11-18 pertaining to protection of groundwater quality.

Sections 15.7 – 15.99 [Reserved]

ARTICLE XVI

“AM” ACCESS MANAGEMENT OVERLAY ZONING DISTRICT

Section 16.1 Description and Purpose

This “AM” Access Management Overlay Zoning District is intended to assure safe traffic operations along M-37 Highway within the Township. Provisions of this overlay zoning district are designed to minimize potential traffic conflicts, reduce likelihood of fatal, personal injury and property damage accidents; reduce the number of direct points of access to the highway; require shared access among adjoining landowners; provide for effective spacing standards between access points; assure uniform treatment among all landowners; preserve the traffic carrying capacity of the M-37 Highway; and implement recommendations contained in the “Access Management Guidebook”, as amended from time to time, issued by the Michigan Department of Transportation [MDOT].

Section 16.2 Applicability

The provisions of this Article shall apply to the whole of existing lots or parcels of record, new land divisions and to existing buildings and structures in which occupancy changes from residential use to non-residential use. All lands falling within 300 feet of the M-37 Highway right-of-way or lands beyond 300 feet from which direct access to the M-37 Highway is proposed shall be subject to requirements of this Article. The provisions of this Article shall apply in addition to and concurrent with provisions of the underlying zoning district and other applicable provisions of this Ordinance.

Section 16.3 Definitions of Words and Phrases used in this Article

The following words and phrases, as defined, shall be used in conjunction with standards set forth in this Article:

- 1) **Access**: A way or means of approach to provide vehicular or pedestrian entry or exit to a property from an abutting property, access easement, or a public roadway.
- 2) **Access Management**: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.
- 3) **Access Point**: The connection of a driveway, shared driveway, private road, public road or frontage road at the right-of-way line to a road.
- 4) **Acceleration Lane**: A speed-changing lane, including taper, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge through traffic, and not slow down moving traffic.
- 5) **Conflict Point**: An area where intersecting traffic merges, diverges, or crosses.

- 6) **Connected Parking Lot:** Two or more parking lots that are connected by cross access drive allowed via recorded reciprocal access easement.
- 7) **Corner Clearance:** Corner clearance refers to the distance between an intersection and the first point of ingress and egress to a corner property.
- 8) **Corridor Overlay Zone:** A zoning district that provides special requirements that apply to property in addition to those of the underlying district regulations along portions of a public roadway.
- 9) **Curb Cut:** A curb cut is a physical break, or end, in a curb to make way for a vehicular driveway or pedestrian walkway.
- 10) **Deceleration Lane:** A speed-changing lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn without slowing through traffic.
- 11) **Direct Access:** Any entrance or exit used by vehicular traffic to or from land or buildings that is connected to M-37 or main road.
- 12) **Driveway:** Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
- 13) **Driveway Offset:** The distance between the inside edges of two driveways on opposite sides of an undivided highway.
- 14) **Driveway Spacing:** The distance between driveways as measured from the centerline of one driveway to the centerline of the second driveway along the same side of the street or road.
- 15) **Driveway Width:** The narrowest width of a driveway measured perpendicular to the centerline of the driveway.
- 16) **Frontage Road:** (access drive, service road): A drive designed to provide shared access to specific access points along the arterial roadway to one or more developments within the corridor. A service road is generally parallel to the arterial road along either the front or rear of a site, but may be perpendicular or have another alignment. Service roads may be in front of, or along the rear of, buildings fronting M-37.
- 17) **Median Opening:** A gap in a median provided for crossing and turning traffic.
- 18) **Overlay Zone:** Access standards that apply to lots along highway M-37. All proposed land uses within the defined corridor(s) are reviewed to ensure consistency with the access standards, as well as with all requirements of the underlying zone.
- 19) **Reasonable Access:** The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road.
- 20) **Reciprocal Access Easement:** A recorded easement between two or more properties allowing vehicles access to the easement area by users of properties on which the easement applies.
- 21) **Shared Driveway:** A driveway connecting two or more contiguous properties to the public road system based on a recorded reciprocal access easement.

- 22) **Technical Advisory Group** [TAG]: A group representing all local governments having frontage on M-37 Highway within Barry County as well as the Barry County Planning Commission, Road Commission and Michigan Department of Transportation [MDOT]. The TAG is charged with reviewing all changes in direct access and new access to the M-37 highway and making specific recommendations to the Township Planning Commission and to MDOT.

Section 16.4 Application Review, Coordination and Approval Process

- A. To ensure coordination among agencies, landowners or agents are required to submit a site plan or a tentative preliminary plat to the M-37 Corridor Technical Advisory Group [TAG] prior to filing with the Township and the Michigan Department of Transportation. Once an application is deemed to be complete, the TAG shall provide review comments and recommendations to the Township Planning Commission, as soon as possible.
- B. The Planning Commission shall not take action on a request for land development requiring access to M-37 without first having received comments from the TAG. It is anticipated that terms of permit approval will be mutually agreed upon before issuance. Upon agreement, the Planning Commission shall have authority to grant approval, denial, approval with conditions, or may request additional information from the applicant. Reasons for approval, denial, or approval with conditions from the Township shall be in writing.
- C. When plan approval has been granted by the Township Planning Commission and an access permit has been issued by MDOT, the location and design of the access shall not be altered. If access location is altered from that approved, a new application and review process is required.
- D. Failure to begin construction of a new or modified access within 12 months of the approval date by the Planning Commission shall void approval and a new application process is required.
- E. The Township may require an irrevocable letter of credit, or cash deposit in any sum not to exceed \$5,000 for each such access point to insure compliance with the approved application. Such surety shall be returned to the applicant when the terms of approval have been met or when approval becomes void due to lapse of time.
- F. For building or parking lot expansions, and changes in land use, the Planning Commission shall determine the extent of upgrades to bring the site in greater compliance with the access standards. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, sight distance limitations, site topography, natural features, impacts and external and internal site circulation, distance to nearby access points, recommendations from the TAG and MDOT, and other sources as deemed appropriate. Required

improvements may include removal, consolidation or reconfiguration of existing access points.

Section 16.5 Site Plan Requirements and Review Criteria

For the purposes of assuring safe driveway or cross-street location and design for access to highway M-37, the following site plan requirements are in effect:

For new driveways serving single-family or two-family dwellings and for access to croplands, MDOT shall have exclusive jurisdiction and such uses shall not be required to meet site plan content or review criteria herein.

For all other uses of lands, new building construction or addition to an existing building having or requiring direct access to highway M-37, the following site plan content is required:

On a scaled drawing not more than 100 feet to one inch, depict the following information:

- (a) Zoning and existing land use of abutting parcels.
- (b) Location and size of all existing and proposed structures.
- (c) Size and arrangement of parking spaces and lots.
- (d) Proposed driveway placement.
- (e) Existing and proposed property lines.
- (f) Right-of-way lines and right of way width.
- (g) All intersecting driveways within 500 feet of the subject property.
- (h) Existing public or private road access points within 500 feet of applicant's property on either side of M-37.
- (i) Type of surface and dimensions of driveways.
- (j) Proposed inside and outside turning radii, intersecting angle, throat length, length of any deceleration and acceleration lanes, profile and pavement markings.
- (k) Existing and proposed landscaping, signs, sidewalks, and other structures or treatments adjacent to the right of way.
- (l) Location of dumpsters or other trash containers.
- (m) Route and dimensional turning movements of any truck traffic, tankers, delivery vehicles, and waste receptacle vehicles that may be expected.

The Planning Commission will consider the following facts when deliberating a decision on a driveway or other access points to highway M-37.

- (a) The characteristics of the proposed land use.
- (b) The existing traffic flow conditions and projected trip generation by the proposed development on M-37 and connecting streets, if any.
- (c) The size of the property.
- (d) The location of the property.
- (e) The orientation of structures on the site.

- (f) The minimum number of driveways or other access points needed to accommodate anticipated traffic based on a traffic impact study as approved by the Planning Commission and MDOT.
- (g) The number and location of driveways on adjacent and opposite properties.
- (h) The land use of adjacent properties.
- (i) The location and functional classification of abutting roadways and the carrying capacity of nearby intersections.
- (j) The internal circulation between driveways and through parking areas.
- (k) The speed limit on M-37 at the location of the subject property
- (l) The horizontal and vertical geometrics of M-37.
- (m) The adequacy of sight distance along M-37, the driveways, or side street.
- (n) Corner clearance standards, if a corner parcel.
- (o) Consideration of rear access for present or future use.
- (p) Need for present or future frontage road including provision of necessary reciprocal access easement.

The Planning Commission may require a frontage road or common rear drive in any situation where shared access is deemed desirable. This will be especially true for uses of land and buildings expected to be significant traffic generators and in all cases where the use will exceed 1,000 vehicle trips daily.

The Planning Commission may require a traffic impact study be provided by the applicant for any land use expected to generate more than 100 vehicle trips during peak hour or 1,000 vehicles trips daily; and in situations where modification to access standards herein is requested.

Section 16.6 Driveway Regulations

For all uses of land or buildings on properties having or seeking direct access to highway M-37, the following regulations shall apply:

- A. Each lot or parcel of land is allowed no more than one driveway onto M-37, unless minimum spacing requirements can be met.
- B. Land Divisions of 5 or more parcels, subdivision, site condominium, apartment and manufactured home community shall have one access point onto highway M-37, and no building, lot or parcel in such development shall have direct access to highway M-37.
- C. For all commercial or industrial uses of land or buildings, accommodation for shared access shall be made with abutting properties if those lands are zoned for or planned for similar land use. Provisions for a frontage road or shared rear access drive are required.
- D. Any parking facility that is not subject to a reciprocal access easement shall be limited to one access point or driveway to highway M-37.
- E. Any easement required for shared or joint access shall, after approval by the Planning Commission, be recorded with the Barry County Register of Deeds and shall bind all successors in title for each parcel of land benefiting from the shared access.

- F. All driveways, frontage roads, rear service driveways and other forms of shared access shall be paved. Openings onto M-37 shall be designed and built in accordance with standards of MDOT and this Ordinance.
- G. Driveways serving single or two-family dwellings shall have a width at the right of way line of no less than 12 feet and no more than 16 feet.
- H. For all uses, except one and two-family dwellings, there shall be a minimum of 30 feet of driveway throat at the right of way line of M-37. For driveways serving more than 100 vehicles an hour (two-way traffic volumes), throat width shall be at least 60 feet. When more than one parcel is served by a driveway, throat width shall be at least 60 feet.
- I. All driveways shall be setback a minimum of 40 feet from all important natural features, such as a water body, wetland or stand of trees.
- J. Frontage roads or service drives shall be no less than 24 feet wide. Frontage roads shall be set back a minimum of 20 feet from any right of way line. Where this cannot reasonably be accomplished, as determined by the Planning Commission, then the Planning Commission may require another form of unified internal circulation, such as a rear access drive.
- K. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential out lots, the access shall be located to ensure the adjacent site(s) can also meet the access location requirements in the future or provisions for a cross-access easement and shared driveway shall be required. Appendix 2 provides a Sample Reciprocal Access Easement document.
- L. No driveway shall obstruct public facilities such as street lights, traffic signal poles, fire hydrants, crosswalks, utility poles, drainage systems, or other compulsory street structures.
- M. Minimum driveway spacing standards for un-signalized driveways in specific speed zones are the following:
 - 1) 35 mph or less – 245 feet
 - 2) 40 mph – 300 feet
 - 3) 45 mph – 350 feet
 - 4) Greater than 45 mph – 455 feet
- N. New driveways shall be at least 230 feet from stop sign intersections and 450 feet from signalized intersections, measured from pavement edge to pavement edge.
- O. Residential developments with 15 or more building sites or dwellings shall have shared access and shall have acceleration and deceleration lanes as required by MDOT. Commercial and industrial developments with more than 5,000 square feet of interior space shall comply with the same standards.
- P. Access points shall be aligned with driveways on the opposite side of the highway or offset the distance indicated below, measured centerline to centerline. The Planning Commission may reduce this with input from MDOT to not less than 150 feet where the offsets are aligned so they do not create left-turn conflicts:
 - 1) 35 Mph or less – 425 feet

- 2) 40 mph – 525 feet
 - 3) 45 mph – 630 feet
 - 4) Greater than 45 mph – 750 feet
- Q. Whenever a proposed direct access point cannot comply with the standards above, access shall be via a shared driveway, service drive, rear access or side street access.
- R. The following developments may warrant the consideration of an additional driveway. The Planning Commission shall decide if such developments generate enough traffic for an additional driveway.
1. Multiple-family development with over 200 dwelling units.
 2. Grocery store of over 30,000 square feet.
 3. Shopping center with over 40,000 square feet.
 4. Hotel/motel with over 200 rooms.
 5. Industrial developments with over 300,000 square feet or 350 employees.
 6. Warehouses of over 750,000 square feet or 350 employees.
 7. Manufactured home community with over 200 dwelling units.
 8. General office building of 150,000 square feet or 500 employees.
 9. Fast food restaurant with 6,000 square feet or more.
 10. Sit down restaurant of over 20,000 square feet.
 11. Others as deemed appropriate by the Planning Commission with MDOT input.
- S. To assure compliance with access standards herein, land divisions shall not be permitted that cannot comply.
- T. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service, and a written agreement is recorded with the land that the temporary access will be removed by the applicant, when the alternative access system becomes available.
- U. With the redevelopment of existing sites where it is not possible to develop separate service drives, the Planning Commission may instead require a drive connecting parking lots and a reciprocal access easement.
- V. In the review of a site redevelopment plan, the Planning Commission shall cause a copy of such plan to be reviewed and comments provided by TAG and MDOT regarding the existing access system. If deemed necessary to improve public safety and the objectives of this ordinance, existing points of access may be required to be redesigned or closed based on input of TAG and MDOT to the Planning Commission.

Section 16.7 General Standards

A. Landscape Standards

Site landscaping shall conform to requirements of Article XXV of this Ordinance.

B. Sign Regulations

Site signage shall conform to requirements of Article XXIV of this Ordinance.

C. Parking Regulations

In addition to requirements of this “AM” Overlay Zoning District, parking requirements of Article XXIII of this Ordinance shall apply.

D. Visibility and Site Distance Regulations

No structure, landscape materials or earth berm shall be placed within the highway M-37 right of way nor within any clear vision area within said right-of-way or as elsewhere regulated in this Ordinance.

E. Safety Paths

All land development within the Joint Planning Area having frontage on highway M-37 shall provide a 5 ft. wide sidewalk or a 10 ft. wide safety path along the M-37 frontage. The pedestrian facility shall be located one foot outside the highway right-of-way.

The safety path installation shall serve as a pedestrian facility along the entire length of highway M-37 through Barry County.

If located outside the highway right-of-way, a pedestrian facility easement shall be created and recorded in favor of the Michigan Department of Transportation.

Section 16.8 Variances

Due to the focus of highway access management within this overlay district, the Planning Commission is authorized to consider variations from standards in this Article as an element of site plan review. This authority applies only to spacing and design of access points. Any other topic from which a variance is requested shall be considered by the Zoning Board of Appeals as follows:

- A. Where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveways standards, the Planning Commission shall have the authority to modify the driveway spacing requirements or grant temporary access approval until such time that minimum spacing requirements can be met or alternative access meeting the standards of this overlay district. The Planning Commission shall consult with MDOT before granting any variation.
- B. In the case of expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Planning Commission shall have the authority to require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles or internal drives.
- C. Any applicant for access approval has the right to apply for deviation from standards herein. Applicants for a variance must provide proof of practical

difficulties unique to the parcel (e.g., steep slopes, wetlands, an odd parcel shape or narrow frontage) that make strict application of the provisions of this overlay ordinance impractical. This shall include proof that:

1. Indirect or restricted access cannot be obtained.
2. Without the variance, there is no reasonable access to the property.
3. No reasonable engineering design option or construction techniques is available to mitigate the condition creating the practical difficulty.
4. No other public road or private road can be reasonably accessed.
5. The condition creating the practical difficulty is not the result of actions by the applicant or agent therefore.
6. The variance will preserve the public safety and general welfare.

For any variance from this Article granted by the Planning Commission, the Planning Commission shall make specific findings of fact and conclusions regarding C-1 through C-6 above.

Sections 16.9 – 16.99 *[Reserved]*

ARTICLE XVII

“PUD” PLANNED UNIT DEVELOPMENT OVERLAY ZONING DISTRICT

Section 17.1 Purpose and Intent

This Planned Unit Development Overlay Zoning District [PUD] is intended for large tract development offering opportunity for creative, well-conceived design. Design and use criteria for a land development in this District are feasible. Typically, the preliminary PUD layout plan submitted with the application for rezoning to this district will exhibit a high level of site amenities and include design elements that effectively insure continued quiet enjoyment of adjoining lands.

PUD zoning may be applied in any location within the Joint Planning Area, provided that all development criteria are met and the Planning Commission is satisfied that the public health, safety and general welfare are maintained and that adverse impacts on surrounding property are not likely to occur.

The general objectives of PUD zoning are:

- (1) To provide more desirable living, shopping and/or working environments by preserving the natural character of stands of trees, wetland and surface water features, floodplains, hills and similar natural assets.
- (2) Within residential PUD development, assure provision of open space, development of recreational facilities and pedestrian facilities accessible from all dwelling units.
- (3) To encourage a more creative and imaginative approach in the development of land, as compared to traditional design.
- (4) To provide underground utilities.
- (5) To allow construction in phases consistent with the approved PUD Plan.
- (6) To promote more efficient use of land.
- (7) To require aesthetic site design and a higher level of site amenities in exchange for flexible design.

Section 17.2 Legislative Findings

It is determined that PUD zoning will provide for flexible land use, design layout of lots or parcels and placement of buildings. At the same time, use of this flexible approach allowed by PUD zoning must result in high quality design, building finishes and protection of the natural environment. Whenever PUD overlay zoning is granted, it is hereby acknowledged that uses of land and/or density of population may vary from land use and density depicted for the property in the adopted 2007-2020 Master Plan.

Section 17.3 Pre-Application Conference

Prior to filing an application for PUD zoning and preliminary site plan approval, the applicant shall file a written request with the Planning Commission for a pre-

application conference. The Planning Commission will consider the request at the regular meeting following receipt of a complete package of information required herein. Information provided to the Planning Commission for the pre-application conference must include the following:

- (1) A map depicting the tract of land with boundary dimensions, total land area in acres, area in floodplain, existing wetland areas and surface water.
- (2) A U.S.G.S. topographic map of the tract of land.
- (3) Vicinity parcel map showing the tract and adjoining lands.
- (4) Aerial photograph of the tract.
- (5) A statement describing the type of PUD Zoning District being contemplated and a general description of proposed land use types, estimated land area breakdown by land use type including public or private open spaces, if any.

At the conclusion of the pre-application conference, if the Planning Commission concludes that sufficient reasons exist or do not exist to consider a formal application for PUD zoning, it will decide by formal action and so advise the applicant.

Section 17.4 Application for PUD Zoning and Preliminary Site Plan Approval

If the Planning Commission determines a PUD zoning application is warranted, the applicant may prepare and file a PUD zoning application and preliminary PUD plan. The application shall include all of the following materials:

- (1) Completed PUD zoning and preliminary PUD site plan application form, signed by the applicant and landowner.
- (2) PUD zoning and site plan application fee.
- (3) Preliminary PUD site plan with the following content:
 - (a) Intended access points from public streets and location of internal streets.
 - (b) Arrangement and layout of proposed lots, parcels and/or buildings.
 - (c) Existing site grades and proposed grades.
 - (d) Proposed building envelopes on each lot or parcel, if applicable.
 - (e) Location and size of public sanitary sewer lines, manholes and lift stations, if any.
 - (f) Location and size of public water mains, hydrant locations, water main valve locations.
 - (g) Proposed storm water management plan.
 - (h) Site lighting plan, including photometric plan.
 - (i) Landscape plan, depicting areas of the site to be landscaped.
 - (j) Project signage by size and location.
 - (k) Plan for protecting existing natural areas on the proposed PUD tract, including but not limited to floodplain, wetlands, wooded lots in excess of 5 contiguous acres, endangered species and wildlife habitat.
 - (l) Proposed phasing of the PUD development.

- (m) Traffic impact study if any conditions identified in Article XVI exist.
- (n) Written statement relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.

**Section 17.5 PUD Zoning and Preliminary PUD Site Plan
Review Procedure – Planning Commission**

When it is determined all required information has been submitted, the Planning Commission shall schedule and conduct a public hearing on the application with notices as required by law. After considering all information and testimony given at the hearing, the Planning Commission may formulate a recommendation to the Township Board regarding the PUD zoning and Preliminary PUD site plan applications. Prior to making any recommendation, the Commission may ask for changes to the Preliminary PUD site plan.

In making it's recommendation on the PUD zoning and Preliminary PUD site plan, the Planning Commission shall make findings of fact with respect to PUD objectives expressed in Section 17.1 (1) – (7).

The recommendation of the Planning Commission shall be transmitted to the Board of Trustees by the Zoning Administrator only after the Planning Commission has approved meeting minutes of the meeting at which the recommendation was made.

**Section 17.6 PUD Zoning and Preliminary PUD Site Plan
Review Procedure – Township Board**

Once the report and recommendations from the Planning Commission are received by the Township Board, the Board will decide whether or not to hold a public hearing on the PUD zoning application. If the Board holds a public hearing, public notice shall be given in accordance with law. Following the public hearing or if no hearing is held, the Township Board may (1) accept the recommendations as submitted by the Planning Commission and adopt an ordinance amending the Official Zoning Districts Map to the PUD District or (2) modify the recommendations received from the Planning Commission and adopt an ordinance amending the Official Zoning Districts Map to the PUD District, or (3) reject the recommendations from the Planning Commission and deny the change to the PUD District.

Any such PUD amendment to the Official Zoning Districts Map is conditioned on provisions of Section 17.7 herein.

Section 17.7 Effect of PUD Zoning and Preliminary Site Plan Approval

A decision by the Township Board to amend the Official Zoning Districts Map to “PUD” Planned Unit Development shall remain in effect for a period of 365 days following the effective date of the Ordinance amending the Official Zoning District

Map. A final Planned Unit Development [PUD] plan shall be filed with the Planning Commission during the 365 day period.

If a final PUD plan is not filed during the 365 day period, the PUD zoning district shall revert to the prior zoning and the approved Preliminary PUD site plan shall become null and void.

Prior to the passage of 365 days, the applicant may file a written request with the Township Board to extend the time for not more than 180 days. If the extension is granted by the Board, the PUD zoning and Preliminary PUD site plan shall remain in effect during the additional period of time approved by the Board.

Section 17.8 Final PUD Plan Procedure and Required Plan Content

Application for Final Planned Unit Development [PUD] approval shall be filed with the Zoning Administrator who shall forward the application and required plan to the Planning Commission. The Final PUD application and project plans shall substantially conform to the approved Preliminary PUD plan.

If the Planning Commission concludes all required information has been provided in the application, it shall schedule and conduct a public hearing with notice as required by law.

The Final PUD site plan shall include the following information and content:

- (1) Completed application form.
- (2) A boundary survey and legal description of the subject property prepared by a registered land surveyor.
- (3) All final site plan content as required in Article XX of this Ordinance.
- (4) A detailed description and plans describing construction procedures to be used to insure the natural environment on the land will be protected.
- (5) If any part of the PUD project will be condominium form of ownership, then all documents required by Section 21.30 of this Ordinance shall be included with the final PUD application.
- (6) Proposed building exterior elevations with material finishes identified for Phase 1 of the PUD, excepting single-family detached dwellings.

Section 17.9 Final Planned Unit Development Plan

The Planning Commission shall give opportunity at the hearing held on the final PUD plan for any interested party to offer testimony on the proposed final PUD plan. Following the public hearing, the Planning Commission is authorized to (1) approve the Final PUD, (2) request changes to the Final PUD plan or (3) reject the Final PUD plan for reasons stated by the Planning Commission in the meeting record.

The landowner/applicant may make changes to the Final PUD plan addressing the reasons stated by the Planning Commission for denial of the Final PUD plan and then resubmit the Final PUD plan for further consideration by the Planning Commission. A subsequent public hearing held by the Planning Commission is not required, unless the Planning Commission concludes changes go beyond the reasons stated for denial.

Section 17.10 Effect of Final PUD Site Plan Approval

Following the date on which the Planning Commission approves minutes of the meeting at which the final PUD site plan was approved, the landowner/applicant has a period of 365 days to begin construction consistent with the approved Final PUD site plan.

Start of construction shall mean actual installation of any infrastructure element of the PUD, including water mains, sanitary sewer, storm sewer or roadway, but shall not include moving of dirt on site or grading activities.

Extension of time for Final PUD site plan approval is prohibited.

If construction pursuant to an approved final PUD site plan is not commenced within 365 days from the date of approval, the PUD Overlay Zoning shall automatically revert to the underlying zoning and the approved Final PUD site plan shall become null and void.

Section 17.11 Types of PUD Overlay Zoning Designations

A property meeting qualifying PUD objectives in Section 17.1 may be rezoned to an appropriate form of PUD, based on standards of Table 17.11 below and appropriate standards contained elsewhere in this Zoning Ordinance. The rezoning shall be concurrent with the approval of a Preliminary PUD site plan.

**Table 17.11
Types of Planned Unit Development**

PUD District Name	Type of District	Permitted Uses	Special Land Uses	Additional Provisions
Residential Planned Unit Development	PUD-R Overlay for Residential Zoning District	Cluster Housing of Various Types with Common Open Space	Same as Underlying Zoning District	Section 17.12
Mixed Land Use Planned Unit Development	PUD-MLU Overlay for Residential Zoning District	Cluster Housing of Various Types with Limited Non-Residential Uses	Same as Underlying Zoning District Plus Limited Office and Service Use	Section 17.13

General Business Planned Unit Development	PUD-GB	Mix of Office, Commercial and Service Uses	Same as Underlying Zoning District	Section 17.14
Industrial Use Planned Unit Development	PUD-I	Industrial Land and Building Uses as Allowed in Underlying Zoning District	Same as underlying Zoning District	Section 17.15

Section 17.12 Design Criteria for Planned Unit Development Overlay Zoning District – Residential Use [PUD-R]

This form of Planned Unit Development will contain residential land use and customary accessory uses. The following design criteria shall be included within any PUD-Residential:

- (1) Minimum parcel size to qualify for PUD consideration is 10 acres.
- (2) No less than twenty (20) percent of the gross parcel area shall be contained in common open space. Common open spaces shall have a minimum dimension of 100 feet and shall not include any required setback area on the parcel perimeter required by the underlying zoning district. Common open space shall not include any area used for storm water detention or retention, unless developed with usable recreation amenities and pedestrian facilities.
- (3) A PUD-Residential may range from simple reduction in lot sizes for single-family detached residential dwellings to variety dwelling types.
- (4) Density: Residential density shall be determined by comparing a plan that illustrates how the site could be developed as a conventional subdivision, site condominium or site plan, meeting all applicable Township zoning and subdivision requirements. The Planning Commission shall review the design and determine the number of buildable lots or dwelling units that could be feasibly constructed, taking into consideration any wetlands or other non-buildable land. This number shall be the maximum number of dwelling units allowable for the PUD-R. Where the Township Master Plan recommends a different zoning district than the current zoning, a rezoning of the underlying zoning district consistent with the Master Plan may be considered concurrently with the PUD-R Overlay zoning.
- (5) Dimensional Standards: The dimensional standards of the underlying zoning district shall be complied with, provided the lot area, lot width and setback requirements may be reduced with the resultant area preserved as open space. A table shall be provided on the Preliminary PUD-R site plan indicating the cumulative reduction in lot areas and the corresponding amount of open space being preserved. Wetland setbacks may not be reduced. The Planning Commission shall not approve a PUD-R without public water and sewer.

- (6) Non-residential use of land or buildings is prohibited in a PUD-R form of development.
- (7) Open Space: All land within a PUD-R that is not devoted to a residential lot or unit, street right-of-way, or other improvement shall be set aside as common open space for recreation or conservation. The amount of open space shall be at least equal to twenty (20) percent of the net site area. Common open space shall be planned in locations that are visible and accessible. The open space shall contain some form of active recreational facility such as a play-area. The common open space shall be located to preserve significant natural features, central to the residents of the development, adjacent to adjoining residential or to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The PUD shall set forth covenants or restrictions in recordable form for open space preservation.

Section 17.13 General Design Criteria for Planned Unit Development Overlay Zoning District with Mixed Land Use [PUD-MLU]

This form of Planned Unit Development will contain residential and limited non-residential uses. The following design criteria shall be included within any PUD-Mixed Land Use:

- (1) Minimum parcel size to qualify for PUD-MLU consideration is 40 acres.
- (2) Residential land uses shall occupy no less than seventy-five percent (75%) of the land on which the PUD-MLU is proposed and may include a variety of residential dwellings.
- (3) The non-residential land use and building uses shall not include any form of outdoor storage of materials, whether or not fenced.
- (4) Uses: A PUD Mixed use shall include a mixture of uses that are considered by the Planning Commission to be consistent with the Master Plan. A Preliminary PUD plan shall divide the PUD into components for various uses. Each component of the PUD shall be designated as a specific zoning district (e.g. Medium Density Residential or Office-Service). Areas devoted to each type of use shall be designated on the Preliminary PUD site plan. The plan may provide for vertical mixture of uses, such as office or residential above commercial. The PUD Mixed Use can include a mixture of housing types such as single family and multiple family or a mixture of uses such as residential and non-residential. The Planning Commission shall determine the appropriate mixture of uses and how much of the PUD land area shall be occupied by residential uses, non-residential uses, recreational area, or open space. The Planning Commission shall make this determination based on the compatibility with surrounding uses, and meeting of design criteria. The list of permitted uses, number of dwellings and total floor area by use shall be established by the Planning Commission

during consideration of the Preliminary PUD-MLU zoning application and site plan. Not more than 25% of the total PUD-MLU net site area shall contain non-residential land or building uses. Uses permitted by right in the “O” and “C” Zoning Districts may be allowed by the Planning Commission.

- (5) Open space shall comprise no less than 25% of the total land area devoted to residential uses in the PUD-MLU.
- (6) Dimensional requirements of the underlying zoning district may be varied in a PUD-MLU only if the Planning Commission concludes the variations result in a higher quality of development than would be possible using conventional zoning.
- (7) Parking: To encourage a true integration of mixed uses and improved efficiency in land use, the Planning Commission may permit the overlap in parking requirements between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips. Approval for the parking reduction shall be based upon documentation submitted by the applicant indicating the types of uses, intensity and characteristics of the parking demands for such uses.

Section 17.14 Design Criteria for Planned Unit Development Overlay Zoning District with General Business [PUD-GB]

This form of Planned Unit Development will contain a mix of office, commercial and service uses of land and building. The following design criteria shall be included within a PUD-General Business:

- (1) Minimum parcel size to qualify for PUD-GB is 5 acres.
- (2) Office use of land or buildings shall comprise no less than 25% of the PUD-GB land area. Office use within the PUD-GB shall be located on the site in areas adjoining residential use or zoning.
- (3) Uses: All uses permitted by right or by special land use in the “O” Office and “C” General Commercial zoning districts may be approved within a PUD-GB. In addition, research facilities, testing laboratories and light industrial uses may be allowed only if all activities occur within an enclosed building, except required loading dock.
- (4) Traffic Circulation, Operations and Access: Access to a PUD-GB shall be directly from a state highway, county primary road or major street.
- (5) Pedestrian circulation facilities shall be provided throughout the site.
- (6) Design Considerations: The following site elements are considered important and will be reviewed carefully by the Planning Commission:
 - (a) Landscape treatments.
 - (b) Parking lot design with landscaping that diminishes the prominence of parking areas.
 - (c) Pedestrian seating and amenities.
 - (d) Mixed use building groupings.
 - (e) Enhanced site amenities.
 - (f) Signage.
 - (g) Unified architecture.

- (h) Shared parking facilities.

Section 17.15 Design Criteria for Planned Unit Development Overlay Zoning District with Industrial Use [PUD-I]

This form of Planned Unit Development will contain an array of industrial land and building uses. The following design criteria shall be included in any PUD-Industrial:

- (1) Minimum parcel size to qualify for a PUD-I consideration is 20 acres.
- (2) Building setback along any PUD-I property boundary shall be 50 feet or 100 feet if adjoining any land used or planned for residential land use.
- (3) Design standards and considerations: The following elements are considered important and will be considered carefully by the Planning Commission:
 - (a) Access and internal circulation.
 - (b) Accommodation of truck movements and loading/unloading areas.
 - (c) Outdoor storage of equipment and materials.
 - (d) Location and grouping of buildings.
 - (e) Parking facilities arrangements.
 - (f) Landscape treatment, buffers and screening.
 - (g) Signage.
 - (h) Site amenities.
 - (i) Unified architecture among site buildings.

Section 17.16 Appeals

The decision rendered by the Planning Commission shall be final. The Township Zoning Board of Appeals shall have no authority to review a decision of the Planning Commission on a Preliminary PUD Overlay zoning or site plan, nor with regards to a Final PUD site Plan.

Section 17.17 Violations

A violation of a final PUD site plan and companion documents shall be considered a violation of this Ordinance.

Section 17.18 Amendments and Deviations from Approved Final PUD Site Plan

- A. Deviations Following Approval. Deviations following approval of the Final PUD Site Plan may occur only when an applicant or property owner who was granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.

- B. Procedure. Within fourteen (14) days of receipt of a request to amend the Final PUD site plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
- C. Minor Changes. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Zoning Administrator shall inform the Planning Commission of such approval in writing. The Zoning Administrator shall consider the following when determining a change to be minor:
- (1) For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
 - (2) Gross floor area of non-residential buildings may be decreased; or increased by up to (5%) or 10,000 square feet which ever is smaller.
 - (3) Floor plans may be changed if consistent with the character of the use.
 - (4) Horizontal and/or vertical elevations may be altered by up to two feet if drainage, landscape and vehicle circulation are not adversely impacted by the alteration.
 - (5) Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
 - (6) Designated “areas not to be disturbed” may be increased so long as sensitive natural features are not disturbed.
 - (7) Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
 - (8) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - (9) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 - (10) Slight modification of sign placement or reduction of size.
 - (11) Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (12) Changes required or requested by the Township, County or State for safety reasons relating to traffic circulation or regulated natural area.
- D. Major Changes: Where the Zoning Administrator determines the requested amendment to the approved Final PUD site plan is major, re-submittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final PUD site plan significantly alter

the intent of the PUD, a revised Final PUD site plan shall be submitted according to the procedures outlined in this Article.

Sections 17.19 – 17.99 *[Reserved]*

ARTICLE XVIII

NON-CONTIGUOUS PLANNED UNIT DEVELOPMENT OVERLAY ZONING DISTRICT [NC-PUD]

Section 18.1 Description and Purpose

The basic purpose of this Non-Contiguous Planned Unit Development Overlay Zoning District [NC-PUD] is to foster preservation of farmland located in the “A” Agricultural Zoning District. An approved NC-PUD Overlay Zoning District permits transfer of residential development rights from these active farmlands to a development property within the Joint Planning Area as defined in this Ordinance. Provisions of this Article are deemed by the Township to be consistent with and authorized by Section 503(3) of the Michigan Zoning Enabling Act [MCL 125.3503(3)], being 110 PA 2006, as amended.

Section 18.2 Definitions

For purposes of this Overlay Zoning District, the following definitions will apply:

Development Rights – The rights of residential development that accrue to land based on the zoning district in effect. For example, in the “A” Agricultural zoning district each home site must have no less than 1.5 acres of land and no less than 200 feet of frontage on a public road. Actual development rights are based on a “yield plan”.

Donor Land – A tract of land included within a non-contiguous planned unit development from which all or part of development rights are removed and transferred to a receiving tract of land that is not contiguous with the Donor land. Part or all of the donor land will be placed in a conservation easement or other lawful form of open space preservation. The easement or restriction shall include provisions permitting an amendment to lift or remove the easement or restriction if expressly approved by the Thornapple Township Board upon recommendation by the Planning Commission.

Non-Contiguous Planned Unit Development [NC-PUD] – A form of planned unit development containing two or more tracts of land that are not adjoining or contiguous and which includes (1) donor land located within the “A” Agricultural zoning district and (2) receiving land located in the Joint Planning Area as defined in the Ordinance.

Receiving Land – A tract of land included within a non-contiguous planned unit development to which development rights are transferred from a donor tract of land. The development rights transferred to the receiving tract of land are in addition to the development rights that accrue to the receiving land within the underlying zoning district. Actual development rights shall not exceed twenty-five (25) percent of the development rights available in the underlying zoning district.

Actual development rights in the underlying zoning district are based on a yield plan.

Transfer of Development Rights – The procedure whereby development rights that accrue to a tract of land are removed in whole or in part from that parcel and are added to another, separate tract of land. This process as available under this Ordinance, requires an approved NC-PUD and the recording of documents with the Barry County Register of Deeds attesting to the development rights transfer.

Yield Plan – A sketch layout plan depicting the number of home sites available on a tract of land based on compliance with zoning district regulations in effect.

Section 18.3 Permitted Land Uses

Uses of land and buildings within an NC-PUD shall conform to uses permitted by right and by special land use in the underlying zoning district in effect on the receiving tract of land in an NC-PUD.

Section 18.4 Donor Land

Any tract of land in Thornapple Township that is zoned “A” Agricultural and is actively used for crop or animal production and that is not located within the Joint Planning Area is eligible to be donor land within a proposed NC-PUD form of land development. When development rights are transferred in whole or in part, the donor land shall be considered open space in the NC-PUD but may continue in use for active crop or animal production.

Section 18.5 Receiving Land

Any tract of land 20 or more acres in area and located within the Joint Planning Area is eligible to be receiving land as part of a proposed NC-PUD form of land development, provided the tract is or will be served by a full complement of public sewer and water, public streets, storm drainage, private utilities, street lighting, sidewalks and other public infrastructure.

Section 18.6 Density Limitations

When transfer of development rights is to occur within a NC-PUD, such transfer shall not cause an increase in residential density on the receiving tract of land greater than twenty-five (25) percent of the residential density allowed within the underlying zoning district in effect on the receiving tract of land.

To determine the allowable residential density on the receiving land, a yield plan shall be submitted by the applicant for the receiving land and for the donor land. The Planning Commission will determine if the plans meet standards for underlying zoning districts on both donor and receiving tracts proposed to be

included in the NC-PUD. If the yield plans accurately reflect the number of home sites or dwellings allowed by the underlying zoning districts in effect, the Planning Commission will then conclude the maximum number of home sites or dwelling units that will be allowed in the receiving tract within the NC-PUD.

Section 18.7 NC-PUD Review Procedure

The procedure for review of any proposed NC-PUD shall be the same as set forth in Sections 17.3 – 17.10 of this Ordinance.

Section 18.8 Deed Restrictions Applicable to NC-PUD Open Space

Prior to final NC-PUD Overlay Zoning and site plan approval, the applicant shall submit to the Planning Commission proposed deed restrictions applicable to the donor land. The proposed deed restrictions shall be in recordable form and shall:

- (a) Identify the legal description of the donor land.
- (b) Describe the land as the “open space” portion of the NC-PUD and state what residential development rights, if any, remain on the donor land and what portion of the donor land is designated open space for the NC-PUD.
- (c) Limit use of land to animal or crop production except that portion on which residential development may occur in the future.
- (d) State the deed restrictions applicable to the donor land that may not be amended without the express written approval of the Township Board of Trustees upon advice and recommendation from the Planning Commission.

Section 18.9 Future Change of Status for Donor Land in an NC-PUD

The open space element of the NC-PUD, being the donor land, may be changed in whole or in part at some future date if and only if the following conditions are in effect:

- (a) Another qualifying donor tract of land is available for transfer of development rights to the existing NC-PUD donor land.
- (b) Sufficient open space is available to serve the original receiving land in the NC-PUD.
- (c) Deed restrictions for both Donor Lands will be amended to reflect approved changes to the development rights.
- (d) Other conditions and documentation as deemed necessary by the Planning Commission.

Sections 18.10 – 18.99 [Reserved]

ARTICLE XX

SITE PLAN REVIEW

Section 20.1 Description and Purpose

- (a) The purpose of this chapter is to provide standards and procedures under which applicants submit, and the Planning Commission would review, site development plans for land uses within the Township. Such review of site plans will help to assure compliance with the terms of this Ordinance and implementation of the goals and policies of the Thornapple Township 2007-2020 Master Plan.
- (b) This article provides standards by which the Planning Commission will consider the approval of site plans, including effect on existing land uses; vehicle traffic patterns; impact on natural features and natural resources; storm water drainage; access from public and private streets; placement of buildings and off-street parking areas; adequate water supply and wastewater disposal; the providing of open space; and a variety of other aspects of land development, including signs, exterior lighting, alteration of grades, fire protection and other relevant topics.

Section 20.2 Land Uses Requiring Site Plan Review

Site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:

- (a) Any use of land or building requiring more than four parking spaces in any Agricultural or Residential Zoning District.
- (b) New land use, building or building addition in any Office, Commercial or Industrial Zoning District.
- (c) Special Land uses.
- (d) Site condominiums, subdivisions, and other forms of condominium development.
- (e) Planned Unit Development and Non-contiguous Planned Unit Development.
- (f) Common Open Space Residential Developments [O.S.R.D.].
- (g) A change in land use, in whole or in part, where the new, revised or augmented land use is subject to site plan review under the terms of this chapter whether or not site plan approval was given for any part of the existing land use including, but not limited to, the following:
 - (1) A change in the existing land use that is more than a minor change (and that does not qualify as a minor change under Section 20.10(c)) in or with respect to any of the following:
 - (i) The principal building(s) or other principal structure(s).
 - (ii) The means or location of vehicle access to the land.
 - (iii) An increase or decrease in the area of the land.
 - (iv) The addition of a building or structure.

- (v) The addition of one or more land uses, including the addition of an additional business or commercial use.
- (vi) A change in the principal building or principal structure, including a change in area, height, façade or other significant aspect thereof.
- (vii) An increase or reduction in the size or configuration of off-street parking area.
- (viii) An addition to or reduction in outdoor lighting fixtures or addition of outdoor mechanical equipment.
- (ix) Any other change in the existing land use that does not qualify as a minor change under the terms of Section 20.10(c) of this Ordinance.

Section 20.3 Land Uses Exempt From Site Plan Review

The following land uses are exempt from site plan review:

- (a) Single family dwellings.
- (b) Farms, farm buildings and farm structures.
- (c) Permitted residential accessory buildings, except those for which special land use approval is required.

Section 20.4 Application for Site Plan Review

An application for site plan review shall be submitted to the Zoning Administrator, together with a site plan complying with the requirements of this section and other applicable provisions of this Ordinance.

- (a) **Contents of Application.** The application for site plan review shall include at least the following information:
 - (1) The applicant's name, business address and telephone number.
 - (2) The name and address of the owner(s) of record if the applicant is not the owner of record and the signature of the owner(s)
 - (3) The address and property tax identification number of the property.
 - (4) The name and address of the engineer, architect and/or land surveyor.
 - (5) A location sketch drawn at a scale of 1" = 100' with North arrow.
 - (6) A completion time schedule of proposed construction; proposed phases of development.
 - (7) A written statement describing impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
 - (8) The property owner's signed consent for the Township representatives to enter and inspect the property for site plan review purposes.

(b) **Contents of Site Plan.** The site plan shall consist of a scaled drawing showing the site and all land within 300 feet of the site. Each site plan shall state or depict the following:

- (1) The legal description of the property.
- (2) The area (in acres) of the property shall be stated (1) as the total acreage of the entire property; and (2) the area within the property that is proposed to be developed and, secondly, the area or areas of the property that are proposed to remain undeveloped. Such undeveloped areas shall include all areas which, under the terms of this Ordinance, are not permitted to be developed, whether by reason of water bodies or wetlands, areas of steep slopes, street rights-of-way, private easements or otherwise.
- (3) Existing and proposed property lines, dimensions thereof, and building setback lines.
- (4) The location and dimensions of existing and proposed buildings and structures.
- (5) Proposed uses of buildings and other structures.
- (6) Existing and proposed topographic contours at 2 foot intervals.
- (7) Location and type of existing soils and locations of soil borings.
- (8) Significant existing vegetation and other significant natural features.
- (9) Existing and proposed watercourses and water bodies.
- (10) Existing public and private streets, and street rights-of-way; existing access easements.
- (11) Proposed streets and drives; curb cuts and access easements; acceleration, deceleration and passing lanes and sidewalks.
- (12) Existing uses, buildings, structures, driveways and off-street parking areas within 300 feet of the subject property; boundaries and zoning of abutting lands.
- (13) Proposed off-street parking areas and off-street loading and unloading areas.
- (14) Existing and proposed water supply and sanitary sewage disposal facilities, including proposed septic systems and drain fields, and proposed public or community sanitary sewer and/or water supply systems and the components thereof.
- (15) Proposed storm water management systems, including storm sewers, retention and/or detention ponds, storm water discharge areas and other storm water management measures.
- (16) Public utilities on and for the site, including natural gas, electric, cable television and telephone.
- (17) Buildings and other facilities for public or community use.
- (18) Proposed landscaping including proposed size of new trees and other plantings and description and location of existing landscaping to be retained shall be indicated.
- (19) Signs, including location, size, height and drawings thereof.

- (20) Outdoor lighting, including location, type and height of fixtures, area of illumination and shielding measures used.
 - (21) Fences, walls and other screening features.
 - (22) Refuse and service areas, including screening measures for trash receptacles.
 - (23) Open space and recreation areas.
 - (24) Identification of any significant scenic views into or from the site and to or from adjoining lands.
 - (25) Delineation of the 100-year floodplain and any proposed uses therein.
 - (26) Delineation of regulated wetlands, if any.
 - (27) Typical elevation views of the front, side and rear of each building.
 - (28) Preliminary architectural sketch of buildings and structures and/or a written description of type of construction and exterior materials to be used in proposed buildings and structures.
 - (29) Seal of the registered engineer, architect, or land surveyor who prepared the site plan.
 - (30) Deed restrictions, master deed restrictions, condominium by-laws and private road maintenance agreement, as applicable.
 - (31) Additional information which the Planning Commission may request and which is reasonably necessary to evaluate the site plan.
- (c) The Planning Commission, in its discretion, may waive any element, component or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for the Planning Commission's review and consideration of the land use or development that is the subject of the site plan. In its approval or other action with respect to the site plan, the Planning Commission shall state the required parts of the site plan which it determines can be waived.
- (d) An environmental impact study may be required at the discretion of the Planning Commission.
- (e) Access drive location approval from the road agency with jurisdiction.
- (f) A site plan need not include such detail with respect to buildings, structures, utility and storm water systems and other features as would require preparation of detailed construction drawings or other highly detailed submissions, such as would normally be required for issuance of building permits; provided, however, that in its discretion, the Planning Commission may require more detailed submissions with respect to particular buildings, structures or other features if such more detailed information is reasonably necessary for a sufficient review of the proposed land use.

Section 20.5 Procedure for Consideration and Review of Site Plans

The procedure for considering site plans shall be as follows:

- (a) One Copy of a completed application form and 14 copies of a proposed site plan shall be submitted to the Zoning Administrator. One copy of the application form and the proposed site plan shall be submitted to the Fire Chief and also to the Engineer. The required application fee shall be paid, and the required zoning escrow deposit shall be made, at the time of submission of the application and site plan.
- (b) The application and site plan shall be reviewed by the Zoning Administrator to determine whether the plan sufficiently complies with Section 20.4(b) and thus whether it is ready for consideration by the Planning Commission.
- (c) After review of the site plan and application by the Zoning Administrator and determination that the submitted materials are complete, the site plan and application shall be forwarded to the Site Plan Review Committee of the Planning Commission. The Committee shall meet with the applicant and Zoning Administrator for a complete review of plan content. The Committee may ask for changes to the site plan.
- (d) Upon complete review of a site plan and application, the Site Plan Review Committee shall forward the application materials to the Planning Commission. The Zoning Administrator shall prepare a written recommendation on behalf of the Committee to the Planning Commission.
- (e) Each site plan shall be considered by the Planning Commission at a public meeting.
- (f) The Planning Commission may accept the Committee recommendation and approve the site plan, with or without conditions, disapprove the site plan for stated reasons or postpone further consideration for reasons stated.
- (g) The decision of the Planning Commission may be made by standard motion, second and majority vote of members present. The motion shall include all conditions. Meeting minutes shall include expressed conditions of site plan approval, if any or the reasons for site plan denial.
- (h) If conditional approval is granted by the Planning Commission and if the conditions require a change to the site plan, the site plan shall be revised and 3 copies filed with the Zoning Administrator. The Zoning Administrator shall review the revised site plan to confirm compliance with conditions set by the Planning Commission. If in compliance, the Zoning Administrator will confirm compliance in writing. If not in compliance, the Zoning Administrator shall, in writing, order further revisions to bring the plan into compliance. The final site plan in conformance shall be signed and dated by the Zoning Administrator and a signed copy sent to the applicant. Work on site improvements shall not occur unless and until the Zoning Administrator has confirmed compliance.
- (i) All subsequent actions relating to the land use and development shall be consistent with the approved site plan unless subsequent changes therein

are approved by the Planning Commission, or in the case of minor changes under Section 20.10(c), by the Zoning Administrator. Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance. Building permits and all other required permits shall be issued only in accordance with the approved site plan.

- (j) In the event of construction work or other activity that does not comply with an approved site plan, the Zoning Administrator shall issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or cancelled. A violation of a stop work order is a violation of this Ordinance.

Section 20.6 Standards for Review of Site Plans

The Planning Commission shall approve a site plan if it determines that the plan complies with the requirements of this Ordinance; is consistent with the intent and purposes of this Ordinance; will be compatible with adjacent lands uses, the natural environment and the current capacities of public services and facilities; and will be consistent with the public health, safety and welfare. In addition, the site plan shall comply with the following minimum requirements:

- (a) **Basic elements of the site.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and nature of the land parcel, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site plan shall comply in all respects with applicable provisions of this Ordinance, including, but not limited to, the minimum provisions of the zoning district and any applicable overlay district and all generally-applicable provisions of the zoning ordinance.
- (b) **Buildings and Structures.** Building and structures shall be located and arranged in compliance with zone district requirements and other applicable provisions of this Ordinance.
- (c) **Traffic Circulation.** The number, location and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site and circulation within the site.
 - (1) In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties.
 - (2) Site plans shall fully conform to the driveway and traffic safety standards of the road agency with jurisdiction. Private streets are not allowed unless expressly approved by the Planning Commission.

- (3) In its approval of a site plan, the Planning Commission will require the providing of sidewalks or other measures for pedestrian circulation.
- (d) **Storm Water Drainage.** Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, adjacent or nearby properties or public storm water drainage systems. The plan shall show compliance with best storm water management practices.
- (e) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal. Grade changes shall be in keeping with the general appearance of adjacent developed areas. The site plan shall comply with the landscaping requirements of Article XXV of this Ordinance.
- (f) **Screening.** Where commercial or industrial uses abut residential uses, or where more intensive residential uses abut less intensive residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from the effects and view of commercial or industrial uses.
- (g) **Lighting.** Outdoor lighting shall be designed so as to minimize glare on adjacent properties and streets, and shall otherwise be designed, installed and operated in compliance with outdoor lighting requirements of this Ordinance.
- (h) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have no serious adverse effects on adjacent or nearby properties, and shall be screened as required by the Planning Commission.
- (i) **Utilities.** Water supply and sanitary sewage disposal facilities shall comply with all local, county and state requirements.
- (j) **Signs.** Signs shall comply with Article XXIV of this Ordinance and other applicable sign regulations in this Ordinance.
- (k) **Parking and Loading.** Off-street parking and loading facilities shall comply with Article XXIII of this Ordinance and other applicable regulations of this Ordinance. Loading and unloading areas and outside storage areas which face or are visible from residential uses or streets shall be screened by a sufficient fence or by landscaping.
- (l) Site plans shall conform to the requirements of the Barry County requirements for soil erosion and sedimentation.
- (m) In addition to compliance with all applicable requirements of this Ordinance, site plans shall be prepared in full compliance with applicable county and state law requirements. Site plan approval shall be conditioned upon the applicant receiving all applicable local, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission in its approval of the site plan.

Section 20.7 Conditions on Approval of Site Plans

The Planning Commission may impose reasonable conditions on the approval of a site plan. Such conditions may include, but need not be limited to conditions necessary to insure compatibility with adjacent land uses; to promote the use of land in a socially and economically desirable manner; to protect the natural environment and conserve natural resources; and to insure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity.

Section 20.8 Construction in Accordance with Approved Site Plan Required

Following the approval of a site plan by the Planning Commission, the applicant shall design, construct and install all site plan improvements and other features in full compliance with the plan as approved. Failure to do so shall be a violation of this Ordinance.

Section 20.9 Performance Guarantees

To assure compliance with the terms of this Ordinance and any conditions imposed upon the approval of a site plan, the Planning Commission may require that a cash deposit, irrevocable bank letter of credit or performance bond be submitted as a condition of approval of the site plan. Such deposit or financial guarantee shall be in an amount determined by the Planning Commission.

- (a) The amount of the required performance guarantee may include but shall not be limited to such amount as is determined sufficient to assure the completion of streets, outdoor lighting, utilities, sidewalks, drainage systems, fencing and screening, landscaping and other elements of the proposed construction or development.
- (b) A bank letter of credit or performance bond shall be conditioned upon timely and faithful compliance with all conditions imposed upon approval of the site plan and in compliance with all zoning ordinance requirements and other applicable ordinances and laws.
- (c) When a performance guarantee is required, the guarantee, whether in the form of cash deposit or other permitted form of guarantee, shall be deposited with the Township Treasurer prior to the issuance of a building permit or other required permits.
- (d) At the discretion of the Zoning Administrator, as phases or elements of the work or development are completed, portions of the cash deposit or the amount covered by a bank letter of credit or performance bond may be released.
- (e) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the cash deposit, performance guarantee, or surety shall

be returned to the applicant if it has not been utilized to complete required site improvements.

Section 20.10 Changes in Approved Site Plans

- (a) An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved by the Planning Commission, except as stated in Section 20.10(c).
- (b) The property owner or other holder of an approved site plan shall submit to the Zoning Administrator an application for approval of any proposed change in the approved site plan. The application shall be accompanied by a site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted.
- (c) Minor changes in an approved site plan may be approved by the Zoning Administrator upon a determination that the proposed minor change will not alter the basic design of the development or any of the specific terms and conditions imposed as part of the original approval of the site plan. Minor changes eligible for consideration and approval by the Zoning Administrator consist only of the following:
 - (1) Change in building size up to 5 percent in total area.
 - (2) Change in location of buildings or other structures by no more than ten feet.
 - (3) Replacement of plan material specified in the landscape plan, with comparable material.
 - (4) Changes in building materials to a comparable or higher quality.
 - (5) Changes in floor plans which do not alter the character of the use or use of site.
 - (6) Internal rearrangement of a parking area which does not affect the number of parking spaces or alter access locations.
 - (7) Changes required or requested for safety reasons.
 - (8) Changes which will preserve the natural features of the site without changing the basic site layout.
 - (9) Changing to an equally restricted or more restricted use, provided there is no reduction in the amount of off-street parking.
 - (10) Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest.
- (d) Any requested minor change which is submitted to the Zoning Administrator for approval may be referred by the Zoning Administrator to the Planning Commission for decision. In the case of such referral to the Planning Commission, the Planning Commission shall make the decision

- on the requested change, even if the change qualifies under subsection (c), as a minor change.
- (e) If the change requested in an approved site plan is not a minor change under the terms of subsection (c), then such change shall be deemed a major change. In that event, the site plan showing the major change, shall be submitted to the Planning Commission, for its review and consideration, and the procedures with respect thereto shall be the same as those required for original consideration of a site plan.
 - (f) If the approval of any changes in an approved site plan, whether by the Zoning Administrator or by the Planning Commission, terms and conditions may be imposed thereon, and the applicant shall comply with such terms and conditions.
 - (g) Upon the Zoning Administrator's approval of minor changes in an approved site plan, the Planning Commission shall be notified of the changes approved.
 - (h) Upon approval of changes in an approved site plan, the applicant shall promptly submit three copies of the site plan, accurately showing the changes in the plan as approved. The Zoning Administrator shall then mark the original of the site plan as approved, by means of affixing a signature or other authentication and setting forth the date of the authentication.

Section 20.11 Appeals of Decisions on Site Plans

- (a) Any applicant who disagrees with a site plan decision made by the Planning Commission may appeal that decision to the Zoning Board of Appeals. The appeal must be in writing and must be filed with the Zoning Administrator not later than 14 days after Planning Commission approval of meeting minutes at which the decision was made. The written appeal must state specifically what matters are appealed and the factual basis for the appeal of each. An appeal stays the issuance of any permit that otherwise might be issued for the construction buildings or for other purposes within the lands included in the approved site plan.
- (b) Upon receiving the appeal, the Zoning Board of Appeals shall review the record of the action taken by the Planning Commission. The record shall consist of the application, site plan, memoranda, correspondence, minutes and other material in the Township files with the respect to the site plan. No new evidence shall be presented, and the appeal shall be decided solely on the basis of the record developed by the Planning Commission.
- (c) In considering the appeal, the Zoning Board of Appeals shall determine whether the record supports the action taken with respect to the matter being appealed. The Board may uphold the decision being appealed, it may reverse the decision or it may uphold the decision in part and reverse it in part. In making a decision on the appeal, the Board shall prepare and approve written findings in support of its decision. Such

findings shall be included in the minutes of the proceedings, or they may be set forth in a resolution adopted by the Board of Appeals.

- (d) A decision by the Zoning Administrator as to a minor site plan change shall not be appealed. In the event an applicant disagrees with such a decision by the Zoning Administrator, the applicant may then apply to the Planning Commission for approval of the proposed change in the site plan.
- (e) The minor site plan change shall be considered by the Planning Commission at a public meeting. The Planning Commission may accept the administrator's decision, disapprove the Administrator's decision for stated reasons or postpone further consideration for reasons stated.
- (f) The decision of the Planning Commission may be made by standard motion, second and majority vote of members present. The motion shall include all conditions. Meeting minutes shall include expressed conditions of site plan approval, if any or the reasons for site plan denial.
- (g) If conditional approval is granted by the Planning Commission and if the conditions require a change to the site plan, the site plan shall be revised and 3 copies filed with the Zoning Administrator. The Zoning Administrator shall review the revised site plan to confirm compliance and with conditions set by the Planning Commission. If in compliance, the Zoning Administrator will confirm compliance in writing. If not in compliance, the Zoning Administrator shall, in writing, order further revisions to bring the plan into compliance. The final site plan in conformance shall be signed and dated by the Zoning Administrator.

Section 20.12 As-Built Site Plan

- (a) Upon completion of required improvements as shown on the approved site plan, the property owner or other interest holder shall submit to the Zoning Administrator, three copies of an "as-built" site plan, certified by an engineer, surveyor or other professional, prior to the anticipated occupancy of any building within the area comprising the site plan. The as-built plan shall be reviewed by the Zoning Administrator to determine whether the plan is in conformity with the approved site plan.
- (b) The building official with jurisdiction shall not issue an occupancy permit until the official has been advised by the Zoning Administrator that the as-built site plan is fully in conformity with the approved site plan, all applicable provisions of the Township Zoning Ordinance and all applicable provisions of other Township Ordinances, including but not limited to the building code, the storm water ordinance and other applicable ordinances.

Section 20.13 Land Clearing

Prior to site plan approval, no person shall undertake or carry out any grading, clearing, cutting and filling, excavating, tree removal or other use or activity for which site plan approval is required by this Ordinance, or which may be necessary to accommodate the land uses shown, or to be shown, on the site plan. No such activity shall commence prior to issuance of soil erosion and sedimentation control permits, wetland permits, or other applicable permits.

Section 20.14 Approval Effective for One Year

Approval of a site plan under the terms of this chapter shall be effective for a period of one year, but only if the development and construction of the land use covered by the site plan commences within such period of one year and is diligently pursued thereafter. If construction or development of the use permitted by the approved site plan has not commenced during such one-year period, the period of time may be extended by the Planning Commission in its discretion, for up to two additional periods of one year each.

Sections 20.15 – 20.99 *[Reserved]*

ARTICLE XXI

GENERAL PROVISIONS

This Article contains general and special standards for numerous unique situations and circumstances. The provisions of this Article shall apply uniformly regardless of the zoning district, unless otherwise stated, and are in addition to other applicable provisions of this Ordinance.

Section 21.1 Access to and Frontage on a Public or Private Road

- (a) Every lot or parcel of land hereafter created shall abut a public street or a conforming private road except as provided for in 21.1(b). Each such lot or parcel shall have abutting frontage on a public or private road of no less than the minimum lot width required by the zoning district in which it is located, at the required front setback line except as provided for in 21.1(b).
- (b) Parcels with a principal dwelling in existence as of the effective date of this section of the ordinance, may be divided one time creating only one (1) new parcel not meeting the minimum frontage requirements in 21.1(a) provided both parcels meet all of the following requirements:
 - 1. There is no change in use for either parcels.
 - 2. Both parent and new parcel must meet requirements in Section 21.22 concerning Width to Depth Ratio for all Newly Created Lots or Parcels
 - 3. A permanent 66' easement is established from the public road providing ingress and egress to both parcels.
 - 4. Overhead trees and limbs must be maintained to no less than 14' above ground over a cleared travel width of twenty (20) feet.
 - 5. Easements longer than 400 feet must include emergency passing areas every 400 feet. Emergency passing areas must have a travel width of at least 20 feet wide and 80 feet long and must be maintained and passable all year.
 - 6. The turn-around at the end of the easement must have a minimum right-of-way radius of 50 feet and a minimum running surface radius of 42 feet. The cul-de-sac may have a center landscape island, however, the minimum paved or gravel lane width shall be 20 feet.
 - 7. No building permits shall be issued on the vacant parcel until the easement is improved to meet all applicable private road standards.

Section 21.2 Accessory Building Size Regulations in the “A” Agricultural and “AR” Agricultural-Residential Zoning Districts

For all accessory buildings as defined in this Ordinance, the following regulations shall apply in the “A” and “AR” Zoning Districts:

(a) Location:

1. Accessory buildings less than 200 square feet on the main floor and not permanently attached to the ground shall not be located in the front setback area required for a principal building. Accessory buildings less than 200 square feet are not subject to side and rear setback requirements.

2. Accessory buildings 200 square feet and larger shall not be located in the front setback area required for a principal building. Each accessory building 200 square feet and larger shall be located no closer than 10 feet to a side lot line nor closer than 10 feet from a rear lot line.

(b) Accessory Buildings Permitted:

(1) One customary private garage- Subject to the following limitations one customary private garage consisting of a garage attached to a principal residential dwelling or a detached garage is permitted on any single family residential lot. The maximum size of such attached or detached private garage under this subsection shall be limited to 1080 square feet; any square feet in excess of 1080 shall count against the 3% limit on additional accessory buildings provided for in subsequent subsection (2).

(2) In addition to the above attached or detached private garage, one or more detached accessory buildings having a total exterior ground floor area of up to 3% of the total lot area are permitted.

(3) If parcel is less than 5 acres in size, attached garage area must not exceed 75% of the footprint of the useable main floor area of the dwelling unit to which it is attached. A garage shall be considered attached when it is connected to the principal building with a roof structure.

(c) In any “A” or “AR” Zoning District, if a lot or parcel is vacant, an accessory building may be constructed prior to a principal building but shall be located in conformance with all setbacks required for a principal building.

(d) An accessory building shall be used only for accessory uses allowed in the zoning district in which it is located and shall not exceed 35 feet in height from grade.

(e) Residential accessory buildings covered in vinyl, canvas, nylon or other similar membrane materials shall not exceed 200 square feet in ground coverage and such structures shall be securely attached to the ground with approved anchors. Bright contrasting stripes, orange tarp covers, or other carnival-like

colors, materials and patterns shall not be permitted. The buildings shall be maintained in a safe and attractive manner; rips, hanging fabric, leaning frame components, and other potential visual detriments that present an unkempt image shall not be permitted. The buildings shall not detract from or undermine the character or quality of a neighborhood by appearing incongruous or transient. Accessory structures of these types shall not exceed more than one structure per parcel.

Section 21.3 Accessory Building Size Regulations in the “RR” Rural Residential and “RE” Residential Estates Zoning Districts

For all accessory buildings, as defined in this Ordinance, the following regulations shall apply in the “RR” and “RE” Zoning Districts:

(a) Location:

1. Accessory buildings less than 200 square feet on the main floor and not permanently attached to the ground, may be located closer to the front lot line than the front wall of the principal building provided they are not located in the front setback area required for a principal building. Accessory buildings less than 200 square feet are not subject to side and rear setback requirements.

2. Accessory buildings 200 square feet or larger on the main floor, shall be located at least ten (10) feet from a side lot line and at least five (5) feet from a rear lot line. Accessory buildings 200 square feet or larger on the main floor shall not be located closer to the front lot line than the front wall of the principal building provided that the following provisions shall apply:

(i) The above stated provision prohibiting an accessory building from being located closer to the front lot line than the front wall of the principal building shall not apply if both the principal building and the accessory building are located at least 200 feet back from the street right-of-way line.

(ii) As a special land use, the Planning Commission may approve an accessory building that is located closer to the front lot line than the front wall of the principal building and within the first 200 feet back from the street right-of-way line; provided, however, that no such special land use shall be granted for an accessory building located in the required front yard setback area for the respective zoning district. The approval of any such special land use shall take place at a public meeting of the Planning Commission, and public hearing and special public notice shall be required. In its review of the application, the Planning Commission shall consider the standards applying to all special land uses as listed in Section 19.3. In addition, the accessory building shall be compatible in appearance to the dwelling on the property and dwellings in the area. In determining whether the proposed accessory building is compatible in appearance, the following shall be considered: exterior colors, materials, roof pitch, window coverage, landscaping and other features of the structure and site.

(b) Accessory Buildings Permitted:

(1) One customary private garage-Subject to the following limitations one customary private garage consisting of a garage attached to a principal residential dwelling or a detached garage is permitted on any single family residential lot. The maximum size of such attached or detached private garage under this subsection shall be limited to 1080 square feet; any square feet in excess of 1080 shall count against the 3% limit on additional accessory buildings provided for in subsequent subsection (2).

(2) In addition to the above attached or detached private garage, one or more detached accessory buildings having a total exterior ground floor area of up to 3% of the total lot area are permitted.

(3) If parcel is less than 5 acres in size, attached garage area must not exceed 75% of the footprint of the useable main floor area of the dwelling unit to which it is attached. A garage shall be considered attached when it is connected to the principal building with a roof structure.

(c) Except for waterfront lots in subsection (e) below, an accessory building shall not be constructed on any lot or parcel unless and until a principal building is located on the lot or parcel.

(d) An accessory building shall be used only for accessory uses allowed in the zoning district in which it is located and shall not exceed 35 feet in height from grade.

(e) Waterfront lots. When there is identical ownership of an improved waterfront lot and a vacant lot or parcel across the same public or private road or street and within 200 feet of any portion of the waterfront lot, one accessory building is permitted on the vacant lot or parcel prior to a principal building being located on the vacant lot or parcel. Such accessory building shall be located in conformance with all setbacks required for a principal building. The exterior ground floor area of such accessory building shall not exceed 3% of the total area of the vacant lot or parcel, and it is recommended that such accessory building be located as far to the rear of the vacant lot or parcel as setbacks and topography permit.

(f) Each residential accessory building shall incorporate exterior material finishes compatible with the principal building and others within the neighborhood.

(g) A residential accessory building and driveway approach to the building shall be located or set at a finished grade so that they do not cause rain water to flow into an adjoining property.

(h) Residential accessory buildings covered in vinyl, canvas, nylon or other similar membrane materials shall not exceed 200 square feet in ground coverage

and such structures shall be securely attached to the ground with approved anchors. Bright contrasting stripes, orange tarp covers, or other carnival-like colors, materials and patterns shall not be permitted. The buildings shall be maintained in a safe and attractive manner; rips, hanging fabric, leaning frame components, and other potential visual detriments that present an unkempt image shall not be permitted. The buildings shall not detract from or undermine the character or quality of a neighborhood by appearing incongruous or transient. Accessory structures of these types shall not exceed more than one structure per parcel.

Section 21.4 Accessory Uses – Buildings and Structures

- (a) In all zoning districts, accessory uses of land or building clearly incidental to a permitted principal use are permitted when located on the same lot or parcel.
- (b) *Reserved*
- (c) The minimum distance between a principal building and a detached accessory building shall be 10 feet. The minimum distance between detached accessory buildings shall be ten 10 feet.

Section 21.5 Keeping of Animals

Keeping of animals, other than household pets as defined in Article XXXII, in the “AR” Agricultural-Residential and Rural Residential Zoning District shall be subject to the following standards and provisions of Section 21.6 herein:

- (a) Any building housing animals shall be located no closer than one hundred (100) feet from any existing dwelling on an adjacent property. Animal enclosures or building housing animals in existence prior to construction of a new dwelling within 100 feet thereof shall be considered a permitted use and not a non-conforming use or structure.
- (b) A minimum parcel size of 2 acres shall be required for keeping any animal having an equivalent animal unit of .5 or less. The minimum parcel size for keeping of all other animals and fowl shall be 1.5 acres. (For keeping chickens on parcels less than 1.5 acres, see Section 21.6 Keeping of Chickens)
- (c) The number of animal units kept on any separate parcel of land shall be limited to the following unless kept on land for which a special land use permit has been issued for an intensive livestock operation:

Horses/mules/donkeys/llamas	00.5 unit/acre
Feed cattle	01.0 unit/acre
Dairy cow	01.4 unit/acre
Sheep	10.0 unit/acre
Laying hen	30.0 unit/acre
Turkey	50.0 unit/acre
Ducks/geese	50.0 unit/acre
Pigs	0.25 unit/acre

Rabbits

50.0 unit/acre

- (d) For animals or fowl not listed, the number kept on any separate parcel shall be based on animal units per 1000 pounds live adult animal weight. The Zoning Administrator shall determine in writing the animal(s) per acre allowed by animals not specified herein.
- (e) All animals shall be kept in clean, sanitary facilities as determined by generally accepted agricultural management practices as approved by the Michigan Department of Agriculture.

Sections 21.6 Keeping of Chickens

Within the “RE” Residential Estates, “R-1” Low Density Residential and the “R-2” Medium Density Residential zoning districts, and for parcels less than 1.5 acres in the AR and RR Zoning Districts, any owner or occupant of a one or two-family residential building may keep chickens on the same lot or parcel, subject to requirements set forth in this section.

Chickens shall not be kept on any lot or parcel having an area of less than twenty thousand (20,000) square feet or less than 80 feet of lot width.

The following definitions shall apply for purposes of this section only:

BACKYARD: The area of the lot or parcel bounded by the rear lot line, side lot lines and the line drawn perpendicular to the side lot line at the rear of the residential building.

COOP: A structure intended to house chickens and protect them from severe weather conditions.

ENCLOSURE: A fence placed to keep chickens outdoors within a defined area to prevent free roaming.

The following requirements shall apply to any premises in which chickens are proposed to be kept:

- (a) No more than 8 chickens may be kept on each lot or parcel of 20,000 square feet or more plus 4 more chickens for each additional 10,000 square feet of lot area.
- (b) No rooster shall be kept on premises at any time.
- (c) Outdoor slaughter of chickens on premise is prohibited.
- (d) The chickens shall be provided with a coop and must be kept within an enclosure at all times.
- (e) A coop or enclosure shall not be located closer than 60 feet from any dwelling unit on an adjoining parcel.
- (f) A person shall not keep chickens in any location other than a backyard.

- (g) The coop and enclosure area shall be maintained as to prevent rats, mice or other rodents from being harbored within or under the coop or enclosure area.
- (h) All feed and chicken care items shall be stored or protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (i) Chickens shall not be housed on a waterfront lot or parcel unless the coop and enclosure area can be located not less than 30 feet from the 100 year flood plain.
- (i) In addition to the requirements set forth in Section 21.5 hereof, provisions must be made for the storage and removal of manure. Manure shall be covered, stored, and confined in such a manner as to not allow the manure or its odors to spread onto abutting properties. No more than three [3] cubic feet of manure shall be stored on the property. All other manure not used for fertilizing shall be removed promptly.

Private restrictions on the use of property shall remain enforceable and take precedence over this section. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

Any person who violates terms of this section shall be deemed in violation of the zoning ordinance and will be subject to prosecution as a civil infraction.

Section 21.7 Basement Dwellings

The use and occupancy of a basement as defined in Article XXXII and in the residential building code in effect as a dwelling unit is prohibited in all zoning districts.

Section 21.8 Lots and Parcels With More Than One Street Frontage

The required front yard setback shall apply on each public street or private road frontage in all zoning districts.

Section 21.9 Single-Family Dwellings Requirements for all Zoning Districts

All single-family dwelling units built or located in the Township shall conform to the following requirements:

- (a) Each single-family residential building shall have a minimum exterior dimension of 20 feet on any side.
- (b) Each single-family residential building, when located on an approved foundation, shall have all wheels, towing mechanisms and tongues removed and no portion of the undercarriage shall be visible from outdoors.

- (c) All single-family structures shall be secured to the foundation and be watertight, as required by the applicable residential building code.
- (d) Additions to any building containing a dwelling unit shall meet requirements of the Michigan Residential Building Code.

Section 21.10 Floor Area Minimums for Dwellings in all Zoning Districts

(a) Single-Family Detached Dwellings

- (1) One-story dwellings shall have no less than 816 square feet of floor area.
- (2) One and one-half and 2 story dwellings shall have no less than 672 square feet of floor area on the first floor level.

(b) Two-Family Dwellings

- (1) A one-story, 2 family building shall include no less than 600 square feet in each dwelling unit.
- (2) One and one-half and two-story, two-family buildings shall include no less than 500 square feet in each dwelling unit on the first floor level.

(c) Multiple-Family Dwellings

- (1) Each dwelling unit within a residential building containing 3 or more dwelling units shall have a minimum floor area of 500 square feet.

(d) Dwellings within a Planned Unit Development

- (1) Minimum floor area for all types of dwellings shall conform to this section, unless a different minimum floor area is approved by the Planning Commission for each type of dwelling unit. Approval of smaller floor area for any dwelling unit shall be based on review of proposed exterior building finishes and proposed site landscaping. The objective of this incentive is to obtain higher quality exterior finishes and site landscaping in exchange for a smaller floor area.

Section 21.11 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, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission for public health, safety or general welfare is permitted by right in all zoning districts.

Section 21.12 Fences

The following standards shall apply to all fences installed after the effective date of this Ordinance or fences installed to replace fencing present on the effective date of this Ordinance:

- (a) A fence shall not be placed in any portion of a public road right-of-way or private road easement.
- (b) A fence located in a front yard setback shall not exceed 4 feet in height.
- (c) Fencing located in a side or rear yard shall not exceed 6 feet in height.
- (d) No fence shall be located within a clear vision area as regulated in Section 21.20.
- (e) Fencing is not permitted in any waterfront lot or parcel between the waterfront and the principal building, excluding required swimming pool enclosures to assure safety.
- (f) All fences shall be maintained in good condition.

Fencing in Platted Subdivisions or Site Condominium Subdivisions, in Addition to (a) – (f) Above, Shall also Conform to the Following Standards:

- (a) The maximum fence height in any actual front setback area shall not exceed 30 inches and said fence shall not be completely opaque.
- (b) Side and rear yard fencing, if opaque, shall be installed with a finished side [no support posts showing] facing adjoining property or the adjoining street.
- (c) An access gate facing the adjoining street, no less than four (4) feet in width shall be installed whenever a fence forms a complete enclosure in any side or rear yard or both.

Section 21.13 Health Department – Required Approvals

A zoning permit for new construction or any addition to an existing building shall not be issued unless and until the Barry-Eaton District Health Department has issued written approval under the following circumstances.

- (a) **New dwelling** – Approved water well and septic construction permits for the lot or parcel on which a new water well and on-site wastewater disposal system are to be located to serve the dwelling.
- (b) **New Residential Accessory Building or Addition Thereto** – An approved “Evaluation of Existing Well or Septic System” to verify the building will not be located on an existing wellhead area, septic tank, drainfield, or reserve drainfield area.
- (c) **Addition to an Existing Dwelling** – An approved “Evaluation of Existing Well and Septic System” to verify the building will not be located on an existing wellhead area, septic tank, drainfield or reserve drainfield area.
- (d) **All Other Buildings** – An approved site evaluation from the Barry-Eaton District Health Department for the lot or parcel on which the new water well and on-site wastewater disposal system is to be located to serve the building.

Section 21.14 Swimming Pool Regulations

An in-ground swimming pool on privately owned property shall be considered an accessory structure for purposes of this Ordinance and shall require issuance of a zoning permit. Fencing, gates, pool decks, safety covers and door alarm systems shall comply with the State Building Code. *[As Amended Ordinance 2019-01 effective 9-21-2019]*

Above-ground swimming pools with side wall height of 36 inches or more need not be fenced, provided that entry steps providing access to the pool are secured by an enclosure and a self-closing and latching gate with latch on the pool side of the gate.

Section 21.15 Vehicle Repair in Residential Zoning District R-E, R-1, R-2, R-3 and R-4.

Outdoor and non-commercial and not for fee repair of motor vehicles is permitted in these residential districts. Vehicle(s) undergoing repairs may be stored outdoors for a period no longer than 21 consecutive days. A longer period may be allowed by the Zoning Administrator on request of owner of the premises.

Outdoor and indoor, non-commercial and not for fee repair of motor vehicles is permitted by right in District A, A-R, and R-R.

Section 21.16 Dismantled, Non-operating and Unlicensed Motor Vehicles

No person shall cause to be stored outdoors on any lot or parcel dismantled, non-operating or unlicensed motor vehicles or parts thereof.

Section 21.17 Trash, Litter and Junk on any Premises

No person shall cause to be accumulated on any lot or parcel, trash, litter or junk. This shall include all forms of waste material, metal, machinery, garbage or any other used matter. This requirement shall not apply to facilities approved for materials recycling by the Planning Commission.

Section 21.18 Recreational Vehicle Parking in All Residential Zoning Districts

Recreational vehicles, as defined in this Ordinance, shall not be stored in a required front yard setback in all Residential Zoning Districts. This requirement does not include short-term parking in the driveway for purposes of loading/unloading or cleaning of the recreational vehicle. *[As Amended Ordinance 2019-01 effective 9-21-2019]*

Section 21.19 Refuse Management in all Zoning Districts

Containers placed outdoors, used for waste disposal, grease disposal, and/or recycling, shall be located and screened in accordance with regulations in this section. For existing parcels or buildings served by outdoor containers, a change in location shall require compliance with requirements of this section. Containers under 96 gallons and serving single family homes are exempt from this section.

- (a) **Location.** Containers shall be placed in the rear yard or side yard, unless otherwise approved by the Planning Commission. For commercial and industrial sites adjoining residential use or zoning, the container shall be placed not closer than 20 feet to a residential property line.
- (b) **Access.** The container shall be positioned to allow convenient access by waste management vehicles used to empty the container. There shall be no interference or conflict between necessary vehicle circulation to empty or place the container and required on-site parking.
- (c) **Base.** A concrete slab shall be installed that is no less than 2 feet wider on each side than the width of the container. The base shall extend no less than 6 feet in front of the container enclosure access gate to support the nearest axle of the waste management vehicle.
- (d) **Required Screening.** All outdoor containers shall have an enclosing lid or cover and be enclosed on three sides with an access gate on the fourth side. A separate pedestrian access shall be provided to each container. The enclosure shall consist of an earth berm, brick, wood or decorative concrete finish with a height of 6 feet or at least 1 foot above the height of the container, whichever is greater. The access gate shall be made of treated wood or decorative aluminum with center latch to keep the gate in place or a rolling gate with latch. Enclosure design and layout shall conform with **Figure 21.19** below.

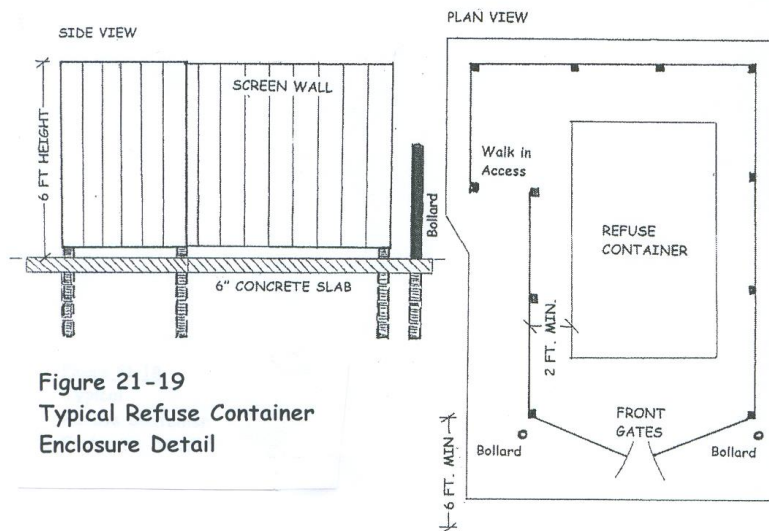


Figure 21-19
Typical Refuse Container
Enclosure Detail

**Section
21.20
Height**

Exceptions

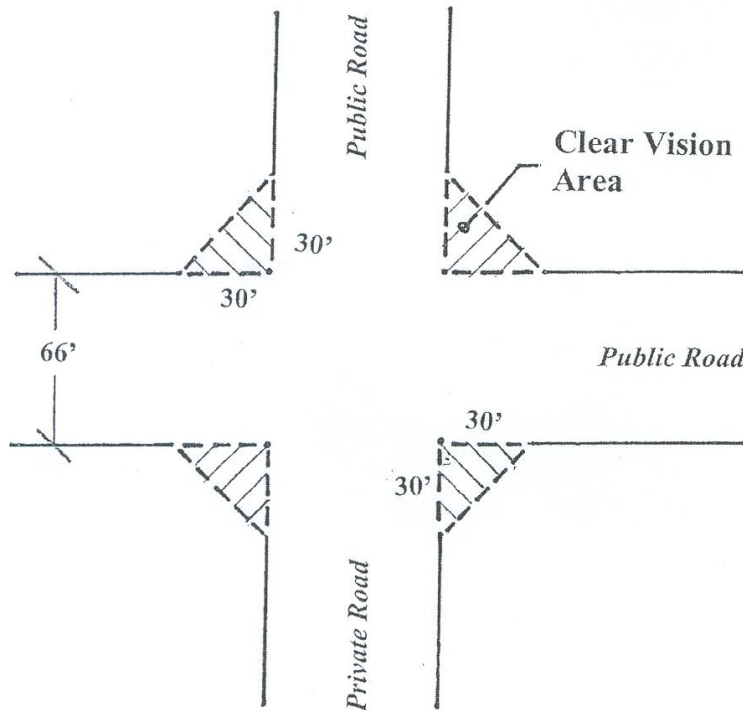
The following building elements and structures shall be exempt from the maximum height regulations in all zoning districts:

- (a) Parapet walls, chimneys and mechanized penthouses integral to a building, not to exceed 4 feet in height above the average roof line.
- (b) Cooling towers, elevator bulkheads or enclosures, fire towers, silos, grain elevators and elevated water storage facilities.
- (c) Towers that are regulated and controlled by the Federal Communication Commission and/or Federal Aviation Administration.
- (d) Residential or Commercial wind generation and wireless communication towers, subject however, to other requirements within this Ordinance.

Section 21.21 Clear Vision Areas

No building structures shall be located or built within a triangle area 30 feet from intersecting public road right-of-way lines or public road right-of-way line and private road easement line. The required clear vision area is as depicted in *Figure 21.21*.

Figure 21.21
Clear Vision Area
Illustration



Section 21.22 Width to Depth Ratio for all Newly Created Lots or Parcels

Every lot or parcel of land created hereafter in a plat, site condominium or by land division shall have a depth from front lot line to back lot line not greater than four (4) times the lot, unit or parcel width at the required front setback line.

Section 21.23 Dangerous Buildings

The Zoning Administrator, in collaboration with the building code official, may order the owner of premises to raze and remove or make safe by repair a dilapidated or dangerous building. A partially built structure where cessation of construction extends to more than 730 days shall be considered a dangerous building.

Section 21.24 Moving of Buildings

Moving of an existing building to a new location shall be considered new construction and all applicable zoning and building code requirements shall apply. A building shall not be relocated until a zoning permit has been issued by the Zoning Administrator.

Section 21.25 Demolition of Buildings

A building owner shall not demolish, in whole or in part, any building or structure unless a demolition permit has been obtained from the building code official with jurisdiction.

Section 21.26 Standards for All Private Roads

Whenever a lot or parcel exists or is proposed without required minimum frontage on a public road, said lot or parcel shall be served by a public road extension or a private road meeting requirements of this section. For all private roads, the following requirements and standards shall apply:

- (a) Private roads are permitted only when located in the “AR” Agricultural-Residential and “RR” Rural Residential Zoning Districts.
- (b) Private roads serving 5 or more lots or parcels shall require approval by the Planning Commission for a preliminary private road permit.
- (c) Whenever land divisions are intended companion with a proposed private road, the private road application shall also include a survey layout and description of all lots or parcels to be served by the private road.
- (d) The preliminary private road permit process for all private roads is as follows:
 - (1) Owner submits application for preliminary private road together with construction plans and specifications. If private road serves more than one (1) parcel, road plans and specifications must be prepared by a registered professional engineer along with

- proposed deed restrictions addressing future maintenance of the private road.
- (2) The Zoning Administrator reviews the application material. For private road serving 5 or more lots or parcels, the application is referred to the Planning Commission.
 - (3) The Planning Commission shall hold a duly noticed public hearing in accordance with Section 103 of 110 PA 2006 as amended, (MCL 125.3103).
 - (4) The Planning Commission or Zoning Administrator shall approve a preliminary private road application if it meets standards contained in this section.
- (e) The road agency with jurisdiction over the public roadway to which the private road is connected shall be provided the proposed private road construction plans, by the owner. The Planning Commission or Zoning Administrator shall take no action on the preliminary private road application until written approval or approval with conditions is received from the road agency.
- (f) For Private Roads serving only one (1) parcel
- (1) Each private road shall be located entirely within an easement not less than 66 feet in width.
 - (2) The minimum width of the traveled surface shall be 12 feet.
 - (3) The traveled surface shall be graded and well drained to allow passage anytime of the year.
 - (4) The traveled surface shall be maintained with a minimum clear height of 14 feet.
 - (5) The traveled surface shall be built and maintained to within 50 feet of the structure in which the dwelling is located.
 - (6) A turn out or turn around shall be provided with a radius of 42 feet or leg length of 35 feet.
 - (7) The proposed traveled surface centerline, width and location, shall be shown on a site sketch filed with the Zoning Administrator. The owner or applicant shall place centerline stakes for the proposed traveled surface at intervals of 50 feet in straight sections, 20 feet through curves.
 - (8) Maximum private road grade shall be 10 percent.
 - (9) Once the design and location is approved by the Zoning Administrator, a private road serving one parcel within the easement may be constructed.
- (g) For Private Roads serving 2-4 parcels
- (1) Each private road shall be centered within an easement not less than 66 feet in width.
 - (2) The road base shall consist of not less than 12-inches of compacted sand and 6 inches of 22A gravel compacted in place. 22A gravel shall be used where pavement will be applied as the surface course. 23A gravel shall be used where the gravel will

- remain exposed. Substitutions may be allowed if approved by the engineer.
- (3) Where existing soils do not allow for natural drainage, sand subbase must be extended to adjacent ditch or 4 inch underdrain must be installed and outlet to a suitable location.
 - (4) For gravel or paved roads, the cross-section shall be Twelve (12) foot traveled width with at least four (4) feet cleared on each side. Wider travel width around curves may be required to accommodate emergency vehicles. The side ditch slope shall not exceed 1 foot vertical to each 4 feet horizontal.
 - (5) For paved roads, no less than 3 inches of asphalt, placed in two lifts, shall be applied. Asphalt must consist of at least 1.5 inches of MDOT base mix and at least 1.5 inches of MDOT surface mix.
 - (6) For concrete roads, no less than 6 inches shall be applied.
 - (7) Overhead trees and limbs must be maintained to no less than 14' above ground over a cleared travel width of twenty (20) feet.
 - (8) Private Roads longer than 400 feet must include emergency passing areas every 400 feet. Emergency passing areas must have a travel width of at least 20 feet wide and 80 feet long and must be maintained and passable all year.
 - (9) Storm water management shall consist of ditches, and storm sewer designed to the 10 year storm and basins designed to a 25 year storm event and shall not result in an increase in storm water run-off flow rate from the subject property onto any adjoining land. All improvements must be able to convey the 100-year storm without resulting in property damage on or off the improved site. Storm water run-off calculations prepared by a professional engineer shall be included with the construction plans.
 - (10) Maximum private road grade shall be 10 percent. The maximum road grade may be reduced if determined to be a public safety risk by the Township or its engineer.
 - (11) Any proposed cul-de-sac shall have a minimum right-of-way radius of 50 feet and a minimum running surface radius of 42 feet. The cul-de-sac may have a center landscape island, however, the minimum paved or gravel lane width shall be 20 feet.
 - (12) "T" type private road endings are not permitted.
 - (13) Construction plans shall include an erosion control plan.
 - (14) Construction plans shall include private road sign detail and location[s].
 - (15) Private roads shall have an asphalt approach extending 30 feet from the existing road edge whenever a private road intersects a paved road.
- (h) For Private roads serving 5 or more parcels construction plans shall conform to road design and construction standards as follows:
- (1) Each private road shall be centered within an easement not less than 66 feet in width.

- (2) The road base shall consist of not less than 12 inches of compacted sand and 6 inches of gravel compacted in place. 22A gravel shall be used where pavement will be applied as the surface course. 23A gravel shall be used where the gravel will remain exposed. Substitutions may be allowed if approved by the engineer.
 - (3) For gravel roads, the cross-section shall be 22 feet with side ditch slope not exceeding 1 foot vertical to each 4 feet horizontal.
 - (4) For paved roads, the cross-section shall be 18 feet with 2 foot shoulders on each side with side ditch slope not exceeding 1 foot vertical to each 4 feet horizontal.
 - (5) For paved roads, no less than 3 inches of asphalt placed in two lifts shall be applied. Asphalt must consist of at least 1.5 inches of MDOT base mix and at least 1.5 inches of MDOT surface mix.
 - (6) If concrete, no less than 6 inches shall be applied.
 - (7) Overhead trees and limbs must be maintained to no less than 14' above ground over a cleared travel width of twenty (20) feet.
 - (8) Storm water management shall consist of ditches and storm sewer designed to the 10-year storm and basins designed to a 25 year storm event and shall not result in an increase in storm water run-off from the subject property onto any adjoining land. All improvements must be able to convey the 100 year storm without resulting in property damage from surface storm water on or off the improved site. Storm water run-off calculations prepared by a professional engineer shall be included with the construction plans.
 - (9) Maximum private road grade shall be 6 percent.
 - (10) Any proposed cul-de-sac shall have a minimum right-of-way radius of 50 feet and a minimum running surface radius of 42 feet. The cul-de-sac may have a center landscape island, however, the minimum paved or gravel lane width shall be 20 feet.
 - (11) "T" type private road endings are not permitted.
 - (12) Construction plans shall include an erosion control plan.
 - (13) Construction plans shall include private road sign detail and location[s].
 - (14) A separate sidewalk or pathway shall be required within the easement if determined to be necessary by the Planning Commission unless waived by the Planning Commission for good reason shown.
 - (15) Private roads serving five (5) or more parcels shall have an asphalt approach extending 30 feet from the existing road edge whenever a private road intersects a paved road.
- (i) The applicant for approval of a private street, together with any other owners or parties in interest, shall submit to the Township a recordable private street maintenance agreement, signed by all owners of the easement or right-of-way for the private street and by all other parties having any interest therein. Such agreement shall provide for and assure

that the private street shall be regularly maintained, repaired and snowplowed so as to assure that the street shall be safe for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.

- (j) The deed restrictions governing maintenance of the private road shall be recorded with the Barry County Register of Deeds and a copy of the recorded document filed with the Zoning Administrator prior to issuance of a Certificate of Completion.
- (k) Land divisions companion to a private road improvement will not be approved until the Certificate of Private Road Completion is signed and filed with the Zoning Administrator.
- (l) A private road may connect to or extend an existing private road, so long as the existing private road conforms to design standards of this section.

Section 21.27 Temporary Uses of Land or Building

Temporary use[s] of land may be established for a period not to exceed 180 days in any “A”, “AR”, “RR” or “RE” Zoning District. Such use[s] shall conform to the zoning district in which they are located. A permit application to establish temporary use[s] shall be filed with the Zoning Administrator prior to establishment of such use[s]. The Zoning Administrator shall approve the temporary use[s] application if all applicable regulations of this Ordinance are met. The application shall include a site plan or building occupancy plan or both.

Section 21.28 Temporary Structures

Temporary structures incidental to site or building construction may be authorized by the Zoning Administrator by issuance of a temporary structure permit. The permit shall specify the size and location for the temporary structure and method of addressing waste water disposal. A temporary structure permit shall be limited to a 12-month period. A temporary structure permit may be renewed for up to an additional 12-month period if construction is continuing. The maximum period for any temporary structure shall be 24 months.

Section 21.29 Maximum Site Grades

For any land development involving earth changes, any new, finished grades established shall not exceed one foot vertical rise to two feet horizontal. All areas of a site on which grading and grade changes occur shall be stabilized with at least 2 inches of top soil, seed and mulch.

Section 21.30 Plat and Site Condominium Subdivision Regulations

For any parcel of land on which a plat under 288 PA 1967, as amended and 591 PA 1996, [MCL 560.101 et seq] as amended, or a site condominium subdivision

under 59 PA 1978, [MCL 559.101 et seq] as amended, the following requirements shall apply:

(a) Procedure – Preliminary

A preliminary Plat or Site Condominium plan shall be filed with the Zoning Administrator for review by the Planning Commission. The preliminary application for Plat or Site Condominium plan approval shall include:

1. Completed application form.
2. A project location map, plan scale, north arrow and seal of the professional engineer.
3. Proposed internal street layout, cross-section and vertical alignment.
4. Lot or unit layout and dimensions in the form of a preliminary plat or site condominium plan.
5. Existing and proposed site grades.
6. Proposed drainage facilities.
7. Street and project signage.
8. Surface water features, wetland areas and woodland shall be depicted.
9. Draft deed restrictions or master deed.

The Planning Commission shall hold a duly noticed public hearing on the preliminary plat or site condominium. The Planning Commission will not take action on the plan until the public hearing minutes are reviewed and approved.

The Planning Commission may deny the plan with reasons stated, approve the plan or approve the plan with conditions.

(b) Plat or Site Condominium Subdivisions Design Standards

The following design standards shall apply to all Plat or Site Condominium developments:

- (1) Private streets or roads are not permitted. All interior streets or roads shall be designed and constructed to meet standards of the Barry County Road Commission or other public agency with jurisdiction. Construction inspection of all internal streets or roads shall conform to requirements of the public agency with jurisdiction and shall be dedicated as public streets or roads.
- (2) Storm drainage shall outlet to an established Barry County drain or on-site storm water retention shall be required. The storm water management design shall conform to best management practices and standards contained in Article XXII, Section 22.2.
- (3) For sites not served by public sanitary sewer, all proposed lots or units shall be evaluated by the Barry-Eaton District Health Department [BEDHD] as approved for on-site wastewater disposal. The Planning Commission shall not give approval to the preliminary plan until all lots or parcels have been approved by the B.E.D.H.D.

- (4) Street lighting shall be required at each internal intersection.
- (5) All utilities, including electric, gas, telephone, catv, etc. shall be placed underground in dedicated easements.
- (6) Natural areas including surface water and wetlands on the site shall be included in common open space areas and shall not be included within any lot or unit, to the extent possible.
- (7) Pedestrian facilities in the form of sidewalks shall be directly accessible from each lot or unit. Alternative common area pedestrian facilities may be allowed if approved by the Planning Commission.
- (8) Other design standards as applicable within this Ordinance.

(c) Procedure – Final

Final plat or site condominium approval shall be filed with the Zoning Administrator for review by the Planning Commission

All required site improvements shall be completed at the time of Planning Commission review of the final Plat or Condominium Master Deed and plan.

The final plan shall be filed in recordable form.

The Planning Commission shall review the final plat or site condominium plan to verify all required improvements have been completed in accordance with the approved preliminary plan. If completed, the Planning Commission shall recommend to the Township Board final plat or site condominium plan approval.

The Township Board may deny with reasons stated, approve, or approve with conditions, the final plat or site condominium plan and Master Deed.

(d) Performance Guarantee

In lieu of completing all required site improvements, the proprietor may file a performance guaranty based on provisions of Section 20.9 of this Ordinance.

Section 21.31 Outdoor Lighting Standards for all Zoning Districts

- (a) **Light Levels:** All outdoor lighting in all zoning districts used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from property lines. Light shall not exceed more than 0.5 footcandle at a residential lot line. Light shall not exceed more than 1.0 footcandle at a non-residential lot line, including road frontage. The maximum light level on the site shall be 10 footcandles. All illuminaries shall be metal halide.
- (b) **Light Fixtures:** Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section. Lighting shall utilize cut-off fixtures that are recessed sufficiently such that the light source is not visible from

off site. Bollard lights are permitted to light driveways, parking areas and pedestrian areas. Floodlight type fixtures shall not be permitted except for building accent and sign lighting.

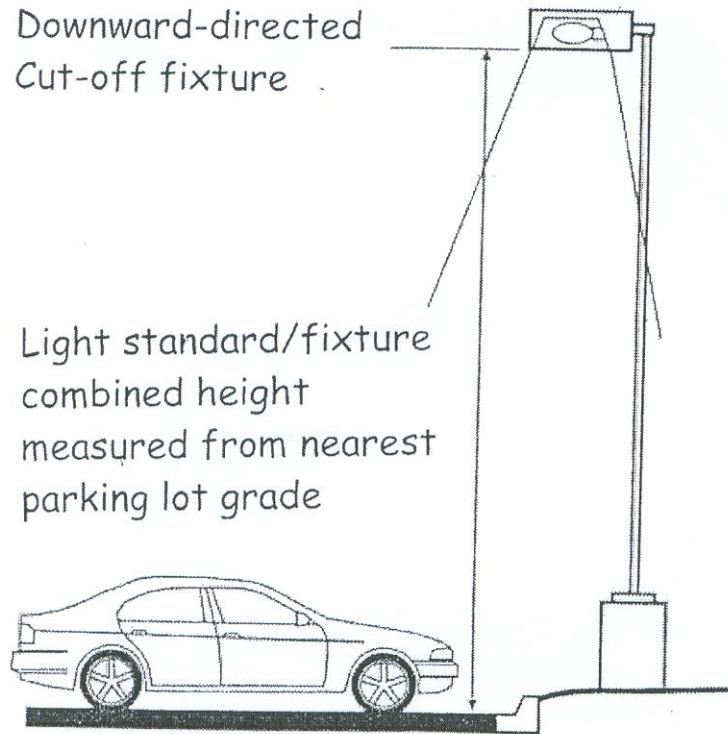


Figure 21.31

- (c) **Fixture Height:** Light standards shall have a maximum height of 15 feet where adjacent to a residential district. Light standards shall have a maximum height of 25 feet where adjacent to non-residential districts.
- (d) **Ornamental Lighting:** The requirement of cut-off type downward directed luminaries may be waived for period style lighting which is part of an overall architectural theme, as approved by the Planning Commission. The Planning Commission may require period style lighting for commercial sites within any Office or General Commercial Zoning district.
- (e) **Sign and Building Lighting:** All lighting in non-residential districts used for external illumination of buildings to feature said buildings or to illuminate a permitted wall sign, shall be placed and shielded so not to interfere with the vision of motorists on adjacent highways or pedestrians on adjacent property.
- (f) **Sign Lighting:** Illumination of signs shall comply with requirements of Article XXIV.

- (g) **Photometric Plan:** The Planning Commission may require the submission of a photometric plan prepared by an electrical engineer graphically illustrating the planned layout and footcandles of the site lighting. The evaluation of the photometric is intended to permit the Planning Commission to determine potential adverse effects the site lighting may have on adjoining properties and motorists. Compliance with the lighting design criteria shall be demonstrated by submitting the following for review:
- (1) Lighting plan showing light fixture locations, type designations and heights;
 - (2) Photometric plan showing horizontal luminance levels in a point by point format with contour lines. The photometric plan shall be provided for a full parking lot within an automobile dealership. Canopy lighting will also be included in luminance levels;
 - (3) Lighting standards and illuminaries specifications and data sheets;
 - (4) Any other presentations required to convey the intent of the design.

Section 21.32 Governmental Buildings

Governmental buildings may be located in any zoning district, subject to minimum lot area and frontage requirements of the zoning district in which they are located, site plan review and other applicable regulations in this ordinance.

Section 21.33 Keyhole Development

It is hereby found that keyhole development [also known as funneling] is harmful to the public health, safety and welfare and constitutes an improper use of land and natural resources in that it causes overcrowding of lakes, streams, and lands adjacent to them, contributes to pollution and degradation of public waters, creates hazards to life and property by increasing the risk of boating accidents, adversely affects the recreational experiences of both riparian owners and the general public, and adversely impacts property values of shoreline properties located near funnel developments.

It is the declared purpose of this section to regulate keyhole development so as to protect the health, safety and general welfare of the citizens of the Township and to carry out the intent of the Michigan Zoning Enabling Act, as amended.

Waterfront, riparian lots or parcels may not be used for common access to a waterfront from non-riparian lots or parcels, except in conformance with the following regulations:

- (a) Any development in any zoning district which has shoreland area may not permit more than 1 dwelling unit to the use of each 40 feet of lake frontage in such common lakefront area as measured along at the water's edge of the normal high water mark of the lake or stream. There shall not be more than

one dock for each 40 feet of lake frontage and no more than two boats may be moored at each dock.

- (b) The foregoing standards shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, or lease.
- (c) Additional waterfront use and development regulations in this Ordinance may apply.

Section 21.34 Wind Energy Systems

The purpose of this section is to establish standards for locating and construction of electrical generating devices from wind energy. This section addresses two types of wind energy systems; these are (1) “On-site Use Wind Energy system” which primarily serve the needs of the homeowner and (2) “Utility Grid Wind Energy Systems” intended to serve needs of the community by providing electricity to the utility electrical grid.

(a) Property Setbacks. No part of the wind energy structure, including guy wire anchors, shall extend closer than 10 feet to any side or rear lot line. The minimum setback in any front yard shall be the required front setback for the district in which the wind energy structure is located.

(b) Tower Height. Tower height shall be defined as the height above grade at the base of fixed portion of the tower, excluding the wind turbine and rotor blades.

**Table 21.34
Wind Energy Systems Permit Review, Placement and Tower Height**

System Type	Required Review	Zoning Districts Allowed	Setback Required	Tower Height
On-Site Use Wind Energy System less than 60 feet	Zoning Administrator	A, AR, RR, RE and R-1	Tower Height plus 20% of actual height	Parcels 1.5 acres or less, Maximum building height allowed in zoning district Parcel larger than 1.5 acres, no limit but subject to setback requirement and FAA Regulations
Anemometer Tower less than 60 feet in height	Zoning Administrator	A, AR, RR, RE and R-1	Tower Height plus 20% of actual height	Same as Above
On-Site Use Wind Energy System over 60 feet in height	Planning Commission (1)	A AR	Tower Height plus 20% of actual height	Same as Above

Anemometer Tower over 60 feet in height	Planning Commission (1)	A AR	Tower Height plus 20% of actual height	Same as Above
Utility Grid Wind Energy System	Planning Commission (1)	A AR	Tower Height plus 20% of actual height	Same as Above

(1) *Public Hearing Required.*

(c) Construction Codes. Wind Energy System towers, base and supports shall comply with all applicable state construction and electrical codes, building permit requirements, Federal Aviation Administration [FAA] requirements, the Michigan Airport Zoning Act [23 PA 1950] [MCL 259.431 et seq] the Michigan Tall Structures Act [259 PA 1959] [MCL 259.481] as well as applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards. The minimum FAA lighting standards shall not be exceeded. Strobe or spot light illuminaries are prohibited. Tower lighting required by the FAA shall be shielded to the extent necessary to reduce glare and visibility from the ground.

(d) Safety.

(1) Each On-Site Use Wind Energy System shall be automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If the tower is supported by guy wires, the wires shall be clearly visible to a height of at least 8 feet above the guy wire ground anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

(2) All Utility Grid Wind Energy Systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access gates and/or doors that are kept securely locked at all times when service personnel are not present. A sign no more than 8 square feet shall be placed adjacent to the tower or service building giving emergency contact information. A sign placed at the entry drive shall conform to requirements of Article XXIV of this Ordinance. The minimum vertical blade tip clearance from the service building or ground, whichever is higher, shall be 20 feet.

(e) Visual Impact. A Utility Grid Wind Energy System shall use a tubular tower without guy wires and for each tower shall be finished in a single, non-reflective matte finish or similar design, size, operation and appearance throughout the site. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades. Nacelles may have lettering that exhibits the manufacturer’s or owner identification. Real property identified in a local, state or federal register of historic places shall be avoided when locating a Utility Grid Wind Energy System.

(f) Environmental Impact. The applicant for a Utility Grid Wind Energy System shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical sites, birds and wildlife. The applicant shall take appropriate measures to minimize, eliminate or mitigate

adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that shall remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.)

(g) Noise. Each type of wind energy system shall not exceed 55 decibels (dBA), measured at the nearest property line.

(h) Electromagnetic Interference.

(1) Utility Grid Wind Energy System shall not be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that shall restore reception to at least the level present before operation of the wind energy system.

(2) Each Utility Grid Wind Energy System shall not be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation, unless the interference is insignificant.

(i) Shadow Flicker. The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the effects.

Section 21.35 Sidewalks and Pathways

The purpose of this section is to set forth standards for pedestrian facilities in all new development thereby creating walkable neighborhoods throughout the Township.

(a) Applicability. Sidewalks or alternative pedestrian facilities shall be required for any development subject to site plan review in Article XX, under the following circumstances:

- (1) Any residential subdivision, site condominium subdivision, or land division of 5 or more parcels with an average lot or unit area of less than 65,340 square feet.
- (2) Any two-family or multiple family residential development.
- (3) All other forms of land use.
- (4) The Planning Commission approves a specific design for alternative pedestrian facilities in lieu of sidewalks so long as all new lots or parcels are directly served.

(b) Construction Standards. The following construction standards shall apply to all pedestrian facilities.

- (1) All sidewalks shall be a minimum 5 feet wide concrete or asphalt and shall be constructed to the specifications of the American Society of Highway and Transportation Officials (AASHTO).
- (2) All bike paths shall be at least 8 feet wide concrete or asphalt and constructed in accordance with the specifications of the AASHTO.
- (3) The Planning Commission may require walking trails within open space areas of residential developments. Trails shall be 6 foot wide crushed aggregate stone or asphalt, or wooden boardwalks in areas with sensitive environmental features. The path shall provide direct access to all lots where the Planning Commission waives the requirement for sidewalks.
- (4) Sidewalks and bike paths shall be installed by the developer within the dedicated street right-of-way, private road access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement.
- (5) Crosswalk pavement markings and signs are required.
- (6) An inclined approach meeting AASHTO standards shall be required where sidewalks and bike paths intersect curbs for barrier-free access to the sidewalk.
- (7) A performance guarantee, in lieu of sidewalk/pathway construction, may be required by the Planning Commission in instances where significant site constraints such as where there are significant grade changes to adjacent undeveloped property or when utility and other infrastructure improvements are planned for the site in the near future. Under these circumstances, the sidewalk/pathway shall be constructed once the site constraints can be eliminated.

Section 21.36 Land Division Regulations

Regulations set forth in this section govern divisions of land under terms of Michigan Public Act 591 of 1996, said land division proposed outside of a platted subdivision or site condominium as regulated by Section 21.30 of this Ordinance.

(a) Land Division Application – Prior to any owner recording or conveying any portion of a parcel in existence and under common ownership on March 31, 1997 an application for land division shall be filed with the Zoning Administrator. Said application for land division shall include:

- (1) Completed land division application form provided by the Township.
- (2) Payment of land division application fee as determined by the Township Board.
- (3) A drawing of each proposed or collective land division[s] prepared by a registered land surveyor, including the remainder of the parent parcel. The survey shall also depict all easements of record, location of existing buildings and distance to proposed property lines.

- (4) A legal description of each parcel to be created and legal description of the remainder of the parent parcel.
- (5) A copy of proposed deed restrictions, if any, that are to run with each newly created parcel.

(b) Land Division Standards – Each new parcel to be created by land division shall meet the minimum lot width and lot area required by the zoning district in which the land division is located and the following requirements:

- (1) A public road or private road shall not bi-sect any newly created parcel.
- (2) A parent parcel in existence as of March 31, 1997 shall not be divided in excess of the number of divisions allowed by law.
- (3) Each new parcel shall not exceed the lot width to depth ratio required in Section 21.22.
- (4) *Reserved (Amended effective 1-21-2017- Ordinance 2017-01).*
- (5) Each new parcel shall have direct frontage on a public road or approved private road not less than the minimum lot width required by the zoning district in which the parcel is located.

(c) Land Division Approval – If the land division application meets requirements of this Ordinance, the Zoning Administrator shall approve the application, subject to the following requirements:

- (1) Verification by the Township Treasurer that all property taxes have been paid and no delinquent taxes exist on the parent parcel.
- (2) A final land survey and legal descriptions for each new parcel sealed by the registered land surveyor.
- (3) Assignment of parcel identification number[s] to each newly created parcel by the Township Assessor.

Section 21.37 Solar Energy Collectors

[As Amended Ordinance 2019-01 effective 9-21-2019]

(a) Purpose. Thornapple Township promotes the effective and efficient use of solar energy collection systems. It is the intent of the Township to permit these systems by regulating the site, design, and installation of such systems to protect the public health, safety and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors, as defined in this ordinance, shall comply with the provisions of this Section.

(b) Criteria for the Use of All Solar Energy Equipment.

- (1) Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional
- (2) Solar energy equipment shall be repaired, replaced or removed within three (3) months of becoming non-functioning.
- (3) Each system shall conform to applicable industry standards including those of the NEC 2014, as amended.

(c) Application for Administrative Review. An applicant who seeks to install building-mounted solar energy equipment or ground-mounted solar energy

collectors totaling less than 600 square feet shall submit an application for administrative review, as provided by the Township. The application shall include the following:

- (1) Photographs of the property's existing conditions.
- (2) Renderings or catalogue cuts of the proposed solar energy equipment
- (3) Certificate of compliance demonstrating that the system has been tested and approved by Underwriter Laboratories (UL) or other approved independent testing agency.
- (4) Plot plan to indicate where the solar energy equipment is to be installed on the property
- (5) Description of the screening to be provided for ground or wall mounted solar energy equipment
- (6) Any fee(s) as determined by the Township Board from time to time.

(d) Exclusions from Administrative Review

- (1) The installation of one (1) solar panel with a total area of less than eight (8) square feet.
- (2) Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

(e) Building-Mounted Solar Energy Collector Requirements. A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts subject to the following requirements.

- (1) An Administrative Review is required of all building-mounted solar energy collectors permitted as an accessory use.
- (2) Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
- (3) Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof, thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Building official prior to installation; such certification shall be subject to the Building Official's approval.
- (4) Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.

- (5) Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
 - (6) Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
 - (7) The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
 - (8) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
 - (9) Solar energy collectors, and the installation and use thereof, shall comply with the State construction code, the electrical code, and other applicable codes and ordinances.
- (f) Ground-Mounted Solar Energy Collector Requirements.** A ground-mounted solar energy collector system shall be subject to the following requirements.
- (1) Commercial ground-mounted solar energy collector systems and fields are subject to a Special Land Use requiring approval by the Planning Commission in the following zoning districts: Agriculture, Agriculture Residential, Rural Residential, Office, and Commercial Zoning Districts.
 - (2) Ground-mounted solar collectors less than 600 square feet are permitted as an accessory use in all zoning districts and are subject to Administrative Review.
 - (3) Ground-mounted solar collectors 600 square feet and greater shall be considered a Solar Farm and shall be subject to a Special Land Use requiring approval by the Planning Commission.
 - (4) Ground mounted solar energy collectors shall be located only as follows:
 - a. They may be located in the rear yard and side yard, but not in the required rear yard setback unless permitted by the Planning Commission in its approval of a special land use.
 - b. They may be located in the front yard only if permitted by the Planning Commission as a special land use but, in any event, they shall not be located in the front yard setback.
 - (5) Ground mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.
 - (6) Total area of all ground mounted solar energy collectors on a lot shall be limited as follows:

- a. Residential ground mounted solar arrays shall not exceed 3% of lot area.
 - b. Commercial ground mounted solar energy collector systems lot coverage is subject to Planning Commission review.
- (7) Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the special use application and shall be subject to the Planning Commission’s approval.
- (8) Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer’s directions. A copy of such directions shall be submitted with the Special Use application. The Special Use, if granted, may be subject to the Building Official’s inspection to determine compliance with the manufacturer’s directions.
- (9) The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
- (10) Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the State construction code, the electrical code and other applicable Township codes and ordinances.
- (11) The Special Use may include terms and conditions in addition to those stated in this subsection.

Section 21.38 Common Open Space Residential Development

Common Open Space Residential Developments are subject to the following requirements:

(a) Site Development Standards:

- (1) A minimum gross site area of not less than 20 acres.
- (2) A minimum gross site area of 65,340 square feet for each proposed lot or condominium unit.
- (3) A minimum net site area for each proposed lot or condominium unit as follows:

For OSRD without public sanitary sewer	38,000 square feet
For OSRD with public sanitary sewer	15,000 square feet
For OSRD with public sewer and water	12,000 square feet

- (4) The minimum lot width for each principle building at the required building setback line shall be as follows:

Single Family Dwellings:

- a. Not served by public sanitary sewer 110 feet
- b. Served by public sanitary sewer 85 feet
- c. Served by public sewer and water 75 feet

Buildings with 2-4 Dwelling Units:

- a. Not served by public sanitary sewer 180 feet
- b. Served by public sanitary sewer 120 feet
- c. Served by public sewer and water 110 feet

(5) Yard requirements for all lots, site condo units or parcel on which condominium units as located shall be as follows:

	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
Without Public Sewer	40 ft.	20 ft.	34 ft.
With Public Sewer	30 ft.	10 ft.	30 ft.

- (6) Common open area shall comprise not less than 35 percent of the gross site area.
- (7) The development may be served by public roads built to the standards of the Barry County Road Commission or paved private roads meeting standards of the Township, however, cul-de-sacs shall have a landscaped median centered in the cul-de-sac and having a 20 foot diameter.
- (8) The Barry-Eaton Health Department, for on-site wastewater disposal and well water supply shall approve each proposed lot or unit. An engineered public sanitary sewer system may be provided in lieu of Barry-Eaton Health Department approval of individual septic systems and drain fields. Common systems for either utility may be permitted if approved by the Health Department, Michigan Department of Public Health and/or Michigan Department of Environmental Quality, based on permits required by law.
- (9) Wetlands, 100-year floodplains and surface waters shall be incorporated into common open space to the extent possible.
- (10) A common open space residential development may include buildings containing from 1-4 dwelling units so long as the required minimum net site area per dwelling is provided.
- (11) All required site improvements shall be completed and inspected by the Zoning Administrator or a professional engineer acting as an agent for Thornapple Township. Variations from an approved final plan shall require an amendment.
- (12) If the common open space development:
 - (a) Is a subdivision under the Subdivision Control Act of 1967, [MCL 560.101 et seq] as amended, then all requirements of the Township Subdivision Control Ordinance shall be met in addition to requirements herein.
 - (b) Is a site condominium under terms of the Condominium act of 1978, as amended, then the development shall comply with requirements of Section 21.30 in addition to requirements herein.
 - (c) Is a land division including more than 5 lots under terms of the

Land Division Act of 1996, [MCL 560.101 et seq] as amended, then the development shall meet all requirements of Section 21.35 of this Ordinance in addition to requirements herein.

- (13) Each common open space residential development may have, at a minimum, improved 5 feet wide pedestrian walkways physically separate from roadways with the OSRD, conveniently located to each lot unit. The walkway shall be covered by a surface other than grass, dirt or wood chips and shall be well drained. Said walkway shall provide access to the common open space areas. Walkways on a parcel abutting an established public trail or trail right-of-way shall connect to such trail or right-of-way. If pedestrian walkways are provided as prescribed above, a walkway credit of one additional lot or unit will be granted to the developer for each 20 lots or units having direct access to the pathway. If pathways are provided, all lots or units shall have direct access to such pathways.
- (14) Every building containing a dwelling unit shall have the architectural appearance of a single family dwelling including but limited to:
 - (a) A single entry door on the street side of the dwelling.
 - (b) Requirements of Sections 21.9 and 21.10.
- (15) Each detached accessory building shall be of similar architectural style and exterior materials finish as the principal building.

(b) Site Plan Requirements:

- (1) a pre-application conference in accordance with Section 20.5(c) with the developer providing an OSRD sketch plan together with a sketch plan depicting a non-OSRD layout meeting requirements of the zoning district in which the parcel is located. The non-OSRD plan will be used to determine the maximum number of allowable lots or condominium units in the OSRD, notwithstanding pathway credits as provided herein.
- (2) Following the pre-application conference, a preliminary OSRD site plan with content as required in Section 20.4(b) may be filed with the Planning Commission. If private roads are proposed for the OSRD, an application for special use approval for private roads shall be filed concurrently with the application for site plan approval. The planning Commission may elect, whether or not private roads are proposed, to hold a public meeting on the OSRD site plan and give prior notice to all property owners within five hundred feet (500) of the subject parcel. If the preliminary site plan is approved by the Planning Commission, the developer may then submit a final development plan for one or more phases of the OSRD, consistent with requirements of Section 20.4(b) and including construction documents and specifications. No condominium documents, land restrictions or new lots or units may be recorded with the Barry County Register of Deeds for the subject parcel unless and until a final site plan has been approved by the Planning Commission.

Sections 21.39 Driveways to Single Family and Two Family Dwellings

Each new or relocated driveway providing access from a public or private road to a single family or two family dwelling that is 150 feet or more in length shall conform to the following design standards:

- (a) The minimum width of the traveled surface shall be 12 feet.
- (b) The traveled surface shall be graded and well drained to allow passage anytime of the year.
- (c) Each driveway shall be maintained with a minimum clear height of 14 feet.
- (d) The driveway traveled surface shall be built and maintained to within 50 feet of the structure in which the dwelling is located.
- (e) A turn out or turn around shall be provided with a radius of 42 feet or leg length of 35 feet.
- (f) No driveway shall cross a surface water utilizing a privately built and maintained bridge, except a private bridge may be built and used for emergency vehicle access if:
 - (1) The bridge deck is no less than 12 feet wide, and,
 - (2) The bridge is designed by a registered structural engineer, and
 - (3) Load capacity is certified by a structural engineer upon completion demonstrating the bridge will support the heaviest fire apparatus in Thornapple Township Emergency Services inventory, and,
 - (4) Annual inspection reports are filed with Thornapple Township Emergency Services by a registered structural engineer certifying load capacity.
- (g) No driveway providing access to a dwelling shall be secured by locked gates unless a key or access card is provided to the Thornapple Township Emergency Services.
- (h) If connecting to a public road, the driveway location intersecting the public road shall be approved by the Barry County Road Commission.
- (i) The proposed driveway centerline, width and location, shall be shown on a site sketch filed with the Zoning Administrator. The owner or applicant shall place centerline stakes for the proposed driveway at intervals of 20 feet.
- (j) Once design and location is approved by the Zoning Administrator, a driveway construction permit shall be issued

Section 21.40 Household and Recreational Storage Facility

The Purpose of this section is the Township's intent, in accordance with its master plan and citizen surveys, to preserve, maintain and support the rural and recreational character of the Township. The Township and surrounding areas afford numerous opportunities for recreational activities and many of the Township's residents own and use recreational vehicles, trailers, boats and associated equipment. Moreover, due to the Township's agricultural history, there are located within the Township's boundaries numerous barns and similar structures that affirmatively add to the Township's rural character. Many of these structures sit vacant due to changes in agricultural operations. The Township

desires to provide the owners of such structures with an incentive to maintain and preserve them so that they may be productively utilized as storage facilities for household and recreational goods and so that the history and character that these structures provide is not lost.

Administrative Special Land Use. Household and recreational equipment storage may be permitted as a special land use in the A (Agricultural), AR (Agricultural-Residential), and RR (Rural Residential) zoning districts within the Township. For purposes of this Section, “household and recreational storage” shall mean the storage of goods, vehicles, and equipment related to residential and recreational activities.

Standards. The following minimum conditions, in addition to the requirements of Article XIX (Special Land Uses) of this code, shall apply to all household and recreational storage uses:

- (a) The use shall be conducted entirely within an enclosed agricultural building. The agricultural building must be located on a lawful lot in accordance with Sections 3.5, 4.5, or 5.5 of this Code and Michigan Law.
- (b) The building within which the use is conducted shall be maintained in good structural repair at all times. Structural alterations to the building shall conform to the requirements of the Barry County Building Code in effect.
- (c) Doorway entry to existing buildings shall not be modified in any way to increase the number of openings. Each building approved for use as a household and recreation storage facility shall contain common interior storage only. Interior wall dividers may be utilized, though direct entry to individual storage area from the exterior is prohibited.
- (d) No sale, maintenance, repair or servicing of goods, vehicles, or equipment shall be permitted in association with the use and the use shall be limited to inside storage within an enclosed building.
- (e) Junk, debris, or salvage materials, highly combustible, toxic or hazardous materials may NOT be stored on the premises. Fuel within fuel tanks which are an integral and attached part of a vehicle, boat or other power equipment may be stored. Portable, hand-held fuel tanks and propane tanks shall not be stored within any storage unit. Nothing herein shall be interpreted to prohibit the safe storage of agricultural vehicles, and equipment and pesticides and herbicides associated with a principal agricultural use occurring on the premises.
- (f) Only a single, non-illuminated identification wall sign or freestanding monument type sign not greater than 16 square feet in area shall be permitted in association with the use. It is the intent of this subsection that the sign provided for herein be in lieu of the signs provided for in Section XXIV of this Code.
- (g) Off-street parking spaces shall not be required in association with the use.
- (h) The use shall not be permitted in any portion of the building that has not been in active agricultural use for at least 5 years. The ZBA shall have authority to

grant a variance in the required time in the event of a substantial change of circumstances not within the control of the applicant.

- (i) At all times when goods, vehicles or equipment are being put into or removed from storage, the legal operator of the use or his designee shall be physically present at the building so that “self storage” does not occur on the premises.
- (j) To facilitate compliance with the terms of this Section, the Township may conduct an annual physical inspection of the premises for which the use was approved. An inspection fee shall be charged to owner/operator of the facility.
- (k) Failure to comply with any of the conditions set forth or referenced in this Section shall constitute grounds for the revocation of the special land use permit by the Zoning Administrator. Revocation of the permit shall become effective 30 days following written notice of violation, unless the violation(s) is (are) corrected.
- (l) Outdoor storage of RV’s, boats, and trailers may be allowed if approved by the Planning Commission after a public hearing has been held per Section 28.12

All outdoor storage requires the establishment of an adequate buffer/screen between storage area and neighboring properties. A buffer and/or screen must be approved by the Planning Commission. The buffer/screen may consist of a 6-8 foot high privacy fence and/or vegetative buffer. All RV’s, boats and trailers stored outside must be licensed and operable. The total area used for outdoor storage may not exceed 1.5 times the floor area of indoor storage areas.

[Section 21.40(l) effective 12-3-2016 by Ordinance 2016-02]

Procedure.

Each application for a Household and Recreational Storage facility shall be filed with the Zoning Administrator. The application shall include a site plan meeting requirements of Article XX of this ordinance, and a floor plan for each building intended for use as a household and recreational storage facility.

The Zoning Administrator shall approve each application meeting requirements of this section. If an application is denied, the Zoning Administrator shall specify in writing the reasons for denial.

Section 21.41 Outdoor Furnaces

[As Amended Ordinance 2019-01 effective 9-21-2019]

For the purposes of this section, “outdoor furnace”, means any outdoor piece of equipment used to burn material for the purpose of providing heat to a structure.

- (a) Permit required: No person shall cause, allow or maintain the use of an outdoor furnace without first having obtained a zoning permit from the zoning administrator and all appropriate construction permits.
- (b) Permitted fuel: Only firewood, wood pellets, untreated lumber, and untreated agricultural products such as corn pellets or seeds are permitted to be burned in any outdoor furnace. Burning of any other materials,

- including, but not limited to, garbage, painted or treated wood, rubber, or newspaper, in an outdoor furnace is prohibited.
- (c) Permitted districts: Outdoor furnaces shall be permitted only in the following Zoning Districts: Agriculture (A), Agriculture Residential (AR), and Rural Residential (RR).
 - (d) Minimum lot size: Outdoor furnaces shall be permitted only on lots of 3 acres or more.
 - (e) Minimum setbacks: Outdoor furnaces shall be set back not less than seventy-five (75) feet from the front, rear and side lot lines, and not less than two hundred (200) feet from the nearest existing dwelling on abutting property.
 - (f) Chimney height: The height of the chimney shall satisfy the manufacturer's recommendations.
 - (g) Spark arrestors: All outdoor furnaces shall be equipped with properly functioning spark arrestors.
 - (h) Seasons of operation: Outdoor furnaces shall not operate during the months of June, July or August.
 - (i) Effect of other regulations: Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by any federal, state, regional or local agency.
 - (j) Installation: Outdoor furnaces and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace shall be installed, operated and maintained in conformity with the manufacturer's specifications and recommendations and all local, state and federal codes, laws, rules and regulations.

Sections 21.42 – 21.99 [Reserved]

ARTICLE XXII

SUPPLEMENTAL REGULATIONS

The provisions of this Article are designed to promote the conservation or wise use of important natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archaeological, geological, historical or agricultural significance for present and future generations in accordance with the adopted Master Plan.

Section 22.1 Groundwater Protection Standards in all Zoning Districts

- A. General purpose floor drains shall be connected to public sanitary sewer or an on-site holding tank in accordance with Township, Barry County and state standards, unless a groundwater discharge permit has been issued by the Michigan Department of Environmental Quality.
- B. All sites on which hazardous substances or materials are stored, used or generated shall have a containment system designed to prevent discharge or spill onto the ground or into a storm drain, surface water or wetland.
- C. Footing drains shall not directly discharge to a surface water body.
- D. All private groundwater wells that become obsolete, abandoned, or in disuse, shall be sealed in a manner approved by the Barry-Eaton District Health Department.
- E. Above-ground Storage.
 - 1) Containers for hazardous substances shall be product-tight.
 - 2) Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance.
 - 3) Outdoor storage of hazardous substances is hereby prohibited except in product-tight containers that are protected from weather, leakage, accidental damage, and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.
 - 4) Secondary containment structures such as outbuildings, storage rooms, sheds and pole barns shall not have floor drains which outlet into soils, groundwater or nearby drains or rivers.
 - 5) Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.

At a minimum, State of Michigan and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

F. Underground Storage.

- 1) Existing and new underground storage tanks shall be registered with the State of Michigan in accordance with state and federal requirements.
- 2) Installation, operation, maintenance, closure and removal of underground tanks shall be in accordance with the requirements of the Fire Inspector and the State of Michigan. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
- 3) Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, the Michigan Department of Environmental Quality and Thornapple Township.

Section 22.2 Flood Plain Management

Notwithstanding any other provisions of this Ordinance, land within a 100-year flood plain shall be used only for agriculture and recreation uses, provided no structures, except as otherwise provided in this Ordinance, are located within the flood plain.

The location and boundaries of land within the 100-year flood plain shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas. When such data is unreliable or not available, the Zoning Administrator or Planning Commission may require flood plain limits documentation by a registered professional engineer.

No building shall be located within a designated floodway, except as approved by the Michigan Department of Environmental Quality (DEQ). The Township Planning Commission may permit bridges, dams, other public facilities, piers, wharves, or boat houses but only if the Michigan Department of Environmental Quality has approved placement of a structure within the floodway. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

Intensive livestock operations are prohibited within any defined 100-year flood plain area.

Section 22.3 Site Grading and Steep Slope Requirements

This section is intended to address protection of land forms comprising areas of steep slopes by limiting earth changes and grading activities.

- A. Grading. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development to reinforce the neighborhood character. Property grading and elevation relationships to adjacent properties shall be maintained. All necessary grading shall complement natural landforms.
- B. Slopes. Cut and fill slopes shall be minimized. Unstable slopes or slopes subject to erosion shall be protected. Slopes shall be re-vegetated using low-maintenance techniques.
- C. Steep Slopes. Steep slopes are slopes of 20 percent or greater. Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes. Areas containing existing steep slopes shall be included as open space and not be a part of a building site.
- D. Clustered Development. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
- E. Berms. Berms shall:
 - 1) Not exceed a four to one (4:1) horizontal to vertical ration, with a top width of at least one-half (1/2) the berm height, and a maximum height of 5 feet above the base of the berm.
 - 2) Be stabilized with a ground cover or suitable vegetation and properly located outside of clear vision areas.
 - 3) Retain in good condition, existing healthy vegetation, designated for preservation.
- F. Stormwater. Stormwater runoff that could result from major changes in topography shall be minimized.
- G. Adaptive Architecture. Architectural designs that respond to a site and its topography shall be used.
- H. Phased Construction. Large tracts shall be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to seasonal runoff.

Section 22.4 Tree Protection Requirements

Existing Trees. Site plans should preserve existing trees greater than eight (8) inches in caliper when ever feasible, especially in buffer areas. Relocation of existing trees within the site is also encouraged. Prohibited tree species may be removed.

- A. Exemption. Trees that are determined to be dead or dying; a nuisance or threat to an existing structure, underground utility or to public health, safety or welfare shall be exempt from the requirements of this Section. Trees within public rights-of-way shall not be disturbed except with consent of the agency with jurisdiction.

- B. Tree Protection Zone. Trees retained on a development site shall be located within an area referred to as a “Tree Protection Zone,” which shall include the area occupied by the critical root zone.

Trees shall be retained on the site based on the quality of natural resources and tree condition, with the following locations considered as priority areas in the establishment of a Tree Protection Zone:

- 1) Areas containing specimen trees and their associated critical root zones.
- 2) Hillside with slopes of 20 percent or greater.
- 3) Areas needed to buffer existing residential zone districts and/or historic structures.
- 4) Scenic corridors, gateways and views.
- 5) Riparian buffers, wetlands or natural drainage courses.
- 6) Areas needed for required landscape (e.g. buffers, perimeter landscape strips, etc.)

The area below the drip line of an existing tree to be saved should remain undisturbed. The drip line is an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

No impervious material shall be placed under the drip line and a tree protection fence shall be installed around the trees during construction to limit disturbance.

Existing trees may be used to fulfill landscaping requirements if such trees are in healthy growing condition, are at least the required minimum size, are the appropriate type, and are spaced according to their projected size at maturity.

Tree Protection fencing, notes and details shall be shown on the site plan.

- C. Replacement Trees. Should any tree designated for preservation and included as part of minimum required landscaping under this Article, be damaged, removed or die, the owner shall replace the tree with equivalent species. The replacement tree(s) shall be a minimum of 2 ½ inches caliper.

Section 22.5 Wetlands

All areas designated as wetlands by the Michigan Department of Environmental Quality are hereby declared to be “Wetlands” in the Township and are subject to the provisions of this Ordinance as follows:

- A. All wetlands in the Township are hereby subject to the provisions of 203 PA of 1979, “The Wetlands Protection Act” [now part of 451 PA of 1994] [MCL 324.30301 et seq.] in order to encourage property conservation, use and development of the wetlands.

Section 22.6 Storm Water Management

All areas within the Township not served by a public drainage district under jurisdiction of the Barry County Drain Commission or the Village of Middleville shall conform to provisions of this section

This section is intended to provide for the protection of the environment against pollution from storm water runoff; to provide flood control and adequate drainage within and around the Township; to prevent pollution within and around the Township; to provide for the implementation of a storm water management program in the Township; to provide for the issuance of storm water construction approvals for certain construction activities within the Township's jurisdiction; to provide design and construction criteria for storm water management systems; to provide for administration and enforcement of this Ordinance; to require long-term maintenance and financial assurance; to authorize inspections of construction activities governed by this Ordinance; to provide for the continuation of all pre-existing legal requirements to preserve and protect the environment; to provide for the severability of this Ordinance; to provide for the effective date hereof; and to establish penalties for violations hereof.

Stormwater management facilities shall be designed and maintained, in accordance with the requirements and policies in the Stormwater Management Best Practices Design and Maintenance Standards manual adopted by the Township Board of Trustees on advice of the Township Planning Commission.

Section 22.7 – 22.99 [Reserved]

ARTICLE XXIII

PARKING AND LOADING STANDARDS

Section 23.1 Description and Purpose

This article establishes minimum and maximum vehicle parking requirements by land use type, regardless of zoning district. Loading space, loading dock and loading area requirements are also established. It is the purpose of these regulations to assure each land use, development or redevelopment has sufficient vehicle parking, loading/unloading area and safe on-site circulation for vehicles and pedestrians.

Accommodation of shared parking facilities is provided among land uses that experience peak parking demands at different times of the day and week. Shared parking proposals are subject to Planning Commission approval.

The Planning Commission is authorized to waive the required minimum vehicle parking spaces to permit less than the required minimum on any parcel when un-built reserve parking is shown on the final site plan and, if built, would meet the required minimum number of vehicle parking spaces.

Section 23.2 Minimum Vehicle Parking Space Requirements by Land Use

In all zoning districts, there shall be provided a minimum number of vehicle parking spaces by land use as stated in Table 23.1.

**TABLE 23.1
Minimum Parking Space Requirement**

LAND USE	MINIMUM PARKING SPACES REQUIRED
Residential:	
Single family detached dwelling unit	2 per dwelling unit
Single family attached dwelling unit	2 per dwelling unit
Two family building	2 per dwelling unit
Multiple Family Occupancy:	
Studio apartment	1.25 per unit
One bedroom apartment	1.5 per unit
Two or more bedroom apartment	2 per unit
Elderly housing, independent living	1 per unit
Elderly housing, assisted living	0.6 per unit
Boarding house	1 per room plus 2 for owner/manager
Group child day care	0.25 per child (licensed capacity)

Office:	
General business office	3.6 per 1000 square feet [SF] of gross floor area [GFA]
Notary/Funeral home	1.0 per 50 SF area used for service
Data processing/telemarketing operation	6.0 per 1000 SF-GFA
Doctor office	4.5 per 1000 SF-GFA
Medical office with outpatient treatment	5.5 per 1000 SF-GFA
Legal, accounting, engineering and other professional office	4.50 per 1000 SF-GFA
Retail bank with drive through window	5.5 per 1000 SF-GFA
Financial or insurance office building	4.4 per 1000 SF-GFA
Retail and Service:	
General retail not in shopping center	3.5 per 1000 SF-GFA
Retail grocery	6.0 per 1000 SF-GFA
Furniture, appliance and building materials	3.0 per 1000 SF-GFA
Shopping center, lifestyle center and strip center	3.8 per 1000 SF-GFA
Coin laundry	1.0 per total washer and dryer machines
Bowling alley	8.0 per bowling lane
Motor vehicle sales and service	2.7 per 1000 SF-GFA interior sales area plus 2 per service bay plus 1 per employee
Vehicle washing facility (self-service)	1.0 per wash bay
Vehicle washing facility (service)	2.0 plus 1 per wash bay
Sit down restaurant with bar serving alcoholic beverages	22.5 per 1000 SF-GFA
Sit down restaurant without bar	16 per 1000 SF-GFA
Fast food restaurant	15 per 1000 SF-GFA
Personal care services	2.0 per treatment station but not less than 4.3 per 1000 SF-GFA
Other services	1.7 per 1000 SF-GFA
Commercial lodging	1.25 per guest room plus 10 per 1000 SF restaurant/lounge plus 25 per 1000 SF meeting/banquet room
Industrial:	
Wholesale/warehouse	2.0 per 1000 SF-GFA
Manufacturing (single use)	1.5 per 1000 SF-GFA
Manufacturing (multi-tenant)	2.0 per 1000 SF-GFA
General warehouse and distribution	0.7 per 1000 SF-GFA
Self-storage facility	0.25 per 1000 SF-GFA

Office in same building as manufacturing	3.6 per 1000 SF-GFA
Institutional:	
Religious center	0.6 per seat
Auditorium	0.25 per seat
Theater (live performance)	0.4 per seat
Movie theater, cinema (one screen)	0.5 per seat
Movie theater, cinema (multi-screen)	0.33 per seat
Arena, stadium	0.33 per seat
Health or athletic club	1.0 per person fire marshal rated capacity
Elementary, middle school	0.35 per student capacity
High school	0.50 per student capacity
College or university	[determined by parking study]
Hospital or medical center	[determined by parking study]
Group home, convalescent or nursing home	1.0 per patient room
Conference, reception or banquet center	0.75 per person per fire marshal capacity
Government offices/facility	[determined by parking study]

Section 23.3 Maximum parking spaces

In no event shall a parcel of land be developed or redeveloped with vehicle parking spaces numbering more than 110% of the stated minimum requirement in Table 23.1 unless waived by the Planning Commission based on clear demonstration of need.

Section 23.4 Parking Requirements for Uses of Land Not Covered in Section 23.2

For all uses of land or occupancies not addressed in Table 23.1, the Planning Commission shall determine the required parking based on nationally accepted data from parking space demand.

Section 23.5 Shared Parking Facilities

Shared parking is the use of a parking space or facility by vehicles generated by two or more individual land uses without conflict of encroachment. The ability to successfully share parking spaces is the result of two conditions:

- a) Variations in the accumulation of vehicles by hour, by day or by season at the individual land uses, and
- b) Proximity of land uses allowing easy walking distance between or around adjoining buildings.

The goal of shared parking is to create the proper balance between providing adequate parking to support land use and minimizing the negative visual and environmental aspects of excessive land area devoted to vehicle parking.

It is recognized that significant benefits can result by building less parking than would be required for 2 or more nearby land uses. In situations where nearby land uses have parking demand characteristics that peak at different time periods, the Planning Commission may authorize shared use of a parking facility.

The procedure used to determine the viability of shared parking is as follows:

- a) Determine the number of vehicle parking spaces required for the separate uses of land, then
- b) Determine the percentage of maximum parking needed for the different uses during different days and times, then
- c) Apply the percentage from step (b) to the required parking space numbers in step (a), then
- d) Add totals by day and time periods, then
- e) Select the total with the highest value.

Appendix 3 of this ordinance provides a full example of this procedure. A sample shared parking agreement between two or more land owners is included in **Appendix 4** of this ordinance.

Sections 23.6 – 23.99 *[Reserved]*

ARTICLE XXIV

SIGN REGULATIONS

Section 24.1 Description and Purpose

This article is intended to apply reasonable regulations concerning the use of signs and outdoor advertising structures, in order to achieve the following objectives:

- (a) Prevent excessive visual clutter and degradation of the visual environment in the Township, which is likely to occur in the absence of reasonable regulations regarding the use of signs.
- (b) Provide adequate opportunity for various types of land uses to identify their location, the nature of the use and manage the use of signs as a means of communication to the general public.
- (c) To ensure that the size, design, type and placement of signs does not conflict with safe and efficient movement of vehicular traffic in the Township.
- (d) To ensure that signs and sign structures are designed, constructed, installed, operated and maintained so as not to constitute a safety hazard.
- (e) To protect and promote the health, safety and general welfare of the Township and its residents and to preserve rural character.
- (f) As regards allowable sign size and placement, the Planning Commission may determine the most appropriate size and location based on (a) – (e) above.

Section 24.2 Definitions

For the purpose of this Article and other applicable portions of this Ordinance, the following words and phrases shall have the meanings hereinafter defined:

Abandoned Sign means a sign serving a premise, business, or service that is vacant or unoccupied for more than 180 days.

Alteration of a Sign means change of sign display area, sign face or sign support structure. A non-conforming sign shall not be altered except in conformance with requirements of this Article.

Animated sign means a sign which uses moving parts or change of lighting to depict action or create a special effect or scene. This definition includes rotating signs.

Awning/Canopy sign shall mean a sign which is part of or located on a canopy or awning which is attached to and projects from a building wall.

Average Grade (See Grade)

Balloon sign shall mean a tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.

Banners shall mean a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, armed services flags, symbolic flags of any public or educational institution are not considered banners.

Bench sign shall mean a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard sign shall mean a sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured, or furnished upon the parcel or lot on which the sign is located, and additionally shall include those signs as regulated by the state pursuant to Act No. 106 of the Public Acts of Michigan of 1972 (MCL 252.301 et. seq., as amended.)

Business center shall mean a single building containing two or more business establishments. Lodging uses with on-premises restaurants shall be included within this definition.

Business complex shall mean a land parcel containing two or more buildings, each containing one or more individual business establishments.

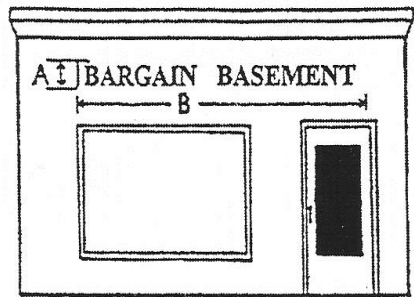
Business establishment shall mean a business operating independently of any other business on the same parcel or in the same building, separated from other businesses by walls, and with one or more doors which provide exclusive ingress and egress to that business.

Construction sign shall mean a sign containing identifying information concerning construction activity in progress on the premises on which the sign is located, such as the name of the future occupant or business, development name, type of development, name of developer, and names of architects, engineers, contractors and lenders involved in the construction activity.

Corner locations shall mean those properties with frontage on two or more public streets.

Directional sign on premises shall mean a sign whose primary purpose is to direct the movement or parking of vehicles within the premises. Examples of signs which are included in this definition include directional signs at driveway entries from the public road, signs directing the movement of traffic within a parking area or driveway, signs identifying barrier-free parking spaces, signs identifying rear access doors in a multi-business establishment, signs prohibiting parking in loading areas, signs identifying loading dock names at a product distribution facility or signs placed at holes within a golf course, with or without sponsors.

Display area shall mean the entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, lighting, representation, emblem or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; except that where two such faces are placed back to back and are at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.



Display Area of Sign = Height "A" x Length "B"



Display Area = area of Rectangle enclosing all Elements of the Display = "A" x "B"



Display Area = Area of Circle Enclosing all Elements of the sign = $3.14 \times (D/2) \times (D/2)$

Display Area

- (1) **Exception 1.** The display area of the signs painted directly on building wall surfaces shall be that area within the circle, triangle or parallelogram enclosing the extreme limits of writing, letters or numbers.
- (2) **Exception 2.** Time and temperature displays.
- (3) **Exception 3.** The area of an awning/canopy sign shall be measured as provided in the main body of this definition, and the sign shall be treated as if it were a wall sign attached to the same wall to which the awning or canopy is attached, for purposes of determining maximum allowed sign area.

Electronic changeable message sign shall mean a sign whose informational content can be changed or altered by means of electronically-controlled electronic impulses.

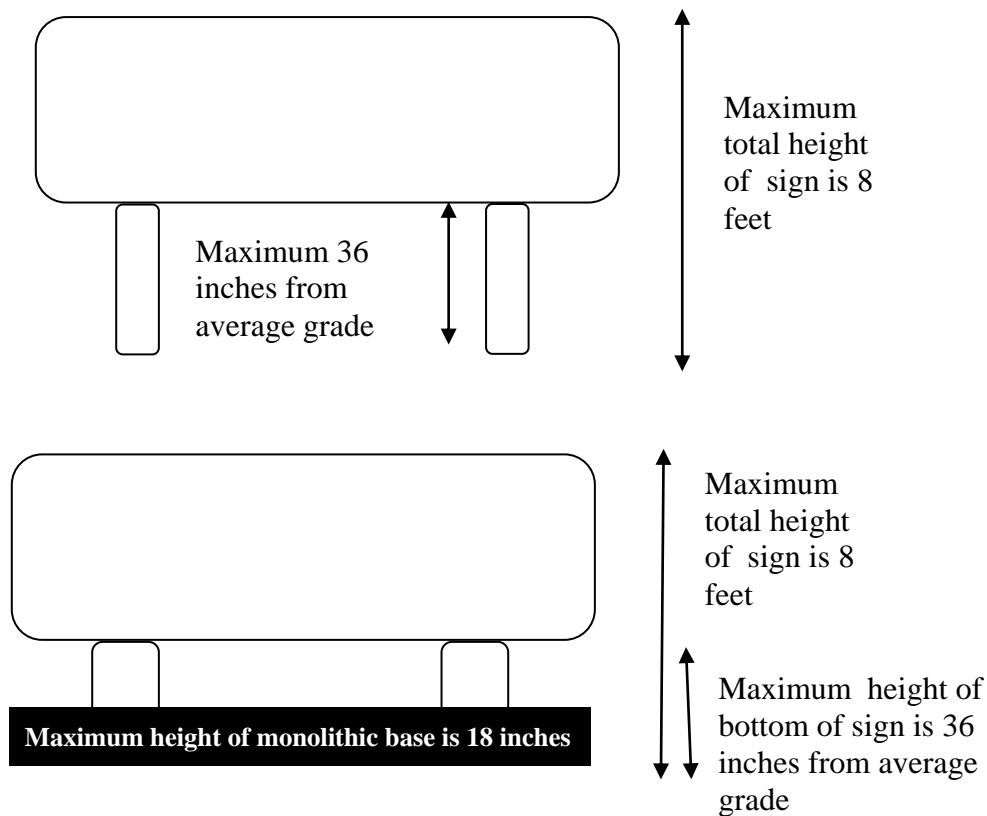
Encroaching sign shall mean a sign which projects beyond the private property line into or over public right-of-way.

Festoons are displays adjoining a sign display area, displayed on a premise or on a building incorporating pennants, reflective foil, or other materials having the effect of attracting attention above and beyond permitted signs on premise.

Frontage shall mean the side of the property facing a thoroughfare.

Grade shall mean average grade measured within 10 feet of sign base.

Ground Mounted Sign shall mean a sign which is supported by one or more uprights in or upon the ground or a monolithic base. Height of ground mounted signs shall not exceed eight feet above average grade (see definition: *Height of Sign*). Monolithic supporting structures shall not exceed 18 inches in height. The bottom of sign is not to exceed 36 inches from average grade.



GROUND MOUNTED SIGN ILLUSTRATION

Height of Sign shall mean the maximum vertical distance from the uppermost extremity of a sign or sign support to the average ground level at the base of the sign.

Home occupation sign shall mean any sign used for the purpose of advertising services in conjunction with a lawful home occupation.

Identification sign shall mean a sign that identifies the name of the property owner, resident, or business on the property, with or without the street address.

Industrial park shall mean a grouping of several industrial businesses on contiguous parcels, accessed by the same public or private street and sharing a common location identity.

Institutional sign shall mean a sign containing a surface area upon which is displayed the name of a church, school, library, museum, day care center, cemetery, community center and similar institutions and the announcement of its services or activities.

Marquee sign shall mean a sign that is attached to the underside of a marquee, or other covered structure and projecting at a right angle from and supported by a building or marquee and does not project horizontally beyond the marquee or covered structure.

Mobile sign shall mean a sign supported on a mobile chassis other than a motor vehicle. This type of sign may also be termed a “portable” sign.

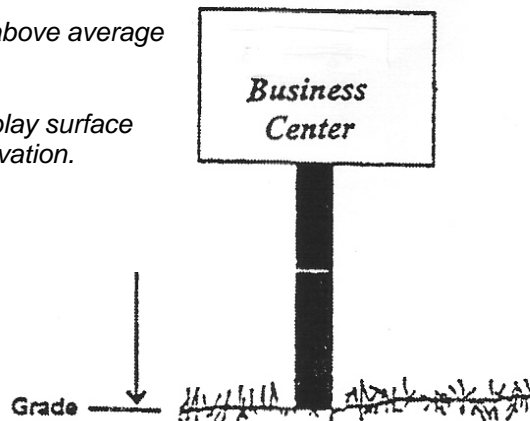
Nonconforming sign shall mean any sign that does not conform to the requirements of this Article.

Off-premises sign shall mean a sign located on a different property or premises than where the business, product, service, event, person or subject is being advertised. An off-premise sign shall be used for providing directions only and shall not include any form of advertising. An off-premise sign is not a billboard as defined herein.

Pole sign shall mean a sign having a sign face that is elevated above the ground by one or more uprights or poles, with all parts of the display surface of the sign more than three (3) feet above the grade at the base of the sign face.

More than 3 feet *above average grade.*

All portions of display surface are above this elevation.



Pole Sign

Political sign shall mean a sign which contains a message or graphic related to an election conducted by a governmental entity in the Township.

Projecting sign shall mean a sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined herein. One face only shall be used for computation of the display area of a projecting sign.

Real estate sign shall mean a sign announcing or advertising the availability of an improved or unimproved lot, parcel or building, or portion thereof, for sale, lease or rent.

Roof sign shall mean a sign that is erected, constructed and maintained upon or above the roof of a building, or parapet wall and that is wholly or partially supported by such building.

***Exception:** For the purpose of this definition of roof sign, a sign that is mounted flush to a mansard roof, roof overhang, parapet wall, above a marquee, or on a wall with a roof below, shall not be considered as a roof sign but shall instead be considered as a wall sign for that side of the building, provided that no part of such sign extends above the uppermost building line not including chimneys, flagpoles, electrical, mechanical equipment, TV antennas and other similar equipment and extensions.*

Setback required shall mean the minimum required horizontal separation distance between a public or private road right-of-way to any part of a sign, including any above-ground portions of a sign which project beyond the point of attachment of the sign to the ground.

Signs shall mean and include every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs and signs painted directly on walls of structures.

Snipe Sign shall mean any sign with display area containing language or graphics conveying a disparaging or unseemly image directed toward a specific person or organization.

Supports and uprights shall mean those members necessary for the structural support of the sign. Decorative trim applied to such members for aesthetic purposes shall be considered as a part of the supports and uprights provided such trim does not extend more than three inches in any direction beyond such support.

Temporary Sign shall mean a sign intended to be displayed for a limited period of time, and which is not permanently attached to a building wall or to the ground.

Unified business development shall mean a commercial development planned as a coordinated project in accordance with an approved signage plan.

Uppermost building line shall mean uppermost horizontal line of a building formed by a roof, wall or parapet wall.

Wall sign shall mean a sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which projects not more than 18 inches from the building or structure wall, and which does not have any part of such signs or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions. This definition shall include writing, letters or numbers placed or painted directly on a building wall surface.

Window sign shall mean a sign attached to the inside or outside surface of a window on a building wall or door, or placed within six inches of the inside face of a window, and intended to be viewed from outside the building.

Section 24.3 Prohibited Signs

The following types of signs are prohibited in all zoning districts, except as otherwise provided in this Article.

- (a) Abandoned signs.
- (b) Air-filled or gas-filled signs.
- (c) Animated flashing or blinking signs.
- (d) Banners and pennants, except as expressly permitted by this Article.
- (e) Festoons.
- (f) Pole signs.
- (g) Portable signs, except as expressly permitted in this Article.
- (h) Rotating signs.
- (i) Signs imitating or resembling official traffic or government signs or signals.
- (j) Snipe signs.
- (k) Vehicle or trailer-mounted signs not used during the normal course of business which are parked or located so they are visible to motorists on a public street for the primary purpose of displaying messages.
- (l) Roof signs.
- (m) Temporary signs, except as expressly permitted in this Article
- (n) Sexually graphic or language explicit signs.
- (o) Billboard signs, except as expressly permitted in this Article.

Section 24.4 Permitted Signs

- (a) Signs shall be permitted only in accordance with the provisions of this Article and other applicable provisions of this Ordinance.

- (b) Signs shall be placed, constructed and erected in accordance with good construction practices and shall be maintained in good condition and repair. Signs in disrepair shall be removed by the property owners within 21 days of written notice from the Township.
- (c) Illuminated signs shall be constructed and operated in compliance with the electrical code in effect within the Township.
- (d) Signs shall be placed only on private property except for lawful signs of governmental bodies or agencies.
- (e) No permanent signs except governmental signs or those exempt from the provisions of this Article shall be placed, constructed or erected unless a Zoning Compliance Permit has been issued by the Township Zoning Administrator, and a building permit has been issued, if required.
- (f) No sign or sign structure shall be placed, constructed or erected in any location or manner where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating light or flashing illumination resembling a police or emergency light shall be used on or in connection with any sign.
- (g) Signs may be illuminated only in accordance with this Article. Any externally illuminated sign shall be shielded in such a manner as to direct the light toward the sign. Any externally illuminated sign shall not be of such intensity as to illuminate any adjacent property.
- (h) All signs shall be placed no closer to any property line than 5 feet, subject to other requirements in this Article.
- (i) Banners, pennants, balloons, and light strings when used in connection with a lawful business are permitted on a temporary basis if a permit has been issued by the Zoning Administrator. Such a permit issued by the Township Zoning Administrator may authorize temporary use of banners and pennants for a duration not to exceed 30 days in any calendar year.
- (j) A sign which has lettering or other material on both sides of the same sign panel shall be deemed to be a single sign for all purposes under this Article, so long as the display area on each sign face conforms to requirements of this Article.

Section 24.5 Temporary Signs

Temporary signs are allowed in all zoning districts if a permit has been issued by the Zoning Administrator. Such a permit issued by the Zoning Administrator may authorize a temporary sign for a duration not to exceed 30 days in any calendar year. A temporary sign may be mobile or portable and shall not exceed 32 square feet in area.

Section 24.6 Exempt Signs

The following signs are exempt from the provisions of this Article:

- (a) Governmental signs, those owned and maintained by a unit of government.

- (b) Political signs shall be removed not more than 15 days following the election for which the candidate identified on the sign was seeking office or a ballot proposed has been decided at the election.
- (c) Traffic and highway signs placed or erected by a public road agency.
- (d) Directional signs on premise, but any such signs shall not exceed four square feet in area and shall be only for the purposes of directing on-site traffic circulation and pedestrian movements.
- (e) Essential services signs denoting utility lines, railroads, hazards and the like.
- (f) Signs in the A, AR and RR Zoning Districts which only identify the name of a farm or farm owner or crops or livestock on a farm.
- (g) Real estate signs with less than 12 square feet of display area.
- (h) One construction sign per project, but such signs shall not exceed 32 square feet in area. Any such sign shall be promptly removed after construction has been completed.
- (i) Non-commercial decorative signs or displays used temporarily for holidays, patriotic occasions or public, governmental or charitable purposes or events.
- (j) Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies.
- (k) Signs or placards posted to control or prohibit hunting or trespassing with less than twelve 12 square feet of display area.
- (l) Memorial signs, tablets or markers.
- (m) Garage or yard sale signs with less than 6 square feet of display area and placed on-premises no more than 7 days in any calendar month.

Section 24.7 Signs in the “A”, “AR”, and “RR” Zoning Districts

Signs in the “A” Agricultural, “AR” Agricultural-Residential and “RR” Rural Residential Zoning District are permitted on the same lot or parcel as the use is located, subject to the following requirements:

- (a) For active farms on 20 or more acres, bed and breakfast establishments, intensive livestock operations, farm market, greenhouses, plant, flower and tree nurseries, orchards, vineyards, apiaries, campgrounds, golf courses, mineral extraction operations, riding stables, public or private schools, churches and other recognized places of worship, public parks, veterinary services, utility and public service buildings, major home-based business, public and institutional uses, residential plat, site condominium subdivision and open space residential developments:

SIGN TYPE	MAXIMUM NUMBER	MAXIMUM DISPLAY AREA	ILLUMINATION ALLOWED?	MAXIMUM HEIGHT
Ground Mounted	1 Per Public Road Frontage	32 Square Feet	Yes	8 Feet
Wall Sign	1 on Wall Facing Street or Parking Facility	10% of Wall Area	Yes	Not above Height of Wall

- (b) For state-licensed day care, adult foster care, minor home-based business, kennel, contractor yard uses and all other permitted or special land uses:

SIGN TYPE	MAXIMUM NUMBER	MAXIMUM DISPLAY AREA	ILLUMINATION ALLOWED?	MAXIMUM HEIGHT
Ground Mounted (A & AR)	1 Per Premises	16 Square Feet	NO	6 Feet
Ground Mounted (RR)	1 Per Premises	8 Square Feet	NO	6 Feet

- (c) No more than 2 off-premise signs are allowed for any land use, unless a greater number are authorized by the Planning Commission. All off-premise signs shall conform to the following standards:
- 1) Sign display area as specified in Table 24.7.
 - 2) Written permission from the owner of the property on which the off-premise sign(s) is to be located.
 - 3) Sign copy may include name of land use activity, directional arrow and distance in miles or fraction thereof, and one off-premise sign may include advertising as specified in Table 24.7.
 - 4) Shall not interfere with driver vision.
 - 5) Located at roadway intersections or as close thereto as possible.
 - 6) Sign color and copy shall conform to the standard format adopted by the Planning Commission, if enacted.
 - 7) Co-locating of off-premise signs will be permitted by the Planning Commission, provided the maximum sign size is not exceeded.
 - 8) Off-premise signs will not be located closer than 200 feet to one-another.

Table 24.7 Permitted Display Area for Off-Premise Signs by Land Use¹

Off-Premises Sign Not Allowed	Off-Premise Directional Sign Only – 16 Square Feet Maximum Display Area	Off-Premise Sign of 32 Square Feet Maximum Display Area, Including up to 16 Square Feet of Ad Display Area ^{2,3}
Intensive Livestock Operation Orchard Vineyard Mineral Extraction Utility and Public Service Bldg. Subdivision (Plat) Site Condo Subdivision Open Space Residential Development	Bed and Breakfast Establ. Campground Golf Course Riding Stable Public & Private Schools Churches Public Parks Veterinary Clinic Public and Institutional Uses	Agri-business with Retail Sales on Premise

¹ For land uses not listed in Table 24.7, the Planning Commission shall determine the type and size of off-premise sign to be allowed if any.

² 32 square feet allowed only on property that abuts highway M-37. An off-premise sign abutting any county road shall not exceed 24 square feet including 8 square feet of ad display area.

³ A second off-premise sign of 8 square feet is allowed but may only contain directional information with the name of the agri-business, directional arrow and distance in miles or fraction thereof.

(d) Off-Premise Sign Approval: A person desiring to locate an off-premise sign(s) within the Township shall file an “off-premise sign” application with the Zoning Administrator.

If the operator of a lawful agri-business seeks more than 2 off-premise signs, the off-premise sign application shall be filed with the Planning Commission following procedures set forth in Article XIX.

Section 24.8 Signs in all Residential Zoning Districts

Signs in all Residential Zoning Districts, except “RR” Rural Residential, are permitted, subject to the following requirements:

- (a) For churches or other recognized places of worship, golf course, public institutional uses, public and private schools, public parks, utility and public service buildings, plat and site condominium subdivision and open space residential developments:

SIGN TYPE	MAXIMUM NUMBER	MAXIMUM DISPLAY AREA	ILLUMINATION ALLOWED?	MAXIMUM HEIGHT
Ground Mounted	1 Per Public Road Frontage or Entry Road	32 Square Feet	YES	8 Feet

- (b) For state-licensed day care, adult foster care and home-based business:

SIGN TYPE	MAXIMUM NUMBER	MAXIMUM DISPLAY AREA	ILLUMINATION ALLOWED?	MAXIMUM HEIGHT
Ground Mounted	1	8 Square Feet	NO	4 Feet

- (c) Off-premise signs as defined herein are not permitted in any Residential Zoning District, except as otherwise stated herein.

Section 24.9 Signs in Office and Commercial Zoning Districts

Signs in the “O” Office and “C” General Commercial Zoning Districts are permitted, subject to the following requirements:

- (a) For all permitted and special land uses in the “O” Office and “C” General Commercial Zoning Districts, provisions of **Table 24.9.1** shall apply unless otherwise stated in this Article. All free-standing signs shall be ground-mounted.

Table 24.9.1 Free-Standing Signs

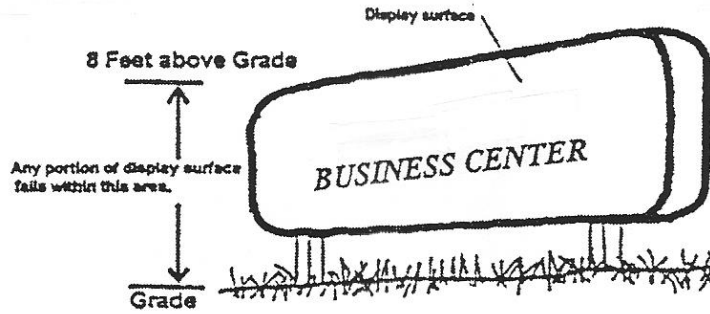
Setback From Road Right-Of-Way (in feet)	Maximum Display Area (square feet)	Free-Standing Maximum Number	Illumination Allowed	Maximum Height (feet)
5	24	1 per public road frontage	YES Internal Only	4
10	30	1 per public road frontage	YES Internal Only	5
15	40	1 per public road frontage	YES Internal Only	6
20	50	1 per public road frontage	YES Internal Only	7
25+	60	1 per public road frontage	YES Internal Only	8

Wall-mounted signs may be placed for each business occupying a building. The total of wall-mounted sign(s) shall not exceed ten (10) percent of the area of the wall facing a public street. Individual tenant signs shall not exceed forty (40) square feet. If illuminated, all wall signs shall be internally illuminated.

Mixed Use and Business Centers

Business center signs are meant primarily to inform the motoring public of the existence of the center, not to advertise particular products, sales or detailed descriptions of goods or services offered. All signage within a business center shall be unified as to design. Wall signs in the center shall be letter graphic. All signs shall be internally illuminated, if illuminated.

- (a) Each business center occupying one or more acres of land shall be permitted one on-premises freestanding sign, internally illuminated, when such business center has at least 200 feet of major street frontage.
- (b) The sign shall be no more than 12 feet in height.
- (c) The sign may be double-faced and shall not exceed 96 square feet in surface display area per face.
- (d) The sign shall be setback at least 15 feet from the edge of road right-of-way.
- (e) The placement of a business center sign shall not result in the reduction in the number of permitted signs or sign area allowed for individual businesses within the center, but shall result in the prohibition of all other freestanding signs within the business center.
- (f) Each individual business in the strip center shall be allowed a sign area of one square foot for each linear foot of front wall width, not to exceed ten percent of wall area or 40 square feet, whichever is less.
- (g) Individual business identification signs within the common “business center” sign shall be simple and easy to read.



↑ 36 “ (inches) Maximum from grade to bottom of sign

Business Center Sign

Section 24.10 Signs in the Industrial Zoning District

Signs in the Industrial Zoning District are permitted, subject to the following requirements:

(a) For all permitted and special land uses in the Industrial Zoning District:

SIGN TYPE	MAXIMUM NUMBER	MAXIMUM DISPLAY AREA	ILLUMINATION ALLOWED	MAXIMUM HEIGHT
Ground Mounted	1 per parcel	42 Square Feet	YES	8 Feet
Wall Sign	1	10% of Wall Area	YES Internal Only	Not Above Top of Wall

(b) **Billboards**

Billboards are permitted in the Industrial Zoning District. A ground lease from the fee simple title holder to the sponsor of the billboard shall accompany the sign permit/billboard application.

All billboards shall:

- (1) Be located no closer than 200 feet to any property used, zoned or planned for residential use.
- (2) Not to exceed 100 square feet in display area per sign face.
- (3) Shall not be placed, mounted on or otherwise located on a building.
- (4) Shall conform to the required front yard setback of 40 feet and all other side and rear yard setbacks.
- (5) Shall not be located closer than 500 feet to any other billboard.
- (6) Shall not be of a V-design, nor contain more than two sign faces, nor shall any billboard be placed above or stacked on another billboard.

Section 24.11 Signs in Planned Unit Development Districts

Signs within any Planned Unit Development District shall be permitted as approved by the Planning Commission and as contained in the approved final PUD/site signage plan. Changes in signage will require a PUD plan amendment.

Section 24.12 Sign Permit Process

A sign permit shall be required for all new non-exempt signs and alteration of existing signs.

An application for a sign permit shall be made to the Zoning Administrator and shall include submission of a fee as may be required by resolution of the Township Board. The application shall include the following:

- (a) Name, address, date, and telephone number of the applicant and the person, firm or corporation erecting the sign.
- (b) Address and permanent parcel number of the property where the sign will be located.
- (c) A sketch showing the location of the building, structure or parcel of land upon which the sign is to be attached or erected, and showing the proposed sign in relation to the buildings and structures, together with the depth of the setback from the lot lines.
- (d) A scaled print or drawing of the plans and specifications for the sign (area, height, lighting, etc.) and information on the method of construction and attachment to the structure or ground.
- (e) Identification of the zoning district in which the sign is to be located, together with any other information which the Zoning Administrator may require in order to determine compliance with this ordinance.
- (f) All signs requiring electrical service shall be reviewed for compliance with the electrical code applicable in the Township.
- (g) The Zoning Administrator shall issue a sign permit if all provisions of this Article and other provisions of this Ordinance are met. A sign authorized by the permit shall be installed or shall be under construction within 6 months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon the filing of a new application and payment of the required fee.

Section 24.13 Non-Conforming Signs

Signs existing as of the effective date of this Ordinance and made non-conforming by this Ordinance may be maintained and sign face display content changed. A non-conforming sign shall not be structurally altered in any manner. A complete list of non-conforming signs in place on the effective date of this ordinance are listed in Appendix V.

All non-conforming signs advertising a land use or business no longer in existence shall be removed within 21 days following written notice from the Township to remove sign.

Section 24.14 Unlawful Signs

Any sign unlawful prior to the effective date of this Article shall remain unlawful unless brought into conformance with provisions of this Article.

Section 24.15 Electronic Changeable Message Signs in the General Commercial (C), and Office (O) Districts abutting the M-37 right-of-way, and for non-residential principal uses on parcels abutting the M-37 right-of-way existing as of January 1, 2015.

One electronic changeable message sign per lot or parcel integrated within a ground mounted sign is allowed (i) on a lot or parcel abutting the M-37 right-of-way in the General Commercial (C), and Office (O) Districts, and (ii) for any non-residential principal use existing on January 1, 2015, on a lot or parcel abutting the M-37 right-of-way, each conforming to the following requirements:

- (a) Maximum size is no greater than 40% of the area of the sign on which it is integrated and shall be counted as part of the total permitted sign area of that sign.
- (b) Shall only be integrated into a permitted ground sign. However, no electric changeable message sign shall be located within 100 feet of a side lot line.
- (c) Electronic changeable message sign shall contain text only. No images, photographs, clip art or other illustrations are permitted as part of the changeable message sign. All messages shall relate solely to the business for which the permit is issued.
- (d) Message changes may occur no more frequently than every 30 seconds.
- (e) The method of change between messages shall be instantaneous or by a fade-out/fade-in that occurs in one second or less. Roll, splice, unveil, venetian, zoom, exploding, scroll and other methods of transition between messages shall not be permitted.
- (f) The electronic display background color tones and lettering shall not blink, flash, rotate, scroll, change in illumination intensity except as specifically required for changes in the ambient light level (i.e. the natural illuminated environment lighting conditions), or otherwise change in outward appearance, except when the message is changed to another message.
- (g) To reduce the potential negative effects of excessive light and glare on nearby properties, the background of the electronic display portion of any sign shall be a black or dark gray color and all lettering shall be a muted color, all as approved as part of the sign permit. White lettering shall not be permitted.
- (h) All electronic message signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.

- (i) The electronic changeable sign must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level in relation to changes in the ambient light levels.
- (j) The level of illumination produced by an electronic changeable sign shall not exceed 0.3 foot candles over then-current ambient light level. Measurement of sign brightness shall be in accordance with the then-current methodology, sign area, and measurement distances recommended by the International Sign Association.
- (k) The electronic message sign shall not be illuminated between the hours of 11 PM - 6 AM.
- (l) Any legal sign located on any lot or parcel abutting the M-37 right-of-way for a non-residential principal use existing as of January 1, 2015, may be replaced by an electronic changeable message sign for the same non-residential principal use, provided that the replacement sign conforms to all then-current Township sign regulations.

Sections 24.16 – 24.99 [Reserved]

ARTICLE XXIX

ZONING ORDINANCE AMENDMENT AND PROCEDURE

Section 29.1 Initiating a Zoning Ordinance Amendment

Amendments to this Ordinance may be initiated by the Township Board, Planning Commission or by a real property owner or party with an interest in real property, as provided by Sections 29.2 and 29.3 herein.

Section 29.2 Amendment to the Official Zoning Districts Map

An owner of real property or party with an interest in real property may initiate an amendment to the Official Zoning Districts Map. The applicant shall provide the following information to initiate an amendment:

- (A) A completed Petition to Rezone form as provided by the Zoning Administrator.
- (B) A legal description of the real property on which a change of zoning district classification is sought.
- (C) Documentation disclosing the applicant's interest in the real property.
- (D) A statement describing the reason(s) for the proposed change in zoning district classification and any other relevant information the applicant wishes to provide.
- (E) Any applicant may volunteer to include proposed use and development conditions to a Petition to Rezone real property as provided in Section 405(1)-(5) of the Michigan Zoning Enabling Act [110 PA of 2006, as amended] [MCL 125.3405(1)-(5)].

Section 29.3 Amendment to Text of the Zoning Ordinance

The Planning Commission or Township Board may initiate amendments to the text of this Ordinance. A draft of the text amendment shall be presented to the Planning Commission for consideration.

Section 29.4 Procedure for Consideration of All Zoning Ordinance Amendments

The following procedure shall be used for consideration of an amendment to this Ordinance:

The Planning Commission shall determine the date, time and place for a public hearing on a proposed amendment in this Ordinance; provided, however, that the Planning Commission, after consideration at a public meeting, may determine not to convene a public hearing on an amendment to text of this Ordinance, and thereby not consider further a proposed amendment in the text.

With respect to an amendment in which the Planning Commission determines to convene a public hearing, the Zoning Administrator shall arrange for publication and delivery of notice of the public hearing in accordance with Section 28.12 of this Ordinance.

The Planning Commission shall hold the public hearing. The Commission shall receive such public comment and review such reports and other materials as it deems appropriate in the circumstance.

If the Commission desires to make material changes in the text of the proposed amendment, it shall first establish a date, time and place for a second public hearing on the amendment as it is proposed to be changed.

After concluding a recommendation, the Planning Commission shall forward its decision and the proposed amendment to the Township Board with a recommendation for approval or denial.

Upon receipt of a Zoning Ordinance Amendment recommendation from the Planning Commission, the Township Board shall consider the proposed amendment at a meeting determined by the Township Board. If, after considering the proposed amendment, the Township Board desires to propose any changes therein or departures therefrom, the Township Board shall first refer the same to the Planning Commission for a report thereon within a time specified by the Township Board.

The Township Board shall grant a hearing on any proposed rezoning amendment to any property owner who submits to the Township a written request for such hearing by certified mail addressed to the Township Clerk, and in that event, the Township Board shall request the Planning Commission to attend the public hearing.

The Township Board may adopt the amendment at any regular meeting or at a special meeting. In the case of an amendment that has first been referred by the Township Board to the Planning Commission and then returned by the Commission with its report thereon, the Township Board may adopt the amendment with or without any recommended amendments or provisions that were considered or proposed by the Planning Commission.

Each amendment adopted by the Township Board will become effective 7 days following publication of a notice of ordinance adoption in a newspaper of general circulation within the Township. A copy of each adopted amendment to this Ordinance shall be placed on file with the Township Clerk.

Sections 29.5 – 29.99 *[Reserved]*

ARTICLE XXV

LANDSCAPE STANDARDS

Section 25.1 Description and Purpose

It is the purpose of this article to require buffer zones and landscape screening to reduce negative impacts between incompatible land uses and to provide for landscaping within parking lots. It is further intended to preserve and enhance aesthetic qualities, privacy and land values within the Township.

Section 25.2 Buffer Zone Required

- (a) A buffer zone shall be required on the subject lot or parcel between zoning districts as indicated on Table 25-1.
- (b) A buffer zone shall be required, even if the abutting parcel is unimproved land.
- (c) Whenever a developed parcel of land changes to a more intense use, the use expands, or site plan approval is required, a buffer zone shall be established in accordance with requirements of this article.
- (d) If existing conditions on the lot or parcel are such that compliance with the buffer zone requirements is not possible, then the Planning Commission shall determine the character of the buffer zone to be required based on the following criteria:
 - (1) Traffic impacts.
 - (2) Increased building or parking coverage on the parcel.
 - (3) Increased outdoor display area.
 - (4) Physical characteristics of the site, such as topography, existing building locations, and site access.
 - (5) Other physical conditions that prevent or impede the ability to place the required buffer zone.
 - (6) Visual impact upon adjoining property.
- (e) If two zoning districts requiring a buffer zone are separated by a public street, the design of the buffer zone shall be determined by the

Planning Commission based on the criteria in subsection (d) of this section.

- (f) For site situations not addressed in Table 25.1, the Planning Commission shall determine required buffer zone, if any, on a case by case basis.

**TABLE 25-1:
LANDSCAPE BUFFER MATRIX ⁽¹⁾
Adjacent Zone**

Subject Zone	RE	R-1	R-2	R-3	R-4	O	C	I	NR	WP	PUD	AR
RE												A
R-1												A
R-2												A
R-3	B	A	A									A
R-4	A	A	A	A								A
O	B	B	B	B	B				C	C	C	B
C	A	A	A	A	A	B			B	B	B	B
I	A	A	A	A	A	A	A		A	A	A	A
NR												
WP												
PUD	*	*	*	*	*	*	*	*	*	*	*	*
AG												

** Read from subject zone across to adjacent zone.*

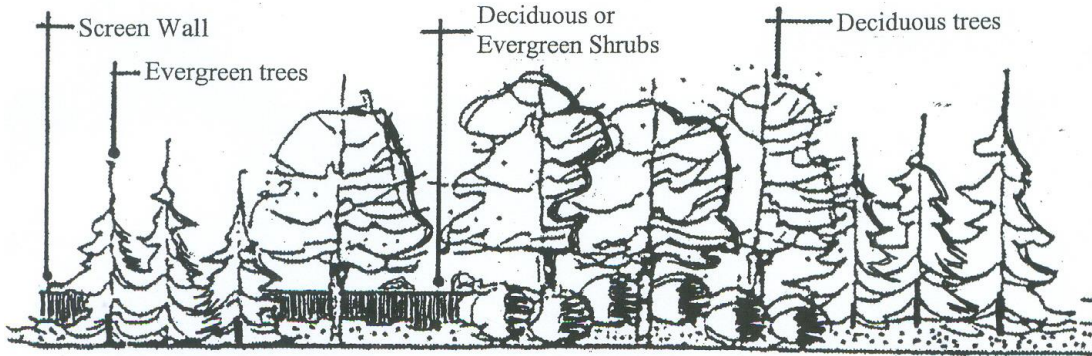
LEGEND FOR TABLE 25-1:		
A	=	Buffer zone A
B	=	Buffer zone B
C	=	Buffer zone C
•		No buffer required
A	=	If commercial or industrial use or mixed uses in PUD
B	=	If multiple-family residential, two-family or attached single-family use in PUD
C	=	If office use in PUD
•	=	If exclusively single-family detached in PUD, not required

⁽¹⁾ Existing buildings and land use, lawful at the effective date of the ordinance from which this article is derived shall comply with the landscape buffer matrix table only to the extent deemed reasonable and practical by the Planning Commission, given physical and space limitations of the existing site, building placement and established accessory buildings. Standards of Section 25.2(d) shall be used in making this determination.

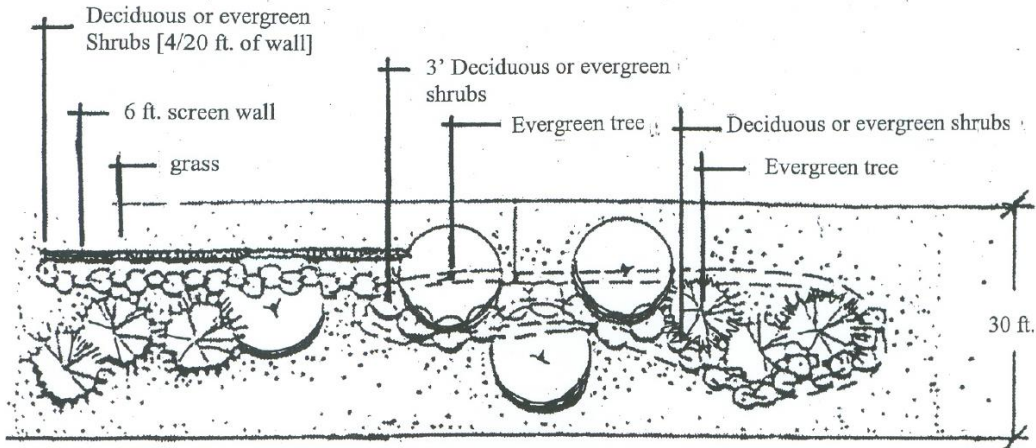
Section 25.3 Buffer Zone Development Standards

Required buffer zones shall comply with the following standards:

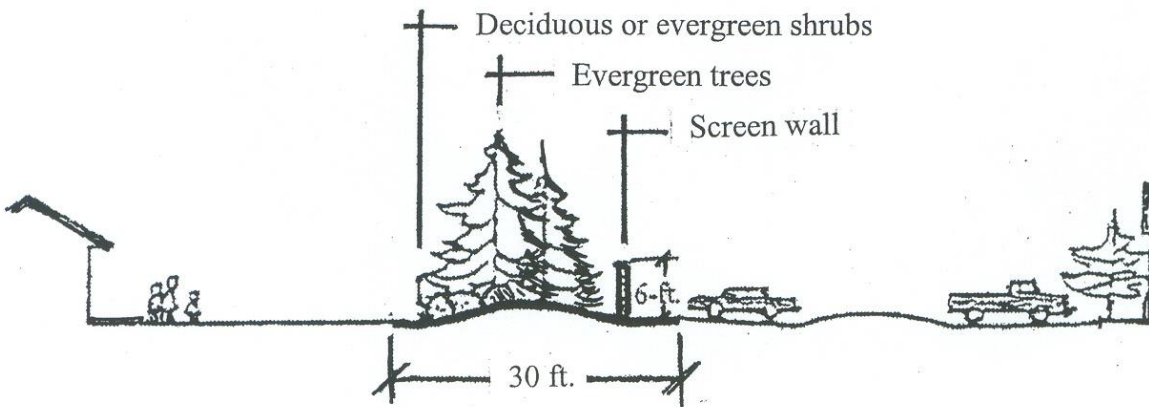
- (a) Buffer Zone Level A
 - (1) Thirty foot minimum width.
 - (2) The equivalent of one canopy tree per 20 linear feet of buffer zone length.
 - (3) Six-foot high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
 - (4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on the top and side slope facing the exterior of the site.
 - (5) If a screen wall or fence is used for all or part of the buffer zone then:
 - a. The equivalent of four shrubs is required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
 - b. All required plant materials shall be on the exterior side of the buffer strip.
 - (6) All areas of the buffer strip outside shrub or flower beds shall be covered with grass or other living ground cover.
 - (7) All applicable standards in Section 25.8.



ELEVATION: Buffer Zone A



PLAN VIEW: Buffer Zone A

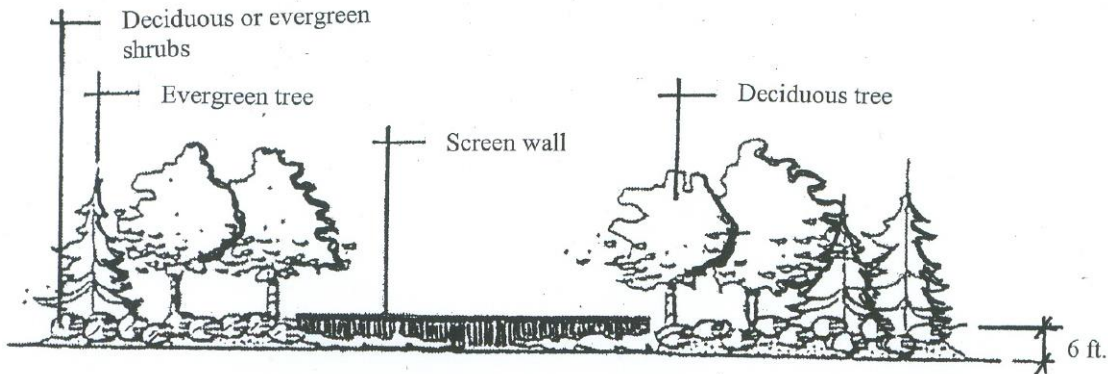


CROSS-SECTION: Buffer Zone A

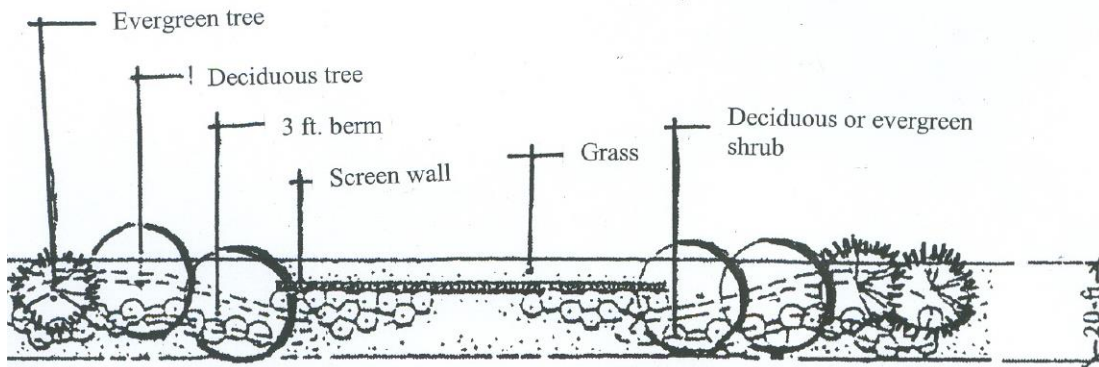
(b) Buffer Zone Level B

- (1) Twenty-foot minimum width.
- (2) The equivalent of one canopy tree per 20 linear feet of buffer zone length.
- (3) Six-foot high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- (4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on the top and side slope facing the exterior of the site.

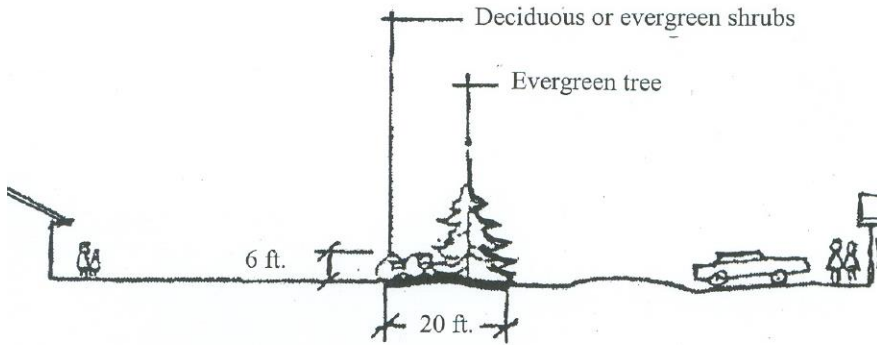
- (5) If a screen wall or fence is used for all or part of the buffer zone, then:
 - a. The equivalent of four shrubs is required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
 - b. All required plant materials shall be on the exterior side of the buffer strip.
- (6) All areas of the buffer strip outside shrub or flower beds shall be covered with grass or other living ground cover.
- (7) All applicable standards in section 25.8.



ELEVATION: Buffer Zone B



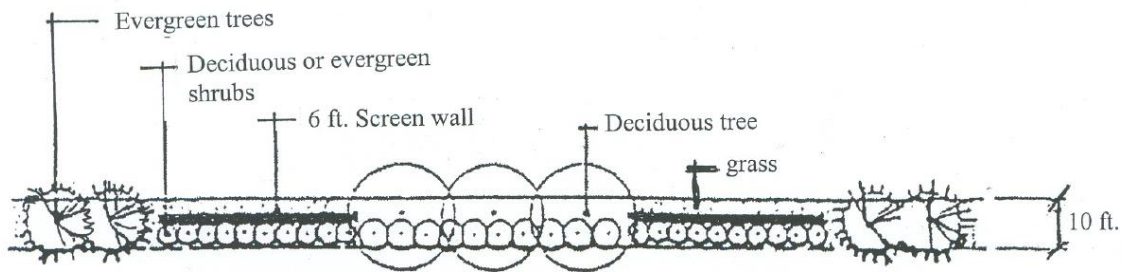
PLAN VIEW: Buffer Zone B



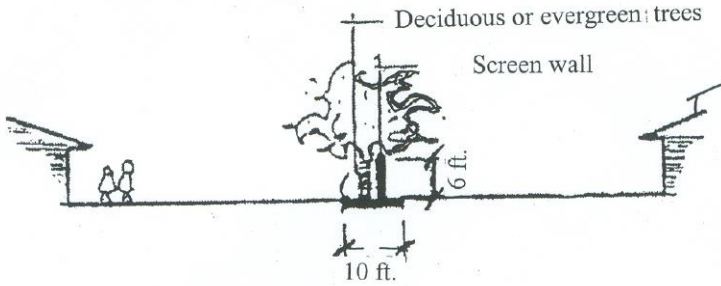
CROSS-SECTION: *Buffer Zone B*

(c) Buffer Zone Level C

- (1) Ten-foot minimum width.
- (2) The equivalent of one canopy tree per 20 linear feet of buffer zone length.
- (3) Six-foot high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- (4) If berming is used for all or part of the buffer zone, then:
 - a. All required plant material shall be placed on the top and side slope facing the exterior of the site.
 - b. The minimum buffer zone width shall be increased as needed to accommodate a maximum slope of three feet horizontal to one foot vertical.
- (5) If a screen wall or fence is used for all or part of the buffer zone, then:
 - a. The equivalent of four shrubs is required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
 - b. All required plant materials shall be on the exterior side of the buffer strip.
- (6) All applicable standards in section 25.8.



PLAN VIEW: *Buffer Zone C*



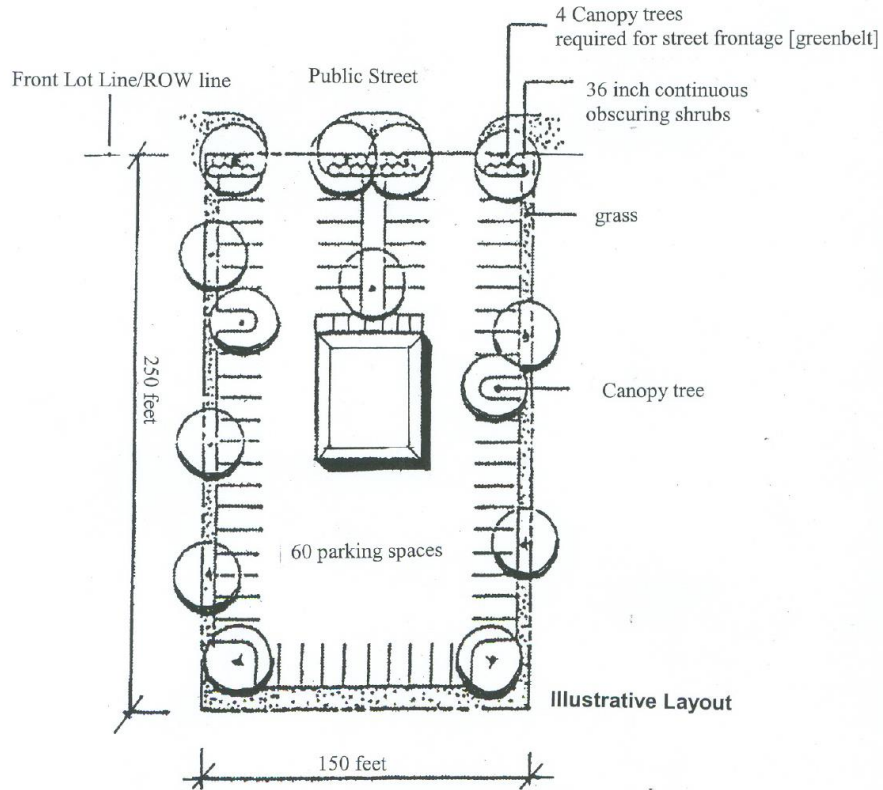
CROSS-SECTION: *Buffer Zone C*

Section 25.4 Off-Street Parking Areas

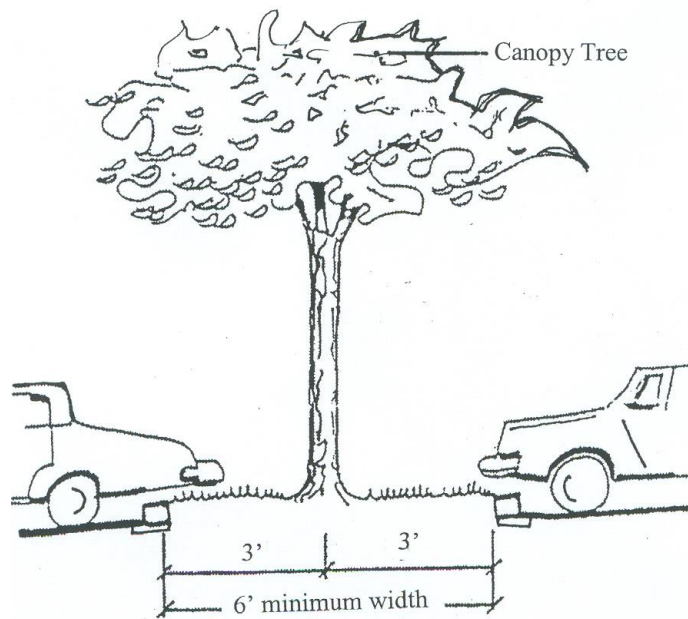
(a) Off-street parking areas containing five or more parking spaces shall be provided with landscaping in accordance with the following:

- 5-24 spaces: One canopy tree and 100 square feet of landscape area per six spaces or fraction thereof.
- 25-100 spaces: One canopy tree and 100 square feet of landscape area per 10 spaces or fraction thereof.
- 101 + spaces: One canopy tree and 100 square feet of landscape area per 12 spaces or fraction thereof.

(b) In no case shall any buffer zone or greenbelt required in sections 25.6 and 25.7 be considered a substitute for off-street parking landscape area.



LANDSCAPE STANDARDS FOR OFF-STREET PARKING AREAS



TYPICAL OFF-STREET PARKING LANDSCAPE AREA

Section 25.5 Off-Street Parking Area Landscape Standards

Required parking lot landscape areas shall comply with the following standards:

- (a) The minimum size of a landscape area shall be 400 square feet and 20 feet minimum dimension.
- (b) Grass, shredded bark, stone, or a living ground cover shall cover all landscaped areas.
- (c) All landscape areas shall contain at least one canopy tree. The trees shall be located to prevent damage by motor vehicles.
- (d) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces and shall not obscure traffic signs or fire hydrants. Except in lots with 24 or less spaces, required landscaping may be on the perimeter of the parking lot.
- (e) At least 25 percent of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point ten feet from the boundary of the parking lot.
- (f) Raised curbs shall protect all landscape area.
- (g) Where any parking area, excepting areas serving one or two-family dwellings, abuts or faces a public right-of-way, a three-foot high continuous obscuring screen shall be required between the parking area and the public road right-of-way line. The screen may be comprised of plant material, berming, or any combination of these elements.
- (h) All applicable standards in section 25.8.

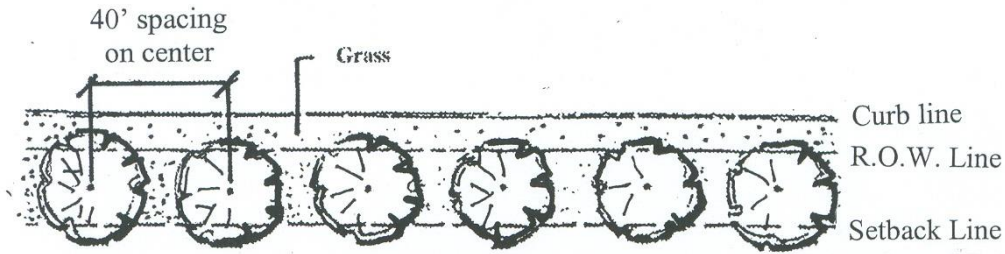
Section 25.6 Greenbelts

- (a) Greenbelts shall be required where any developed parcel abuts or faces a public right of way in the Office, Commercial, or Industrial Zoning Districts.
- (b) If a buffer zone is required along a public right-of-way, then the greenbelt requirement shall be waived.

Section 25.7 Greenbelt Development Standards

All greenbelts shall comply with the following standards:

- (a) One canopy tree for every 40 linear feet of frontage abutting a public right-of-way.
- (b) All greenbelts shall be covered by grass.
- (c) The width of the greenbelt shall correspond to the required front setback requirements for off-street parking areas contained in Article XXIII.
- (d) All applicable standards in section 25.8.



**PLAN VIEW - CONTINUOUS ROW OF
EQUALLY SPACED CANOPY TREES**

GREENBELT TYPICAL DETAIL

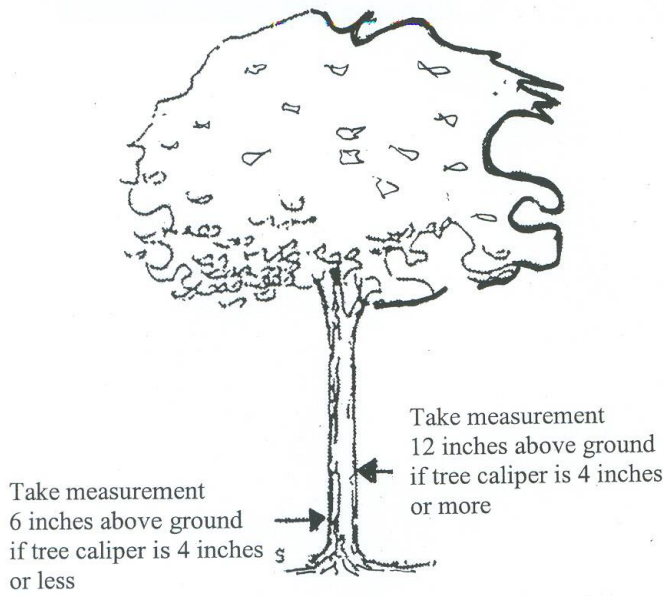
Section 25.8 General landscape Development Standards

(a) Minimum plant material standards:

- (1) All plant material shall be hardy, and free of disease and insects.
- (2) All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.
- (3) Minimum plant size at time of planting:

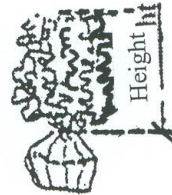
Deciduous canopy tree	2 ½ inch caliper
Deciduous ornamental tree	2 inch caliper
Evergreen tree	6 foot height
Deciduous shrub	2 foot height
Upright evergreen shrub	2 foot height
Spreading evergreen shrub	18 inch spread

- (4) Existing plant material which complies with the standards of this Article may be retained and shall count as credit toward meeting the standards of this Article.
- (5) Plant materials located within 10 feet of a fire hydrant shall not exceed 12 inches in height.

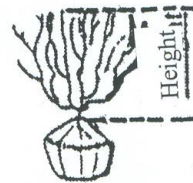


Caliper = Diameter of trunk

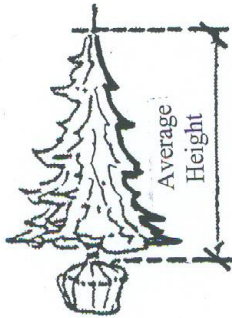
TREE CALIPER MEASUREMENT TECHNIQUE



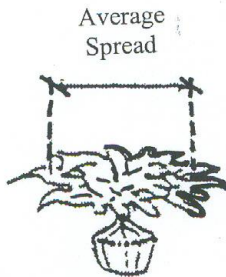
Upright evergreen shrub



Deciduous shrub



Evergreen tree



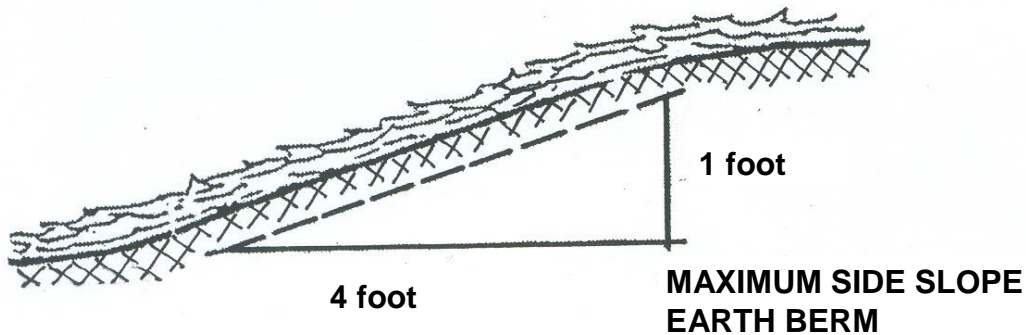
Spreading evergreen shrub

PLANT SIZES

Plant size is measured by height or spread illustrated

(b) Minimum standards for berms:

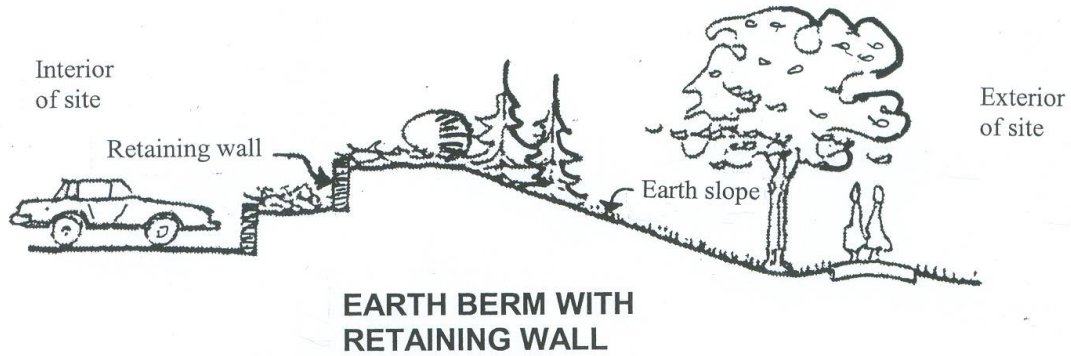
- (1) Berms shall be constructed so as to maintain a side slope not to exceed a one foot rise to four (4) foot horizontal ratio.
- (2) Berm areas not containing plants shall be covered with grass or other living ground cover.
- (3) Berms shall be constructed so as not to alter drainage patterns on an adjacent property.
- (4) If the berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.



(c) Minimum standards for screen walls and fences:

- (1) All screen walls and fences shall be constructed of new, durable, weather resistant and easily maintainable materials. Chain link and barbed wire fences are not permitted.
- (2) The wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. The opening shall allow passage of air but shall not reduce the obscuring effect of the wall.
- (3) Screen walls or fences shall be constructed so as not to alter drainage patterns on adjacent properties.
- (4) Storm water detention / retention. Storm water detention/ retention areas shall be permitted within buffer zones provided they do not reduce the screening effect.
- (5) *Solid waste dumpsters*. Solid waste dumpsters may be located in buffer zones, provided they are screened by a continuous opaque wall or fence six feet in height.
- (6) Requirements for projects developed in phases. If a land development is constructed in phases, required landscaping may also be installed in phases. The Planning Commission may require buffer zones or screening necessary to obscure and protect abutting uses in their entirety within the first phase.
- (7) Installation and maintenance provisions. All landscape

materials required by this Article shall be maintained in good condition. No required plant materials or landscape area shall be eliminated from the site. Dead or diseased plant materials shall be replaced within one growing season.



Section 25.9 Prohibited Tree and Plant Species

Table 25-2 in this section enumerates species that are prohibited within new and required landscape areas due to their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, susceptibility to road salt damage and/or other undesirable characteristics.

Table 25-2 Prohibited Species

<u>Botanical Name</u>	<u>Common Name</u>
Trees:	
<i>Acer Negundo</i>	Box Elder
<i>Acer Platanoides, Saccharinum</i>	Maples [Norway, Silver]
<i>Ailantus Altissima</i>	Tree of Heaven
<i>Betula Spp.</i>	Birch
<i>Catalpa Speciosa</i>	Catalpa
<i>Eleagnus Augustifolia</i>	Russian Olive
<i>Fraxinus</i>	Ash
<i>Ginkgo Biloba (Female)</i>	Female Ginkgo
<i>Maclura Pomifera</i>	Osage Orange
<i>Morus Spp.</i>	Mulberry
<i>Populus Spp.</i>	Cottonwood, Poplar, Aspen
<i>Prunus Spp.</i>	Cherry, Plum
<i>Salix Spp.</i>	Willow
<i>Ulmus Pumila</i>	Elm [Siberian]
<i>Pinus Strobus</i>	White Pine
<i>Morus Spp.</i>	Mulberry
<i>Juglans Nigra</i>	Black Walnut
<i>Robina Spp.</i>	Black Locust
<i>Crateaegus Spp.</i>	Hawthorne
<i>Aesculus Hippocastanum</i>	Horsechestnut
<i>Carya Spp.</i>	Hickory
<i>A. Rubram</i>	Red Maple
<i>Gleditsia Triancanthos (with thorns)</i>	Honey Locust
<i>Ulmus Americana</i>	American Elm
<i>Ulmus Pumila</i>	Siberian Elm
<i>Ulmus Rubra</i>	Slippery Elm; Red Elm
 (1) Trees with the following characteristics are also undesirable, though not prohibited: Fruit bearing, weak wood, weeping form/branches, branching height at maturity lower than 5 feet.	
Shrubbery	
<i>Rhododendron</i>	Rhododendron
<i>Yucca</i>	Yucca
<i>Ilex</i>	Holly
<i>Mahonia</i>	Grape Holly
<i>Azalea</i>	Azalea
<i>Arborvitae</i>	Globe Arborvitae

Sections 25.10 – 25.99 [Reserved]

ARTICLE XXVI

NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

Section 26.1 Purpose and Intent

- A. **Nonconformities Permitted.** It is recognized that there exist within each zoning district certain lots, buildings, structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit nonconforming lots, buildings, structures, and uses to continue until they are removed, but not to encourage their continued use or survival.
- B. **No Expansion of Nonconformities.** Nonconforming lots, buildings, structures, and uses are hereby declared to be incompatible with the Zoning District in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the Zoning District, except as may be provided for in this Ordinance.
- C. **Construction Prior to Effective Date of this Ordinance.** Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance, or an amendment thereto, and upon which actual building construction has been diligently conducted.
- D. **Acquisition of Nonconformities.** The Township may acquire, through purchase or condemnation, private nonconforming lots, buildings, structures, and uses. The Township Board may take action in the manner provided for by law.

Section 26.2 Nonconforming Lots of Record

- A. **Uses Permitted.** Where an existing lot of record does not meet the minimum requirements for lot area or lot width in this Ordinance, the lot of record may be used for any purposes permitted in the Zoning District. Any side yard requirement for a building or structure may be reduced by the same percentage the area of the lot bears to the Zoning District requirements, provided that no side yard shall be less than 5 feet.
- B. **Contiguous Nonconforming Lots in Common Ownership.** For any 2 or more nonconforming lots of record or combination of lots and portions of lots of record, in existence prior to the effective date of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:

1. Are in common ownership.
2. Have continuous frontage, and
3. Individually do not meet the lot width or lot area requirements of this Ordinance.

Parcels meeting these requirements shall be combined into a lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of that parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

Section 26.3 Nonconforming Buildings or Structures

- A. **Continuation of Nonconforming Buildings and Structures.** Where a lawful building or structure exists prior to the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, that building or structure may be continued so long as it remains otherwise lawful.
- B. **Extensions of Nonconforming Buildings and Structures.**
A nonconforming building or structure may not be enlarged or altered in a way that increases its nonconformity, except as noted.

Where the nonconforming setback of a building or structure is equal to or less than $\frac{1}{2}$ of the distance required by this Ordinance, the nonconforming setback may be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.

The extension of the nonconforming setback of a building or structure shall not be greater than 50 percent of the total length of the existing building side that is to be extended.

- C. **Expansions.** Additions to an existing building, which now exceeds the height limitations of the Zoning District, shall be permitted up to the height of the existing building in those instances in which the lot is large enough to encompass a circular area with a minimum radius equal to the height of the new addition.
- D. **Reconstruction or Movement.** Should a nonconforming building or structure be destroyed to an extent of more than 55 percent of its replacement cost, exclusive of the foundation, using estimates from at least two (2) licensed building contractors, it shall be reconstructed only in conformance with the provisions of this Ordinance.

Should a nonconforming building or structure be destroyed to an amount equal to or less than 55 percent of its estimated replacement cost, exclusive of the foundation, it may be reconstructed in its previously nonconforming location.

Should a nonconforming building or structure be moved, whether that move is within the existing lot or to a different lot, it shall be moved to a location that complies with the requirements of this Ordinance.

Section 26.4 Nonconforming Uses

- A. Enlargement or Increase of a Nonconforming Use.** Nonconforming uses shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied prior to the effective date of this Ordinance, or an amendment thereto, except as may be permitted by the Zoning Board of Appeals in determining that the proposed enlargement, increase, or greater area shall:
1. Not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
 2. Comply with all parking, sign, or other applicable regulations for accessory uses for the area affected by the proposed enlargement, increase, or greater area;
 3. Comply with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area shall not prove detrimental to adjacent properties, the neighborhood, or the community; and
 4. Not be larger than 25 percent of the original nonconforming area.
- B. Extension within a Building.** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this Ordinance, but the uses shall not be extended to occupy any land outside the building.
- C. Reduction in a Nonconforming Use.** If any part of a nonconforming use is moved or reduced in size by action of the owner, the part of the nonconforming use that is moved or reduced in size shall be considered to be abandoned and any subsequent use shall conform to the requirements of this Ordinance.
- D. Abandonment of a Nonconforming Use.** If a nonconforming use is abandoned for any reason for a period of more than 6 calendar months, any subsequent use shall conform to the requirements of this Ordinance, except when an extension is granted by the Zoning Board of Appeals as provided in Section 27.8 herein. A nonconforming use shall be determined to be abandoned if the use has ceased for 6 months or one or more of the following conditions exist that demonstrate intent on the part of the property owner to abandon the nonconforming use:

1. 1 or more utility meters, such as water, gas and electricity to the property, have been removed;
 2. The property, buildings or grounds are unsafe or unsanitary.
 3. Cessation of business operations;
 4. Removal of equipment, materials or fixtures necessary appurtenant to the use;
 5. Signs or other indications of the existence of the nonconforming use have been removed;
 6. Failure to maintain current licenses, certificates, registrations or other appropriate documentation for the use; or
 7. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
- E. **Extensions.** Upon request, the Zoning Board of Appeals may approve an extension of up to an additional 6 calendar months where a property owner can demonstrate a good faith effort to sell or lease the premises to another, similar use prior to determining abandonment.
- F. **Change to Other Nonconforming Use.** A nonconforming use may be changed to another nonconforming use provided the Zoning Board of Appeals makes all of the following determinations:
1. The proposed use shall be as compatible as, or more compatible with, the surrounding neighborhood than the previous nonconforming use.
 2. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as otherwise permitted by this Article.
 3. That appropriate conditions of approval and safeguards are provided that ensure compliance with the intent and purpose of this Ordinance.
- G. **Two-Family Dwellings.** Two-family dwellings that were lawfully in existence prior to the effective date of this Ordinance may continue to exist as permitted uses in any Residential Zoning District, provided:
1. There is no increase in size, alteration or change to the building or structure, external or internal, other than general maintenance;
 2. All equipment or fixtures that are necessary for the operation of the second dwelling unit remain in place, and
 3. If served by on-site wastewater disposal, the system is maintained in accordance with Barry-Eaton District Health Department requirements.

Section 26.5 Nonconforming Parking Areas

Whenever a building floor area expansion is proposed, on-site parking areas that are nonconforming by reason of required number of spaces, internal

landscaping, setback, lighting or other requirement of this Ordinance, must be modified to conform to requirements of this Ordinance.

Section 26.6 Nonconforming Landscaping

Whenever a building floor area expansion is proposed, on-site nonconforming landscape or screening must be modified to conform to requirements of this Ordinance.

In all instances, required screening walls for waste receptacles, fencing of outdoor storage or screening from adjacent residential uses shall be provided.

Section 26.7 Nonconforming Lighting

Whenever a building floor area expansion is proposed, sites that have nonconforming lighting by reason of fixture type or height, coverage, or other requirement of this Ordinance, must fully comply with lighting requirements of this Ordinance.

26.8 Nonconforming Signs *(See Section 24.13 for regulations pertaining to nonconforming signs.)*

26.9 Nonconforming Communication Towers

- A. **Pre-existing Towers.** A tower approved prior to the effective date of this Ordinance or an amendment thereto, shall be permitted to continue its use. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted.
- B. **Co-Locations.** Co-locations on nonconforming towers shall be permitted.
- C. **Damaged or Destroyed Towers or Antennas.** Nonconforming towers or antennas that have been damaged or destroyed may be rebuilt. The height, location and type of tower shall be the same as the original facility approved. Building permits to rebuild the facility shall be obtained within 120 days from the date the facility is damaged or destroyed. If no permit is obtained, or if the permit expires, then the tower or antenna shall be deemed abandoned.

Sections 26.10 – 26.99 *[Reserved]*

ARTICLE XXVII

ZONING BOARD of APPEALS

Section 27.1 Membership, Appointment and Tenure

The Zoning Board of Appeals is hereby confirmed and created under terms of the Michigan Zoning Enabling Act, being Public Act 2006 [MCL 125.3101 et seq], as amended. The Zoning Board of Appeals shall consist of five members.

The first member of the Board of Appeals shall be a member of the Township Planning Commission. The second member may be a member of the Township Board. If there is no Township Board member appointed, then the other four members of the Board shall be appointed from among the electors residing in the Township, provided that none of these four members shall simultaneously serve as an elected officer of the Township or as an employee of the Township Board or Board of Appeals. The members selected from among the electors of the Township shall each serve a term of three years, staggered in such a way that the term of at least one member expires each year.

Section 27.2 Officers

The Board of Appeals shall elect from its members a chairperson, vice-chairperson and secretary.

Section 27.3 Rules of Procedure

The Board shall adopt rules of procedure. Meetings of the Board shall be held at such times as the Board may determine. All meetings of the Board shall be open to public attendance.

Section 27.4 Quorum and Voting Requirements

- (A) The presence of three members shall constitute a quorum. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variances from the terms of this Ordinance.
- (B) The Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each matter voted upon. The minutes shall also include the reasons and grounds for actions taken by the Board, whether in favor of or in denial of applications under consideration; such reasons and grounds may be included in the body of the minutes or may be included by reference to an attached, separate

resolution or order adopted by concurring vote of a majority of Board membership.

Section 27.5 Authority of Zoning Board of Appeals

- (A) The Board of Appeals shall act upon all questions as may arise in the administration of the zoning ordinance, including the interpretation of zoning maps. It shall hear and decide all appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other administrative officers charged with the enforcement of the provisions of this Ordinance.
- (B) The Board of Appeals shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, including but not limited to:
 - (1) Where it is alleged that there is error or misinterpretation in any order, requirements, decisions, grant or refusal made by the Zoning Administrator or any other administrative board or official charged with the enforcement of the provisions of this Ordinance.
 - (2) Where by reason of the exceptional narrowness, shallowness, or shape of a lot or parcel of land, by reason of exceptional topographic conditions or extraordinary conditions of land, buildings or structures, there are practical difficulties in carrying out the literal requirements of this Ordinance.
 - (3) Where by reason of the uses adjacent or on nearby lands or for other reasons, there is or would be a defined practical difficulty in carrying out the literal requirements of this Ordinance.
- (C) An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed. The officer or body from whom the appeal is taken may certify to the Board of Appeals that a stay would cause imminent peril to life or property. In that event, proceedings shall not be stayed unless an order directing such stay of proceedings is granted by the Board of Appeals or entered by the circuit court, after the giving of notice to the officer or body from whom the appeal was taken, and upon a showing of sufficient cause for the order for a stay of proceedings.
- (D) The Board of Appeals shall have no jurisdiction or authority over or with regard to an ordinance amendment approved by the Board of Trustees and shall have no jurisdiction or authority to hear an appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.
- (E) The Board of Appeals shall have no jurisdiction or authority to grant use variances.

Section 27.6 Dimensional Variances

If an applicant seeks a non-use or dimensional variance from any of the provisions or requirements of this Ordinance, the applicant must demonstrate

that all of the following standards will be met and bears the burden of proof regarding such standards:

1. Is the property subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district? Exceptional or extraordinary circumstances or conditions can include:
 - a. Exceptional narrowness, shallowness or shape of the specific property that existed when the applicable Zoning Ordinance provision went into effect;
 - b. Exceptional topographic conditions or other extraordinary situations on or involving the land, building or structure;
 - c. Because of the use or development of the property immediately adjoining the property in question, the literal enforcement of the Zoning Ordinance requirements as to the property in question would involve practical difficulties; or
 - d. Any other physical situation on or involving the land, building or structure deemed by the ZBA to be extraordinary.
 2. The condition or situation of the specific piece of property for which the variance is sought is not of a general or recurrent nature (i.e. it generally does not apply to other properties).
 3. Is a variance necessary for the preservation and enjoyment of a substantial property right, similar to the property rights possessed by other properties in the same zoning district and vicinity?
 4. Will a variance not be significantly detrimental to adjacent properties and the surrounding neighborhood?
 5. Will a variance not impair the intent and purpose of the Zoning Ordinance requirement that is the subject of the variance request?
 6. Is the practical difficulty such that it was not self-created by any action by the applicant or their predecessors-in-title?
 7. Will the requirement of the Zoning Ordinance at issue involve practical difficulty for the applicant or the property involved?
- [amended 3-28-2020]

Section 27.7 Conditions Attendant to Variance

When authorizing any variance, the Board of Appeals may attach to its approval, any conditions it deems reasonably necessary for protection of adjoining property, the neighborhood and to further the intent and spirit of this Ordinance. The Board may require the applicant submit a site plan meeting requirements of Article XX before application is made for a zoning permit.

Section 27.8 Time Limitations on Variances

The construction or other work authorized by the variance shall be commenced, and shall reasonably proceed toward completion, not later than one year after the granting of the variance. The Board of Appeals may grant an extension of up to

one additional year, upon request by the applicant and if the Board finds that extenuating circumstances have prevented the commencement and/or the reasonable progression of the authorized work, or if the Board determines that an extension is otherwise justified. Any request for such an extension shall be filed in writing and be considered at a public meeting of the Board of Appeals, but a public hearing shall not be required.

Section 27.9 Procedure

- (A) Any ruling of the Zoning Administrator or other administrative officer administering any portion of this Ordinance may be appealed by any person affected or aggrieved thereby.
- (B) Each completed application form for an appeal or variance shall be accompanied by a filing fee set by resolution of the Township Board.
- (C) When a variance application or an appeal has been filed in proper form and with the required data, the Zoning Administrator shall place the application upon the calendar for hearing within a reasonable time and cause notice of the public hearing to be published, mailed and delivered in accordance with Section 28.12 of this Ordinance. Each party may appear at the hearing in person or by agent to offer testimony and/or may submit written documentation to the Board

Section 27.10 Decisions of the Zoning Board of Appeals

- (A) The Zoning Board of Appeals shall decide all applications for variance and appeal within a reasonable period of time.
- (B) The Zoning Board of Appeals, when considering an appeal of an administrative decision or order, may affirm or reverse in whole or in part, or may modify the decision, order, requirement or determination that is being appealed. For such purpose, the Zoning Board of Appeals shall have all the powers of the Township officer or body from whom the appeal was taken.

The motion or resolution of the Board of Appeals, whereby the matter is decided, shall include findings of fact and shall state the reasons and grounds for the decision rendered. At its discretion, the Board may also direct the issuance of all relevant Township permits.

Each decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, to the extent and in the manner permitted by law.

- (C) The Zoning Board of Appeals, when considering a dimensional variance, if relief is warranted, shall grant only such relief as is necessary to relieve the practical difficulty. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the

circumstances. The Zoning Administrator shall incorporate the terms and conditions of the Board of Appeals' decision in any permit issued to the applicant pursuant to the decision of the Board of Appeals.

Each decision of the Board of Appeals on a variance from terms of this Ordinance, shall be final; provided, however, a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, to the extent and in the manner permitted by law.

Section 27.11 Alternate Members

- (A) As provided by law, the Township Board may appoint two alternate members to the Zoning Board of Appeals.
- (B) An alternate member of the Board of Appeals may serve as a regular member of the Board in absence of a regular member.
- (C) An alternate member may also serve as a regular member of the Board for the purpose of reaching a decision on a case in which a regular member has abstained because of a conflict of interest. When the alternate member serves by reason of a conflict of interest on the part of a regular member, the alternate member shall hear and decide only the matter as to which the conflict of interest has arisen.
- (D) When an alternate member is appointed to serve in the place of a regular member, the alternate member shall serve in the case or cases under consideration until a final decision is made, whether at one or more meetings.
- (E) An alternate member of the Board of Appeals has the same voting rights as a regular member of the Board.

Sections 27.12 – 27.99 [Reserved]

ARTICLE XXVIII

ADMINISTRATION, ENFORCEMENT AND FEES

Section 28.1 Administration

The provisions of this Ordinance shall be administered by the Zoning Administrator, a person duly appointed by the Board of Trustees.

Section 28.2 Zoning Compliance Permits *(As amended June 8, 2015 effective date June 20, 2015)*

- (A) A building or structure in excess of 25 square feet, whether permanent or temporary, shall not be erected, moved, placed, reconstructed, extended, enlarged or structurally altered unless such activity is performed in accordance with a zoning permit issued by the Zoning Administrator under the terms of the Ordinance.
- (B) A zoning permit issued by the Zoning Administrator shall be required prior to issuance of a building permit. The erecting, moving, placement, reconstruction, extension, enlargement or structural alteration of any building or structure prior to issuance of zoning and building permits is declared to be a violation of this Ordinance.
- (C) An application for a zoning permit shall be on a form provided by the Township. The application shall include a drawing and such plans and specifications as are required by the terms of this Ordinance.
- (D) A zoning permit application shall also include such other drawings, plans and specifications as may be required by the Zoning Administrator.

Section 28.3 Other Permits

The Zoning Administrator shall be responsible for review and approval or denial of various additional types of permits under terms of this Ordinance, including but not limited to:

- (a) Private road permit. (Section 21.26)
- (b) Temporary buildings and uses. (Sections 21.27 and 21.28)
- (c) Land Division. (Section 21.36)
- (d) Minor Home Occupation Permit. (Section 19.43)
- (e) Special Land Use Permit. (Section 19.6)
- (f) Flood Plain Management Permit. (Section 22.2)
- (g) Collection and Managing Performance Guarantees. (Section 20.9)
- (h) Collection and Managing Escrow Funds. (Section 28.6)
- (i) Minor Site Plan Amendments. (Section 20.10)
- (j) Stop Work Orders. (Section 28.9)
- (k) Household and Recreational Storage Facility Special Use (Section 21.40)
- (l) Civil Infraction Citations or Notice of Civil Infraction (Section 28.10)

Section 28.4 Accessory Buildings and Structures

Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged, or structurally altered, at the same time as the principal building on the same lot or premises and when shown on the application for the zoning permit for the principal building, shall not require the issuance of a separate zoning permit. A separate zoning permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or structurally altered separately, or at a different time than the principal building on the same lot or premises.

Section 28.5 Certificate of Occupancy

No building shall be occupied or use established on land until and unless site improvements required by this Ordinance or the Planning Commission have been completed. The Zoning Administrator or designee shall conduct a final site inspection to confirm full compliance.

If due to late season winter weather, completion of required site improvements may not be possible, the proprietor may enter into an escrow agreement whereby improvements required are guaranteed by a cash or equivalent deposit with the Township. The Zoning Administrator shall determine a reasonable amount to guarantee completion of the required site improvements.

Section 28.6 Escrow Fund Requirements

For all forms of applications, review and approvals required by this Ordinance that require a professional consultant be retained by the Township, on-site inspection during construction or periodic follow-up inspections, a cash escrow deposit will be required. The amount of escrow deposit will vary based on the type and nature of the project to be reviewed. The Zoning Administrator or Planning Commission shall determine the amount of escrow required.

The escrow amount will be collected by the Zoning Administrator and placed on deposit with the Township Treasurer in the Township Trust and Agency Fund.

Monies spent by the Township from escrow funds shall be accounted for by the Treasurer to the applicant. If funds are depleted and additional funds are required, the Zoning Administrator shall notify the applicant that additional funds are required.

Types of applications typically requiring this form of escrow involve significant site work requiring inspection and include but are not limited to:

- (a) Site plan reviews where it is determined by the Planning Commission that the costs will likely exceed the application fee.

- (b) Planned unit developments (PUD).
- (c) Special Use Permits.
- (d) Plat approvals.
- (e) Site condominiums.
- (f) Private road approvals/permits.
- (g) Certain variance proceedings before the Zoning Board of Appeals – the escrow policy will only apply where the Township determines that the scope of the project or application will probably require the assistance of a professional or involve additional costs incurred by the Township.

Section 28.7 Expiration of Zoning Compliance Permit

A Zoning Compliance Permit for which all construction has not been completed within one year from the date of its issuance shall expire automatically. A zoning permit expiring automatically pursuant to this section shall, upon re-application, be renewable once for an additional term of one year upon payment of the applicable fee.

Section 28.8 Cancellation of Zoning Compliance Permit

The Zoning Administrator may revoke and cancel any zoning permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance or any of those of the zoning permit, or in the event of any false statement or misrepresentation in the application for the permit.

Notice of any such cancellation and revocation shall be securely posted at the construction site. Such posting shall constitute service of notice upon the permit holder as to the cancellation and revocation of the permit.

Section 28.9 Stop Work Orders

Upon notice from the Zoning Administrator that any use being conducted or that any work on any building or structure is contrary to the provisions of this Ordinance, such use or work shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U.S. mail to the owner of the property involved, at the owner's last known address or as that address is shown in the current property tax assessment roll.

Any person who shall continue to work in or about the structure, land or building or use it after a stop work order has been posted on the land or at the site shall be in violation of this Ordinance, except such work as such person may be directed to perform in order to moderate or remove a violation.

Section 28.10 Enforcement

- (A) Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised extended, enlarged, structurally altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals or the Planning Commission, issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
- (B) A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than specified in the Township's Municipal Civil Infractions Ordinance and in the discretion of the Court, and is in addition to all other costs, damages, attorneys' fees, and expenses provided by law.
- (C) Each day during which any violation continues shall be deemed a separate offense.
- (D) The following Township officials are authorized to issue citations for violation of provisions of this Ordinance which are designated to be municipal civil infractions or notice of civil infraction, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation:
 - (1) Zoning Administrator
 - (2) Code Enforcement Officer
- (E) The Township may also institute injunction, mandamus, abatement or any other appropriate legal action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and are in addition to all other remedies provided by law.

Section 28.11 Fees, Charges and Escrow Payments

All applicants for rezoning of lands, special land uses, site plan approval, site condominium approvals, variances, permits, and all other land use review, consideration or approval provided for by the terms of this Ordinance, shall pay to the Township any required application fee and other fees or charges established by resolution of the Township Board. Applicants shall also deposit sums into an escrow account as provided by resolution of the Township Board, and such deposited sums shall be used for reimbursement of Township expenses with respect to the zoning approvals or other relief being applied for, in accordance with any such Township Board resolution and the terms of this Ordinance.

Any application for consideration and approval hereunder, shall not be complete, and need not be considered, until the required application fee and other charges

have been paid in full and until the deposit of the required sum in any required escrow account has taken place, and such deposit maintained or reestablished at the required amount.

Section 28.12 Required Public Notices

Except where expressly stated or by the Michigan Zoning Enabling Act, being 110 PA 2006 [MCL 125.3101 et seq], as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- (A) The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- (B) For applications involving the rezoning of property; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - (1) The applicant;
 - (2) All persons to whom real property is assessed within 500 feet of the property that is subject of the application;
 - (3) The occupants of all structures within 500 feet of the property that is the subject of the application.

If the above described 500-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the prescribed radius, to all persons in the above-stated categories.

- (C) The notice of public hearing shall include the following information:
 - (1) A description of the nature of the application or request.
 - (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if 11 or more adjacent properties are being proposed for rezoning.
 - (3) State when and where the application or request will be considered.
 - (4) Identify when and where written comments will be received concerning the application or request.

Sections 28.13 Zoning Administrator determination of Right-To-Farm Act preemption

Should an issue arise involving a farm or agricultural operation and whether a particular regulation or restriction contained in this Ordinance is preempted or precluded by the Michigan Right to Farm Act, being MCL 286.471 *et seq.*, the Zoning Administrator shall determine whether any such preemption precludes the applicability of one or more provisions of this Ordinance to the farm or agricultural operation involved. The Zoning Administrator may require that the owner or applicant of the farm or agricultural operation involved submit reasonable information to the Township so that the Zoning Administrator can make the determination regarding whether or not preemption applies, and if so, to what extent.

Sections 28.14 – 28.99 *[Reserved]*

ARTICLE XXX

PENALTIES FOR VIOLATION OF ZONING ORDINANCE

Section 30.1 Penalties – Civil Infraction

Any person, firm, corporation or other entity who violates any term or requirement of this Ordinance, is responsible for a municipal civil infraction or notice of civil infraction. That person, firm, corporation or other entity shall be subject to fines and costs as prescribed within the Township Municipal Civil Infractions Ordinance.

Section 30.2 Penalties – Other Prosecution

The Zoning Administrator or Code Enforcement Officer may recommend and the Township Board authorize any other form of Ordinance enforcement procedure permitted by law. When authorized, the Township attorney may initiate civil or criminal proceedings for injunctive relief, mandamus, nuisance abatement or any other action to prevent, enjoin, abate or remove any violation of this Ordinance.

Sections 30.3 – 30.99 *[Reserved]*

ARTICLE XXXI

SAVINGS CLAUSE, MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

Section 31.1 Savings Clause

The former Zoning Ordinance of the Township adopted July 24, 2010 and all amendments thereto, shall remain in full force and effect until the effective date of this Ordinance. The former Zoning Ordinance of the Township shall also remain in full force and effect for purpose of enforcement of any violation that occurred under the former Ordinance.

Section 31.2 Non-Liability of Township Officials

No officer, authorized agent, employee or member of the Township Board, Planning Commission or Zoning Board of Appeals shall be personally liable for any harm, damage or adverse consequence that may occur based on any act, omission, decision or other action arising out of the discharge of such person's duties or responsibilities under provisions of this Ordinance.

Section 31.3 Effective Date

This Zoning Ordinance, including all text, illustrations, appendices and Official Zoning Districts Map, was adopted by the Thornapple Township Board of Trustees at a regular public meeting held on June 13, 2016 and is to take effect on June 25, 2016.

Sections 31.4 – 31.99 [Reserved]

ARTICLE XXXII

DEFINITIONS

Section 32.1 Rules of Construction and Interpretation

The following rules of construction and interpretation shall apply to the text of this Ordinance:

1. All words and phrases shall be construed and understood according to common usage. Technical words and phrases and those which may have acquired a particular meaning in the law shall be construed and understood according to such particular meaning.
2. The particular shall control the general.
3. The word “shall” is mandatory and not discretionary. The word “may” is discretionary and permissive.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. The word “structure” includes the word “building”, and reference to structure or building includes any part thereof.
6. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
7. The word “person” includes any individual, corporation, partnership, incorporated association or other similar entity, unless the context clearly indicates otherwise.
8. The word “dwelling” includes the word “residence”, and the word “lot” includes the word “parcel”.
9. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either/or” the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provisions or events shall apply.

- b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. “Either/or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
10. Accessory shall have the same meaning as accessory use.
 11. The word “road” refers to both public and private roads, unless the context clearly indicates otherwise.
 12. The term “including” means “including, but not limited to” and the term “such as” means “such as, but not limited to” unless otherwise noted.
 13. Definitions set forth in this Article XXXII are in addition to definitions contained in Sections 15.2, 16.3, 18.2, and 24.2 of this Ordinance.

Section 32.2: Definitions

For the purpose of this Ordinance, the terms and words herein are defined as follows:

DEFINITIONS – A

32.2.1 Accessory Building

A building or structure, in excess of 25 square feet, whether permanent or temporary, on the same lot or parcel with a principal building that is clearly incidental and subordinate.

32.2.2 Accessory Use

A use naturally and normally incidental and subordinate to the principal use of the premises.

32.2.3 Adult Day-Care Home

A private home, which is the bona fide permanent residence of the operator of the adult day-care home in which 6 or fewer adults who are aged, mentally ill, developmentally disabled, or physically handicapped receive care and supervision for periods of less than 24 hours a day.

The physical facility and operation of the home shall comply with all applicable federal, state and local laws or regulations. An adult day-care home does not include any establishment commonly described as an alcohol or a substance-abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

32.2.4 Adult Day-Care Center

A facility, other than a private residence, in which 7-12 adults who are aged, mentally ill, developmentally disabled, or physically handicapped receive care and supervision for periods of less than 24 hours a day.

The physical facility and operation of the center shall comply with all applicable federal, state and local laws or regulations. An adult day-care center does not include any establishment commonly described as an alcohol or substance abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

32.2.5 Adult Foster Care Family Home

A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 24 hours a day, 5 or more days a week and for 2 or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

32.2.6 Agriculture

The cultivation, tilling or use of land for the purpose of growing crops, animal or poultry husbandry as a primary source of income or other use defined by the Michigan Right to Farm Act, being 93 PA of 1981 [MCL 286.471 et seq], as amended.

32.2.7 Agricultural Land

Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses *or* activities.

32.2.8 Airport

Any airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under provisions of the Michigan Aeronautics Code, being 1945 PA 327 [MCL 259.1a et seq], as amended.

32.2.9 Animal Unit

A unit of measurement for any animal based on feeder cattle as the basic unit 1.0 or 1000 lbs. total weight. Examples of animal equivalent units are dairy cow (1.4), pig (2.5), sheep (10.0), horse (.5), turkey (50), chicken (100) and duck/geese (50).

32.2.10 Antenna

Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic

waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

32.2.11 Apartment

That portion of a multiple dwelling building, which has a common front or rear yard with another dwelling unit in the multiple dwelling, but which has self-contained facilities for living, sleeping and cooking and which is designed for and occupied by one family.

32.2.12 Area of Lot or Parcel

That total number of square feet or total number of square feet converted to acres within a parcel of land, exclusive of any public streets, public alleys or area in private road easements.

32.2.13 Area of Sign [See Section 24.2]

32.2.14 Automobile Repair

General service, repair, rebuilding, or reconditioning of engines, autos, or trucks, collision service (including body repair and frame straightening), painting, or upholstery; or vehicle steam cleaning and undercoating, as a business.

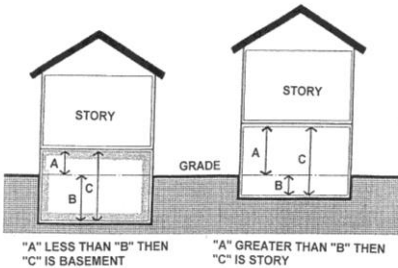
DEFINITIONS – B

32.2.14b Barn Event Venue

A barn event venue is defined as the use of an existing building (usually called a barn), originally constructed for agricultural uses, and made available on a lease or rental basis as a venue for events which are open on an invitation only basis, such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers. [Amended 3-28-2020]

32.2.15 Basement

The floor level of a building which is primarily below ground grade, as depicted in Figure 32-1. A basement shall not be used for sleeping quarters unless proper light and egress are provided consistent with the building code in effect.



Basement Illustration
Figure 32-1

32.2.16 Bed and Breakfast

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation and including provisions for a morning meal for overnight guests only. A bed and breakfast establishment is distinguished from a hotel or motel by having one kitchen facility serving overnight guests and resident family, employs only those persons residing in the dwelling and no more than 2 non-resident employees and has a façade style consistent with other homes in the vicinity.

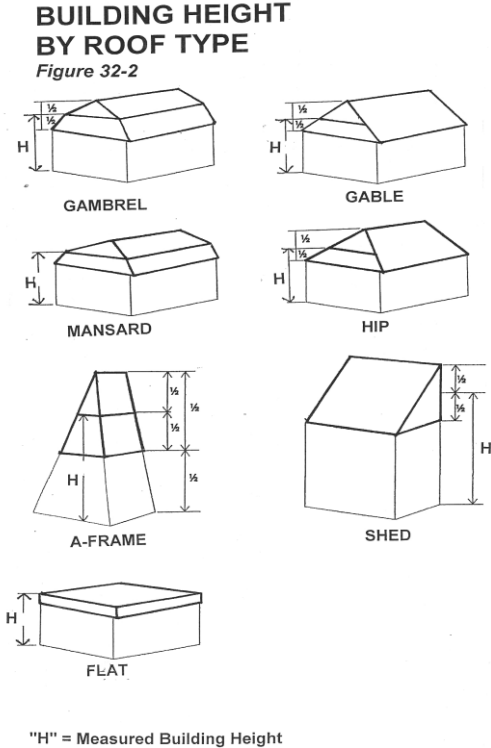
32.2.17 Billboards and Signs [See Section 24.2 for definitions]

32.2.18 Building

Any structure having a roof supported by walls, including accessory buildings.

32.2.19 Building Height

The vertical distance from the grade plane to the top of the highest roof beams of a flat roof, or the mean level of the highest ridge, gable or hip of a sloped roof. The height exception provisions of Section 21.20 of this Ordinance shall apply where appropriate. Figure 32-2 depicts building height for various roof styles.



32.2.20 Building Inspector

Any reference in this Ordinance to the “Building Inspector” shall mean the entity appointed by resolution of the Barry County Board of Commissioners (or the Township agent if appointed by resolution of the Thornapple Township Trustees) to perform the functions and tasks assigned by this Ordinance to the “Building Inspector”.

32.2.21 Business Center

Two or more businesses which meet 1 of the following:

- a) Are located on a single parcel of property.
- b) Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings.
- c) Are under common ownership or management and have a common arrangement for the maintenance of the grounds.
- d) Share a common parking area.
- e) Otherwise present the appearance of a single, contiguous business area.

DEFINITIONS - C

32.2.22 Campground

A parcel or tract of land on which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the temporary use by 5 or more recreational vehicles or tents. All campgrounds must be currently licensed by the State of Michigan to be considered a lawful use of land under this Ordinance.

32.2.23 Carport

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides. Carports are considered a structure under definition 32.2.1 and are subject to provisions of Article 21.2 and 21.3.

32.2.24 Clinic

A building or group of buildings where human patients are examined and treated by more than 1 professional, such as a physician, dentist or other health care professional, except that patients are not lodged therein overnight.

32.2.25 Club

An organization of persons for special purposes or for promotion of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

32.2.26 College

An educational institution authorized by the state to award a vocational certificate, or award Associate, Baccalaureate or higher degrees.

32.2.27 Co-location

The use of a single support structure, building and/or site by more than one wireless communication provider.

32.2.28 Commercial Establishment

A business operating independently of any other businesses located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate-controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and, in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

32.2.29 Commercial Recreation

Commercial establishments related to recreation activities such as, but not limited to, billiard or pool hall, indoor theater, bowling alley, miniature golf, driving ranges, skating rinks, and video arcades.

32.2.30 Communication Tower

A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

32.2.31 Common Open Space Residential Development (OSRD)

A residential development that includes not less than thirty-five percent of the gross site area in common open space, publicly or privately owned, which is available for use by all lot or unit owners within the development and/or the general public.

32.2.32 Conditional Rezoning

A process whereby a landowner may voluntarily request a written agreement to permit a change in zoning district classification on land with stated conditions to be attached to the proposed zoning district classification.

32.2.33 Condominium Project

A land development, building construction or renovation consisting of 2 or more condominium units established in conformance with the Condominium Act, being 59 PA 1978, [MCL 559.101 et seq] as amended.

32.2.34 Condominium Subdivision Plan

A land development established pursuant to Section 66 of the Condominium Act, [MCL 599.166 et seq], being 59 PA 1978, as amended, in which building sites are treated as separate ownership units, with or without general or limited common elements.

32.2.35 Condominium Unit

That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use or any other type of use, including time share.

32.2.36 Confined Feedlot *[Also called Intensive Livestock operation]*

The place of confined keeping of livestock or other animals in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animal wastes may originate by reason of keeping of such animals that meets at least 1 of the following conditions:

- 400 or more cattle
- 1,000 or more swine, goats, or sheep
- 30,000 or more fowl
- 4 or more cattle/acre
- 20 or more swine/acre
- 700 or more fowl/acre
- 10 or more sheep or goats/acre

32.2.37 Conservation Easement

An equitable interest in real property that imposes limitations and affirmative obligations, the purpose of which is to protect and preserve natural or scenic resources as open space.

32.2.38 Contractor Yard

An area used for the outdoor storage of building equipment, machinery, vehicles, and supplies, including gravel, sand, topsoil, stones, and other similar materials used in the building and construction trade. The definition of contractor yard does not include mineral extraction and processing activities.

32.2.39 Cul-de-sac

A circular turn-around at the end of a dead-end street.

DEFINITIONS – D

32.2.40 Day-Care Facility

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973, [MCL 722.111 et seq], as amended, and the associated rules promulgated by the State Department of Human Services. Such facilities shall be further defined as follows:

- a) **Family Day-Care Home:** A private home in which 1-6 children are received for care and supervision, including those children less than 7 years old in the resident family. This number shall not include more than 2 children less than 12 months old.
- b) **Group Day-Care Home:** A private home where 7 to 12 children are received for care and supervision. This number shall not include more than 2 children younger than 2 years old.
- c) **Child Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, for not less than 2 consecutive weeks (regardless of the number of hours of care per day), and where the parents or guardians are not immediately available to the child, including facilities described as day care centers, day nurseries, nursery schools, parent cooperative preschools, play groups and drop-in centers, (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended).

32.2.41 Deed Restriction

A covenant imposed on real property reflected in a document recorded with Barry County *Register of Deeds*. A deed restriction can create an easement or restrict use and development on land.

32.2.42 Density

The number of dwelling units situated on or to be developed on land based on actual land area, exclusive of public road right-of-way or private easement for ingress/egress.

32.2.43 Development Plan [Also see *Site Plan*]

The drawings and specifications of a proposed development showing its topography, location of buildings and structures, all non-enclosed uses, parking, loading and traffic handling facilities, storm drainage, typical floor plans, elevation drawings, a detailed statement of the proposed use or uses, and other relevant information, data and documentation concerning the proposed development, all in sufficient detail to enable the Township to study and evaluate the proposed development.

32.2.44 Drive-In or Drive-Through Establishment

A business establishment so developed that its retail or service character is in part dependent on providing a driveway approach or parking spaces for vehicles to serve patrons while in a vehicle, rather than within a building.

32.2.45 Drive-In Restaurant

Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food directly to patrons in or on vehicles parked on the premises where orders for food are placed without the patron having to leave the vehicle.

32.2.46 Dwelling

Any building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily, by 1 or more families, but not including bed and breakfast establishments, motels, hotels, tourists rooms, or seasonal cabins.

- a) **Dwelling, Single-Family.** A building designed for use and occupancy by 1 family only.
- b) **Dwelling, Two-Family.** A building designed for use and occupancy by 2 families living independently of each other.
- c) **Dwelling, Multi-Family.** A building designed for use and occupancy by 3 or more families, living independently of each other.

32.2.47 Dwelling Unit

A building or portion thereof designed for use or occupancy by one family with self-contained facilities for living, sleeping, bathroom and cooking.

DEFINITIONS – E

32.2.48 Earth Change

An activity involving digging, filling or re-grading on land.

32.2.49 Easement

A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

32.2.50 Efficiency Dwelling Unit

A dwelling unit having only 1 room exclusive of bathroom, kitchen, pantry, common corridors or closets and exclusive of any dining alcove.

32.2.51 Elderly Housing

A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 55 years of age or older, or couples where either the husband or wife is 55 years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being Sections 330.61 and 330.62 of the Compiled Laws of 1948.

32.2.52 Erected

The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term “erect” or “erected”.

32.2.53 Essential Services

The erection, construction, alteration or maintenance by public utilities or municipal departments or corporations authorized by the Township to provide community services of underground or overhead gas, electrical, steam, water, sewer, communication, supply or disposal systems, including poles, wires, mains, drains sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone ex-change buildings, gas regulator stations and substations, and other similar equipment and accessories used in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities or municipal departments or community service corporations or for the public health or safety or general welfare.

32.2.54 Excavation

Any breaking of the ground by digging or removing of soil, sand, gravel, marl or rock.

DEFINITIONS – F

32.2.55 Family

- a) A person living alone or two or more persons related by blood, marriage, or adoption, including foster children and domestic help living together as a single housekeeping unit in one dwelling unit.
- b) A group of persons cooking and living together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and which represents a single, non-profit housekeeping unit intended to endure for the indefinite future.

32.2.56 Farm

A contiguous tract of land which is used for commercial agriculture. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, farm products, farm animals or used for the operation of the farm. A farm for purposes of this Ordinance shall be a tract of land 5 or more acres in land area.

32.2.57 Farm Products

Those plants and animals useful to man and includes, but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiarian, equine, and other similar products.

32.2.58 Farm Products Retail Establishment

A building or structure used for the display and/or sale of farm products solely grown or produced on the premises upon which the structure is located. On-premises parking must be provided.

32.2.59 Fence or Wall

Upright structure or barrier of wood, stone, brick, plastic, metal, rails, posts, wire mesh, etc. designed to enclose, protect, divide, confine or define a boundary.

32.2.60 Flood, Base [See Section 14.8]

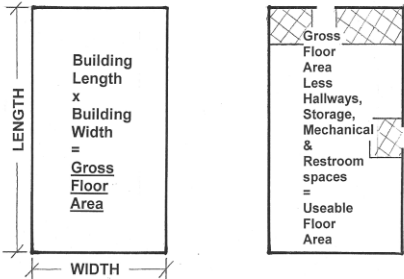
32.2.61 Floor Area, Gross

The floor area, as measured along outside dimensions, of all floors of a building or an addition to an existing building. This area is used to determine required on-site parking.

32.2.62 Floor Area, Useable

Gross floor area within a building less interior spaces devoted to mechanical room, hallways, entry foyer, restrooms and storage. Useable floor area is used to determine maximum building occupancy and requirements for internal fire suppression, if applicable.

FLOOR AREA, GROSS & FLOOR AREA, USEABLE
Figure 32-3



32.2.63 Fowl

Includes chickens, turkeys, ducks, geese, peacocks and any other bird that is raised for human food consumption.

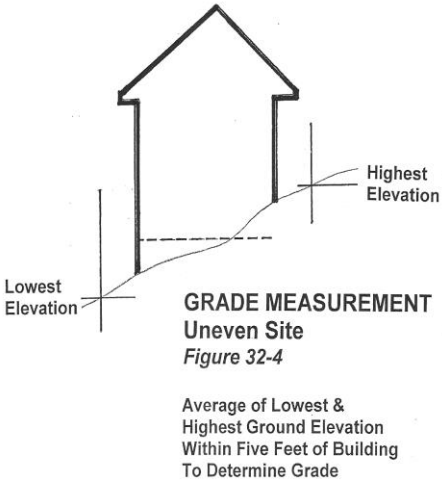
32.2.64 Frontage

Frontage is that portion of a lot or parcel contiguous to a public road right-of-way or private road easement. Any such private easement shall be improved with a private road meeting standards of this Ordinance.

DEFINITIONS – G

32.2.65 Garage

A detached accessory building or portion of a principal building used for indoor parking of passenger vehicles.



32.2.66 Grade

The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building prior to any grading or filling of the site. [Figure 32.4 illustrates uneven grade example.]

32.2.66b Greenhouse Event Venue

A Greenhouse Special Event Venue is defined as the use of an existing and still used greenhouse building, originally constructed for greenhouse growing or retail uses, and made available on a lease or rental basis as a venue for special

events which are open on an invitation only basis, such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers. [Amended 3-28-2020]

32.2.67 Groundwater

The sub-surface water that completely fills the pore spaces of soil and bedrock voids beneath the water table.

DEFINITIONS – H

32.2.68 Hazardous Substances

Hazardous substances and polluting materials shall mean hazardous chemicals, flammable and combustible liquids, critical materials, polluting materials, and hazardous materials and waste, as defined by various agencies and departments of the State of Michigan and various agencies and departments of the United States government.

32.2.69 Height, Tower

The distance measured from the finished grade of the parcel of land to the highest point on the tower or other structure, including the base pad and any antenna.

32.2.70 Home Occupation

An occupation or profession traditionally or customarily carried on in the home as a use incidental, subordinate and secondary to the use of the home as a dwelling, where the occupation or profession is carried on only by the occupants of the dwelling and not more than one other person.

32.2.71 Hotel

A commercial building of 2 or more stories designed for and occupied by transient persons who pay a daily fee for the accommodation. A hotel may also include a swimming pool, spa pool, recreation room, sauna, banquet room, and/or a food service establishment.

32.2.72 Household Pets

Any animal that is not likely to bite without provocation and that is not likely to cause death, maiming, or illness to a human, provided they are not kept, bred, or maintained for commercial purposes. Such animals shall include but are not limited to birds (caged), fish, rodents (domestic), cats (domestic), lizards (non-poisonous), snakes (non-poisonous), chinchillas, monkeys (domestic), spiders (non-poisonous), dogs (domestic), and prairie dogs (domestic) and other common, domesticated animals housed as pets.

DEFINITIONS – I

32.2.73 Inoperable Motor Vehicle

Any motor vehicle which is unregistered and/or unlicensed, and/or uninsured, and/or incapable of being operated under its own power legally on a public street.

Intensive Livestock Operation [Same as Definition 32.2.36]

DEFINITIONS – J

32.2.74 Joint Planning Area [JPA]

An area of the Township in which the Township and Village of Middleville jointly administer land development and use as defined in the adopted 2007-2020 Township Master Plan.

32.2.75 Junk

For the purpose of this Ordinance, this term shall mean any inoperable motor vehicles, machinery, appliances, products or merchandise with parts missing; scrap metals and used materials; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

32.2.76 Junk Yard

The term “junk yard” includes automobile wrecking yards and salvage areas and includes any area of more than 100 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within an enclosed building.

DEFINITIONS – K

32.2.77 Kennel

Any land, building or structure where 4 or more cats and/or dogs are bred, boarded or housed as a business.

DEFINITIONS – L

32.2.78 Land Division

A further division or dividing of a lot or parcel of land in existence and under common ownership at the effective date of this Ordinance. Any such division or

dividing of land shall be fully in compliance with requirements of this Ordinance and the Land Division Act, of 591 PA 1996 [MCL 560.101 et seq], as amended.

32.2.79 Landscape Buffer

A portion of any lot or parcel providing a combination of earthen berm or mound, screen fencing and plant materials offering a visual screen between uses of land.

32.2.80 Landscape Buffer Zone A

A landscape buffer not less than 30 feet in width, as illustrated in *Section 25.3(a)*.

32.2.81 Landscape Buffer Zone B

A landscape buffer not less than 20 feet in width, as illustrated in *Section 25.3(b)*.

32.2.82 Landscape Buffer Zone C

A landscape buffer not less than 10 feet in width, as illustrated in *Section 25.3(c)*.

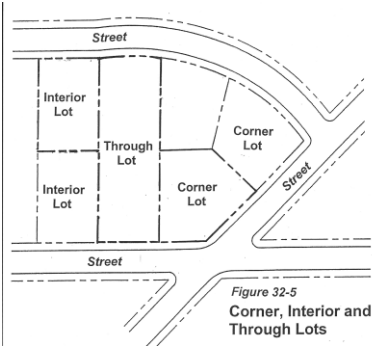
32.2.83 Loading Space

An off-street space on the same parcel with a building(s) for temporary parking of commercial vehicles while loading or unloading merchandise or materials.

32.2.84 Lot

A parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures or utilized for a principal use and accessory uses. Lot area shall not include any part of a public right-of-way or private road easement.

In the case of site condominium subdivisions, "lot" shall also include the portion of the condominium project designed and intended for separate ownership and use as described in the master deed. In the case of a plat or subdivision, a separately owned parcel for exclusive use of the title holder. Lot types are illustrated in *Figure 32.5*.



Lot, Corner – A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot, Flag – An interior lot possessing less than the required road frontage. Flag lots are not permitted under terms of this Ordinance.

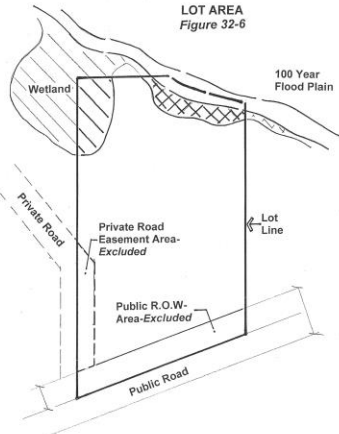
Lot, Interior – A lot other than a corner lot with only one lot line fronting on a street.

Lot, Through – Any lot, excluding a corner lot, which fronts on two streets which do not intersect.

Lot, Waterfront – A lot having frontage directly upon a lake, river, or other significantly sized impoundment of water.

32.2.85 Lot Area

The total area within the lot lines of a lot, excluding, (1) public road right-of-way, (2) private road easement, and (3) area within any easement providing access to land. This definition is illustrated in *Figure 32-6*.



Lot area for all lots or parcels created after the effective date of this Ordinance shall meet terms of this definition and the minimum lot area required in the zoning district in which it is located.

32.2.86 Lot Coverage

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

32.2.87 Lot Depth

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line.

32.2.88 Lot Line

Means the boundaries of a lot defined as:

- 1) **Lot Line, Front** – The lot line separating a lot from a street right-of-way, private road easement, or other thoroughfare. Corner lots or through lots are considered to have two front lot lines and shall provide the minimum required front yard setback at both front lot lines in accordance with the provisions of the zoning district in which it is located.
- 2) **Lot Line, Rear** – The lot line opposite



and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lots, an imaginary line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

- 3) Lot Line, Side** – Any lot line other than the front or rear lot line. Lot lines are illustrated in *Figure 32.7*.

32.2.89 Lot Width

The horizontal distance between the side lot lines measured parallel to the front lot line at the minimum required front yard setback. The width of a corner lot shall be determined as being the entire length of the front lot line, which is opposite the rear lot line. For a curvilinear lot, the width is measured at the required front setback parallel with the curve of the street.

32.2.90 Lot of Record

A legally established lot or parcel of land recorded with the Barry County Register of Deeds. Lots or parcels created by an unrecorded title instrument are not considered a lot of record.

DEFINITIONS – M

32.2.91 Manufactured Home

A structure, transportable in one or more sections, which is built on an undercarriage [including frame and axles], and designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities. A manufactured home has a title and is typically constructed in accordance with requirements of the U.S. Department of Housing and Urban Development. This definition does not include recreational vehicles.

32.2.92 Manufactured Home Community

A residential development located within the R-4 Manufactured Home Community Zoning District with improvements as required by applicable Michigan law.

32.2.93 Master Plan

The Master Plan adopted and in effect within Thornapple Township, Barry County, Michigan including graphic and written information therein and any amendments thereto.

32.2.94 Migrant Housing

Seasonal dwellings for housing of migrant farm workers and migrant employees of a farm.

32.2.95 Mineral Extraction and Processing

The removal, loading, processing and/or transporting of topsoil, sand, gravel, or other such minerals on, to, or from a lot, tract or parcel of land, for commercial purposes in excess of 1,000 cubic yards per year. Mineral extraction and processing shall also include any maintenance performed on any machinery or equipment used in such removal, processing and/or transporting.

32.2.97 Mini-Storage Facility *[See Self-Storage]*

32.2.98 Modular Manufactured Home

A structure made and assembled in a factory and transported from the factory on a flat bed or similar conveyance in two or more sections and designed to be placed on a permanent, frost-free foundation. Such structures are designed and built in accordance with the Michigan Residential Construction Code or building code then in effect.

32.2.99 Mobile Home *[See Manufactured Home]*

32.2.100 Mobile Home Park *[See Manufactured Home Community]*

32.2.101 Motel

A commercial building of 1 or 2 stories designed for and occupied by transient persons who pay a daily fee for the accommodation. A motel may also include a swimming pool, spa pool, recreation room, sauna, banquet room, and/or a food service establishment.

DEFINITIONS – N

32.2.102 Natural Features

Natural features shall include, but not be limited to: soils, wetlands, woodlots, floodplains, landmark trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission, Township Board or State of Michigan Natural Features Inventory.

32.2.103 Natural Vegetative Cover

Significant natural vegetation, including bushes, shrubs, groundcover and trees on a lot or parcel. A groomed lawn shall not qualify as natural vegetative cover.

32.2.104 Non-Conforming Building or Structure

A building, structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

32.2.105 Non-Conforming Lot

A lot or parcel of land that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for lot area or lot width. A non-conforming lot shall not be subdivided or reduced in size but may be used as a building site.

32.2.106 Non-Conforming Structure

A structure that conformed with all Township zoning requirements at the time of its erection which does not meet the setback or bulk requirements of the district in which it is located.

32.2.107 Non-Conforming Use

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

32.2.108 Nuisance

An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance to a person or property. Any violation of this Ordinance is a nuisance per se.

32.2.109 Nursing Home

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation. The home shall conform to, and be licensed under applicable State law.

32.2.110 Nursery, Plant

A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants. The definition of nursery within the meaning of this Ordinance does not include any temporary space, building or structure used for the sale of fruits, vegetables or harvest and cutting of Christmas trees.

DEFINITIONS – O

32.2.111 Open Space Residential Development [OSRD]
[See Definition 32.2.31]

32.2.112 Open Space

Undeveloped land not part of any required yard which is set aside in a natural state or for an agricultural use.

32.2.113 Open Space, Common

Open space which is held for the collective use and enjoyment of the owners, tenants or occupants of a single development.

32.2.114 Open Space, Dedicated

Common open space permanently dedicated by way of a recorded easement or deed.

32.2.115 Open Space, Useable

That portion of the common open space which, due to its slope, drainage characteristics and soil conditions, can be used for active recreation or agriculture.

32.2.116 Ordinary High Water Mark [Shoreline]

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and vegetation.

32.2.117 Ornamental Grasses

A grass, other than turf grass, planted primarily for its ornamental value or for screening purposes.

32.2.118 Outdoor Recreation

Uses which provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting, including but not limited to; amusement and water parks, theme parks, fairgrounds, zoos, golf driving ranges, miniature golf facilities, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, air gun or survival games, batting cages, ski slope, skate board parks and similar commercial recreation activities.

DEFINITIONS – P

32.2.119 Parking Lot

A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

32.2.120 Parking Space

An off-street space exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct, unobstructed access to a street or alley.

32.2.121 Park – Public

Any recreational area or recreation land owned and operated by a governmental entity.

32.2.122 Personal Services

Personal services shall mean shops primarily engaged in providing services generally involving the care of the person or such person’s apparel or rendering services to people, such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, and mailing or copy shops.

32.2.123 Planned Unit Development District [PUD]

A tract of land zoned for PUD and developed under single ownership or management as a separate neighborhood or community unit. All development in a PUD district shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. An approved PUD district plan may contain a mixture of housing types, common open space and other land uses as provided by this ordinance. Overall, dwelling unit density in a PUD district shall not exceed the planned density in the adopted Thornapple Township Master Plan.

32.2.124 Planned Unit Development – Non-Contiguous Tracts

A Planned Unit Development proposed involving two or more tracts of land that are not contiguous as permitted by Section 503(3) in the Michigan Zoning Enabling Act, being 110 PA 2006, as amended.

This type of Planned Unit Development is intended to implement transfer of development rights from a tract of land zoned “A” Agriculture to a tract of land intended for development located within the Joint Planning Area.

32.2.125 Planning Commission

The body appointed by the Board of Trustees having responsibilities under terms of 33 PA 2008 [MCL125.3801 et seq], as amended and 110 PA 2006 [MCL125.3101 et seq], as amended, by which duties of a Zoning Commission are assigned to the Planning Commission.

32.2.126 Pond

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

32.2.127 Principal Use

The primary or predominant use of a lot, parcel and/or building.

32.2.128 Primary Road

A public road designated as a primary road by the Barry County Road Commission. All other public roads are considered County local roads or residential streets.

32.2.129 Private Road

A road providing access to one or more lots and such road to be constructed in accordance with this Ordinance. Access to a single lot via private access which does not meet requirements of this Ordinance is not a private road and such access easement is prohibited.

32.2.130 Public Utility

Any person, firm, corporation, or governmental department, board or commission duly authorized under Township, State or Federal regulations, to furnish electricity, gas, steam, communications, transportation, water, wastewater removal or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals shall not be considered a Public Utility unless said signals are distributed directly to subscribers or customers through a closed circuit system of coaxial cables or similar network of signal conductors.

DEFINITIONS – R

32.2.131 Recreational Facility

Any public or private facility used, or intended to be used for recreational activities, including indoor and outdoor facilities. Such facilities may include but are not limited to recreational fields, courts, common use open space and similar uses or facilities.

32.2.132 Recreational Vehicle

Any car, motor home, travel trailer, house trailer, bus, trailer home, camper, trailer coach or similar transportable unit used or designed to permit its being used as a conveyance on public streets and intended for occasional or short-term occupancy during travel, recreational or vacation use.

32.2.133 Recycling Facility

An industrial facility for sorting, separating and/or processing of used materials intended for re-use or remanufacture. A recycling facility may also include a facility owned and operated by a government entity where materials intended for recycling are brought by the general public. This type of facility is also called a transfer station.

32.2.134 Restaurant

A building in which food is prepared and sold for consumption within the building or contiguous outdoor eating area, excluding a drive-in restaurant where food is dispensed to persons through a drive-up window.

32.2.135 Retail Establishment

Any business that offers merchandise and products for sale to the general public.

32.2.136 Riding Stable

A building, fenced-in area or land used for the commercial boarding, riding, sale, show of horses or rental of horses for riding.

32.2.137 Roadside Market Stand

A temporary building or structure, table, wagon, or display of products for sale, solely produced on the premises upon which the structure is located.

Temporary means a seasonal stand that is not open to the public more than six months a year. On-premise parking shall be provided.

DEFINITIONS – S

32.2.138 Satellite Dish

A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, sub-reflector feed, amplifier and support structure. When not attached to a building, a satellite dish shall be treated as an accessory structure and subject to requirements of this Ordinance.

32.2.139 Salvage Yard

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

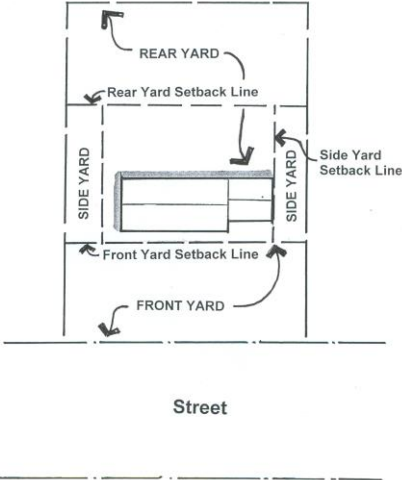
32.2.140 Self-storage facility (self-storage warehouse, self-storage facility, mini storage):

A facility consisting of individual, indoor self-storage units for the storage of business, personal or household goods as well as the indoor and/or outdoor storage of boats, cars, trailers, recreational vehicles, and small trucks, rented or leased on an individual basis and related services. This use shall be for those who are to have access to such units for storing and removing personal property only, and not for residential purposes. Such a use does not allow for the rental of trailers or vehicles, or the outdoor storage of construction equipment. All outdoor vehicle storage shall be for licensed, registered vehicles only.

32.2.141 Setback

The required minimum perpendicular distance between a property line and the nearest front, side or rear foundation line of a building including porches, lean-to's, carports and breezeways if completely or partially enclosed, but excluding steps and cantilevered projections of not more than 24 inches measured perpendicular to the foundation. Some unenclosed or partially enclosed porches or attached decks may also be considered as part of the building which must meet setback requirements as provided elsewhere in this Zoning Ordinance.

Figure 32-9
Required Setback Lines and Front, Side & Rear Yards



Front setback line: The line marking the required distance from the front lot line that establishes the minimum front yard area.

Rear Setback Line: The line marking the required distance from the rear lot line which establishes the minimum rear yard area.

Side setback line: The line marking the required distance from the side lot lines which establishes the minimum side yard area. (See Figure 32.9 opposite)

32.2.142 Site Area-Gross

The entire area of a parcel to be developed, including 100-year flood plain, regulated wetlands and future public or private road right-of-way, but excluding existing public road right-of-way.

32.2.143 Site Area-Net

The area of a parcel of land to be developed, excluding 100-year flood plain, regulated wetlands and future public or private road right-of-way, but excluding existing public road right-of-way.

32.2.144 Sign [Refer to Section 24.2]

32.2.145 Screening

A planting or structure that conceals or limits views from public roadways, including landscape buffers required by Article 25 in this Ordinance.

32.2.146 Site Condominium Subdivisions

The creation of land ownership whereby a master deed is required in accordance with the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

32.2.146b Solar Energy Collector

A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purposes of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

1. **BUILDING MOUNTED SOLAR ENERGY COLLECTOR:** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building
2. **GROUND MOUNTED SOLAR ENERGY COLLECTOR:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
3. **COMMERCIAL SOLAR ENERGY SYSTEM:** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.
4. **SOLAR ENERGY COLLECTOR COVERAGE:** Measurement of total solar collector coverage is measured as the total square footage of solar panels.

32.2.147 State Licensed Residential Facility

A facility occupied for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended [Repealed-See now MCL400.701 et seq] or Act No. 116 of the Public Acts of 1973 [MCL 722.111 et seq], as amended, which provides resident services for 7 or more persons under 24 hour supervision or care for persons in need of that supervision or care.

32.2.148 Street

A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road or other thoroughfare, except an alley. A street may also include a private road as approved pursuant to Section 21.26.

32.2.149 Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to: buildings, signs, billboards, antennas, swimming pools, parking areas and sheds.

32.2.150 Subdivision (Plat)

Subdivision shall have that meaning set forth in Michigan Land Division Act of 1996 [MCL 559.101 et seq], as amended, which refers generally to a legal dividing of a land parcel into smaller ones for the purpose of selling or leasing the

properties for residential, commercial or industrial purposes, requiring submission to, and approval from, county and state authorities in addition to township authorities.

DEFINITIONS – T

32.2.151 Temporary Sign [See Section 24.5]

32.2.152 Transportation Terminal

A building or area in which freight or other goods brought or delivered by truck are assembled, handled or stored for routing or re-shipment or a building or area in which semi-trailers, including tractor or trailer units and other trucks are parked or stored on a temporary basis, as a part of a transportation business, function or activity.

32.2.153 Travel Trailer

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

DEFINITIONS – U

32.2.154 Useable Floor Area

The floor area of a dwelling exclusive of garages, porches, basement or utility area.

32.2.155 Utility and Public Service Building

A building designed, constructed and used by and for a public utility or municipal utility for the purpose of providing utility service to the public such as electric.

DEFINITIONS – V

32.2.156 Vehicle

Every device by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks. Every vehicle operated on a public roadway shall be duly licensed as required by law.

32.2.157 Vehicle Repair Facility

Any building or premises which are used in whole or in part for servicing, repair, maintenance or painting of motor vehicles.

32.2.158 Veterinary Facility

A facility operated by a Doctor of Veterinary medicine providing wellness and surgical services to domestic pets and large animals, excluding kennel unless approved as a Special Use by the Planning Commission.

DEFINITIONS – W

32.2.159 Watercourse

Any river, stream, creek, brook, lake or other natural body of water that contains water that arises naturally, either continuously or intermittently, and that has reasonably definite boundaries, such as banks, a shoreline or the like.

32.2.160 Wetland

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

32.2.161 Wholesale Warehousing

A use consisting of the storage, wholesale and distribution of goods, supplies, products and equipment, but excluding the bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

DEFINITIONS – Y

32.2.162 Yard

A required open space unoccupied and unobstructed by any building or structure, provided that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. *[See Figure 32-9, located at 32.2.141]*

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 of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

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

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

DEFINITIONS – Z

32.2.163 Zoning Act

The Michigan Zoning Enabling Act, being 110 PA 2006, as amended [MCL 125.3101 et seq].

32.2.164 Zoning Administrator

The person appointed by the Township Board of Trustees to administer provisions of this Ordinance.

32.2.165 Zoning Board of Appeals

The body appointed by the Board of Trustees to hear and decide all matters required by law and this Ordinance.

APPENDIX I
Non-Conforming Private Roads in Existence on the
Effective Date of this Ordinance

NAME	LOCATION	SECTION
Ashley Lane	North off Garbow	9
Ashton Ct.	West off Ravine Rd.	16
Cedar Hill	West off Keiser Rd.	34
Clearview Dr.	North Near Lane	6
Country Lane	North off Finkbeiner Rd.	17
Deer Run	South off Finkbeiner Rd.	21
Duncan Valley Rd.	Was Duncan Lake Rd (only 3 homes	8
Forest Ridge Lane	East off Bender Rd.	34
Harwood Lake Rd.	North off Davis Rd.	32
Heller Rd.	North off Davis Rd.	32
Hidden Dr.	East off Whitneyville Rd.	11
Ivan Trail	East off Patterson Rd.	7
Kenyon Lane	South off Jackson Rd.	29
Loop Ct.	West off Loop Rd.	26
Lydia Ct.	Off Windy Ridge Dr. – off Patterson	7
Marsh Hollow	South off 108 th St.	1
McNaughton Hills	South off W. State Rd.	25
Pheasant Run	South off Finkbeiner Rd.	20
Rolling Oaks Lane	North off Parmalee Rd.	1
Spencer Dr.	North off Bass Rd.	32
Spring Creek Ct.	West off M-37 Highway	22
Squier Lane	North off Finkbeiner Rd.	15
Twin Creek Dr.	East off M-37 Highway	35
Village Edge	North off W. State Rd.	24
Whispering Valley	East off Cherry Valley Rd.	9
Whitetail Trail	West off Moe Rd.	1
Wolverine Dr.	North off Garbow Rd.	11
Woodside Dr.	North off Green Lake Rd.	20

Updated 7/30/09

June 25, 2016

Sample Reciprocal Access Easement

DECLARATION OF EASEMENT

This Declaration of Easement is made this _____ day of _____, 20____
by _____ [hereinafter the
“Grantor”] with reference to the following facts:

- 1.0** Grantor owns certain property in the Village of Middleville / Thornapple Township, Barry County, Michigan, more particularly described in **Exhibit A** [the “property”], which Grantor will develop.
- 2.0** Grantor intends to construct a driveway on the property for purpose of accommodating ingress/egress to public highway M-37. In connection therewith, Grantor desires to grant Thornapple Township an assignable reciprocal access easement to allow the Township and/or its assignees to use, connect to or extend the driveway and to require shared access among adjoining properties if and when these properties are developed.

NOW, THEREFORE, for value received, the following grants, agreements, covenants and restrictions are made by this Grantor:

3.0 Easement:

- 3.1** Grantor does hereby grant and reserve, for the benefit of itself and Thornapple Township, a general law township, and its successors, grantees, and assigns, an assignable, reciprocal, and nonexclusive easement for ingress and egress purposes over and across that portion of the Property more particularly described on attached **Exhibit B** (the “Easement Property”). The Easement Property may be used by Thornapple Township or its assignee(s) to lay out, gravel, pave, asphalt, maintain, repair, replace, extend, or relocate a road or roads, public or private, for the purpose of providing vehicular and pedestrian access to the Property or other adjacent properties subject to the following terms and conditions.
- 3.2** This is a reciprocal easement and it is intended that, when Thornapple Township assigns to other adjoining property owners the right to use the Easement Property pursuant to this Declaration of Easement, it will obtain reciprocal easement rights from such property owners for the benefit of the Property.

Sample Reciprocal Access Easement

4.0 Maintenance, Repair, and Relacement

- 4.1** Any roadway constructed within the Easement Property shall be constructed in a good and workmanlike manner and kept in good condition and repair and in such a way that they will not constitute a danger to the health, safety, and welfare of the occupants and invitees of any property which uses the roadway or the inhabitants of Thornapple Township. The roadway shall at all times be readily accessible to, and usable by, customers of adjoining properties and emergency vehicles in all types of weather. The surface of the private roadway shall be snowplowed when the snowfall exceeds two inches of accumulation.
- 4.2** All decisions affecting the maintenance (including snowplowing), repair, modification, or replacement of the roadway constructed with the Easement Property shall be made with the prior consent of grantor and all other property owners who hold the right to use the roadway; provided, however, that no owner shall unreasonably withhold, condition, or delay his or her consent. If the parties are unable to agree upon the need for or the selection of a contractor to perform maintenance (including snowplowing), repair, modification or replacement of the roadway, the parties shall submit the dispute to the governing body of Thornapple Township to decide the issue based upon the general criteria established in **Section 4.1** above, as well as generally accepted business practices and common sense. Notwithstanding the foregoing, the owner of the Property shall have the right to make emergency repairs to the roadway, in order to prevent death or injuries to persons or damage to property.
- 4.3** All costs of maintenance (including snowplowing), repair, modification, or replacement of the roadway located within the Easement Property shall be shared on an equal basis between the property owners who use the Easement Property, except as follows:
- a. All costs of maintenance, repair, modification, or replacement of any improvement used only by one party and located within the Easement Property shall be borne exclusively by such party;
 - b. If any existing improvements are required to be modified or enlarged due to the acts or omissions of only one of the parties using the Easement Property, then such party or parties requiring the modification or enlargement shall be exclusively

Sample Reciprocal Access Easement

responsible for the cost of the modification or enlargement, and they shall save the other owner(s) harmless therefrom, regardless of whether the other party enjoys any peripheral benefit from the modification or enlargement of the roadway improvement; and

- c. If any maintenance, repair, or replacement of the roadway or any commonly used utility is required due to the acts or neglect of only one of the property owners, or his or her tenant(s), agent(s), or invitee(s), such party shall be liable for such costs, and they shall save the other party harmless therefrom, regardless of whether the other party enjoys any peripheral benefit from the correction of the roadway.

4.4 Improvements. All new improvements and all changes to any existing improvements (other than replacements) shall be made in conformance with all applicable governmental laws and regulations. The party undertaking work in the Easement Property shall restore all property disturbed or damaged by its maintenance, repair, replacement, or relocation activities to the same (or better) condition following such activities, including, but not limited to, any disturbed parking areas or landscaping and sprinkler systems.

4.5 Relocation. Each owner of any portion of the Easement Property shall have the right to relocate the roadway or improvements located within the Easement Property, at his, her, or its expense, in order to facilitate the development of their property; provided, however, that no relocation of the roadway shall unreasonably interfere with the use and enjoyment of any easement rights previously enjoyed by the owner of the other property or properties with use of the Easement Property, and all reasonable attempts shall be made to minimize the inconvenience to the other party.

5.0 Costs.

5.1 Unless another time is agreed upon by the parties responsible for payment, or an emergency repair is involved, payment for all shared costs associated with the Easement Property shall be due and payable before any activity specified in **Section 3 or 4** is undertaken. Any request for payment shall be in a statement form which details the reimbursement sought and its manner of its calculation. Each party's share of the costs associated with the easements shall be due and payable ten(10) days after receipt of a statement therefore,

Sample Reciprocal Access Easement

which statement details the reimbursement sought, the manner of its calculation, and evidence of payment of the costs, if any.

- 5.2** If any owner(s) defaults in the full, faithful, and punctual performance of any obligation hereunder to be performed by such party, then the party or parties to be benefited by the performance of the obligations, including, without limitation, any other owner, will, in addition to all other remedies they may have at law or in equity, have the right, if such alleged default is not cured within thirty (30) days' written notice (or immediately, if an emergency), to perform such obligation on behalf of such defaulting party and be reimbursed by such defaulting party for the cost thereof.
- 5.3** Upon failure of any party to pay any sum so payable under this Declaration of Easement, interest will accrue thereon from the due date at the lesser rate of twelve percent (12%) per annum or the maximum interest rate allowed by law. The defaulting party shall also be responsible for the cost of any attorney fees or other expenses incurred to collect the delinquent amount.

6.0 Dispute Resolution

- 6.1** Unless an election to have an issue resolved by the governing body of the Thornapple Township as provided in Section 4.2 above, any disagreement, controversy, or claim between the parties arising out of or related to this Declaration of Easement, or the breach thereof, may, at the option of any party, be settled by arbitration, which shall be conducted by either the West Michigan Chapter of the Better Business Bureau or the American Arbitration Association, or their respective successors and assigns, under their respective rules which are currently in effect. Arbitration of any claim or controversy arising out of or relating to this Declaration of Easement or the breach thereof must be filed within such time as would be permitted by law for the filing of a suit on such claim in any court, and any arbitration which is filed late shall be dismissed and, if not dismissed, the late filing may be presented as a defense in any suit to enforce the arbitration award.
- 6.2** Each Party acknowledges that they give up any right to file suit and have trial by a judge or jury of any claim or controversy arising out of or relating to this Declaration of Easement or the breach thereof, except for a suit to enforce an arbitration award. Any award rendered by the arbitrator or arbitrators shall be final, and Judgement may be

Sample Reciprocal Access Easement

entered upon it in accordance with applicable law in any court having jurisdiction thereof.

- 7.0 Modification.** No waiver, alteration, or modification of any of the provisions of this Declaration of Easement shall be valid unless in writing and signed by the owner of the Property, the Thornapple Township, and any assignees of Thornapple Township. If, at any time, the roadway located within the Easement Property shall be dedicated to the use of the public, this Declaration of Easement shall terminate; provided, however, that any rights to reimbursement which arise prior to termination shall survive the termination of this instrument.
- 8.0 Assignment.** The Thornapple Township shall have the right and power to grant and assign the right to use the Easement Property to one or more adjoining property owners in exchange for a reciprocal easement over and across their respective properties for the benefit of the Property. Any assignment by Thornapple Township may be made without the further consent of Grantor or any future owner of the Property, or any mortgagee, or other person, and shall be evidenced by an appropriate written instrument recorded with the Barry County Register of Deeds. All of the owners and mortgagees of the Property and other persons interested or who become interested in the Property from time to time shall be deemed to have irrevocably and unanimously consented to such assignments and use of the Easement Property as may be required to effectuate the foregoing assignments. Only the assigns of Thornapple Township who have been specifically assigned such easement rights in writing and consented to the terms of this Declaration of Easement, and the owner of the Property, shall have any rights under this Declaration of Easement.
- 9.0 Parties Bound.** The terms and conditions of this Declaration of Easement shall bind and benefit the heirs, personal representatives, successors, and assigns of all parties who own an interest in any portion of the Easement Property or any property which is assigned the right to use the Easement Property pursuant to this Declaration of Easement. Each owner of any portion of the Easement Property, or of a property which has been assigned the right to use the Easement Property by Thornapple Township, by the acceptance of a deed or land contract to their respective properties, shall be deemed to have

Sample Reciprocal Access Easement

agreed to all of the terms and conditions of this Declaration of Easement. The owner of such properties shall be responsible for the performance of all obligations which accrue under this Declaration of Easement during the period of time that he or she owns all or a portion of a property subject to this Declaration of Easement.

10.0 Construction. This Declaration of Easement shall be governed by and constructed according to the laws of the State of Michigan.

11.0 No Transfer Tax. This instrument is exempt from the county real estate transfer pursuant to the provisions of MCLA 207.505(a); MSA 7.456(5)(a), and from the state real estate transfer tax pursuant to the provisions of the MCLA 207.526(a); MSA 7.456(26)(a), since the value of the consideration given is less than One Hundred Dollars (\$100.00).

The undersigned has executed this Declaration of Easement as of the date set forth above.

Grantor

By:

STATE OF MICHIGAN)
)ss.
COUNTY OF)

On the ____ day of _____, 20____, _____
appeared before me, signed, acknowledged, and delivered the above document.

_____, notary public
Barry County, Michigan
My commission expires: _____

Prepared By:
Thornapple Township
269-795-7202

APPENDIX 3: PROCEDURE FOR DETERMINING A SHARED PARKING BENEFIT

The steps described in the following hypothetical example can be used to illustrate the potential benefit of a shared parking opportunity. The methodology shown here is a simplified version of a full shared parking analysis. Factors such as modal splits, captive markets, and temporal factors like time of day, month of the year, and critical parking periods must be taken into account when conducting a shared parking analysis.

1. Determine the number of originally required parking spaces for different facilities sharing the same parking lot as set forth in Table 23.1. For example:

Use	Number of Parking Spaces
Office	300
Retail	280
Entertainment	100
Total	680

2. Determine percentages of maximum parking needed for different uses at different days and times. For example:

Use	Weekday		Weekend		Overnight
	Daytime	Evening	Daytime	Evening	Midnight to 6A.M.
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Entertainment	40%	100%	80%	100%	10%

3. Apply the percentages from step 2 to the numbers from step 1.

4. Add up the totals for each column.

Use	Weekday		Weekend		Overnight
	Daytime	Evening	Daytime	Evening	Midnight to 6A.M.
Office	300	30	30	15	15
Retail	168	252	280	196	14
Entertainment	40	100	80	100	10
Total	508	382	390	311	39

5. Select the total with the highest value.

For this example, the shared parking requirement is 508 spaces, a reduction of 172 spaces from the required sum of parking spaces for each separate use (680 spaces). For shared parking to be successful, the parking spaces have to be equally accessible and available to each of the affected developments. If they do not all have equal proximity to the same parking lot, then signage requirements, vehicular, and pedestrian accessibility standards, and a maximum walking distance to the shared parking lot from each of the affected developments may need to be included in the shared parking agreement and plan.

APPENDIX 4:

SAMPLE EASEMENT FOR SHARED PARKING

WHEREAS, the parties to this easement wish to take advantage of the shared parking provisions of Section 23.5 of the Thornapple Township Zoning Ordinance.

1. For consideration of \$_____ paid in hand, present and future benefits to be derived by Grantor and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor, _____,
(name)
doing business as _____,
(name)
hereby conveys and warrants to Grantee, _____,
(name)
doing business as _____,
(name)

Its successors, heirs and assigns, a nonexclusive, perpetual easement for motor vehicle parking on the following described real property:

[Legal Description of Property to Which Shared Parking Agreement Applies]

Situated in the Township of Thornapple, Barry County, Michigan for the benefit of Grantee's property described as:

[Legal Description of Benefiting Property]

Situated in the Township of Thornapple, Barry County, Michigan.

Such parking easement shall be applicable only to parking spaces located on the above-described servient estate and as depicted on the land survey attached as Exhibit A and made a part hereof.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. This easement shall not be altered or terminated without the express written permission of the Thornapple Township Planning Commission.
2. Grantor covenants that there are _____#_____ of motor vehicle parking spaces on the above-described property and that Grantor shall not decrease that number of parking spaces without the express written permission of the Thornapple Township Planning Commission.
3. Grantee shall post and maintain signage on the dominant and servient estates directing its customers and employees to parking.

4. Grantor may temporarily close the subject parking lot(s) for maintenance and repair. Cost of repair and maintenance shall be paid by _____.

5. Neither Grantee nor Grantor shall change, alter or expand the use of their respective properties described above so as to require additional parking under the provision of the Thornapple Township Zoning Ordinance in excess of existing parking spaces without the express written permission of the Thornapple Township Planning Commission.

DATED this _____ day of _____, 20_____.

GRANTOR

(Signature)

(Print Name)

GRANTEE

(Signature)

(Print Name)

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

APPENDIX V
Non-Conforming Signs in Existence on the
Effective Date of this Ordinance

NAME	LOCATION	ZONED	SIZE
Above & Beyond Hair Salon	497 N. M-37	C-2	47.68 sq. ft.
Arrowhead Trail	Garbow & Arrowhead	A-R	68"x24" 11.33 sq. ft. 32 sq. ft.
Astrids Embroidery	9445 Spring Hill Ct.	R	48"x34" 11.33 sq. ft.
Bairds Machine	8300 Garbow Rd.	A-R	61" x 36" 15.25 sq. ft.
Bundled Fireplace Wood	3219 N. M37	A-R	24"x48" 8 sq. ft.
Caledonia Affordable Storage	7382 Patterson	A-R	45"x38" 11.8 sq. ft.
Dig A Tree	2981 Loop Rd.	A-R	12"x24" 2 sq. ft.
First Baptist Church	5215 N. M37	A-R	#1 93"x57" 36.8 sq. ft.
First Baptist Church	5215 N. M37	A-R	#2 120"x72" 60 sq. ft.
Hospital Purchasing Service	3275 N. M37	C-2	128"x45" 40sq. ft.
Insoons Art Studio	6869 Whitneyville Rd.	A-R	48"x24" 8sq. ft.
Luvalot Kennels	6150 Ashley Lane	A-R	15"x9.5" 1sq. ft.
Middleville Affordable Storage	7800 108 th	A-R	48"x48" 16 sq. ft.
MunchkinLand Day Care	9031 Adams Rd.	A-R	36"x24" 6 sq. ft.
Peace Reformed Church	6950 N. M-37	A-R	68"x110" 51.94 sq. ft.
Personal Touch Hair Salon	12530 Bass Rd.	A-R	60"x38" 16 sq. ft.
Potsma Turkey/Hog Farm	6860 108 th	A-R	96"x50" 33.33 sq. ft.
Prairie School Childcare	11054 Jackson Rd.	A	45"x24" 7.5 sq. ft.
Precision Trailer Rental	9425 N. M-37	C-2	96"x132" 88 sq. ft.
Rhoby Designs	6305 Robertson Rd.	A-R	62"x36" 15.5 sq. ft.
Thornapple Vet Clinic	2220 Patterson Rd.	A-R	#2 96"x48" 32 sq. ft.
United Methodist Church	7640 W. State Rd.	A	40"x24" 6.66 sq. ft.
United Methodist Church	Green Lake/Cherry Valley	A-R	40"x24" 6.66 sq. ft.
YMCA Camp-Manitou-Lin	Bass Rd.	A-R	72"x46" 23 sq. ft.