

PIPESTONE TOWNSHIP
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 88-01

ADOPTED: March 14, 1988

EFFECTIVE: April 30, 1988

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TOWNSHIP OF PIPESTONE
COUNTY OF BERRIEN, STATE OF MICHIGAN
ZONING ORDINANCE
ORDINANCE NO. 88-1

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF PIPESTONE, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE TOWNSHIP RURAL ZONING ACT, ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF.

WHEREAS, Act 184, P. A. 1943 as amended, empowers the Township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Township Board of Pipestone Township deems it necessary for the purpose of promoting and protecting the health, safety, morals, and general welfare of the people of the Township of Pipestone to enact such an ordinance; and

WHEREAS, the Township Board, pursuant to the provisions of Act 168, P.A. 1959, as amended, has appointed a Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has divided the Township of Pipestone, hereinafter referred to as "the township," into districts and has prepared regulations pertaining to such districts in accordance with a basic plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout the township; and

WHEREAS, the Planning Commission has submitted its report to the Township Board; and

WHEREAS, the Planning Commission has given due notice of public hearing relating to zoning districts, regulations, and restrictions, and has held such public hearing; and

WHEREAS, all requirements of Act 184, P.A. 1943, as amended, and Act 168, P.A. 1959, as amended, with regard to the preparation of this ordinance and subsequent action of the Township Board have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP OF PIPESTONE, BERRIEN COUNTY, MICHIGAN AS FOLLOWS:

ARTICLE I
ESTABLISHMENT OF ZONING DISTRICTS AND
PROVISION FOR OFFICIAL ZONING MAP

Section 1.01--Official Zoning Map

- A. The township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and shall bear the seal of the township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article I of Zoning Ordinance Number 88-1 of the Township of Pipestone, Berrien County, Michigan," together with the date of the adoption of this ordinance.
- C. If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within 10 days after the amendment has been approved by the Township Board, with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Board, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Township Supervisor and attested by the Township Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided in Section 17.03.
- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which, shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the township.

Section 1.02--Replacement of Official Zoning Map

- A. In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution 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 in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and shall bear the seal of the township under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Zoning Ordinance Number 88-1 of the Township of Pipestone, Berrien County, Michigan."
- B. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE II
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Section 2.01--District Boundary Lines

- A. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines;
 2. Boundaries indicated as approximately following property, parcel, or lot lines shall be construed as following such lines;
 3. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries;
 4. Boundaries indicated as following township section lines shall be construed as following such section lines;
 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.
 6. Boundaries indicated as parallel to or extensions of features indicated in Rules 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
 7. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Rules 1 through 7 above, the Board of Appeals shall interpret the district boundaries;
 8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Township Board may permit, as a Special Land Use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE III
APPLICATION OF DISTRICT REGULATIONS

Section 3.01--Application of Regulations

- A. The regulations set forth by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within a zoning district, and particularly, except as hereinafter provided:
1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
 2. No building or other structure shall hereafter be erected or altered to:
 - a) exceed the height or bulk;
 - b) accommodate or house a greater number of families;
 - c) occupy a greater percentage of lot area; or
 - d) have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or be erected or altered in any other manner contrary to the provisions of this ordinance.
 3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
 4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
 5. Essential services as hereinafter defined in Section 18.06 shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention to exempt such essential services from the application of this ordinance.

**ARTICLE IV
NONCONFORMING LOTS, USES, AND STRUCTURES**

Section 4.01--Intent

- A. Within the districts established by this ordinance, or any subsequent amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their continuation. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- B. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- C. To avoid undue hardship, 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 adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 4.02--Nonconforming Lots of Record

- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance, provided erection of such dwellings and buildings is in accordance with all other applicable township, county, and state regulations. Such lot must be

in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the issuance of a variance by the Board of Appeals in accordance with Section 14.02, B.

- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Section 4.03--Nonconforming Uses of Land (Or Land with Minor Structures Only)

- A. Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations of this ordinance, and where such use involves no individual structure with a replacement cost exceeding One Thousand Dollars (\$1,000), the use may be continued so long as it remains otherwise lawful, provided:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
 2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
 3. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;
 4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

Section 4.04--Nonconforming Structures

- A. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity;
 2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;
 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 4.05--Nonconforming Uses of Structures or of Structures and Premises in Combination

- A. If lawful use involving individual structures with a replacement cost of One Thousand Dollars (\$1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the districts in which it is located;
 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any additional land outside such building;

3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a Special Land Use be changed to another nonconforming use provided the Township Board, either by general rule or by making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Township Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not hereafter be resumed;
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months (except when circumstances beyond the control of the owner impede access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damaged to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

Section 4.06--Repairs and Maintenance

- A. Except as provided by Section 4.04, A.2, and Paragraph B., below, on any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is

declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Section 4.07--Uses Under Special Land Use Provisions Are Not Nonconforming Uses

- A. Any use which is approved by the Township Board after the effective date of this ordinance as a Special Land Use in a district under the terms of this ordinance in accordance with Article X shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use. The Township Board may approve as a Special Land Use a use existing prior to the effective date of this ordinance, subject to the limitations and conditions of this ordinance as though such existing use were a newly initiated use, in which case the use would thereafter have the status of a conforming use as provided for above.

Section 4.08--Certificate of Occupancy for Nonconforming Structures and for Nonconforming Uses

- A. In order to establish a record of lawfully existing nonconforming structures, and nonconforming uses of structures and land, the Zoning Administrator shall upon application by the owner, within one (1) year of the time of passage of this ordinance, issue a Certificate of Occupancy for such lawfully existing nonconformance.
- B. If such Certificate of Occupancy is not so obtained, the burden of proof of the lawful existence of a nonconforming structure or use shall rest upon the owner.
- C. Within one (1) year of the time of passage of this ordinance, the Zoning Administrator shall conduct a survey of lawfully existing nonconforming structures and nonconforming uses of structures and land and shall notify the owners of record thereof of the above conditions of this section. It is not, however, the intent of this paragraph that nonconforming structures and nonconforming uses of structures and land not included in the above described survey and notification procedure would assume the status of conforming to the provisions of this ordinance by virtue of omission of such notification, it being recognized that for practical reasons certain such nonconforming structures and nonconforming uses of structures and land could be missed in such survey and notification procedure described above.

ARTICLE V
SCHEDULE OF DISTRICT REGULATIONS ADOPTED

Section 5.01--District Regulations

- A. District regulations shall be as set forth in the "Schedule of District Regulations" contained in this Article and in "Supplementary District Regulations" contained in Article VI, which are hereby adopted by reference and declared to be a part of this ordinance.

Section 5.02--R1-A, Single-Family Residential District

1. INTENT:

To establish and preserve quiet neighborhoods for single family homes, as desired by substantial numbers of residents, free from other uses except those which are both compatible with and for the convenience of the residents of such district, and to maintain the character and integrity of existing residential areas predominantly comprised of conventionally-built single-family dwellings.

2. PERMITTED PRINCIPAL USES:

- a. Single family dwellings subject to yard, height, and lot size requirements for this district.

3. PERMITTED ACCESSORY USES:

- a. Private residential garage.
- b. Greenhouse and boat house.
- c. Swimming pool in accordance with Section 6.07.
- d. Automobile parking for the domestic use of occupants of the dwelling.
- e. The keeping of not more than two (2) horses and ponies for private use. No such horse or pony may be kept on a parcel which is less than two (2) acres in size. Three (3) horses or ponies may be kept on parcels of three (3) acres or more, with one (1) additional acre required for each additional horse or pony. Any piles of refuse or manure shall be located at least one hundred (100) feet from any property line of the parcel so used. All accessory buildings housing horses or ponies shall be located at least fifty (50) feet from any property line of said parcel, and shall be located at least one hundred fifty (150) feet from any existing dwelling unit located on a separate parcel which is

owned by persons other than the parcel where such horses and ponies are kept.

4. SPECIAL LAND USES:

- a. Houses of worship, parish houses and convents.
- b. Schools.
- c. Public recreation uses such as parks, playgrounds, golf courses, ball fields, and community centers.
- d. Governmental buildings, libraries, museums, public utility buildings, telephone exchange buildings, electric power transformer stations, fire station, gas regulator station.
- e. Hospital, nursing, or convalescent homes.
- f. Cemeteries.
- g. Planned Unit Development.
- h. Generally recognized commercial farming, including livestock and poultry raising, dairying, and similar agricultural uses of land and structures. The parcel of land shall be five (5) acres or more in land area for any use in this paragraph. No piles or accumulation of refuse or manure shall be closer than one hundred (100) feet from any property line of the parcel.
- i. Home occupation.
- j. Landscape and horticultural services

K. Bed + Breakfast

5. AREA AND BULK REQUIREMENTS:

See Article V "SCHEDULE OF DISTRICT REGULATIONS," limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

Section 5.03--R-2, Multiple-Family Residential District

1. INTENT:

Primarily the same as the R1-A District, but permitting a relatively higher density, diversification and variety of the community's housing stock through certain special land uses.

2. PERMITTED PRINCIPAL USES:

- a. Single-family dwellings subject to the yard, height, and lot size requirements of this district.
- b. Two-family dwellings subject to the yard, height, and lot size requirements of this district.

3. PERMITTED ACCESSORY USES:

- a. Private residential garage.
- b. Garden house.
- c. Swimming pool in accordance with Section 6.07.
- d. Automobile parking for the domestic use of occupants of the dwelling.

4. SPECIAL LAND USES:

- a. All uses listed under R1-A, Single-Family Residential District, Special Land Uses.
- b. Multiple family dwellings, and accessory structures thereto, for which a site plan meeting the specifications of Article XII is submitted.
- c. Planned Unit Development.

5. AREA AND BULK REQUIREMENTS: *D. Bed + Breakfast. E Adult Foster Care F. Adult Foster Care G. Group Day Care :*

See Article V "SCHEDULE OF DISTRICT REGULATIONS," limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

Section 5.04--AG, Agricultural District

1. INTENT:

To conserve and enhance the low density and agricultural use of substantial portions of the township that do now and for a substantial period of time should have such character. By conserving such character, the township and other public agencies will realize economies in public expenditures by minimizing scattered demand for urban types and levels of services, utilities, and facilities in otherwise predominantly rural areas, encourage the preservation of prime agricultural land for agricultural productivity and protect the township's most vital economic activity.

2. PERMITTED PRINCIPAL USES:

- a. Generally recognized commercial farming, including livestock and poultry raising, dairying, and similar agricultural uses of land and structures. The parcel of land shall be five (5) acres or more in land area for any use in this paragraph. No piles or accumulation of refuse or manure shall be closer than one hundred (100) feet from any property line of the parcel.

The rights of the farmer as they pertain to generally recognized commercial farming, i.e. fertilizing, spraying, cultivating and all other operations incidental to the business of farming, are inherent in this district (on parcels of 5 or more acres).

- b. Single-family dwellings subject to the regulations of this district.

3. PERMITTED ACCESSORY USES:

- a. Same as R1-A, Single Family Residential District Permitted Accessory Uses.
- b. The keeping of not more than two (2) horses and ponies for private use. No such horse or pony may be kept on a parcel which is less than two (2) acres in size. Three (3) horses or ponies may be kept on parcels of three (3) acres or more, with one (1) additional acre required for each additional horse or pony. Parcels of five (5) acres or more shall be considered as a farm. Any piles of refuse or manure shall be located at least one hundred (100) feet from any property line of the parcel so used. All accessory buildings housing horses or ponies shall be located at least fifty (50) feet from any property line of said parcel, and shall be located at least one hundred fifty (150) feet from any

existing dwelling unit located on a separate parcel which is owned by persons other than the parcel where horses and ponies are kept.

- c. Any building or structure employed for the use of seasonal farm labor provided, however, such uses shall be located a minimum of fifty (50) feet from the right-of-way line of a public road or any abutting residential property line or residential zoning district boundary.

4. SPECIAL LAND USES:

- a. Stables of horses for hire, riding academies, gun clubs, athletic and recreation clubs, raising of fur bearing animals, kennels, boat liveries, and similar uses.
- b. Office of a veterinarian, animal clinic, and similar uses.
- c. Airplane landing fields and appurtenances.
- d. Churches, schools, hospitals, clinics, and similar institutional uses.
- e. Private recreation uses such as golf courses, ball fields, stadiums, and tennis courts.
- f. Governmental buildings, libraries, museums, public utility buildings, electric power generator and transformer stations and substation, fire stations, gas regulator stations.
- g. Cemeteries
- h. Campgrounds
- i. Home occupations
- j. Landscape and horticultural services
- k. Radio relay towers
- l. Bed and Breakfast
- m. Adult Foster Care (7-12 Beds)
- n. Adult Foster Care (13-20 Beds)
- o. Group Day Care Homes
- p. Auction Houses

5. AREA AND BULK REQUIREMENTS:

See Article V "SCHEDULE OF DISTRICT REGULATIONS," limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

Section 5.05--C, Commercial District

1. INTENT:

To encourage and facilitate the development and maintenance of sound and efficient shopping, business, and service areas, among such necessary regulations being the exclusion of certain uses and activities which tend to disrupt the efficient functioning of commercial areas, and which function better outside such areas.

2. PERMITTED PRINCIPAL USES:

- a. Mercantile establishments for the sale of goods at retail or wholesale.
- b. Personal service establishments, such as barber and beauty shops, shoe repair shops, laundry and dry cleaning shops.
- c. Professional service establishments such as offices of doctors, dentists, accountants, brokers, and realtors.
- d. Funeral homes, clinics, medical centers, nursing homes, convalescent homes.
- e. Hotels, motels, lodging houses, boarding houses, and tourist homes.
- f. Retail shops which make or fabricate merchandise for sale of same upon the premises.
- g. Restaurants, delicatessens and other dispensaries of food at retail.
- h. Banks, savings and loan associations and similar financial institutions or offices.
- i. Theaters, night clubs, bowling alleys, skating rinks, and similar places of entertainment or indoor recreation.
- j. Showrooms and workshops of plumbers, electricians, painters, printers, and similar tradesmen.
- k. Automobile service garages and filling stations, provided all gasoline storage tanks must be underground; automotive parts and accessory shops; bicycle, motorcycle, and similar small recreational equipment sales, service, and repair shops.
- l. Private clubs and organizations operated not for profit.

m. Floriculture, berry culture, or horticultural nursery.

3. PERMITTED ACCESSORY USES:

a. Uses customarily incidental to the permitted principal use.

4. SPECIAL LAND USES:

a. Open air markets.

b. Circus, fair, carnival, or similar use provided such use and occupancy:

1) is temporary and/or seasonal only.

2) is not detrimental to adjacent surrounding property.

3) is not disturbing to the general peace and tranquility.

4) will not create undue traffic hazard and congestion.

Permits for such use may be granted for periods not to exceed eight (8) days consecutively and may be renewable for not more than eight (8) days.

c. Electric power generator and transformer stations with service yards, water, and sewerage pumping stations and telephone exchange buildings. In permitting such use(s) the Township Board may vary the area, height, bulk, and placement regulations as reasonably necessary for the public convenience and service, and reasonably compatible with the intent and character of the district.

d. Used car, mobile home, and travel trailer or recreational vehicle sales, service, or rental.

e. Shops for the manufacture of small tools, dies, gauges, molds, patterns, models, or similar light manufacturing uses such as assembly of electronic components.

f. Junk yards or salvage yards.

g. Office of veterinarian.

h. Kennels.

i. Planned Unit Development.

5. AREA AND BULK REQUIREMENTS:

See Article V "SCHEDULE OF DISTRICT REGULATIONS," limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

Section 5.06--M, Industrial District

1. INTENT:

To encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth, protection from blight, deterioration, nonindustrial encroachment, and efficient traffic movement including employee and truck traffic.

2. PERMITTED PRINCIPAL USES:

- a. Storage of materials or equipment; excluding waste or junk, enclosed within a building or a substantial fence not less than six (6) feet in height. Storage of oil, gasoline, or chemicals, provided such facilities are constructed in conformity with regulations of the State Fire Marshall, and further provided that above ground storage shall be entirely enclosed within a building or substantial fence not less than six (6) feet in height, and shall be located at least five hundred (500) feet distant from any Residential District.
- b. Where any Industrial District abuts a Residential District along a common lot or property line, a substantial fence of not less than five (5) nor more than seven (7) feet shall be constructed, and no building, storage, or industrial activity shall be located within fifty (50) feet thereto; however, off-street parking of private passenger vehicles may be located not closer than ten (10) feet thereto.
- c. Generally recognized industrial warehousing, storage, manufacturing, or fabrication uses subject to the above limitations, excluding Uses requiring Township Board Special Land Use Permit.
- d. Electric power generator and transformer stations, gas regulator stations with service yards, water and sewerage pumping stations and telephone exchange buildings. The Board of Appeals may vary the area, height, bulk, and placement regulations for use(s) as reasonably necessary to relieve practical difficulties and unnecessary hardship and to assure compatibility with the character and intent of the district.

3. PERMITTED ACCESSORY USES:

- a. Uses customarily incidental to the permitted principal use.
- b. Enclosed storage for goods processed on the premises.

- c. Living quarters of a watchman or caretaker employed on the premises.

4. SPECIAL LAND USES:

- a. The following uses may be permitted only upon conclusive demonstration through specific plans that the proposed use shall not be obnoxious, hazardous, or detrimental to the public health, safety, and welfare. No such use shall be located closer than one thousand (1,000) feet to a residential district: junk, scrap paper, or rag baling or handling; poultry killing, dressing or live storage; slaughter house; ammonia, bleaching powder or chlorine manufacture or refining; boiler works, forge works, aluminum, brass, copper, iron, or steel foundry; brick, tile, or terra-cotta manufacture; celluloid manufacture or treatment; creosote treatment or manufacture; disinfectant or insecticide manufacture; distillation of bones, coal, tar, or wood; dye manufacture; electroplating; fat rendering; fertilizer manufacture; lime, cement or plaster of paris manufacture; molten bath plating; oil cloth or linoleum manufacture; plastic manufacture or articles therefrom; raw hides or skins or the storage, curing, or tanning thereof; rock crushing; rolling mills; rubber manufacture; slaughtering of animals or fowl; smelting of iron; soap manufacture; stockyards, sulphuric, nitric or hydrochloric acid manufacture; tallow, grease or lard manufacture or refining; tar distillation or manufacture of dyes; tar roofing or tar waterproofing manufacture; yeast manufacture, ~~food~~
~~manufacture of more than ten (10) people~~
concrete ready-mix plants, and similar uses.

- b. Junkyards or salvage yards.

5. AREA AND BULK REQUIREMENTS:

See Article V "SCHEDULE OF DISTRICT REGULATIONS," limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

AMENDMENT 1995-1
APRIL 10, 1995
OMITTED SECTION TO
THE RIGHT

SECTION 5.07 -- SCHEDULE OF DISTRICT REGULATIONS

DISTRICT	YARD, HEIGHT, AND LOT FRONT REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES (F)			MAXIMUM BUILDING HEIGHT IN STORIES	REAR YARD IN FEET	SIDE YARD IN FEET	FRONT YARD IN FEET	MINIMUM LOT SIZE	
	MINIMUM YARD SETBACK	MINIMUM LOT WIDTH	MINIMUM LOT AREA					MINIMUM LOT WIDTH	
	FEET	FEET	FEET	FEET	FEET	FEET	FEET	SQUARE FEET	IN FEET
R1-A	35	10	25	2 1/2	35	10	35	43,560	105 100
R-2	35	10	25	2 1/2	35	10	35	43,560	105 100
AG	35	10	25	2 1/2	35	10	35	43,560	105 100
C	35	10	30	-	40	10	40	43,560	105 100
M	35	10	30	-	40	10	40	43,560	105 100

MINIMUM DWELLING SIZE IN R1-A, R-2, AND AG DISTRICTS SHALL BE ^{1,000} 720 SQUARE FEET PER DWELLING UNIT.

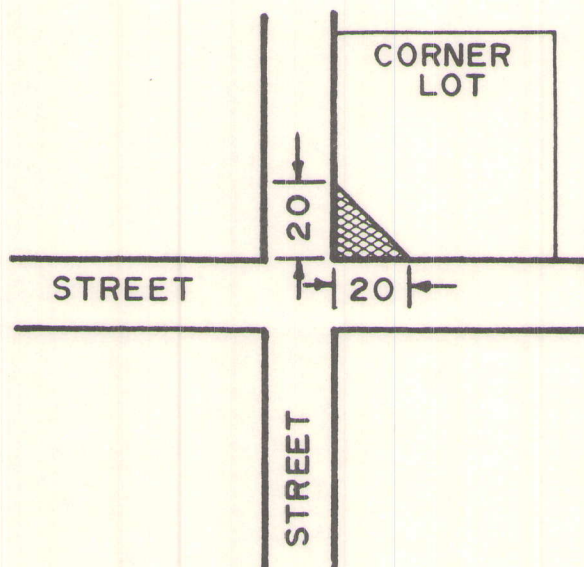
AMENDED OCTOBER 25, 1996 to 1,000 sqft MINIMUM DWELLING SIZE

AMENDED APRIL 13, 1998 to 105 ft MINIMUM LOT WIDTH

ARTICLE VI
SUPPLEMENTARY DISTRICT REGULATIONS

Section 6.01--Visibility at Intersections

- A. On any corner lot in any district no fence, accessory structure, plant, shrub or similar object over three (3) feet in height shall hereafter be placed, erected, planted or allowed to grow in the area bounded by the right-of-way lines of such corner lot and a line joining points along the right-of-way lines for a distance of twenty (20) feet from the point of the intersection (see example illustration below).



- B. At any street or highway intersections in this Township, no building shall be erected on a corner lot less than thirty-five (35) feet from the lot line and not less than twenty-five (25) feet from the lot line on the side toward the second thoroughfare. No accessory building shall project beyond the front yard line on either street. The Board of Appeals as provided in this Ordinance, shall determine which shall be the front street.

Section 6.02--Accessory Buildings

- A. In no case will it be permitted to erect a garage or other accessory building in any required front yard unless it is attached to and a part of the dwelling and in conformance with the setback requirements of Section 5.07. All garages and other accessory buildings attached to the dwelling shall

be considered a part of the dwelling in determining yard requirements.

- B. A detached accessory building shall be located no closer than ten (10) feet from any lot line.

Section 6.03--One Dwelling Structure Upon a Lot of Record

- A. Every single-family, two-family and multiple dwelling structure shall be located upon a lot of record, being a premises or parcel of real estate the description of the boundaries of which is on record at the office of the Register of Deeds of Berrien County, Michigan, and no more than one such structure shall be erected upon a lot of record. Seasonal farm labor housing or structures located upon premises which are being actively farmed, and in conjunction with Article V, Section 5.04, which are designated for and occupied by farm labor personnel may be located upon the same lot of record as the main dwelling structure on the farm premises.

- B. The creation of a lot of record as described in paragraph A above on a premises or parcel of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, where the act of creating a lot of record ~~creates five (5) or more lots of record each of which is ten (10) acres or less in area are created, or created by successive acts, within a period of ten years shall be deemed subdividing as defined by Act 288, P.A. 1967, being the Subdivision Control Act of the State of Michigan, even in the event said lots of record are retained under common ownership, and~~ said lots of record shall be surveyed and a plat thereof submitted, approved and recorded as required by said Act 288, P.A. 1967. ← Subdivision Law -

AMENDED
APRIL 13, 1998
Delete "Phrase"
then insert
"Amendment"
Below *

Section 6.04--Exceptions to Height Regulations

- A. The height limitations contained in Section 5.07 do not apply to spires, belfries, cupolas, antennas, water tanks, silos, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 6.05--Structures to Have Access

- A. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to a private street, and all structures shall be so located on the lot as to provide safe and convenient access for servicing, fire protection and required off-street parking.

* is in compliance with Pipestone Township Land Division Ordinance # 98-01. In the event a Parcel is to be Platted the. "

Section 6.09--Temporary Dwelling Structures

A. No building, mobile home, garage, cellar, basement or other structure which does not conform to the provisions of this ordinance relative to permanent dwellings shall be erected, altered or moved upon any premises and used for dwelling purposes except under the following applicable limitations:

1. In the case of recreational vehicles providing temporary housing of guests or visitors on the premises, such use shall be permitted for a period of time not to exceed 30 days in any 12 consecutive month period, provided the occupants of the recreational vehicle shall have unrestricted use of the sewage disposal and water supply facilities of the principal dwelling.
2. Notwithstanding any other provisions of this ordinance, the Township Board may approve through issuance of a temporary hardship permit the use of a mobile home for occupancy of the Mother, Father, Daughter, Son, Father-in-Law, Mother-in-Law, Brother, Sister, Grandfather, or Grandmother of the residing property owner upon a finding of physical hardship on the part of an occupant of the proposed mobile home and where practical alternatives do not exist. One or more certificates may be required in support of the alleged hardship.

Physical hardship is a condition in which an individual is incapable of taking care of himself or herself, as indicated by a physicians statement of physical hardship. If more than one person will occupy the mobile home, prior approval must be obtained at time of application or prior to residency from the Zoning Administrator.

Approved location is any lot presently zoned to allow for a single family dwelling, occupied by the property owner and of sufficient size to allow for necessary front, rear, and side yard setback dimensions for its district.

The mobile home must meet minimum 1976 H.U.D. housing standards to insure the health and safety of the occupant. If the mobile home is not new the building inspector must confirm by inspection that the condition and appearance reflect good upkeep and sound repair.

The mobile home must be installed as if it's use were permanent, including cement footing or piers set on concrete footings, skirting, water and sewer hook-ups, landscaping and tie-downs.

Upon approval a temporary hardship permit for a period of one year shall be obtained from the Township Board. Subsequent renewals, each for no more than one year, may be granted by the Zoning Administrator on the finding that the physical hardship continues to exist.

Once the person or persons approved for this mobile no longer occupies it, or the residing property owner no longer resides there, or the physical hardship ceases to exist, the permit is null and void, and the mobile home must be removed from the property within three (3) months of that date.

Issuance of a permit hereunder shall not establish a nonconforming prior existing use beyond the expiration of the permit.

**ARTICLE VII
SIGN REGULATIONS**

Section 7.01--General

- A. No sign shall project into or be placed within the right-of-way of a street.
- B. There shall be no flashing or intermittent illumination on any sign, nor interference with clear driver vision along any highway, street or road or at any intersection of two (2) or more streets. There shall be no moving signs or sign components other than elements of clocks or thermometers. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being cast upon neighboring residences within a residential district and shall be located not less than one hundred (100) feet from such residential district.
- C. The color saturation and hue of any illuminated sign shall be such as to preclude confusion with traffic signals.
- D. All signs are subject to the height regulations of principal buildings for the district in which located.
- E. The placement, frequency, size, height and design of signs shall not deteriorate the scenic environment or contribute to general traffic hazards.
- F. The general regulations provided by Section 7.01 apply to all signs except where the regulations provided by Sections 7.02 through 7.05 establish more stringent requirements in which case the latter shall apply.

Section 7.02--Nonconforming Signs and Billboards

- A. All signs and billboards erected or constructed after the effective date of this ordinance shall conform to the regulations as set forth in this ordinance and its amendments. Any sign or billboard erected or constructed prior to the effective date of this ordinance and not conforming to the requirements of this ordinance shall be deemed a nonconforming structure and shall be subject to the provisions of Section 4.04 of this ordinance.

Section 7.03--Signs in Residential Districts

- A. On-site signs are permitted for the following uses only:
 - 1. For home occupations subject to the provisions of Section 8.01, A.3.

2. "For Sale" or "For Rent" signs, not to exceed eight (8) square feet in area, advertising only the premises on which erected.
3. In subdivision developments, one (1) subdivision sign advertising the sale of dwellings having an area of not more than three hundred (300) square feet and having an overall height of not more than twelve (12) feet above the ground.

Section 7.04--Signs on Parking Lots in Any District

- A. One sign shall be permitted at each point of ingress and egress to a parking lot to indicate to the operator, parking rates and directions of movement. Each such sign shall not exceed fifteen (15) square feet in area, shall not extend more than ten (10) feet in height above grade and shall be entirely on the parking lot. Besides the signs indicated in the preceding sentence, only signs advertising the uses being served by the parking may be erected on a parking lot.

Section 7.05--Signs in All Other Districts

- A. Identification and advertising signs are permitted as follows:
 1. Any sign permitted in residential districts.
 2. One (1) or more on-site signs, the total of all such signs not exceeding a total area of one (1) square foot for each ten (10) square feet of wall surface area facing the front lot line. Advertising signs in parking lots shall be included in the computed sign area.
 3. Off-site signs will be allowed only in Agricultural, Commercial, and Industrial districts.
 4. No off-site sign shall exceed three hundred (300) square feet surface area and it shall satisfy the height and placement regulations for buildings in the district located.

ARTICLE VIII
HOME OCCUPATIONS

Section 8.01--Special Land Use Permit Required —

A. Home occupations shall be allowed only in principal use single-family dwellings and only by Township Board Special Land Use Permit in conformance with the following regulations:

Amended
January 13, 2003

1. ~~No person other than members of the family residing on the premises shall be engaged in such occupation;~~
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, and non-illuminated;
4. No home occupation shall be conducted in any accessory building;
5. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

Amended
See Below

AMENDMENT 4.
APRIL 11, 1994

No home occupation shall be conducted in any accessory building except in the Ag, Agricultural and R, Residential Districts, where (1) one accessory building may be utilized for a home occupation, provided all other requirements of this Article VIII are complied with.

**ARTICLE IX
OFF-STREET PARKING AND LOADING REGULATIONS**

Section 9.01--Parking and Storage of Unlicensed and Commercial Vehicles and Trailers

- A. In residential zones it shall be illegal to garage or park more than one (1) commercial vehicle larger than a regularly manufactured pickup or panel truck of one (1) ton capacity per lot; said commercial vehicle must be owned and operated by a member of the family residing on said lot or parcel.

Section 9.02--Required Off-Street Parking, General

Off-street parking required in conjunction with all land and building uses shall be provided as herein prescribed:

- A. The minimum number of off-street parking spaces shall be determined in accordance with Section 9.03. For uses not specifically mentioned therein, off-street parking requirements shall be established by the Administrative Official from requirements for similar uses.
- B. Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building shall not be reduced to an amount less than would hereinafter be required for such building or use.
- C. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Planning Commission may grant a Special Land Use Permit based on the peak hour demand.
- D. Required off-street parking shall be for the use of occupants, employees, visitors and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. Off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.

Section 9.03--Table of Required Off-Street Parking Spaces

USE	SPACES	PER UNIT OF MEASUREMENT (Rounded Off to Nearest Unit)
Multiple residential	1	Bedroom
Other residential, including dwelling units, in all other types of buildings	2	Dwelling unit
Hospitals, homes for aged, convalescent homes	2	Each bed
Private clubs	1	100 square feet usable floor area
Tourist homes, motels	1.2	Each rooming dwelling unit
Theaters, auditoriums	1	4 seats
Houses of worship, mortuaries	1	4 seats; or 28 square feet of usable floor area of auditorium, whichever is greater
High schools	1	Per teacher, employee and administrator; plus 1 space per 10 students; or 28 square feet of usable floor area of largest auditorium or other public assembly room, which- ever is greater
Elementary, Junior High Schools	1	Per teacher, employee, administrator; or 28 square feet of usable floor area of largest auditorium or other public assembly room, whichever is greater
Dance halls and assembly halls without fixed seats	1	100 square feet of usable floor area
Banks, business offices	1	200 square feet of usable floor area, plus 1 parking space for each employee

Section 9.03--Table of Required Off-Street Parking Spaces

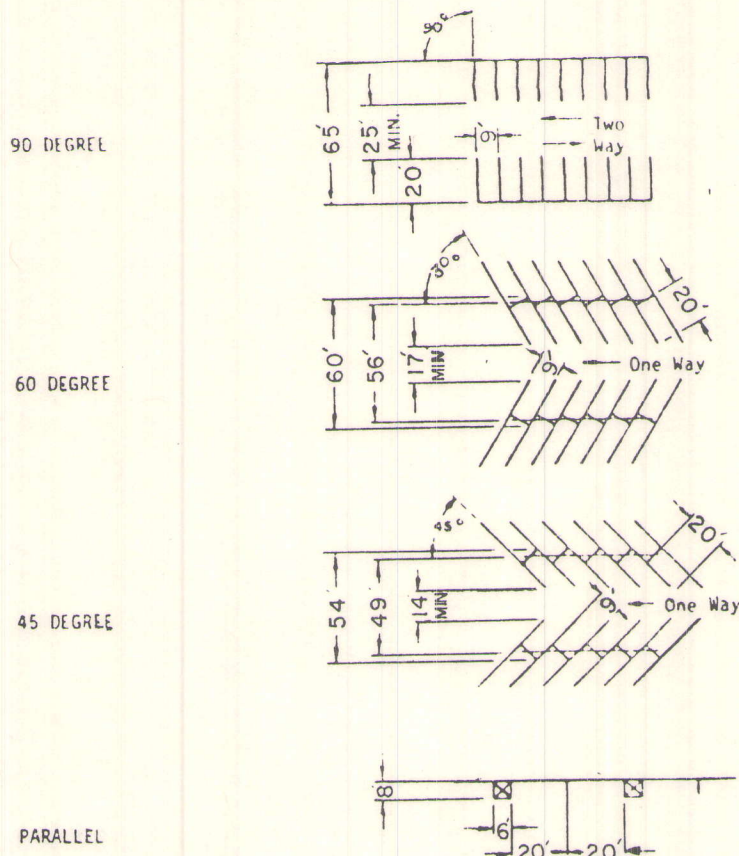
USE	SPACES	PER UNIT OF MEASUREMENT (Rounded Off to Nearest Unit)
Office of architects, attorneys, accountants, real estate offices, insurance offices	1	500 square feet of usable floor area, plus 1 parking space for each employee
Professional office of dentists and physicians	4 3 2 1	First dentist or physician Second dentist or physician Third dentist or physician Each additional dentist or physician
Stadiums and sports arenas	1	4 seats; or 12 feet of benches
Bowling alleys	5	Lane
Non-residential swimming pools	1	30 square feet of water area surface
Establishments for sale and consumption on the premises of beverages, food or refreshment	2	100 square feet of usable floor area
Hotel, rooming house	1	Each rooming unit
Retail stores, except as otherwise specified herein	1	150 square feet of usable floor area
Furniture and appliance retail stores; household equipment repair shops; showroom of a plumber, decorator, electrical or similar trade; clothing and shoe repair; cleaners and laundry; motor vehicles sales room	1	500 square feet of usable floor area exclusive of usable floor area occupied in processing or manufacturing for which requirements see industrial establishments below.
Beauty parlor or barber shops	2	Barber or beauty shop chair
Industrial establishments, including manufacturing, research and testing laboratories; creameries, bottling works; printing, plumbing, or electrical workshops; telephone exchange buildings	1	Employee, computed on the basis of greatest number of persons employed at any one period during the day or night

Section 9.04--Off-Street Parking Lot Layout, Construction and Maintenance

Wherever a parking lot is built as required off-street parking, such parking lot shall be laid out, constructed and maintained in accordance with the following requirements:

- A. Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives.
- B. Parking spaces in non-residential districts will be set back from abutting residential districts as follows:
 - 1. Ten (10) feet from each side lot line.
 - 2. A front lot line setback equal to the adjoining residential required setback, or if no adjoining residential district exists, the setback will be equal to the setback requirements of the district in which the lot is located.
 - 3. Ten (10) feet from the rear lot line.
- C. The land between the setback line and the lot line in a parking lot is, for the purpose of this ordinance, called a buffer strip. There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the buffer strip. The ground of the buffer strip shall be used only for the purpose of plant materials or sidewalks.
- D. Where buffer strips are not required, bumper stops or wheel chocks shall be provided and located so as to prevent any vehicle from projecting over the lot line.
- E. Where the parking lot boundary adjoins property zoned for residential use, a suitable fence shall be provided but shall not extend into the required front open space of the abutting residential lot.
- F. The parking lot shall be drained to eliminate surface water.
- G. The surface of the parking lot, including drives and aisles, except buffer strips, shall be constructed of asphalt, concrete or gravel.
- H. Parking structures may be built to satisfy off-street parking regulations when located in other than residential districts subject to the area, height, bulk and placement regulations of such district in which located.

PARKING LOT LAYOUT



I. A plan for all new off-street parking lots shall be required specifying the landscaping to be installed in the buffer strip, including the placement and specifications of landscape materials, and shall be subject to approval by the Zoning Administrator. If seasonal weather conditions present practical difficulties in the installation or completion of the buffer strips, completion of the buffer strips may be deferred for not more than six (6) months. In reviewing and approving plans for the landscaping and improvement of required buffer strips, the Zoning Administrator shall be guided by the following criteria:

1. The buffer strip shall include landscape materials of shrubs and trees which will result in substantial screening of the parking lot and vehicles from the abutting residential districts.
2. The owner of the premises upon which the buffer strip is located shall maintain such landscaping in good condition so as to present a neat and orderly appearance - free from refuse and debris. All diseased and dead material shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.

Section 9.05--Off-Street Loading and Unloading

- A. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, wholesaling or other uses involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid interference with public use of highways, streets or alleys.

**ARTICLE X
SPECIAL LAND USES**

Section 10.01--Purpose

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

This section hereby requires the Pipestone Township Board hereinafter referred to as the Board, to issue Special Land Use Permits provided:

- A. The proposed use is one listed as a special land use for that district in which said use is proposed to be located; and
- B. The Board insures before approving a Special Land Use Permit request that both
 - 1. the standards of the district in which the special use is to be located are fulfilled; and
 - 2. the standards or other requirements of this section are fully complied with.

Section 10.02--Application Procedures

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

- A. Applicant Any person owning or having an interest in the subject property may file an application for one or more Special Land Use Permits provided for in this Ordinance in the zoning district in which the land is situated.
- B. Application Applications for Special Land Use Permits shall be submitted through the Township Clerk, to the Township Board. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.

C. Required Information Three (3) copies of an application for a Special Land Use Permit shall be presented to the Township Clerk and accompanied by, but not limited to, the following documents and information:

1. A Special Land Use Permit application form which has been completed in full by the applicant.
2. A site plan in conformance with Article XII of this Ordinance.
3. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Section 10.04 B.1. and other standards imposed by this Ordinance affecting the special land use under consideration.

D. Incomplete Application An application which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.

Section 10.03--Processing

A. Copy of Application to Planning Commission The Township Clerk shall forward a copy of the application for the Special Land Use Permit to the Planning Commission within fourteen (14) days of receiving the request. The Planning Commission shall review the application, in compliance with Section 10.04, B., and make recommendations, within forty-five (45) days after receipt thereof, to the Township Board for consideration thereby. All comments or recommendations shall be advisory and be submitted in writing to the Township Board.

B. Hearing After a preliminary review of the site plan and an application for a Special Land Use Permit, the Township Planning Commission shall hold a hearing on the site plan and special land use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which Special Land Use Permit approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Notice of the public hearing shall also be published in a newspaper of general distribution in Pipestone Township.

Public notice shall be given not less than five nor more than fifteen days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of

Amended - it has to be at least 15 days.

a structure, except that if a structure contains more than one dwelling unit or spacial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spacial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spacial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this section shall:

1. describe the nature of the special land use request;
2. indicate the property which is the subject of the special land use request;
3. state when, where and at what time the public hearing on the special land use request will be considered; and
4. indicate when and where written comments will be received concerning the request.

Section 10.04--Review and Approval

- A. The review of an application and site plan requesting a Special Land Use Permit shall be made by the Township Board in accord with the procedures and standards specified in Section 10.04. If a submitted application and site plan do not meet the requirements of the Ordinance, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes. A site plan and application for a Special Land Use Permit shall be approved by the Township Board if they comply in all respects with the requirements of this Ordinance and other applicable county, state or federal laws, rules or regulations. Approval and issuance of a Special Land Use Permit shall signify prior approval of the application and site plan therefore, including any modifications and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the Special Land Use Permit and shall be enforceable as such. The decision to approve or deny a request for a Special Land Use Permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the ordinance, and any condition

imposed with approval. Once a Special Land Use Permit is issued, all site development and use of land on the property affected shall be consistent with the approved Special Land Use Permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Township Board and is documented as such.

- B. Conditions and Guarantees Prior to approval of a Special Land Use Permit application and required site plan, the Township Board shall insure that the standards specified in this section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.
1. General Standards The Township Board shall review the particular circumstances of the special land use request under consideration in terms of the following standards and approve a special land use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
- a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - b. The special land use shall not inappropriately change the essential character of the surrounding area.
 - c. The special land use shall not interfere with the general enjoyment of adjacent property.
 - d. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
 - e. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
 - f. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services

and facilities deemed essential to the special use under consideration.

- g. The special land use shall not place demands on public services and facilities in excess of available capacity.
 - h. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Pipestone Township General Development Plan.
2. Conditions The Township Board may impose reasonable conditions with the approval of a special land use application and site plan which are necessary to insure compliance with the standards for approval stated in this section and any other applicable Township ordinances and regulations. Such conditions shall be considered an integral part of the Special Land Use Permit and approved site plan and shall be enforced by the Zoning Administrator. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
3. Performance Guarantee In authorizing a Special Land Use Permit, the Township Board may require that a cash deposit, certified check, or irrevocable bank letter of credit be furnished by the developer to insure compliance with an approved site plan and the Special Land Use Permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the Special Land Use Permit. In fixing the amount of such performance guarantee, the Township Board shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in

reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the Special Land Use Permit.

C.

Decision

1. Issuance of a Special Land Use Permit Upon approval by the Township Board, the Zoning Administrator shall issue a Special Land Use Permit to the applicant. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any Special Land Use Permit and take any enforcement action necessary in the event of a violation of the Special Land Use Permit.
2. Effective Date The Special Land Use Permit shall become effective when the application has been approved by the Township Board.
 - a. A building permit shall not be issued until approval of such Special Land Use Permit by the Township Board.
 - b. Until a building permit has been granted pursuant to the Special Land Use Permit, there shall be no construction or excavation of said land, nor shall use of the land be made toward the intended purposes of such Special Land Use Permit.
 - c. Land subject to a Special Land Use Permit may not be used or occupied for purposes of such special land use until after a certificate of occupancy for same has been issued pursuant to the provisions of this Ordinance.
3. Permit Validity
 - a. Approval of a Special Land Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
 - b. In instances where development authorized by a Special Land Use Permit has not commenced within one year from the date of issuance or the last date of review authorized by this subsection, the Township Board shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon a finding that there has been a change in conditions on the property or the surrounding area or in provisions of this

Ordinance applicable to the Special Land Use Permit under review, such that the permit is no longer in conformance with the requirements of this Ordinance, the permit shall become null and void. Where it is determined that such permits are in conformance with the provisions of this Ordinance and there has not been a change in conditions affecting the validity of the permit, the Special Land Use Permit shall remain valid, subject to periodic review in accord with the provisions of this subsection.

4. Requirement for Compliance--Penalties It shall be the duty and obligation of the owner(s) and occupant(s) or operator(s) of land and uses subject to a Special Land Use Permit and approved site plan therefore, that the continued use of such land shall at all times be in compliance with the use requirements of this Ordinance. Failure thereof shall be violation of this Ordinance and subject to the penalties and remedies provided in Section 17.03 and the continuance thereof is declared to be a nuisance per se.
5. Once Granted a Special Land Use Permit, the Use is a Permitted Use Any use for which a Special Land Use Permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:
 - a. such permit was issued in conformity with the provisions of this Ordinance, and
 - b. such permit shall be deemed to affect only the lot or portion thereof and uses thereupon for which the Special Land Use Permit shall have been explicitly granted, and
 - c. such permit authorized a use which is subsequently built, operated and maintained in compliance with the ordinance, the Special Land Use Permit, and all conditions established with its approval.
6. Specific Requirements The foregoing general requirements are basic and apply to all special uses. Specific requirements listed in the District Regulations, Article V relating to particular special land uses are in addition to, and shall be required, in all applicable situations.

**ARTICLE XI
PLANNED UNIT DEVELOPMENT**

Section 11.01--Intent; Minimum Requirements

- A. The intent of this Article is to provide a degree of flexibility with regard to the use, area, height, bulk, and placement regulations for relatively large-scale developments which qualify as Planned Unit Developments. These may include, but are not limited to, housing developments, shopping centers, industrial districts, office districts and medical and educational campuses.
- B. The use, area, height, bulk and placement regulations of this ordinance are primarily applicable to the usual situation of 1 principal building on 1 lot. These requirements would in certain large developments have results which would less serve the public health, safety and welfare if a portion of the open space requirement for individual dwellings were consolidated into playgrounds or community parks.
- C. A development may be of such large size as to justify permitting certain incidental uses not normally permitted in the zoning district. Permitting these uses as Special Land Uses can in certain cases increase convenience, be compatible with the overall character of the district and not be injurious to adjoining properties. As an example, a large office building or multiple family development might include a coffee shop, food store or barber shop primarily intended for occupants or residents of the premises.
- D. Subject to the foregoing statement of intent and the following limitations and requirements, the Township Board may, upon application, approve Special Land Uses and Exceptions in reference to the use, area, height, bulk and placement regulations of this ordinance.
- E. A Planned Unit Development must constitute a land area of at least 5 acres to be occupied by principal building(s) with more than 25,000 square feet of usable floor area; the development shall be designed as an entity, intended to be substantially completed within 3 years if less than 50 acres, and 5 years if more than 50 acres.

Section 11.02--Filing of Application

- A. An application and site plan shall be filed in triplicate with the Township Board and Planning Commission via the Township Clerk and shall contain the following:

1. Covering letter signed by owner and/or prospective developer holding an equitable interest in the property in question indicating:
 - a. Legal description, showing location and acreage of property,
 - b. Existing zoning classification(s),
 - c. General description of proposed development and estimated timetable of construction.
2. A site plan prepared in accordance with Article XII and in addition:
 - a. On the site plan there shall be the proposed schedule of: usable floor areas and land areas by category of use, building ground coverage, square feet net lot area and preserved open space per dwelling unit, number of parking spaces and such other information necessary to satisfy the intent and requirements of this Article.
 - b. A declaration of restrictions to be placed on a property when subdivided to assure the planned character and uses will be preserved and protected.

B. The Township Clerk shall refer the application and site plan to the Planning Commission.

Section 11.03--Action of the Planning Commission

- A. Upon receipt of the application and site plan, the Planning Commission shall schedule and hold a public hearing on the proposal in accordance with the procedures and requirements set forth in Article X; Section 10.03, B.
- B. The Planning Commission shall review the application and site plan and prepare a report on whether or not the proposed development best serves the intent of this ordinance and the public health, safety and welfare with respect to the requested Special Land Use and Exceptions. The report shall include findings on the following:
 1. Does the proposal constitute a bonafide Planned Unit Development?
 2. Is the public health, safety and welfare better served by the proposal?

3. Have the following considerations been evaluated: location, density of population, adequacy of school, park, and other public facilities, traffic volumes and circulation, compatibility with existing development, adequate provision for light and air and accessibility for fire and police protection?
 4. Is the proposal compatible with objectives of the General Development Plan or specific elements thereof which have been officially adopted by the Planning Commission?
 5. Is adequate provision made for dedication of land for streets, floodplains and parks?
 6. Are the exceptions from district regulations within the limitations of this ordinance?
 7. What other conditions should be required for issuance of a Special Land Use Permit or Exceptions in regard to use, area, height, bulk or placement?
- C. The Planning Commission shall then transmit the application and site plan, together with its recommended approval or disapproval and the report, to the Township Board. If approval is recommended, the Planning Commission shall make an affirmative finding on Items 1 through 7 inclusive of Section 11.03, B.

Section 11.04--Action of the Township Board

- A. The Township Board, upon receipt from the Planning Commission of its report and findings, may then approve such Special Land Use and Exceptions for such Planned Unit Development subject to the following limitations in addition to those standards established in Section 10.04, B.

1. Residential District Planned Unit Development

All Planned Unit Developments in residentially zoned districts shall be subject to the following limitations:

- a. A maximum of 5 percent of the total developed area may be utilized for uses permitted in the "C" Commercial District.
- b. No business use or any building devoted primarily to a commercial use shall be built or established prior to the residential buildings or uses for which it is developed or intended to serve.

- c. The minimum area, dimensions and setbacks of individual buildings and lots may be reduced, provided the total number and density of dwellings shall be increased by no more than 20 percent greater than that which would ordinarily result under the district regulations. Land accruing from reduction in lot requirements shall be laid out, developed and perpetually dedicated and reserved for open space, recreational and conservation purposes. Provisions for reservation and maintenance of such land shall be included as part of the Special Land Use Permit authorizing the Planned Unit Development.
- d. A minimum of 20 percent of the land developed in any residential Planned Unit Development shall be reserved for common open space and noncommercial recreational facilities for the residents and users of the area being developed. Provisions for reservation and maintenance of such land shall be included as part of the Special Land Use Permit authorizing the Planned Unit Development.
- e. Under no circumstances shall industrial uses be permitted within a Residential District Planned Unit Development.

2. Commercial District Planned Unit Development:

All Planned Unit Developments in commercially zoned districts shall be subject to the following limitations:

- a. The use, area, height, bulk, and placement regulations of the district may be varied to allow for a variety of architectural design.
- b. Notwithstanding any other provisions of this Section, every lot within a Commercial Planned Unit Development abutting the perimeter shall maintain all yard requirements of Section 5.05 for commercial zoning districts.
- c. A maximum of fifteen percent (15%) of the total developed area may be utilized for multiple-family residential use.
- d. A maximum of five percent (5%) of the total developed area may be utilized for industrial uses which are deemed compatible with the commercial and/or residential character of the Planned Unit Development.
- e. A minimum of fifteen percent of the land developed in any commercial Planned Unit Development shall be

reserved and utilized for common open space and noncommercial recreational facilities for the uses of the area being developed. Provisions for reservation and maintenance of such land shall be included as part of the Special Land Use Permit authorizing the Planned Unit Development.

3. Industrial District Planned Unit Development

All Planned Unit Developments in industrially zoned districts shall be subject to the following limitations:

- a) The use, area, height, bulk, and placement regulations of the district may be varied to allow for a variety of architectural design.
- b) Notwithstanding any other provisions of this Section, every lot within an Industrial Planned Unit Development abutting the perimeter shall maintain all yard requirements of Section 5.06 for Industrial zoning districts.
- c) A maximum of 10 percent of the total developed area may be utilized for uses permitted in the "C" Commercial zoning district.
- d) A minimum of five percent of the land developed in any industrial Planned Unit Development shall be utilized for common open space and noncommercial recreational facilities for the users of the area being developed. Provisions for reservation and maintenance of such land shall be included as part of the Special Land Use Permit authorizing the Planned Unit Development.

Section 11.05--Effect of Approval of Township Board

- A. The approval of the application by the Township Board shall allow the Zoning Administrator to issue a Zoning Compliance Permit in conformity with the application as approved. Upon the abandonment of a particular Planned Unit Development authorized under this Section or upon the expiration of one year from the authorization hereunder of a Planned Unit Development which has not by then been commenced, the authorization shall expire.

ARTICLE XII
SITE PLAN REQUIREMENTS

Section 12.01--Intent

- A. The intent of requiring site plan submittal and review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent and spirit of this ordinance.
- B. It is further the intent to assist township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in Pipestone Township.

Section 12.02--When Required

- A. A site plan shall be prepared and submitted in accordance with Sections 12.03 A. and 12.04 with any application for a Variance or Special Land Use Permit, with any application for rezoning, other than rezoning for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use; with any application for a zoning compliance permit or building permit, other than for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto; and with any application for a Planned Unit Development.

Section 12.03--Contents

- A. A required site plan shall be drawn at a scale appropriate to the dimensions of the development, but not at a scale smaller than 1 inch equals 100 feet, and shall contain the following information:
 - 1. A legal description of the land involved.
 - 2. A vicinity sketch showing the location of the site in relation to the surrounding street system.
 - 3. The size and location of all structures proposed for and presently located on the site.
 - 4. The boundary lines of the parcel of land involved including dimensions and an arrow pointing north.
 - 5. Proposed streets and driveways. The width of streets and driveways shall be shown.

(Site plan)

6. The size and location of all existing and proposed utilities.
7. Existing and proposed topography and drainage systems with topographic contour intervals of not more than 10 feet.
8. Natural features such as woodlots, streams and lakes or ponds, with indication as to which features are to be retained and which will be removed or altered. Adjacent properties and their uses shall be identified.
9. Any other information necessary to establish compliance with this and any other township ordinances.
10. The name, signature, and mailing address of the person who prepared the site plan.

Section 12.04--Review Process and Approval

- A. Any required site plan shall be submitted in triplicate, of original quality, to the Township Clerk along with a covering letter in triplicate signed by the owner of the land and/or prospective developer providing a general explanation and background information on the proposed development. The Clerk shall forward these to the Zoning Administrator.
- B. The Zoning Administrator shall examine the site plan as to proper form and content and particularly as to compliance with all applicable requirements of this ordinance.
- C. If the proposed development does not require the issuance of a Special Land Use Permit by the Township Board, variance by the Board of Appeals or a rezoning of land by the Township Board, within 30 days after receipt the Zoning Administrator shall notify in writing the proposer of the development of the approval or disapproval of the site plan. If the site plan is disapproved, the reasons therefore shall be given. Such disapproval shall be limited to inadequacy or defect in form or content and/or noncompliance with identified applicable provisions of this ordinance. The Zoning Administrator may, at his discretion, request consultation with the Planning Commission prior to his approval or disapproval of the site plan.
- D. If the proposed development requires issuance of a Special Land Use Permit, the Zoning Administrator shall transmit his findings as described in paragraph C above, to the Township Board along with two (2) copies of the site plan and covering letter. The proposer of the development shall be notified of the status of his requested site plan approval.

- E. If the proposed development requires a rezoning of land, the Zoning Administrator shall transmit his findings as described in paragraph C above, to the Township Board which shall follow the amendment procedure as provided in Article XVI. Two (2) copies of the site plan and covering letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan approval.
- F. If the proposed development requires a variance, the Zoning Administrator shall transmit his findings as described in paragraph C above, to the Board of Appeals which shall follow the Variance procedure as provided in Article XIV. Two (2) copies of the site plan and covering letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan approval.
- G. The decision rejecting, approving, or conditionally approving a site plan shall be based upon the requirements contained in Section 12.03 A.
- H. A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the zoning ordinance and the conditions imposed thereunder, other applicable ordinances, state and federal statutes.
- I. The site plan as approved shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this ordinance receives the mutual agreement of the landowner and approving body.
- J. Upon approval of a site plan, the secretary of the approving body shall, within five (5) days, file with the Zoning Administrator a copy of the approved site plan.

ARTICLE XIII
ADMINISTRATION AND ENFORCEMENT

Section 13.01--Administration and Enforcement

- A. An administrative official who shall be known as the Zoning Administrator shall be designated by the Township Board to administer and enforce this ordinance. He may be provided with the assistance of other such persons as the township board may direct. The Township Board shall fix the compensation, if any, of such administrative official.
- B. If the Zoning Administrator shall find any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 13.02--Duties and Limitations of the Zoning Administrator

- A. The Zoning Administrator shall have the authority to grant building permits and Certificates of Occupancy, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue a building permit for any excavation or construction or use until he has inspected such plans in detail and found them in compliance with this ordinance. To this end, the Zoning Administrator shall require every application for a building permit for excavation, construction, moving, alteration or change in type of use or type of occupancy, where required by Section 12.02, be accompanied by a site plan prepared in accordance with the specifications of Article XII and/or where required by Section 13.02, B. be accompanied by a drawing in accordance with the specifications outlined in Section 13.02, B.
- B. If the proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this ordinance and in conformance with the provisions of the building code, the Zoning Administrator shall issue a building permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing on an appropriate denial form the cause for such disapproval.

- C. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where basic clarification is desired before proceeding with further technical work; and the Zoning Administrator may on such preliminary submittal indicate tentative denial or tentative approval.
- D. Issuance of a building permit shall in no case be construed as waiving any provision of this ordinance. The Zoning Administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land. The Zoning Administrator is under no circumstance permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties.
- E. When the Zoning Administrator receives an application for a building permit which requires a Township Board Special Land Use Permit or other approval he shall so inform the applicant.

Section 13.03--Zoning Compliance

- A. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has determined such change to be in compliance with applicable provisions of this ordinance.
- B. No buildings shall be erected or altered without first obtaining a permit therefor, except that for repair or remodeling, where the original foundation is not enlarged or changed in area and the cost of the project does not exceed Five Hundred Dollars (\$500.00), no permit shall be required. All applications for such permits shall be accompanied by a drawing to scale, in duplicate, either in ink, photostat, blueprint, vandyke, or other suitable means of reproduction, showing the actual mention of the lot or land to be built upon, type and size building to be erected, the legal description of said land or lot and such other information as may be reasonably necessary, in the opinion of the Building Inspector, to provide for enforcement of this Ordinance. Specifications in duplicate shall also accompany the application for the permit. Any and all drawings referring to the construction or modification of the building shall also be on the scale of one-quarter inch to one foot. Such application shall be addressed to the Building Inspector and it shall be his duty to maintain an adequate record of the same. It shall be the duty of said

Building Inspector to issue permits upon applications warranting the same, and the following fee shall be collected by him and returned to the Township Treasurer: One Dollar (\$1.00) for the first One Thousand Dollars (\$1,000.00) of construction or modification cost, or fractional part thereof; One Dollar (\$1.00) for each additional One Thousand Dollars (\$1,000.00) of such cost or fractional part thereof; but not to exceed the sum of Twenty Dollars (\$20.00) for any one permit.

- C. A building permit shall be required for the moving of any structure from its present location to any other lot or location, excepting a building used strictly for agricultural purposes.
- D. Following the issuance of any building permit, the building inspector shall, within ten days thereafter, make a first inspection at the site of such proposed construction to determine that the proposed building or modification has been located in accordance with any site maps or yard area maps accompanying the application for the permit. The building inspector or inspectors shall make such further inspections of the construction or modification as they deem necessary to determine the degree of compliance with the building permit so issued. Should the building inspector determine that the construction of modification is not proceeding according to plan filed or is in violation of any provisions of this Ordinance or any other applicable Ordinance regulation or statute, he shall so notify the permit holder, and further construction shall be stayed until correction has been effected and approved by the building inspector upon notice and request for re-inspection duly made by the permit holder.
- E. No premises shall be occupied or used and no building hereafter erected or altered shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have been issued by the building inspector stating that the building or proposed use of a building or premises complies with all building and health laws, regulations and ordinances, such certificates shall be applied for and issued in the same manner provided for the application and issuance of building permits except that no fee shall be charged for the issuance of such certificate. The building inspector shall maintain a record of all certificates issued and of all certificates stayed or suspended for violation of the terms of such certificate; such certificates may be suspended and/or reissued in the same manner provided for the suspension and/or reissuance of building permits.

ARTICLE XIV
APPEALS

Section 14.01--Board of Appeals: Establishment and Procedure

- A. A Board of Appeals is hereby established which shall consist of 3 members to be appointed in accordance with Act 184, P.A. 1943, as amended. The first member of the Board of Appeals shall be a member of the Township Planning Commission and his term of office on the Board of Appeals shall be concurrent with his term of office as a member of the Planning Commission. The second member of the Board of Appeals may be a member of the Township Board appointed annually for a term of 1 year by the Township Board. An elected officer of the Township shall not serve as chairman of the Board of Appeals. The additional member(s) of the Board of Appeals shall be appointed for terms of 3 years by the Township Board from among the electors residing in the unincorporated area of the Township. An additional member shall not serve simultaneously as an elected officer of the Township or as an employee of the Township Board or as a member or employee of the Township Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A successor shall be appointed by the Township Board at the next regular meeting subsequent to a vacancy on the Board of Appeals. Vacancies shall be filled for the remainder of the term.
- B. The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- C. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, filed in the office of the Township Clerk.

Section 14.02--Board of Appeals: Powers and Duties

The Board of Appeals shall have the following powers and duties:

- A. Appellate Jurisdiction--To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this ordinance.

1. Appeals; Filing--Appeals to the Board of Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the township affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time of the aggrieved action, not to exceed 60 days, by filing with the Zoning Administrator and with the Board of Appeals a Notice of Appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken.
2. Hearings--The Board of Appeals shall fix a reasonable time for a hearing, not to exceed 30 days from the filing of the Notice of Appeal, and shall give due notice at least 15¹⁰ days prior to the hearing to the appellant, and may give the same notice in the same manner and time to all owners of any real property within 300 feet of the perimeter of the premises in question according to the last assessment roll. At the hearing, any party may appear in person or by agent or attorney.
3. Stay of Proceedings--An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Appeals after the Notice of Appeals is filed with him, that by reason of facts stated in the Certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

B. Variances: Applications; Procedures--To authorize upon written application in specific cases such Variance from the terms of this ordinance as shall not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in practical difficulties or unnecessary hardship to the applicant. A Variance from the terms of this ordinance shall not be granted by the Board of Appeals unless and until:

1. A written application for a Variance is submitted to the Zoning Administrator demonstrating:

- a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c) That the special conditions and circumstances do not result from the actions of the applicant;
 - d) That granting the Variance requested will not confer on the applicant any special privilege denied by this ordinance to other lands, structures, or buildings in the same district.
2. No conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a Variance.
 3. Notice of hearing shall be given in accordance with Section 14.02, A 2.
 4. The hearing shall be held within 30 days after the application is submitted. Any party may appear in person, by agent or by attorney.
 5. The Board of Appeals shall make findings that the requirements of Section 14.02, B 1 have been met by the applicant for a Variance.
 6. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the Variance and that the Variance is the minimum Variance which will make possible reasonable use of the land, building, or structure.
 7. The Board of Appeals shall further make a finding that the granting of the Variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 8. In granting any Variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the

terms under which the Variance is granted, shall be deemed a violation of this ordinance and punishable under Section 17.03 of this ordinance.

9. Under no circumstances shall the Board of Appeals grant a Variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

D. Board of Appeals Has Powers of Zoning Administrator on Appeals; Reversing the Decision of Zoning Administrator

1. In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken under appellate jurisdiction.
2. The concurring vote of 2 members of the Board of Appeals 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 under this ordinance or to effect any variation in the application of this ordinance.

Section 14.03--Appeals from the Board of Appeals

- A. Any person, firm, corporation or department, board or bureau of the township aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, in the manner prescribed by the laws of the State of Michigan.

Section 14.04--Duties of Zoning Administrator, Board of Appeals, Township Board, Planning Commission and Courts on Matters of Appeal

- A. It is the intent of this ordinance that all questions under appellate jurisdiction shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator. Requests for Variances, constituting matters under original jurisdiction of the Board of Appeals, shall be filed with the Board of Appeals via the Zoning Administrator and shall not be construed as an appeal from the decision of the Zoning Administrator. Recourse from the

decision of the Board of Appeals shall be to the courts as provided by the laws of the State of Michigan.

B. It is further the intent of this ordinance that the duties of the Township Board in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this ordinance. Under this ordinance, the Township Board shall have only the duties of:

1. considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law,
2. establishing a schedule of fees and charges as stated in Article XV, and
3. appointing members of the Board of Appeals and the Zoning Administrator.
4. considering the approval or rejection of Special Land Uses including planned unit developments.

ARTICLE XV
SCHEDULE OF FEES, CHARGES, AND EXPENSES

Section 15.01--Schedule Established by Township Board

- A. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for permits and certificates of occupancy, appeals, requests for Special Land Uses and Variances, rezoning applications and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be amended only by the township board.

- B. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

RESOLUTION 1995-2

RESOLUTION FOR SCHEDULE OF FEES FOR ZONING ORDINANCE

WHEREAS THE PIPESTONE TOWNSHIP ZONING ORDINANCE ARTICLE XV SECTION 15.01, states the Township Board shall establish a schedule of fees, charges, expenses and a collection procedure for permits and certificates of occupancy, appeals, requests for Special Land uses and variances, rezoning applications and other matters pertaining to this ordinance.

WHEREAS, until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

NOW THEREFORE BE IT RESOLVED THAT, the fees as stated:

Board of Appeals Meeting: be \$100.00

Special Land use Permits be: \$200.00

Amending and/or Rezoning of Zoning Map be: \$200.00 plus the petitioner to pay additional fees connected with and thereof publishing fees, Lawyer fees and office supplies.

Amending Ordinance be: -0-, plus petitioner to pay publishing fees.

shall be the fees, Pipestone Township Board agrees to establish for which reasons stated of the Zoning Ordinance.

The foregoing resolution offered by Board Member, Alan Nimtz and supported by Board Member Patricia Kirk.

Upon roll call vote the following voted: "aye": 5

"nay": 0

The Supervisor declared the resolution adopted.

Alan Nimtz
Alan Nimtz, Pipestone Township Clerk

CERTIFICATE

I, Alan Nimtz, the duly appointed and acting Clerk of Pipestone Township, hereby clarify that the foregoing resolution was adopted by the Township Board of said Township at which meeting of said Board held on January 9, 1995, at which meeting a quorum was present by a roll call vote of said members as herein before set forth; that said resolution was ordered to take immediated effect.

Alan Nimtz
Alan Nimtz, Pipestone Township Clerk

1-9-95
Date

ARTICLE XVI
AMENDMENTS

Section 16.01--Intent

- A. Amendment to this ordinance may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefor with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this ordinance and recommend the same to the Township Board for adoption.

Section 16.02--Amendment Procedure

- A. Filing of Application: All petitions for amendments to this ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board.
- B. All petitions for amendments to this ordinance, without limiting the right to file additional material, shall contain the following:
1. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
 2. The nature and effect of the proposed amendment.
 3. If the proposed amendment would require a change in the Zoning map, a site plan prepared in accordance with Article XII, a legal description of such land, the present zoning classification of the land, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.
 4. If the proposed amendment would require a change in the Official Zoning Map, the names and addresses of the owners, according to the current tax roll, of all land within three hundred feet (300') of the perimeter of the area to be changed by the proposed amendment.
 5. The alleged error in this ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same.
 6. The changed or changing conditions in the area or in the municipality which make the proposed amendment

reasonably necessary to the promotion of the public health, safety and general welfare.

7. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- C. The Township Board, upon receipt of the petition to amend, after having it examined and approved as to form and content by the Township Clerk, shall refer the same to the Township Planning Commission for study and report.
- D. Public Hearing: Before submitting its recommendations on the petition to amend, the Planning Commission shall hold at least one public hearing, notice of which shall be given by two publications in a newspaper of general circulation in the township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. In addition, the following procedures shall be required:
1. Not less than twenty (20) days notice of the time and place of such hearing shall be given by mail to such electric, gas, pipeline and telephone public utility company which registers its name and mailing address with the Township Planning Commission for the purpose of receiving such notice, and to each railroad operating within the district or zone affected. An affidavit of mailing shall be maintained.
 2. If an individual property is proposed for rezoning, the Planning Commission shall give a notice of public hearing thereof to the owner of the property in question, to all persons to whom any real property within three hundred feet (300') of the perimeter of the premises in question is assessed, and to the occupants of all single and two-family dwellings within 300 feet. Such notice shall be given at least eight (8) days prior to the hearing. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "Occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing.
- E. All notices of public hearing shall state the time, date, place and purpose of such public hearing. Notices of the public hearing shall also include the places and times at which the tentative text and any maps of the zoning ordinance may be examined.

- F. Following the public hearing, the Planning Commission shall submit the proposed amendment to the County Planning Commission for review and recommendation. If the recommendation of the County Planning Commission has not been received by the Township within thirty (30) days after receipt of the amendment by the County, it shall be conclusively presumed that the County has waived its right for review and recommendation of the amendment.
- G. The Township Planning Commission shall then refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefor.
- H. A public hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner.
- I. Thereafter at any regular meeting or at any special meeting called therefor the Township Board may adopt and enact the proposed amendment, in accordance with Act 184, P. A. 1943, as amended, being the Township Rural Zoning Act.
- J. Upon enactment of the amendment said amendment shall be filed with the Township Clerk, and one (1) notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:
- (1) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the Township Board of the Township of Pipestone."
 - (2) In the case of an amendment to an existing ordinance, a summary of the regulatory effect of the amendment including the geographic area affected.
 - (3) The effective date of the ordinance.
 - (4) The place and time where a copy of the ordinance may be purchased or inspected.
- K. Within seven (7) days after publication the amendment to the zoning ordinance shall be filed in the Official Ordinance Book of the township with a certification of the township clerk stating the vote on passage and when published and filed. If the amendment requires a change on the official zoning map, such change shall be made on the map in accordance with provisions of Article I of this ordinance within ten (10) days after enactment of the amendment.

Section 16.03--Comprehensive Review

- A. The Planning Commission shall from time to time, at intervals of not more than 1 year, examine the provisions of this ordinance and the locations of district boundary lines and shall submit a written report to the Township Board recommending changes and amendments, if any, which are desirable in the interest of the public health, safety, and general welfare.

ARTICLE XVII
GENERAL PROVISIONS

Section 17.01--Provisions of Ordinance are Minimum Requirements

- A. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall prevail.

Section 17.02--Complaints Regarding Violations

- A. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance and make answer to the complainant.

Section 17.03--Penalties for Violations

- A. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of Variances or Special Land Uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars (\$100) or imprisoned for not more than ninety (90) days, or both. Each day such violation continues shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation of this ordinance.

Section 17.04--Severability Clause

- A. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect

the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XVIII
DEFINITIONS

Article 18.01--Purpose

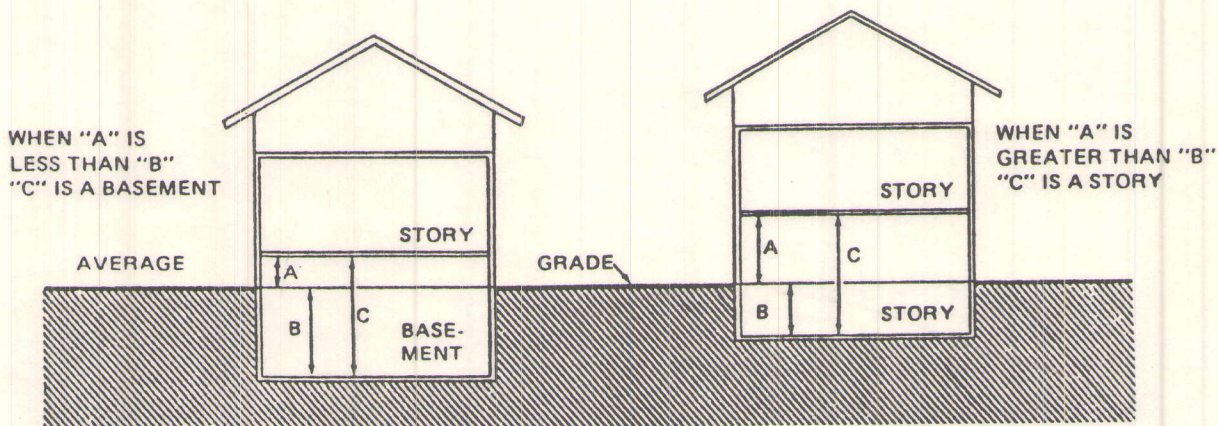
For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular. The word shall is mandatory, the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or to be occupied. The word his includes the word her.

Section 18.02--("A")

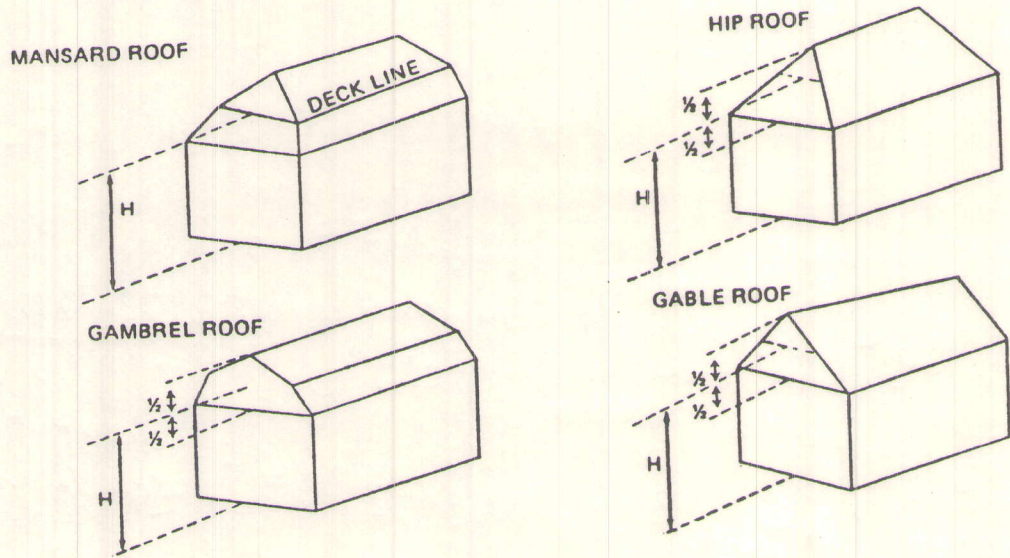
Accessory Use--A use or structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

Section 18.03--("B")

Basement--That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.



Building Height--The vertical distance measured from the established grade to the highest point of the roof's surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, height may be measured from the average ground level of the grade at the building wall.



Building - Residential--Anything constructed or erected on site, a mobile home structure, a pre-manufactured or pre-cut structure, support or enclosure of persons, animals, or property of any kind.

Section 18.04--("C")

(Reserved for Future Use)

Section 18.05--("D")

Drive-In Restaurant or Refreshment Stand--Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Dwelling, Private--A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
2. It has a minimum width across any front, side, or rear elevation of ~~12~~²⁰ feet and complies in all respects with the township building code including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the township building code, then and in that event such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, shall have a perimeter wall as required above, and on the entire area immediately underneath said mobile home which is not occupied by a basement shall be a foundation slab of concrete six inches or more in thickness.

*Amended
October 25, 1996
from 12 feet to
20 ft minimum
width*

4. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction, similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent (10%) of the square footage of the floor area of the dwelling or 100 square feet, whichever shall be less.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique

8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwelling shall meet or exceed all applicable roof snow load and strength requirements.
10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building code provisions and requirements.

Dwelling, Two Family--A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of "Dwelling Private."

Dwelling, Multiple--A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of "Dwelling, Private."

Section 18.06--("E")

Essential Services--The term "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal

departments or commissions or for the public health or safety or general welfare.

Section 18.07--("F")

Family--For the purposes of this ordinance, a family is:

- a) One (1) or more persons, occupying a single dwelling unit, all related by blood, legal adoption, or marriage, and not more than three (3) other persons; or
- b) Not more than three (3) unrelated persons.

Domestic servant employed on the premises may be housed on the premises without being counted as a family or part of a family.

Filling Station--Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where other incidental services may be rendered and sales made.

Floor Area--For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas, and accessory structures.

Floor Area Usable (For the purpose of computing parking space)-- That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers and all that are devoted to employee work space. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, elevators or stair bulkheads or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

Section 18.08--("G")

Grade (adjacent ground level)--The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building between the building and a line 5 feet from the building.

Section 18.09--("H")

Home Occupation--An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is incidental to the use of the dwelling unit for residential purposes.

Section 18.10--("I")

(Reserved for Future Use)

Section 18.11--("J")

(Reserved for Future Use)

Section 18.12--("K")

(Reserved for Future Use)

Section 18.13--("L")

Loading Space, Off-Street--Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot--For the purposes of this ordinance, a lot is a parcel of land of at least sufficient size, exclusive of areas under water,

to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. The word lot includes the words plot and parcel. Such lot shall have frontage on a recorded public or private street. In no case of division or combination shall any new or residual lot or parcel be created which does not meet the requirements of this ordinance.

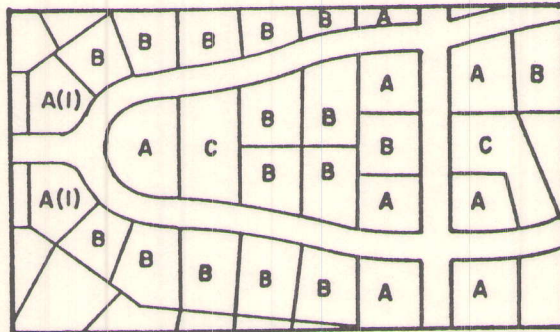
Lot Frontage--The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section; provided, however, that frontage for lake front lots shall be governed by Section 6.09.

Lot Measurements--

- a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, provided, however, that in determining lot frontage on odd shaped lots if the lot abuts on the outside curve boundary of a curving street and as a result the side lot lines diverge toward the rear, the measurement of width may be taken at the front building line of the principal building; and provided further that if the lot abuts on an inside curve boundary of a curved street wherein the lot lines converge toward the rear, the measured width shall be taken at the rear line of the principal building or thirty (30) feet behind the front setback line, parallel to the street or street chord.

Lot of Record--A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types--The diagram below illustrates terminology used in this ordinance with reference to corner lots, interior lots, and through lots:



In the diagram, A = corner lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet on an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A (1) in the diagram.

B = interior lot, defined as a lot other than a corner lot with only one (1) frontage on a street.

C = through lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

Section 18.14--("M")

Mezzanine--An intermediate floor in any story occupying space not to exceed one-third (1/3) of the floor area of such story.

Mobile Home--A structure transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

Mobile Home Park--Any parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Mobile Home Subdivision--A "subdivision" as defined by the state Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, which has been expressly established for the sole purpose of selling lots on which mobile homes may be used and occupied for residential purposes, and which has been established in full compliance with all applicable provisions of the aforementioned Act and of all other applicable state, county, and township regulations.

Section 18.15--("N")

(Reserved for Future Use)

Section 18.16--("O")

(Reserved for Future Use)

Section 18.17--("P")

Parking Space, Off-Street--For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for 3 or more automobiles shall have individual spaces marked, and shall be so designated, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any street, walk, or alley, and so that any automobile may be parked and unparked without moving another. Each parking space shall comprise a net area of at least 10 feet by 20 feet.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the township.

Public Utility--Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under state or municipal regulations to the public: electricity, gas, steam, communications, telegraph, transportation or water.

Section 18.18--("Q")

(Reserved for Future Use)

Section 18.19--("R")

Recreational Vehicle--A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Restaurant--A building in which food is prepared and sold for consumption within the building, as opposed to a drive-in restaurant establishment where food may be taken outside of the building for consumption either on or off the premises.

Roadside Stand--A structure used or intended to be used solely by the householder, owner or tenant of the parcel on which such structure is located for the sale of fresh farm products the majority of which are raised or produced on the parcel.

Section 18.20--("S")

Sign--Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- a) Signs not exceeding 1 square foot in area and bearing only property numbers, post box numbers, name of occupants of premises or other identification of premises not having commercial connotations;
- b) Flags and insignia of any government except when displayed in connection with commercial promotion;
- c) Legal notices; identification, informational or directional signs erected or required by governmental bodies;

- d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- e) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

Signs, Number and Surface Area--For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Framed and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign, On-Site--A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Site, Off-Site--A sign other than an on-site sign.

Special Land Use--A Special Land Use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted upon the issuance of a Special Land Use Permit by the Township Board in such zoning district as Special Land Uses, if specific provision for such Special Land Use is made in this ordinance.

Story--Is that part of a building, except a mezzanine, as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if no floor above, then the ceiling next above. A story, thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content is below the height level of the adjoining ground.

Story, Half--Is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below in and is not used or designated or arranged or intended to be used in whole or in part as an independent housekeeping unit or dwelling.

Street--A thoroughfare for vehicular traffic, including all area within the right-of-way.

Structure--Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, poster panels and swimming pools.

Section 18.21--("T")

Travel Trailer--A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet.

Section 18.22--("U")

(Reserved for Future Use)

Section 18.23--("V")

Variance--A variance is a relaxation of the terms of the zoning ordinance where, in the judgment of the Board of Appeals, such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in undue hardship or practical difficulty. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Section 18.24--("W")

(Reserved for Future Use)

Section 18.25--("X")

(Reserved for Future Use)

Section 18.26--("Y")

Yard--A required open space, between a lot line and a structure or group of structures, other than a court, unoccupied and unobstructed by any structure or portion of a structure, except as provided within this ordinance, provided however that fences, walls, poles, and other customary yard accessories, ornaments,

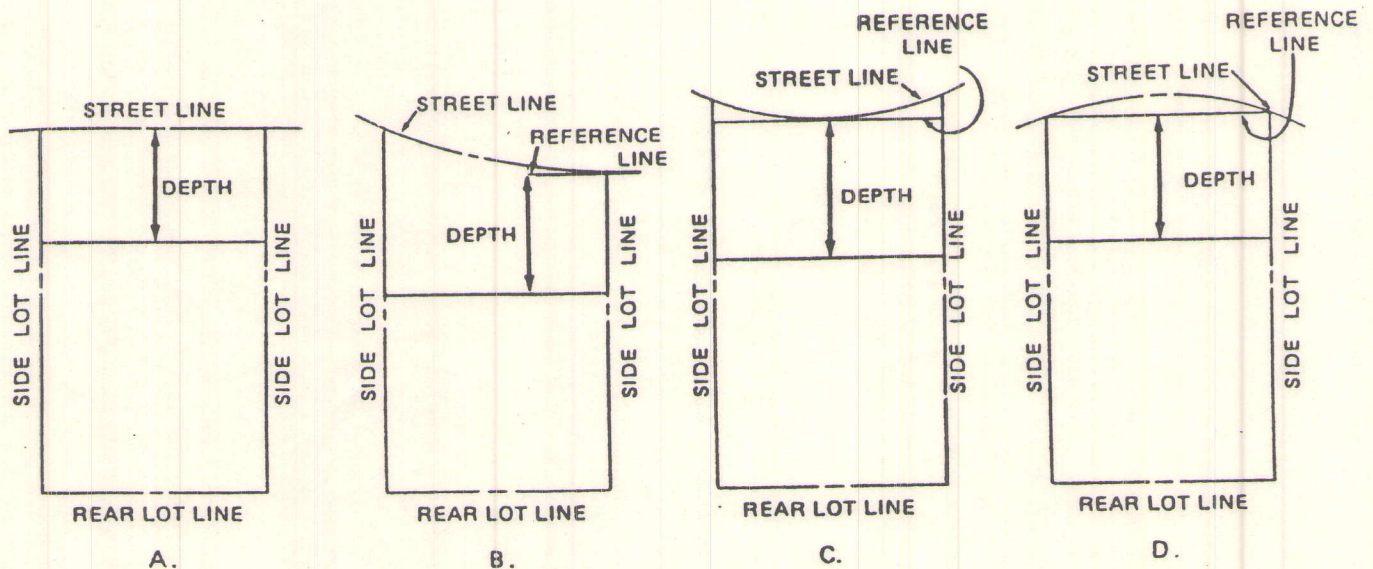
and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front--A yard extending between side lot lines across the front of a lot adjoining a public street; or, in the case of lake front lots, which shall be considered as through lots, a public street on one frontage and the lake front on the other frontage.

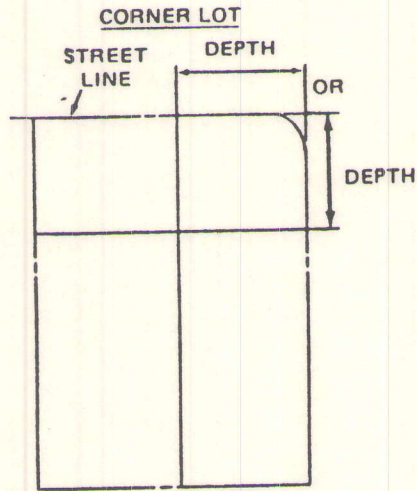
In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Every corner lot in a residential district having on its side street an abutting interior lot shall have minimum setbacks from both streets equal to the minimum required front setback of the district in which it is located; provided, however, that this does not reduce the buildable width of any lot of record to less than 25 feet. On corner lots where a rear lot line abuts a side lot line on the adjoining lot, accessory buildings on the corner lot shall have a rear yard setback from the rear lot line a distance equal to the side yard setback required for the district.

Depth of required front yards shall generally be measured from the inner-most point of the street line (right-of-way line) inward for a distance of the required front yard depth, as in diagrams 18.26, A, B, C, and D.



In the case of rounded property corners at street intersections, reference points for measurements shall be placed as though the side lot lines would have met the street line if the corner were not rounded, as in diagram 18.26, E. The front and rear lines of the front yard shall be parallel.



E.

Yard, Side--A yard extending from the rear line of the required front yard to the front line of the required rear yard. In the case of through lots, side yards shall extend between the rear lines of the required front yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the side lot line.

Yard, Rear--The yard extending across the rear of a lot between side lot lines.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the rear lot line.

Section 18.27--("Z")

(Reserved for Future Use.)

**ARTICLE XIX
REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE**

Section 19.01--Repeal

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with any provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 19.02--Adoption

This Zoning Ordinance shall become effective on April 30, 1988.

I, Herbert Hasse, the duly elected, qualified and acting clerk for Pipestone Township, do hereby certify that the foregoing zoning ordinance was duly adopted at a regular meeting of the Pipestone Township Board on 3-14-88 according to the following votes of the Pipestone Township Board members.

	<u>Aye</u>	<u>No</u>
Hazen Harner, Jr.	✓	
Herbert Hasse	✓	
Richard Skibbe	✓	
Pat Kirk	✓	
George Wesner	✓	

Dated: 3-14-88

Herbert Hasse
Herbert Hasse
Pipestone Township Clerk

PIPESTONE TOWNSHIP

AMENDMENT TO PIPESTONE TOWNSHIP ZONING ORDINANCE #1995-2

BE IT HEREBY ORDAINED the amendments to the Pipestone Township Zoning ordinance 88.01, regulatin the development and use of land has been adopted by the Township Board of the Township of Pipestone. In accordance to Article XI Section 16.02 of the Pipestone Township Ordinance 88.01, regarding Adult Foster Care Facilities, Day Care Homes and Bed and Breakfast Operations is amended as follows:

"AS PERMITTED PRINCIPAL USE" to all three districts which allow residential use.

Section 5.02-R1-A-2-b, Section 5.03-R-2-2-c and Section 5.04-AG-2-c the following:

Adult Foster Care small group home, licensed by the State of Michigan .
Providing care for one (1) to six (6) adult foster care residents.

Section 5.02-R1-A-2-c, Sectoin 5.03-R-2-2d and Section 5.04-AG-2-d the following:

A family day care licensed by the State of Michigan.

"AS SPECIAL LAND USE" to all three residential districts.

Section 5.02-R1-A-4-k, Section 5.03-R-2-4-d and Section 5.04-AG-4-1 the following:

Bed and Breakfast as provided in Article XII-A

"AS SPECIAL LAND USE" to two districts which allow residential use.

Section 5.03-R-2-4-e and Section 5.04-AG-4-m the following:

Adult foster care facility licensed by the State of Michigan providing care for seven (7) to twelve (12) adult foster care residents.

Section 5.03-R-2-4-f and Section 5.04-AG-4-n the following:

Adult foster care facility licensed by the State of Michigan providing care for thirteen (13) to twenty (20) adult foster care residents.

Section 5.03-R-2-4-g and Section 5.04-AG-4-o the following:

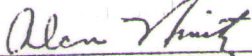
A group day care home licensed by the State of Michigan.

Also Article XII-A Pipestone Township Bed and Breakfast Ordinance(definitions and requirements)
Article XII-B Pipestone Township Day Care Homes (definitions and requirements)
Article XII-C Pipestone Township Adult Foster Care Facilities (definition and requirements)

Motion made by Board member Nimtzt to amend the Pipestone Township Zoning Ordinance and supported by board member Kirk.

Upon roll call vote the following voted: Aye: 5 Nay: 0

The Supervisor declared the amendment to the Ordinance adopted and effective the date Nov. 13, 1995.


Alan Nimtzt Pipestone Township Clerk

**ARTICLE XII-A
PIPESTONE TOWNSHIP
BED AND BREAKFAST (B&B) ORDINANCE**

12A.10 Definition - Bed and Breakfast (B&B) operation.

Sec. 1. A use which is subordinate to the principal use of a single-family dwelling, as defined in Article V [5.02] of the Pipestone Township zoning ordinance, in which transient overnight guests are provided a sleeping room and one of more meals per day in return for payment.

12A.11 B&B use permitted.

Sec. 2. B&B accommodations may be provided by permit in a single-family dwelling which is located in any zoning district on compliance with the following regulations. Operation of a B&B by permit issued under this article in a dwelling which is a nonconforming prior existing use shall not be considered such an expansion of a nonconforming use as to violate the provisions of Article IV [4.03], nonconforming uses of zoning ordinance.

12A.12 Dwelling unit and operator requirements.

Sec. 3. B&B operations shall be confined to the single-family dwelling unit for which a permit has been issued. Said dwelling unit shall be the principal residence of the operator, and said operator shall live on the premises while the B&B operation is active.

No retail of other sales shall be permitted unless they are clearly incidental and directly related to the conduct of the B&B operation.

12A.13 Building requirements.

Sec. 4.

- A. Not more than 40 percent of the total floor area of the single-family dwelling shall be utilized for B&B sleeping rooms.
- B. No cooking facilities separate from those of the main dwelling shall be provided for guests.
- C. One sign on the premises identifying the B&B single-family dwelling shall be allowed, not exceeding thirty-two(32) square feet in area.
- D. The rooms provided for guests shall be a part of the primary single-family dwelling and not specifically constructed for rental purposes.
- E. There shall be at least two exits from the B&B utilized premises to the outdoors.

B&B utilized sleeping rooms shall have a minimum size of 100 square feet for two occupants, with an additional 30 square feet for each additional occupant to a maximum of four occupants per sleeping room. Each such sleeping room shall be equipped with a separate properly working, smoke detector alarm. Each floor shall be equipped with a properly working fire extinguisher, located in common areas assessable to all occupants. Adequate lavatories and bathing facilities shall be available to all guests.

12A.14 Site requirements.

Sec. 5. Site regulations of the Pipestone Township zoning ordinance shall be complied with Article XII, including all requirements for off street parking, (Article IX section 9.02.).

12A.15 Nuisances prohibited.

Sec. 6.

- A. A proposed or operating B&B use shall not appreciably change or alter the traffic pattern or density, appearance of the premises of character of the residential use.
- B. B&B operations shall not be conducted so as to constitute a public or private nuisance.

12A.16 Length of stay - Guests.

Sec. 7. The maximum occupancy term for guests of a B&B shall be 21 consecutive days.

12A.17 Guest register.

Sec. 8. Each B&B operator shall keep a list of the names and addresses of all guests of the B&B. Such list shall be available for inspection by Township officials at reasonable times.

12A.18 Application requirements.

Sec. 9. Pursuant to the Zoning Ordinance, Article X [10.03B] (public hearing), applicants for a special use permit to operate a B&B, shall submit to the Planning Commission, an application for such a permit, including the following materials for review:

- A. A floor plan of the single-family dwelling showing the proposed arrangement of rooms and facilities.
- B. A site plan showing the real estate description, location of the single-family dwelling and parking arrangements.

12A.19 Permits to operate a B&B.

Sec. 10. Prior to granting a special use permit to operate a B&B, the township planning commission shall review each application and direct the zoning administrator to inspect the premises proposed for such permit and conduct a public hearing on the special use request pursuant to the Zoning Ordinance, Article X [10.08B].

If the public hearing confirms that the application and premises comply with the requirements of the township ordinances and other applicable laws, regulations and standards, the Township planning commission shall recommend to the township board to issue a B&B use permit

The administrator shall thereafter, at reasonable times, inspect and review the B&B operation on the permitted premises.

If such inspection reveals violations of this section or other applicable laws and regulations, the administrator shall give notice in writing of said violations to the operator of the B&B, said notice to be delivered personally or by certified mail to said operator, and to notify the owner of the B&B if different from operator.

If said violations are not corrected within 15 days after delivery of said notice, the administrator shall revoke the B&B permit in writing, delivered in the above described manner, and thereafter a B&B shall no longer be operated upon said premises until new permit is issued.

Appeal of denial of a permit or revocation of a permit shall be to the Township Board of Appeals as provided by the Township Zoning Ordinance.

ARTICLE XII-B

DAY CARE HOMES

12B.20 Definitions:

A. **FAMILY DAY CARE HOME**- A private home in which one(1), but not more than six(6), minors children are received for care and supervision for periods less than twenty-four(24) hours a day, unattended by a parent or legal guardian, excepting children related to an adult member of the family. This includes a home that gives care to an unrelated child for more than four(4) weeks in a calendar year.

B. **GROUP DAY CARE HOME**- A private home in which seven(7), but not more than twelve(12) minor children are received for care and supervision for periods fo less than twenty-four(24) hours a day, unattended by a parent of legal guardian, excepting children related to an adult member of the family. This includes a home that gives care to an unrelated child for more than four(4) weeks in a calendar year.

12B.21

FAMILY DAY CARE HOME-A State registered family day care home shall be considered a residential use of property and a permitted use in all residential districts. Family day care homes shall be inspected by the Pipestone Township Zoning Administrator at the tims of occupancy. No more than one (1) family day care home is allowed in any one structure or building, or on any one lot.

12B.22

GROUP DAY CARE HOME- A State licensed group day care home shall be considered a special land use and permitted only in R-2 and AG Districts and residents must apply for a special use permit in R-2 and AG Districts. No more than one(1) group day care home is allowed in any one structure or building, of on any one lot. A special use permit shall be issued to a State licensed group day care home which meets the following standards:

A. A group day care home shall not be located closer than 1,500 feet to any of the following facilities:

1. Another licensed group day care home.
2. An adult foster care large group home licensed by the State of Michigan.
3. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people, which is licensed by the State of Michigan.
4. A community correction center, resident home, halfway house. of other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.

B. All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48") inches high.

C. The property (landscaping and architecture) shall be maintained in a manner that is consistent with the charactor of the neighborhood. A group day care home should not require exterior modifications to the dwelling, nor should the front yard be the location of play equipment, except on a corner lot.

D. One (1) identification sign shall be permitted. Such sign face shall not be greater than four (4) square feet, shall be mounted flush to a wall, made of the material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and an address.

E. One (1) off-street parking space shall be provided for each non-family employee of the group day care home, in addition to the parking normally required for the residents. A driveway may be used to fulfill this requirement.

F. Hours of operation shall not exceed sixteen(16) hours in a twenty-four (24) hour period, and activities shall be limited between the hours of 10:00pm and 6:00am.

G. Group day care homes shall be inspected by the Pipestone Township Zoning Administrator prior to the issuance of any special use permit and when renewed.

ARTICLE XII-C

ADULT FOSTER CARE FACILITIES

12C.30 Definitions:

A. **ADULT FOSTER CARE SMALL GROUP HOME**- A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four(24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

B. **ADULT FOSTER CARE LARGE GROUP HOME**- A facility with the approved capacity to receive at least thirteen(13), but not more than twenty (20) adults to be provided supervision, personal care, and protection, in addition to room and board, for twenty-four(24) hours a day, five(5) or more days a week, and for two(2) or more consecutive weeks for compensation.

12C.31

ADULT FOSTER CARE SMALL GROUP HOME(1-6 RESIDENTS)- A State licensed adult foster care small group home which provides supervision of care, or both, to six (6) or fewer persons shall be considered a residential use of property and a permitted use in all residential districts. No more than one (1) foster care facility is allowed in any one structure or building, or on any one lot. Also shall not be located within fifteen hundred(1,500) feet of another simular state licensed facility.

12C.32

ADULT FOSTER CARE SMALL GROUP HOME(7-12 RESIDENTS) AND ADULT FOSTER CARE LARGE GROUP HOME-(13-20 RESIDENTS)

A. A State licensed adult foster care small group home that provides supervision of care, or both, to more than six(6) but less than thirteen (13) persons and a State licensed adult foster care large group home shall be considered a special land use permitted only in R-2 and AG Districts and residents must apply for a special use permit in R-2 and AG Districts. No more than one(1) structure or building, or on any one lot. A special use permit shall be issued if the adult foster care group home meets the following standards:

1. A State licensed adult foster care home shall not be located within fifteen hundred (1,500") feet of a simular State licensed facility.
2. One (1) on-site parking space shall be provided for each employee, in addition to the parking required for the dwelling unit.
3. A designated passenger loading/unloading area of adequate demensions shall be provided near a barrier free entrance to the facility.
4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicules servicing the facility.
5. Notice to neighbors and/or neighborhood associations is highly recommended, though not required, to promote the integration of adult foster care residents into the neighborhood.

If the propsal does not meet any of the above criteria, a variance may be sought according to the procedures outlined in the zoning ordinance.

PIPESTONE TOWNSHIP
Berrien County, Michigan

AMENDMENT #1996-1
AMENDMENT TO PIPESTONE TOWNSHIP ZONING ORDINANCE 88-01

A) SECTION 5.07(PAGE 20) SCHEDULE OF DISTRICT REGULATIONS, MINIMUM DWELLING SIZE IN R1-A, R2 AND AG DISTRICTS, TO CHANGE FROM 720 SQUARE FEET PER DWELLING UNIT TO **1,000 SQUARE FEET PER DWELLING UNIT**. WITH ADDITIONAL VARIABLE MINIMUM DWELLING SIZE OF FIRST FLOOR BASED ON NUMBER OF STORIES IN DWELLING UNIT TO BE AS FOLLOWS: a) 1 STORY-1,000 SQ. FT
b) 1½ STORY-900 SQ. FT.
c) 2 STORY-800 SQ. FT.

B) SECTION 18.05 ("D") PARAGRAPH 2, SECTION 2 (PAGE 67) TO INCREASE THE MINIMUM WIDTH OF A DWELLING, PRIVATE ACROSS ANY FRONT, SIDE OR REAR ELEVATION FROM 12 FEET TO **20 FEET**.

The Pipestone Township Planning Commission has held the necessary Public Hearing on August 26, 1996.

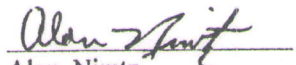
According to Article XVI, Section 16.02 of the Pipestone Township Zoning Ordinance 88.01 and in accordance with the Act 184, P.A., 1943, being the Township Rural Zoning Act, the Amendment as stated above is approved and effective October 25, 1996.

A motion was made by board member Nimtz to amend the Pipestone Township Zoning Ordinance and supported by board member Skibbe

Upon role call vote, the following voted

Aye: (5) Nay: (0)

The Supervisor declared the amendment to the Ordinance Granted


Alan Nimtz
Pipestone Township Clerk

**PIPESTONE TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

**AMENDMENT #1998-1
AMENDMENT TO PIPESTONE TOWNSHIP ZONING ORDINANCE**

BE IT HEREBY ORDAINED an amendment to the Pipestone Township Zoning Ordinance regulating the development and the use of the land has been adopted by the Township Board of the Township of Pipestone.

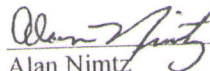
In accordance to Article XVI, Section 16.02 of the Pipestone Township Zoning Ordinance #88-01, said Ordinance is amended as follows:

- A) Section 5.07 in R1-A, R-2, AG, C and I districts to increase minimum lot size in width from 100 feet to 105 feet
- B) Section 6.03B to delete " creates five (5) or more lots of record each of which is ten (10) acres or less in an area are created, or created by successive acts, within a period of ten years shall be deemed subdividing as defined by act 288, p.a. 1967, being the subdivision control act of the State of Michigan, even in the event said lots of record are retained under common ownership, and" then to replace with " is in compliance with the Pipestone Township Land Division Ordinance # 98-01. In the event a parcel is to be platted the "

A motion was made by Nimt, supported by Bishop to amend the Pipestone Township Zoning Ordinance #88-01 as stated above. Upon roll call vote (5) ayes, (0) nays

The Supervisor declared the amendment to the ordinance granted

The amendment was adopted on April 13, 1998 and shall take effect on May 20, 1998.


Alan Nimt
Pipestone Township Clerk

PIPESTONE TOWNSHIP LAND DIVISION ORDINANCE

PIPESTONE TOWNSHIP BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 98-1

Adopted: April 13, 1998 Effective: May 20, 1998

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance of provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF PIPESTONE BERRIEN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Pipestone Township Land Division Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owner of the Township By establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III

DEFINITIONS

For the purpose of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" -a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division"- the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one (1) year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements

of Section 108 and 109 of the State Land Division Act. "Divide and "Division" does not include a property transfer between two or more adjacent parcel; if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcels conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances.

- C. "Exempt split" or "exempt division"- the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one (1) or more parcels of less than forty (40) acres or the equivalent.
- D. "Forty (40) acres or the equivalent"- either forty (40) acre, a quarter- quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.
- E. "Governing body" -the Pipestone Township Board.

SECTION IV

PRIOR APPROVAL REQUIREMENT OF LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split is defined in this Ordinance, or other partitioning or splitting that results in parcels of twenty (20) acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one (1) year for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.

- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee may be established by resolution of the Township Board to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI

**PROCEDURE FOR REVIEW OF APPLICATIONS
FOR LAND DIVISION APPROVAL**

- A. The Township shall approve or disapprove the land division applied for within forty (45) days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within thirty (30) days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a twenty (20) day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellant hearing.
- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- A. All such parcels must have a minimum width of one hundred five (105) continuous feet frontage with direct access to and fronting adjacent to a public highway.
- B. All such parcels shall contain a minimum area of one (1) acre unless otherwise provided for in an applicable zoning ordinance.

- C. The ratio of depth to width of any parcel created by the division does not exceed a four (4) to one (1) ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of parcel from the point of commencement of the measurement.
- D. The proposed land division(s) comply with all requirements of this ordinance and State Land Division Act.
- E. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

SECTION VII

**CONSEQUENCES OF NONCOMPLIANCE WITH
LAND DIVISION APPROVAL REQUIREMENTS**

Any division of land in violation of any provision of the Ordinance shall not be recognized as land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of the Ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION IX

SEVERABILITY

The provision of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court or competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION X

REPEAL

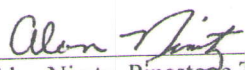
All previous Land Division Ordinance affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XI

EFFECTIVE DATE

This ordinance shall take effect 30 days after publication (Published in the Herald Palladium April 20, 1998, Effective date to be May 20, 1998)

I hereby certify that the foregoing ordinance was adopted by the Pipestone Township Board at a meeting held on the 13th day of April, 1998


 Alan Nimtz, Pipestone Township Clerk

3581 Park Road Eau Claire, Mi. 49111
 (616) 944-1063

PIPESTONE TOWNSHIP
BERRIEN COUNTY, MICHIGAN

AMENDMENT #1998-2
AMENDMENT TO PIPESTONE TOWNSHIP ZONING ORDINANCE

BE IT HEREBY ORDAINED an amendment to the Pipestone Township Zoning Ordinance regulating the development and the use of the land has been adopted by the Township Board of the Township of Pipestone.


In accordance to Article XVI, Section 16.02 of the Pipestone Township Zoning Ordinance #88-01, said Ordinance is amended as follows:

To the property described as property parcel # 11-16-0006-0024-00-2, the N 20 rods of the W 40 rods of NW ¼ FRL Sec 6 T5S R17W, being 4.77 acres, be rezoned from Section 5.04-AG Agricultural District to Section 5.05-C Commercial District.

A motion was made by Harner, supported by Skibbe to amend the Pipestone Township Zoning Ordinance #88-01 as stated above. Upon roll call vote (5) ayes, (0) nays

The Supervisor declared the amendment to the ordinance granted

The amendment was adopted on November 9, 1998 and shall take effect on December 16, 1998.



Alan Nimitz
Pipestone Township Clerk

PIPESTONE TOWNSHIP
BERRIEN COUNTY, MICHIGAN

AMENDMENT #2000-1
AMENDMENT TO PIPESTONE TOWNSHIP LITTER AND DEBRIS ORDINANCE

BE IT HEREBY ORDAINED an amendment to the Pipestone Township Litter and Debris Ordinance regulating the accumulation, storage and disposition of junk, debris, waste material, combustible material automobile and other miscellaneous unused material and equipment, also regulating nuisances, dangerous buildings, disposal of rubbish, maintenance of inoperable automobiles and trucks, machinery and equipment has been adopted by the Township Board of the Township of Pipestone.

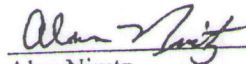
Said Ordinance is amended as follows:

- A) Section X paragraph (e) to eliminate the phrase 'in Pipestone Township'
- B) Section XI paragraph (a) insert after junk yard permit 'exempting one vehicle being restored, to be covered with a fitted car cover if no building is available for a period of no longer than one year.'
- C) Section XI paragraph (a) insert after an inoperable motor vehicle is one 'that is not operable by its own power or one'

A motion was made by Nimtz, supported by Bishop to amend the Pipestone Township Litter and Debris Ordinance as stated above. Upon roll call vote (5) ayes, (0) nays

The Supervisor declared the amendment to the ordinance granted

The amendment was adopted on April 10, 2000 and shall take effect on May 10, 2000.


Alan Nimtz
Pipestone Township Clerk

ORDINANCE NO. _____

PIPESTONE TOWNSHIP LITTER AND DEBRIS ORDINANCE

ADOPTED: AUG-30-1982

EFFECTIVE: OCT-4-1982

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of the Township of Pipestone, Berrien County, Michigan, a municipal corporation, by the regulation of the accumulation, storage and disposition of junk, debris, waste material, combustible material, automobile and other miscellaneous unused material and equipment within said Township; to regulate nuisances, dangerous buildings, disposal of rubbish, maintenance of inoperable automobiles and trucks, machinery and equipment, to provide penalties for the violation thereof, and to repeal all Ordinances and parts of Ordinances in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF PIPESTONE,
BERRIEN COUNTY, MICHIGAN, ORDAINS:

SECTION I. TITLE

This Ordinance shall be known and cited as the Pipestone Township Litter and Debris Ordinance.

SECTION II. REGULATIONS

(a) No person, firm, or corporation shall permit any junk, debris, waste material, combustible material, or other miscellaneous unused, unsanitary or dangerous material or equipment, or other source of filth or cause of sickness to accumulate in unreasonable or abnormal

quantities in, or on the property owned or occupied by such person, firm, or corporation. The determination of whether such accumulation is unreasonable and abnormal shall be made by the Township Board upon the advice and report of the zoning administrator or building inspector of the Township, based upon the following standards:

- (1) The use district classification in which such property is located under the provisions of the Pipestone Township Zoning Ordinance with residential use district classifications permitting less such accumulations than commercial or industrial use district classifications.
- (2) The density of population or building structures in the area adjoining such property with the restrictions against such accumulations becoming more strict as the population or building structures become more dense.
- (3) The existence of disease, rodents, or other evidence of unsanitary conditions or causes of sickness connected therewith.
- (4) The likelihood of such accumulation creating a nuisance or cause of sickness or unsanitary or unsafe condition.

(b) The owner or occupant of every dwelling or other building located with the Township of Pipestone shall provide the same with proper and appropriate covered receptacles of non-absorbent material for holding garbage, refuse, ashes, rubbish, or other waste material,

commensurate with the use being made of such building. Such receptacles shall further be kept clean and sanitary at all times and shall be regularly and frequently emptied, either by a rubbish and garbage collection agency recognized and approved by the Township Board of the Township, or by the occupant or owner of the premises, in properly designated areas off the premises. Such receptacles shall further be used by the occupants of the premises for all such garbage, refuse, ashes, rubbish, and other waste material not otherwise disposed of off the premises in properly designated areas.

SECTION III. MAINTAINING A NUISANCE

(a) Nuisances are not to be created or maintained. No owner or occupant, firm, or corporation having control or management of any dwelling or building, structure, excavation, business pursuit, matter or thing, shall allow any nuisance to be created or to exist on the premises over which such person, firm, or corporation is the owner or exercises control or management; nor shall any person, firm or corporation occupying any public or private street, alley way, or any premises whatever, or having control or management thereof, within the limits of the Township create or maintain a nuisance thereof.

SECTION IV. NOISE PRODUCING DEVICES

(a) The operating or maintaining of noise making, noise amplifying or noise producing instruments or devices by which the peace or good order of the neighborhood is disturbed is hereby declared a public nuisance. No person, firm, association or corporation by himself or another shall operate or maintain any radio, phonograph,

player piano, calliope or other noise making, noise amplifying, or noise producing instrument or device in any public or private place in any manner by which the peace and good order of the neighborhood is disturbed or persons occupying property in the neighborhood are disturbed or annoyed. Reasonable use of bird frightening devices for agricultural purposes is permitted.

SECTION V. SMOKE, SOOT, CINDERS, NOXIOUS ACIDS, FUMES AND GASES

(a) No person, firm or corporation shall permit or cause the escape of such quantities of smoke, soot, cinders, noxious acids, fumes and gases in such place or manner as to be detrimental to the public or to endanger the health, comfort, and safety of any person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is hereby declared to be a public nuisance.

SECTION VI. LIGHTS

(a) No person shall use or maintain any lighting facilities connected with any use of land or the operation of any place of business or factory so as to unreasonably reflect light upon any residential use adjacent to such lighting facilities; nor shall any person use or maintain any facilities connected with any use of land or the operation of any place of business or factory so as to deflect light upon or toward a public highway in such a manner or way as would tend to create a hazard to traffic on said highway. The usage or maintenance of lights in such a manner is hereby declared to be a public nuisance.

SECTION VII. BURNING OF GARBAGE

(a) No person, except the operator of a lawfully licensed landfill, shall set fire to or burn any material commonly classified as garbage. The burning of garbage is hereby declared to be a public nuisance.

SECTION VIII. PARKING OF GARBAGE, TRASH AND REFUSE TRUCKS

(a) No person shall park, or allow the parking of, any vehicle used in the collection and/or hauling of garbage or other materials commonly classified as waste, rubbish, refuse or junk on premises in any primarily residential area.

SECTION IX. DANGEROUS BUILDINGS

(a) No owner, or the agent, or tenant thereof, shall keep or maintain any dwelling or part thereof which is a dangerous building as defined in Section 139 of Act 61 of the Public Acts of the State of Michigan, being MSA 5.2891(19); which definition is incorporated herein by reference. The keeping or maintaining of a dangerous building as defined herein is hereby declared to be a public nuisance.

SECTION X. DISPOSAL OF RUBBISH

(a) No person, firm or corporation shall dump or cause to be dumped any garbage, tin cans, papers, automobile or truck bodies or parts, machinery, stoves, refrigerators, junk, movable structures or waste materials of any kind or description on any land, private or public, situated in Pipestone Township, unless such place has been expressly designated as a public dumping ground to receive such materials by the Township Board of said Township as hereinafter provided.

(b) The dumping of garbage, except in a duly licensed sanitary landfill anywhere in the Township is expressly prohibited as a menace to public health.

(c) The dumping of papers, tin cans, general household refuse, brush and tree limbs only, is permitted only on a public sanitary landfill designated by and subject to the rules established therefor by the Township Board of said Township.

(d) The dumping and accumulation of rubble, used building materials, waste from razed structures, trees and stumps is expressly forbidden on any land, public or private, including any aforesaid designated public sanitary landfill, provided, however, nothing in the section is intended to preclude the use of such materials for fill or in approved conservation practices where such materials are to be covered in re-claiming land or preventing the erosion thereof.

(e) Automobile and truck bodies or parts, and junk or inoperable machinery, and equipment may be disposed of only at designated and licensed junk yards (in Pipestone Township.) Open storage of farm machinery and equipment anywhere in an agricultural zone is expressly permitted under this Ordinance, provided further, that building materials and equipment may be so stored during a specified construction period as shown by the existence of a valid building permit given for the erection, structural alteration or enlargement of a building on the site where such building is to be erected, altered or enlarged.

(f) The disposal of waste fruit, brush, trimmings, trees and other similar materials on the land as part of generally accepted farm

practices is exempted from the provisions of this Section. In addition, farmers shall be permitted a reasonable accumulation of such farm wastes prior to disposal according to generally accepted practices.

SECTION XI. JUNK OR INOPERABLE CARS AND TRUCKS

(a) Inoperable motor vehicles shall not be parked or stored on any premises, except in an enclosed building, unless there has been first obtained a junk yard permit. For the purposes of this section, an inoperable motor vehicle is ~~one~~ ^{which is not operable by its own power or} one which does not bear a currently valid motor vehicle license, registration, plate and number.

SECTION XII. VIOLATIONS

(a) Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS, or by imprisonment in the county jail not to exceed NINETY (90) days, or by both such fine and imprisonment at the discretion of the court having jurisdiction.

(b) In addition to the imposition of the foregoing fines and penalties, if any person, firm or corporation refuses or neglects to comply with an Order of the Township Board, Township Supervisor, or Township Building and Zoning Inspector, issued under this Ordinance, said Township Board may cause the said nuisance, source of filth, cause of sickness, or unreasonable accumulation to be removed from the premises, impounded, destroyed, and/or sold and the cost thereof assessed against the owner or occupant of the premises on which the same is located. If the owner or occupant of such premises shall

refuse, upon demand, to pay such expenses so incurred, such sums shall be assessed against the real estate involved and shall be collected and treated in the same manner as are taxes assessed under the general laws of the State of Michigan.

(c) If the occupant or any other person shall have caused or permitted such violation to exist, he shall be liable to the owner of said premises for any amount so paid by such owner or assessed against said property, which amounts shall be recoverable in an action at law.

(d) In the event of a sale of any such material or equipment by the Township, the proceeds from such sale shall be first used to reimburse the Township for the costs incurred therein, and the balance, if any, shall be returned to the owner or occupant of the real estate involved, as the case may be.

SECTION XIII. VALIDITY

(a) If any portion of this Ordinance shall become legally invalid, the validity of the remaining portions of the Ordinance shall not be affected.

SECTION XIV. REPEALING CLAUSE

(a) All other Township Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION XV. PUBLICATION

(a) This Ordinance shall be published in full in the Herald Palladium, a newspaper of general circulation in the Township, within ten (10) days after its adoption by the Township Board.

SECTION XVI. EFFECTIVE DATE

(a) This Ordinance shall take effect and be in force from and after thirty-one (31) days after publication as above provided.

HERBERT- HASSE
PIPESTONE TWP CLERK

**PIPESTONE TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

**AMENDMENT #2001-1
AMENDMENT TO PIPESTONE TOWNSHIP ZONING ORDINANCE**

BE IT HEREBY ORDAINED an amendment to the Pipestone Township Zoning Ordinance regulating the development and the use of the land has been adopted by the Township Board of the Township of Pipestone.


In accordance to Article XVI, Section 16.02 of the Pipestone Township Zoning Ordinance #88-01, said Ordinance is amended as follows:

To the property described as the east .98 acres of property parcel # 11-16-0034-0011-02-0, be rezoned from Section 5.05-C Commercial District to Section 5.03 - R-2 Multi- Family District.

A motion was made by Nimitz, supported by Bishop to amend the Pipestone Township Zoning Ordinance #88-01 as stated above. Upon roll call vote (5) ayes, (0) nays

The Supervisor declared the amendment to the ordinance granted

The amendment was adopted on November 12, 2001 and shall take effect on December 19,2001


Alan Nimitz
Pipestone Township Clerk

**PIPESTONE TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

**AMENDMENT #2003-1
AMENDMENT TO PIPESTONE TOWNSHIP ZONING ORDINANCE**

BE IT HEREBY ORDAINED an amendment to the Pipestone Township Zoning Ordinance regulating the development and the use of the land has been adopted by the Township Board of the Township of Pipestone.

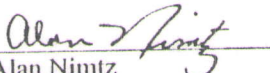
In accordance to Article XVI, Section 16.02 of the Pipestone Township Zoning Ordinance #88-01, said Ordinance is amended as follows:

- A) Article V, Section 5.04 AG District, paragraph "4" (page 14) To add to Special Land Uses: item (L) Auction Houses
- B) Article VIII, Home Occupations, Section 8.01 Special Land Use permit required, paragraph "A", item "1" (page 28) To delete entire item "1" (No persons other than members of the family residing on the premises shall be engaged in such occupation)

A motion was made by Nimtz, supported by Bishop to amend the Pipestone Township Zoning Ordinance #88-01 as stated above. Upon roll call vote (Harner, Nimtz, Skibbe, Bishop) ayes, (Davis) nays

The Supervisor declared the amendment to the ordinance granted

The amendment was adopted on January 13, 2003 and shall take effect on February 24, 2003


Alan Nimtz
Pipestone Township Clerk

**TOWNSHIP OF PIPESTONE
BERRIEN COUNTY MICHIGAN**

AMENDMENT #2007-1

Adopted: January 8, 2007

Published: January 17, 2007

Effective: January 25, 2007

AMENDMENT TO PIPESTONE TOWNSHIP ZONING ORDINANCE 88-1,
to incorporate the requirements of PA 110 of 2006, Michigan Zoning Enabling Act by the
amendment of various sections; and to repeal all ordinances of parts of ordinances in
conflict herewith.

BE IT HEREBY ORDAINED an amendment to the Pipestone Township Zoning Ordinance regulating the development and the use of the land has been adopted by the Township Board of the Township of Pipestone.

In accordance to Article XVI, Section 16.02 of the Pipestone Township Zoning Ordinance #88-01, said Ordinance is amended as follows:

SECTION I
AMENDMENT OF ORDINANCE 88-1

The Pipestone Township Zoning Ordinance is hereby amended by changing all references to the Township Zoning Act and Township Rural Zoning Act to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as may be amended from time to time.

SECTION II
AMENDMENT TO ARTICLE I

Subsection 1.01(B) is hereby amended to reference Ordinance 88-1, as amended;

Subsection 1.01(C) is hereby amended to read as follows: If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within 10 days after the amendment has been approved by the Township Board, with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Board, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Township Supervisor and attested by the Township Clerk. No amendment to this ordinance shall become effective until 7 days after publication, pursuant to PA 110 of 2006.

SECTION III
AMENDMENTS TO ARTICLE IV

Subsection 4.03(A)(3) is hereby amended to read as follows: If any such nonconforming use of land is abandoned for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which the land is located;

Subsection 4.05(A)(3) is hereby amended to read as follows: If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use as a Special Land Use, provided that the Township Board, upon making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the district than the existing non conforming use. In permitting such change, the Township Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

Subsection 4.05(A)(5) is hereby amended to read as follows: When a nonconforming use of a structure, or structure and premises in combination, is abandoned for twelve (12) consecutive months (except when circumstances beyond the control of the owner impede access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

SECTION IV
AMENDMENT TO ARTICLE V

Section 5.04(4) is hereby amended by adding and incorporating the following special land uses sentence in the AG: . . . (l) bed and breakfast; (m) adult foster case (7 – 12 beds); (n) adult foster care (13-20 beds); (o) group day care home; (p) auction house. (All other text in this section remains unchanged)

SECTION V
AMENDMENTS TO ARTICLE X

Subsection 10.03(A) is hereby amended to read as follows: Copy of Application to Planning Commission The Township Clerk shall forward a copy of the application for a Special Land Use Permit to the Planning Commission within a reasonable time of receipt of a complete application. The Planning Commission shall review and make recommendations on the application to the Township Board, in compliance with Section 10.04 B, within a reasonable time of receipt of the application. All Planning Commission comments or recommendations shall be advisory and submitted to the in writing to the Township Board.

Subsection 10.03(B) is hereby amended to read as follows: Hearing After a preliminary review of the site plan and an application for a Special Land Use Permit, the Township Planning Commission shall hold a public hearing on the site plan and special land use application. Notice of the hearing shall be provided in accordance with the provisions of PA 110 of 2006, Michigan Zoning Enabling Act, as amended from time to time.

10B - Not less than 15 days

Section 10.04(A) is hereby amended to revise the following sentence of this section to read: The decision to approve, approve with conditions or deny an application for a Special Land Use Permit shall be retained as part of the record of action on the application and shall include a reference to the Township Board's findings and conclusions, which specify the basis for the Board's decision, any changes to the originally submitted application and site plan necessary to insure compliance with the ordinance, and any conditions imposed with approval. (All other text in this section remains unchanged)

Section 10.04(B)(3) is hereby amended to revise the following sentence of this section to read: The Township Board, upon advice from the Township Engineer, Township Building Official or other designated agent, shall rebate, within a reasonable time and upon written application by the project developer, the percentage of a cash performance guarantee as equates to the percent of work completed on the job. (All other text in this section remains unchanged)

SECTION VI
AMENDMENT TO ARTICLE XI

Section 11.04 (A) is hereby amended to revise this section to read: The Township Board, upon receipt from the Planning Commission of its report and findings, may then approve, approve with conditions or deny such Special Land Use and Exceptions for such Planned Unit Development. The Township Board, in making their decision on a Planned Unit Development, must prepare a report including the Board's conclusions and findings, the basis for its decision and any conditions of the approval. Approval of a Planned Unit Development must be subject to the following limitations in addition to those standards established in Section 10.04, B.

SECTION VII
AMENDMENT TO ARTICLE XIV

Section 14.01(A) is hereby amended to read as follows: A Zoning Board of Appeals is hereby established which shall consist of 3 members to be appointed in accordance with PA 110 of 2006, Michigan Zoning Enabling Act, as amended.

1. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission and his term of office on the Board of Appeals shall be concurrent with his term of office as a member of the Planning Commission.
2. One regular member of the Board of Appeals may be a member of the legislative body, but may not serve as chairperson of the Board of Appeals.
3. Board of Appeals members shall serve three (3) year terms of office, except for the Board of Appeals members who serve on either the Planning Commission of the Township Board. The terms of these Board of Appeals members will be concurrent with those of their office(s) on the Planning Commission and/or Township Board.
4. An employee or contractor of the Township may not serve on the Zoning Board of Appeals.

5. The Board of Appeals may appoint not more than two (2) alternate members for the same term as regular ZBA members.
6. The Township Board may remove Board of Appeals members for misfeasance, malfeasance, nonfeasance in office, upon written charges and a public hearing.
7. A Board of Appeals member shall disqualify himself from a vote in which the member has a conflict of interest which would constitute malfeasance in office.
8. When first appointed, Board of Appeals members terms may be staggered, pursuant to PA 110 of 2006,
9. Board of Appeals vacancies shall be filled within one (1) month of the expiration of the term of a previous member.
10. The Board of Appeals shall not conduct business unless a majority of the regular membership is present.

Section 14.02(A)(1) is hereby amended to read as follows: Appeals; Filing Appeals to the Board of Appeals regarding a zoning ordinance interpretation or administration of the zoning ordinance may be taken by any party aggrieved by any decision of the Zoning Administrator. Such appeal shall be taken within reasonable time of the aggrieved action, by filing an application for Zoning Board of Appeals review with the Zoning Administrator. The Zoning Administrator shall, within a reasonable time, forward all papers constituting the record upon which the action appealed from was taken.

Section 14.02(A)(2) is hereby amended to read as follows: Hearings. The Board of Appeals shall fix a reasonable time, from date of receipt of a complete application, for a hearing. The Board of Appeals shall give due notice of such hearing, pursuant to the requirements of PA 110 of 2006, Michigan Zoning Enabling Act, as may be amended from time to time.

Section 14.02(B) is hereby amended as follows: Removal of phrase "unnecessary hardship" from first paragraph of this Section. (All other text in this section remains unchanged)

Section 14.02(B)(4) is hereby amended to read as follows: The hearing shall be held within a reasonable time after the application is submitted. Any party may appear in person, by agent or by attorney.

SECTION VIII **AMENDMENT TO ARTICLE XVI**

Section 16.02(B)(4) is hereby amended to read as follows: If the proposed amendment would require a change in the Official Zoning Map, the names and addresses of all persons to whom real property is assessed within 300 feet of the property, and the names and addresses of occupants of all structures within 300 feet of the property, including property owners and occupants located outside of the zoning jurisdiction.

Section 16.02 (D) is hereby amended to read as follows: Public Hearing. The Planning Commission, upon receipt of an application from the Township Board, shall fix a reasonable time for a public hearing on the amendment application. The Planning Commission shall hold at least one public hearing on a zoning ordinance amendment application. The Planning Commission shall give notice of such public hearing, pursuant

to the requirements of PA 110 of 2006, Michigan Zoning Enabling Act, as may be amended from time to time.

Section 16.02(E) is hereby amended to read as follows: As required by PA 110 of 2006, as amended from time to time, all notice of such public hearings shall include the following information:

1. Describe the nature of the request;
2. Indicate the property that is the subject of the request, including a list of all street addresses within the property. If no such street addresses exist, another means of identifying the property shall be included.
3. State the time and place where the request will be considered.
4. Indicate the time and place that written comments will be received concerning the request.

Section 16.02(H) is hereby amended to read as follows: As required by PA 110 of 2006, as amended from time to time, the Township Board may hold a public hearing on a zoning ordinance amendment request if the Board considers it necessary or as may otherwise be required. The Township Board shall grant a public hearing on a proposed zoning ordinance amendment if a Township property owner requests same by certified mail, addressed to the clerk of the legislative body.

Section 16.02(I) is hereby amended to read as follows: Thereafter, the Township Board may adopt and enact the zoning ordinance amendment pursuant to PA 110 of 2006, Michigan Zoning Enabling Act, as amended from time to time.

Section 16.02(J) is hereby amended to read as follows: Upon enactment of any zoning ordinance amendment by the Township Board, the zoning ordinance amendment shall be filed with the Township Clerk and a notice of ordinance adoption published in a newspaper of general circulation within the Township within 15 days after adoption, as required by PA 110 of 2006. The notice shall also be mailed to the airport manager of any airport located within the Township. The notice shall include the following information:

1. In the case of a newly adopted zoning ordinance, the following statement, "A zoning ordinance regulating the development of and use of land has been adopted by the legislative body of Pipestone Township;
2. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including geographic area affected, or the text of the amendment;
3. The effective date of the ordinance or amendment;
4. The place and time when a copy of the ordinance or amendment can be purchased or inspected.

SECTION IX **SEVERABILITY**

Should any section, clause or provision of this Amended Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then

and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Amendment.


SECTION X
EFFECTIVE DATE

This amendment shall be effective eight (8) days after publication, following adoption. All ordinances or parts of ordinances in conflict with this Amended Ordinance are hereby repealed.

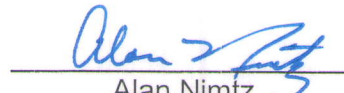
A motion was made by Nimtz supported by Davis to amend the Pipestone Township Zoning Ordinance #88-01 as stated above. Upon roll call vote ayes (Harner, Nimtz, Skibbe, Bishop, Davis), nays (none)

The Supervisor declared the amendment to the ordinance granted

The amendment was adopted on January 8, 2007 and shall take effect on January 25, 2007.



Hazen Harner
Pipestone Twp Supervisor



Alan Nimtz
Pipestone Twp Clerk

CERTIFICATION

I, Alan Nimtz, Pipestone Township Clerk hereby certify that the above amendment to Pipestone Township Zoning Ordinance 88-1 was adopted on the 8th day of January, 2007 . The notice of adoption was published in the herald Palladium on the 17th day of January, 2007 and will become effective the 25th day of January, 2007.



Alan Nimtz, Pipestone Twp Clerk

**PIPESTONE TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 2010-1

ADOPTED: JULY 12, 2010

**EFFECTIVE: EIGHT DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Pipestone Township Zoning Ordinance, in order to provide standards and regulations for the location and development of wind energy systems, and to repeal all Ordinances or parts of Ordinances in conflict herewith.

**THE TOWNSHIP OF PIPESTONE,
BERRIEN COUNTY, MICHIGAN**

ORDAINS:

**SECTION 1
AMENDMENT TO ARTICLE V, SECTION 5.02
OF THE PIPESTONE TOWNSHIP ZONING ORDINANCE**

Article V, Section 5.02, Subsection 3 (R1-A Permitted Accessory Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new paragraph f, which shall read as follows:

f. On site wind energy systems up to sixty feet (60') in height, subject to the requirements of Article XVII, Section 17.07.

Article V, Section 5.02, Subsection 4 (R1-A Special Land Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new paragraph l, which shall read as follows:

l. On site wind energy systems sixty feet (60') or greater in height, subject to the requirements of Article XVII, Section 17.07.

**SECTION 2
AMENDMENT TO ARTICLE V, SECTION 5.03
OF THE PIPESTONE TOWNSHIP ZONING ORDINANCE**

Article V, Section 5.03, Subsection 3 (R-2 Permitted Accessory Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new paragraph e, which shall read as follows:

e. On site wind energy systems up to sixty feet (60') in height, subject to the requirements of Article XVII, Section 17.07.

Article V, Section 5.03, Subsection 4 (R2 Special Land Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new paragraph h, which shall read as follows:

h. On site wind energy systems sixty feet (60') or greater in height, subject to the requirements of Article XVII, Section 17.07.

SECTION 3
AMENDMENT TO ARTICLE V, SECTION 5.04
OF THE PIPESTONE TOWNSHIP ZONING ORDINANCE

Article V, Section 5.04, Subsection 3 (AG Permitted Accessory Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new paragraph d, which shall read as follows:

d. On site wind energy systems up to sixty feet (60') in height, subject to the requirements of Article XVII, Section 17.07.

Article V, Section 5.04, Subsection 4 (AG Special Land Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add new paragraphs q, r and s, which shall read as follows:

q. On site wind energy systems sixty feet (60') or greater in height, subject to the requirements of Article XVII, Section 17.07.

r. Commercial grade wind energy system, subject to the requirements of Article XVII, Section 17.07

s. Utility grade wind energy system, subject to the requirements of Article XVII, Section 17.07.

SECTION 4
AMENDMENT TO ARTICLE V, SECTION 5.05
OF THE PIPESTONE TOWNSHIP ZONING ORDINANCE

Article V, Section 5.05, Subsection 3 (C Permitted Accessory Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new paragraph b, which shall read as follows:

b. On site wind energy systems up to sixty feet (60') in height, subject to the requirements of Article XVII, Section 17.07.

Article V, Section 5.05, Subsection 4 (C Special Land Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add new paragraphs j, k and l, which shall read as follows:

j On site wind energy systems sixty feet (60') or greater in height, subject to the requirements of Article XVII, Section 17.07.

k. Commercial grade wind energy system, subject to the requirements of Article XVII, Section 17.07

l. Utility grade wind energy system, subject to the requirements of Article XVII, Section 17.07.

SECTION 5
AMENDMENT TO ARTICLE V, SECTION 5.06
OF THE PIPESTONE TOWNSHIP ZONING ORDINANCE

Article V, Section 5.06, Subsection 3 (M Permitted Accessory Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new paragraph d, which shall read as follows:

d. On site wind energy systems up to sixty feet (60') in height, subject to the requirements of Article XVII, Section 17.07.

Article V, Section 5.06, Subsection 4 (M Special Land Uses) of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add new paragraphs c, d and e, which shall read as follows:

c On site wind energy systems sixty (60') or greater in height, subject to the requirements of Article XVII, Section 17.07.

d. Commercial grade wind energy system, subject to the requirements of Article XVII, Section 17.07

e. Utility grade wind energy system, subject to the requirements of Article XVII, Section 17.07.

SECTION 6
ADDITION OF ARTICLE XVII, SECTION 17.05
TO THE PIPESTONE TOWNSHIP ZONING ORDINANCE

Article XVII of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new section 17.05, which shall be reserved for future use.

SECTION 7
ADDITION OF ARTICLE XVII, SECTION 17.06
TO THE PIPESTONE TOWNSHIP ZONING ORDINANCE

Article XVII of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new section 17.06, which shall be reserved for future use

SECTION 8
ADDITION OF ARTICLE XVII, SECTION 17.07
TO THE PIPESTONE TOWNSHIP ZONING ORDINANCE
WIND ENERGY SYSTEMS

Article XVII of the Pipestone Township Zoning Ordinance, as amended, is hereby amended to add a new section 17.07, Wind Energy Systems, which section provides that:

Section 17.07 Wind Energy Systems

A. Purpose: This section shall provide for the regulation of wind energy systems, including the height, minimum lot area and required setbacks for such systems, and is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents and property owners.

B. Definitions:

1. Ambient: The level of noise that exists in absence of unrelated wind turbine sound and is normally present at least ninety percent (90%) of the time. Ambient noise level shall not be measured during sporadic noise events such as seasonal farming or weather events which could distort the establishment of a baseline noise level representative of the area.
2. Anemometer tower: a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition system (SCADA) which is an accessory land use to a utility grid wind energy system. An anemometer tower is also known as a Met tower.
3. ANSI: American National Standards Institute.

4. Commercial Grade Wind Energy Systems: A land use for generating power from the wind that is accessory to a legal principal use and intended to primarily serve the electric power consumer at that site. A Commercial Grade Wind Energy system shall be greater than 25 kw.
5. dB(A): The sound pressure level in decibels.
6. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
7. IEC: International Electrotechnical Commission.
8. ISO: International Organization for Standardization.
9. Lease area boundary: The boundary around property leased for purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease area boundary shall not cross road rights of way.
10. On Site Use Wind Energy Systems: a land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site. An On Site Wind Energy System shall be less than 25 kw.
11. Rotor: An element of a wind energy system that acts as a multi- bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
12. SCADA Tower: A freestanding tower containing instruments such as anemometers that are designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
13. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as, but not limited to, a window in a dwelling unit.
14. Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of sound measured at a receiver.
15. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
16. Utility Grid Wind Energy System: A land use for generating power by use of the wind at multiple tower locations in a community, including accessory uses such as, but not limited to, a SCADA tower and electric substation. A utility grid wind energy system is designed and built to provide electric power to the electric utility grid rather

than to the electric power consumer on site. A Utility Grid Wind Energy System shall be greater than 25 kw.

17. Wind Energy System: A land use for generating power by use of the wind; utilizing wind turbine generators, including the turbine, blades, the tower, and related electrical equipment. This does not include wiring to connect the wind energy system to the electric utility grid.

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

C. On Site Use Wind Energy Systems

1. On Site Use Wind Energy System as a permitted land use. An on site use wind energy system, which is intended to primarily serve the needs of the consumer, is less than 25 kw and with no tower or with a tower less than sixty (60) feet in height, shall be a permitted use in all zoning classifications where structures of any sort are allowed, subject to the following requirements.

a. Property Set-back: The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1 time the height of the wind energy system tower, including the top of the blade when extended to its full vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1 time the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than 25 feet to the owner's property lines.

b. Sound Pressure Level: On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the maximum sound pressure level at any property line shall be ambient dB(A) plus 5 dB(A).

c. Construction Codes, Towers, & Interconnection Standards: On Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. The structural elements including the foundations shall meet or exceed the manufacturers' engineered recommendations. On Site Use wind energy systems including towers shall comply with Federal Aviation administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.) the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) and any local jurisdiction airport overlay zone regulations. An interconnected On Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

d. Safety: An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 25 feet for a wind energy system employing a horizontal axis rotor. No part of any blade shall be closer to the ground than 25 feet.

2. On Site Use Wind Energy System as a special land use. An On Site Use wind energy system which is intended to primarily serve the needs of the consumer and is less than 25 kw and which has a tower or other equipment extending to sixty (60') feet or more in height shall require special land use approval in all zoning classifications in Pipestone Township. All special use applications shall comply with the provisions of Article X of the Pipestone Township Zoning Ordinance, as amended, as well as being subject to the following conditions:

a. Property Set-back: The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1 time the height of the wind energy system tower, including the top of the blade when extended to its full vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1 time the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than 25 feet to the owner's property lines.

b. Sound Pressure Level: On Site Use wind energy systems shall not exceed 55 dB(A) at any property line. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the maximum sound pressure level at any property line shall be ambient dB(A) plus 5 dB(A).

c. Construction Codes, Towers, & Interconnection Standards: On Site Use wind energy systems, including towers and all appurtenant equipment, shall comply with all applicable state construction and electrical codes and local building permit requirements. The structural elements including the foundations shall meet or exceed the manufacturers engineered recommendations. On Site Use wind energy systems including towers shall comply with Federal Aviation administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.) the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) and any local jurisdiction airport overlay zone regulations. An interconnected On Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

d. Safety: An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire

anchors. The minimum vertical blade tip clearance from grade shall be 25 feet for a wind energy system employing a horizontal axis rotor. No part of any blade shall be closer to the ground than 25 feet.

e. Prior to the installation of an On Site Use wind energy system with a tower higher than an overall height of sixty (60') feet, an application for a Special Land Use permit shall be filed with Pipestone Township and shall be approved. Such application shall comply with all requirements of Article X of the Pipestone Township Zoning Ordinance and will also include, at a minimum:

- 1) applicant identification, including proof of property ownership or proof of other right to use the property for a wind energy system;
- 2) a site plan, which shall include, at a minimum,
 - a) the location of the proposed tower(s) on site, meeting a minimum set back from property lines, road rights of way, private roads and any access easements, and associated occupied dwelling units of 100% of the height of the tower including the blade extended in its most vertical position;
 - b) all properties within 300 feet of the property proposed for the installation of a wind energy system.
 - c) all other site plan requirements as contained in Article X and Article XII.
- 3) documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met;
- 4) proof of the applicant's public liability insurance;
- 5) proof that all other special land use conditions contained in Article X have been satisfied.

f. Anemometer towers more than sixty (60) feet in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system shall require special land use approval. Prior to installation of an anemometer tower more than sixty (60') feet in height, an application for a Special Land Use permit shall be filed with Pipestone Township and approved. Such application shall comply with all requirements of Article X of the Pipestone Township Zoning Ordinance and will also include, at a minimum:

- 1) applicant identification, including proof of property ownership or proof of lease or other right to use the property proposed for development with a wind energy system;
- 2) a site plan, which shall include, at a minimum,
 - a) the location of the proposed tower(s) on site, meeting a minimum set back from property lines, public or private road rights of way and associated occupied dwelling units of 100% of the height of the tower including the blade extended in its most vertical position;
 - b) all properties within 300 feet of the property proposed for the installation of a wind energy system.

- c) all other site plan requirements as contained in Article X and Article XII.
- 3) documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met;
- 4) proof of the applicant's public liability insurance;
- 5) proof that all other special land use conditions contained in Article X have been satisfied.

D. Commercial Grade Wind Energy Systems

1. Commercial Grade Wind Energy System as a special land use. A commercial grade wind energy system shall be allowed in the following zoning districts, subject to special land use approval: AG, Agricultural District; C, Commercial District and M, Industrial District.

a. All elements of a commercial grade wind energy system, including foundations, must be designed, prepared and sealed by a professional engineer knowledgeable in the wind energy systems and registered in Michigan.

b. Property Set-Back: A commercial grade wind energy system shall be contained in the setbacks of the zoning district in which the wind energy system will be located and within the leased boundary area, if applicable. All anchoring devices shall be located so as not to infringe on the set-back requirements of the district.

The distance between a commercial grade wind energy system and the property lines of adjacent non-leased properties, including public roads, public rights of way, private roads and/or private rights of way (including railroad or public utility rights of way) shall be at least the height of the wind energy system tower, including the top of the blade extended to its full vertical position. Where property is leased on both sides of a public or private road right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. The lease boundary area can include more than one piece of property and the requirement shall apply to the combined properties.

SCADA (supervisory control and data acquisition) or meteorological (MET) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower.

An operations and maintenance office building, a sub-station or other ancillary equipment shall comply with any property set-back requirement of the underlying zoning district. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.

c. Maximum height of commercial grade wind energy system. The maximum height of any commercial grade wind energy system shall be 300 feet from the ground to the tip of the blade extended to its full vertical position.

d. Minimum ground clearance. The tip of the blade for commercial wind energy systems shall come no closer to the ground than 35 feet.

e. Sound Pressure Level: A commercial grade wind energy system shall not exceed 55 dB(A) at any property line or the lease boundary area, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

f. Construction Codes, Towers, & Interconnection Standards: Commercial grade wind energy systems, including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. The structural elements including the foundations shall meet or exceed the manufacturers' engineered recommendations. Commercial grade wind energy systems including towers shall comply with Federal Aviation administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.) the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) and any local jurisdiction airport overlay zone regulations. An interconnected commercial grade wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

g. Safety: A commercial grade wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 35 feet for a wind energy system employing a horizontal axis rotor. No part of any blade shall be closer to the ground than 35 feet.

h. Special use for Commercial Grade Wind Energy System: Prior to the installation of a commercial grade wind energy system an application for a Special Land Use permit shall be filed with Pipestone Township. Such application shall comply with all requirements of Article X of the Pipestone Township Zoning Ordinance and will also include, at a minimum:

- 1) applicant identification, including proof of property ownership or proof of other right to use the property for a wind energy system;
- 2) a site plan, which shall include, at a minimum,
 - a) the location of the proposed tower(s) on site, meeting a minimum set back from property lines, public and private road rights of way and associated occupied dwelling units of 100% of the height of the tower including the blade extended in its most vertical position;
 - b) all properties within 300 feet of the property proposed for the installation of a wind energy system.

- c) all other site plan requirements as contained in Article X and Article XII.
- 3) documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met;
- 4) proof of the applicant's public liability insurance;
- 5) proof that all other special land use conditions contained in Article X have been satisfied.

f. Anemometer towers more than sixty (60) feet in height used to conduct a wind site assessment for possible installation of a commercial grade wind energy system shall require special land use approval. Prior to the installation of an anemometer tower higher than an overall height of sixty (60') feet, an application for a Special Land Use permit shall be filed with Pipestone Township and approved. Such application shall comply with all requirements of Article X of the Pipestone Township Zoning Ordinance and will also include, at a minimum:

- 1) applicant identification, including proof of property ownership or proof of lease or other right to use the property proposed for development with a wind energy system;
- 2) a site plan, which shall include, at a minimum,
 - a) the location of the proposed tower(s) on site, meeting a minimum set back from property lines, road rights of way, private roads and any access easements, and associated occupied dwelling units of 100% of the height of the tower including the blade in its most vertical position;
 - b) all properties within 300 feet of the property proposed for the installation of a wind energy system.
 - c) all other site plan requirements as contained in Article X and Article XII.
- 3) documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met;
- 4) proof of the applicant's public liability insurance;
- 5) proof that all other special land use conditions contained in Article X have been satisfied.

E. Utility Grid Wind Energy Systems

1. Utility Grid Wind Energy System as a special land use. A Utility Grid wind energy system shall be allowed in the following zoning districts, subject to special land use approval: AG, Agricultural District; C, Commercial District and M, Industrial District.

a. Wind Site Assessment for a Utility Grid Wind Energy System

Prior to the construction of a Utility Grid wind energy system, a wind site assessment shall be conducted to determine the wind speeds and the feasibility of using the site.

Installation of anemometer towers, also know as meteorological (Met) towers shall be require special land use approval.

Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with Pipestone Township that will include, at a minimum, 1) applicant identification, 2) a site plan, 3) a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and 4) proof of the applicant's public liability insurance, as well as all other requirements of Article X and Article XII of the Pipestone Township Zoning Ordinance, as applicable. The special land use must be approved by Pipestone Township, prior to installation of an anemometer (Met) tower.

Setbacks for Anemometer Towers: The distance from the center of a Met tower and the property lines forming the lease area boundary shall be at least the height of the Met tower.

b. Utility Grid Wind Energy Systems

A Utility Grid wind energy system is designed and built to provide electricity to the electric Utility Grid. Utility Grid wind energy systems are allowed in the Agricultural (AG) zoning district, the Commercial (C) zoning district and the Industrial (M) zoning district, subject to special land use approval.

1) A Utility Grid wind energy system shall not be located closer than one hundred (100') feet from any structure.

2) Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with Pipestone Township and approved, as provided for in Article X of the Pipestone Township Zoning Ordinance. Such Special Land Use Permit shall satisfy all requirements of Article X of the Township Zoning Ordinance and shall also include, at a minimum:

a) Applicant Identification: name, address, contact information, as well as proof of ownership and/or lease or other right to use the property for development with a wind energy system;

b) Project description: a general description of the proposed project including a legal description of the property or properties on which the project would be located (lease area boundary, if applicable) and anticipated construction schedule, including any proposed phasing of the project.

c) Site Plan: a site plan, which shall include, at a minimum,

- i) the project area boundaries, including all property lines encompassed within the project area boundary and/or lease area boundary.
 - ii) the location, height and dimensions of all existing and proposed structures and fencing to be located within the project area boundaries, as well as within 300 feet of the project area boundaries
 - iii) the location, grades and dimensions of all existing, temporary, construction or proposed on-site roads, access roads or easements, providing access to the project area from the nearest public county or state maintained road.
 - iv) existing topography of the site, at 5 foot intervals
 - v) water bodies (including, but not limited to, lakes, streams, rivers, channels), waterways, wetlands (including all state regulated wetlands), drainage easements, drainage channels;
 - vi) all proposed infrastructure, including any proposed or existing easements;
 - vii) all other site plan requirements as contained in Article X and Article XII.
- d) Insurance: Proof of the applicant's public liability insurance.
- e) Sound Pressure Level: Copy of the noise modeling and analysis report.
- f) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
- g) Visual Impact: Visual impact simulations of how the completed project will look from four viewable angles.
- h) Environment Impact: Copy of the Environment Impact analysis.
- i) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- j) Shadow Flicker: Copy of the Shadow Flicker analysis.
- k) Manufacturer's Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- l) Decommissioning: Copy of the decommissioning plan.
- m) Complaint Resolution: Description of the complaint resolution process.
- 3) Requirements for a Utility Grid Wind Energy System. Any utility grid wind energy system shall meet the following standards and requirements.
- a) Property Set-Back: The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties, including any public roads, public

rights of way, private roads and/or private rights of way (including railroad or public utility rights of way) shall be at least the height of the wind energy system tower including the top of the blade in its vertical position. Where property is leased on both sides of a public road, public right of way, private road and/or private right of way (ie., within the lease area boundary), a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way.

SCADA (supervisory control and data acquisition) or meteorological (MET) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment in the underlying zoning district. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.

b) Sound Pressure Level: The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specification for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Pipestone Township within 60 days of the commercial operation of the project.

c) Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. The tip of the blade shall come no closer to the ground than 35 feet.

d) Safety: All utility grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower and/or near the operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice and to provide an emergency contact telephone number.

e) Visual Impact: Utility grid wind energy system projects shall use tubular towers and all utility grade wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. 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 and/or owner's identification. The wind energy system applicant shall avoid locating a utility grade wind energy system in state or federal scenic areas, or within areas of significant visual resources as contained in the Pipestone Township Master Plan.

f. Environment Impact: The applicant 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 and cultural sites, and antiquities. 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 will 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.) including but not limited to: Part 31 Water Resources Protection (MCL 324.3101 et seq.); Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.); Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.); Part 303 Wetlands (MCL 324.30301 et seq.); Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.); Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

g) Impact on public facilities and infrastructure. The applicant shall be responsible for making repairs to any public roads damaged by the construction of a Utility Grid Wind energy system. The Township may require and hold a performance security guarantee, such as a letter of credit or case bond, to insure that the required repairs to public roads are completed. The Township may also defer holding such security to the appropriate governmental agency who has authority over the public road scheduled for repair.

h) Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts of wildlife

and endangered species. 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 will remain after mitigation efforts. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract larger number of raptors. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bat, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act, and Michigan's Endangered Species Protection Law. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality. Applicants must comply with applicable sections of the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant should be aware that taking of these species is prohibited by State and/or Federal law unless the proper permits or exemptions are acquired. Early coordination with state and federal agencies is recommended. The applicant or the applicant's impact analyst should contact the U.S. Fish and Wildlife's East Lansing Field Office regarding federally-listed species and the Michigan Dept. of Natural Resources for state-listed species.

i) Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae 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 will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall 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.

j) 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 duration of the flicker at these locations from sun-rise to sun-set 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 problems.

k) Decommissioning: The applicant shall submit a decommissioning plan to the Township. The decommissioning plan shall be reviewed and approved by the Township, as a component of any special land use approval for a utility grid wind energy system. The decommissioning plan shall include, at a minimum: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.

l) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. The complaint resolution process shall be reviewed and approved by the Township, as a component of any special land use approval for a utility grid wind energy system. Additionally, during construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

SECTION 9 **SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION 10 **EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This Ordinance shall take effect eight (8) days after publication, following adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Kathy Trail, Clerk
Pipestone Township
P.O. Box 291
Eau Claire, MI 49111
269-461-6151

CLERK'S CERTIFICATE

I, KATHLEEN TRAIL, Township Clerk of the Township of Pipestone, Berrien County, Michigan, certify that at a meeting of the Pipestone Township Board held on the 12th day of July, 2010, at 8 a.m. (p.m.) at the Township Hall, located at 7185 Elm Street, Eau Claire, Michigan, at which the following members were present, the Board enacted and passed Ordinance No. 10-01, hereinbefore recorded, to become effective on the 8th day after publication and that the members of the Board present at said meeting voted on the adoption of said Ordinance No. 10-01, as follows:

Hazen Harner – yes
Kathleen Trail – yes
Richard Skibbe – yes

Robert Bishop – yes
Judy Ranbarger – yes

I do further certify that in accordance with Township Board direction, a summary of the Ordinance was published in the St. Joseph Herald Palladium, a newspaper printed in Berrien County, Michigan, and circulated in Pipestone Township on the 22 day of July, 2010; including where the same could be examined or purchased and that said Ordinance No. 10-01 was recorded in this Ordinance Book on the 22 day of July 2010, 2010.

Dated: 07-22, 2010

Kathleen Trail
Kathleen Trail

ATTEST:

Hazen Harner
Hazen Harner, Supervisor