



Zoning Ordinance

Ovid Township, Branch County, Michigan

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Acknowledgments

The participation and cooperation of the numerous community leaders and residents in the preparation of the Ovid Township Zoning Ordinance is greatly appreciated. In particular, we would like to acknowledge the efforts of the following individuals:

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Larry Omo, Trustee
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Ovid Township Zoning Administrator

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How to Use This Guide

IF YOU HAVE PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

Step 1: Find your zoning district by looking at the Official Zoning Map (large color copy available in the Township offices and a copy is attached to this ordinance).

Step 2: Look up the zoning district purpose and intent, found in Chapters 4 through 11.

Step 3: Go to the Development Standards section of each zoning district, as well as Chapter 12, Schedule of Regulations, for details on minimum lot size, required yards, and other standards for the zoning district.

Step 4: Go to the Permitted Use Regulations section of each zoning district for details on permitted uses in the zoning district.

IF YOU WANT TO ESTABLISH A PARTICULAR USE:

Step 1: Go to the Permitted Use Regulations section of each zoning district to determine if the proposed use is permitted in the zoning district. The list may note that there are supplemental design standards for this use in other chapters of the ordinance.

Step 2: Go to the Development Standards section of each zoning district to look up design standards for your proposed use and check the provisions of Chapter 15, Standards for Specific Uses for additional development standards for specific uses.

Step 3: Look up the Development Standards in the appropriate zoning district and in the Schedule of Regulations in Chapter 12 for details on minimum lot size, required yards, and other district standards. You may also be referred to Chapters 14 through 17 for additional standards including parking, landscaping, lighting, signage, etc.

Step 4: Go to Chapter 19, Site Plan Review and Approval Procedures, for details about the approval process. If the proposed use is identified as a "Special Land Use," then also look up Chapter 20, Special Land Use Permit Review and Approval Procedures.

IF YOU WANT TO CHANGE YOUR ZONING DISTRICT:

Only the Township Board may rezone property, following public notice and public hearings in front of the Planning Commission and a subsequent meeting by the Township Board itself. See Chapter 24, Amendments to the Zoning Ordinance and Map for more information.

IF YOU WANT TO VARY FROM THE STANDARDS THAT APPLY:

The Zoning Board of Appeals is authorized to grant variances from some of the regulations in this Ordinance in cases of special hardship. See Section 22.04, Zoning Board of Appeals for more information.

IF YOU WANT TO...

BUILD A FENCE: See Chapter 14, General Provisions and Exceptions, Section 14.13 (Fence, Wall and Privacy Screening Regulations).

INSTALL A SIGN: See Section 14.08, Signs.

BUILD A GARAGE: See Chapter 14, General Provisions and Exceptions, Section 14.06 Accessory Structures and Uses.

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Reference Zoning Map

Chapter 1.

Title, Purpose, Scope

Section 1.01 Short Title

This ordinance shall be known and may be cited as the “Ovid Township Zoning Ordinance.” Within the following text, it may be referred to as the “Ordinance”, “this Ordinance”, or the “Zoning Ordinance.”

Section 1.02 Purpose

This Ordinance is based upon the Ovid Township Master Plan and is designed to promote the public health, safety, morals, and general welfare; to encourage the use of land in accordance with its character and adaptability thereby limiting the improper use of land; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, disposal of sewage, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources, and properties.

This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

Section 1.03 Scope

No building or structure, or part thereof, shall hereafter be erected, constructed, converted, enlarged, reconstructed, or altered, nor shall any structure, building, or land be used, occupied, designed, or arranged for any purpose other than as is established in each district by this Ordinance. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land than are imposed or required by existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

Section 1.04 Legal Basis

This Ordinance is enacted pursuant to Act 184, the “Township Zoning Act”, of the State of Michigan Public Acts of 1943, as amended. The continued enforcement of this Ordinance shall be in conformance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. [Amended: 3/10/2008; Ord. #26]

Chapter 2.

Definitions

Section 2.01 Rules Applying to Text

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

- A.** The particular shall control the general.
- B.** With the exception of this Chapter, the headings which title a chapter, section, or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- C.** The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D.** Unless the context clearly indicates to the contrary, words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words in the plural number shall include the singular number.
- E.** A "building" or "structure" includes any part thereof.
- F.** The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- G.** The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", "designed to be used", or "occupied".
- H.** Any word or term not defined herein shall be considered to be defined in accordance with its common standard definition.
- I.** Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- J.** The word "he" includes "she."

- K. The phrase “such as” shall mean “such as, but not limited to.” The phrase including” shall mean “including, but not limited to.”

Section 2.02 Definitions

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

A

Abandonment: The relinquishment of land or cessation of the use of the land by the owner or leaser without any intention of transferring rights to the land to another owner or of resuming use of the land or building.

Access Management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

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

Adult Care Facility. A facility which provides daytime care for any part of a day but less than twenty-four (24) hours a day for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client’s home.

Adult Foster Care Facility. An establishment that provides 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 for adults over eighteen (18) years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential center for persons released from or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services, and are classified as follows:

Adult Foster Care Congregate Facility. An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adult Foster Care Family Home. A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult Foster Care Large Group Home. An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

Adult Foster Care Small Group Home. An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.

Adult Uses and Sexually-Oriented Businesses. Any use of land, whether improved, vacant, or combined with vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a substantial portion of which includes matter or acting depicting, describing, or presenting specified sexual activities or specified anatomical areas.

Sexually-Oriented Businesses and Adult Uses. Sexually-Oriented Businesses and Adult uses include, but are not limited to the following:

- a) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” or “specified anatomical areas” as defined herein.
- b) **Adult Book or Video Store.** An establishment having a substantial portion (more than twenty percent (20%)) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” or “simulated nudity,” which are offered for sale or rental, or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
- c) **Adult Entertainment Cabaret.** A nightclub, bar, lounge, or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by any one or more of the following:
 - (1) An emphasis on the exposure of “specified anatomical areas;” or
 - (2) An emphasis on “specified sexual activities;” or
 - (3) An emphasis on “nudity,” “state of nudity,” or “simulated nudity;” or
 - (4) A combination of any of the above.
- d) **Adult Model Studio.** Any place where models who display “specified anatomical areas” are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- e) **Adult Motel.** A hotel, motel, or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
 - (1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing

- “specified sexual activities” and/or “specified anatomical areas”, and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
- (2) Offers a sleeping room(s) for rent for a period of time that is less than 10 hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in less than a 10-hour period creates a rebuttable presumption that the establishment is operated as an adult motel.
- f) **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to “specified sexual activities” or “specified anatomical areas”.
- g) **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities and/or “specified anatomical areas”.
- h) **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- i) **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or features live performances which are distinguished or characterized by an emphasis on the exposure of “specified anatomical areas” or by an emphasis on “specified sexual activities”.
- j) **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios, and conversation parlors. Any establishment, club, or business by whatever name designated, which offers, advertises, or is equipped or arranged to provide as part of its services massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:
- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical or healing arts professionals;
- (2) Establishments which offer massages performed by certified massage therapists;
- (3) Gymnasiums, fitness centers, and health clubs;

- (4) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (5) Continuing instruction in martial or performing arts, or in organized athletic activities;
 - (6) Hospitals, nursing homes, medical clinics, or medical offices;
 - (7) Barber shops, beauty parlors, hair stylists, and salons which offer massages by certified massage therapists;
 - (8) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear “nude” or in “a state of nudity;”
 - (9) Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas” as defined herein.
- k) **Escort Service.** An establishment which provides the services of escorting members of the opposite sex for payment of a fee.
- l) **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or “specified sexual activities” while appearing in a “state of nudity,” “simulated nudity” or while displaying “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.
- m) **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling, or tumbling between male and female persons, or between persons of the same sex, when one or more of the persons is in a “state of nudity” or “simulated nudity” and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- n) **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage of instruments, devices, or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with, or related to “specified sexual activities”, or an establishment with a segment or section devoted to the sale or display of such material.

Special Definitions. With respect to Adult Uses or Sexually Oriented Businesses, the following terms and phrases shall have the following meanings:

- a) **Buttock.** The anus and perineum of any person.
- b) **Massage.** The manipulation of body muscle or tissue of the body of another, by rubbing, stroking, kneading, tapping, or vibrating, either manually or with a device.
- c) **Massage Parlor.** An establishment wherein private massage is practiced, used, or made available as a primary use of the premises.
- d) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - (1) Genitals, whether or not in a state of sexual arousal; or
 - (2) Pubic region or pubic hair; or

- (3) Buttock(s); or
- (4) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
- (5) Any combination of the above.
- e) **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual “state of nudity”.
- f) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person’s body, or of any object, into the genital or anal openings of another’s body.
- g) **Sodomy.** Sexual bestiality.
- h) **Specified Anatomical Areas.** Portions of the human body defined as either of the following:
 - (1) Less than completely and opaquely covered:
 - (i) Buttock and anus;
 - (ii) Female breast below a point immediately above the top of the areola; or
 - (iii) Human genitalia and pubic region.
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- i) **Specified Sexual Activities.** The explicit display of one or more of the following:
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;
 - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;
 - (4) Human excretory functions as part of or as related to any of the activities described above;
 - (5) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to any of the activities described above.
- j) **Substantial Portion.** A use or activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

Agriculture. The act or business of cultivating or using the land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purpose related to farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Alley. A right-of-way that affords only a secondary means of access to adjacent property.

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

Animal, Wild or Exotic. Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following: alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.

Animal Uses. Agricultural operations primarily involving the breeding and raising of farm animals for a commercial purpose. Recreational or hobby farms with more than three (3) animals per occupant shall be considered animal uses as well.

Apartment. An apartment is an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.

Appeal. An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

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

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

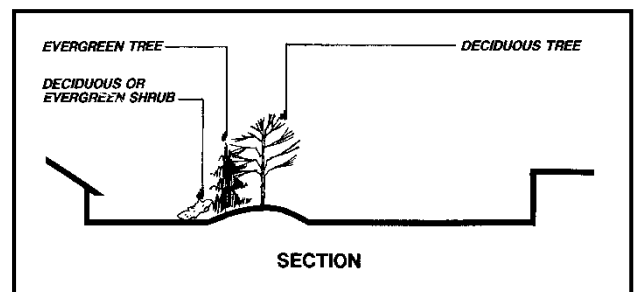
B

Basement. That portion of a building wholly or partly below grade, but so constructed that the majority of the basement is located below the average grade vertical distance from the average grade to the basement floor shall be greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement, and shall not be used for dwelling units, offices, retail sales or manufacturing, but may be used for storage, heating and utility facilities, bonus rooms, etc. Should the vertical distance between the floor and midpoint, and ceiling and midpoint, be equal the area shall be counted as a basement.

Bed and Breakfast Inn. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

Berm. A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.



Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating, between the nearest such street or unsubdivided acreage, railroad right-of-way, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Boat. See Recreation Vehicle.

Boat Dock. A pier extending into the water, which allows the free flow of water underneath it, for the purposes of parking and accessing boats.

Boat Lift. A device referred to as a hoist, davits, etc., that may be used to raise boats or cargo. Boat lifts used for personal watercraft and recreational boats are sometimes referred to as “shore stations.”

Boat Pier. See Pier.

Boat Well. A man-made slip, which encroaches into the waterfront yard, for the purposes of storing boats.

Buffer Area. An area, usually landscaped, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Buffer Strip. A strip of land often required between certain zoning districts or land uses reserved for plant material, greenbelts, berms, walls, or fencing to serve as a visual barrier.

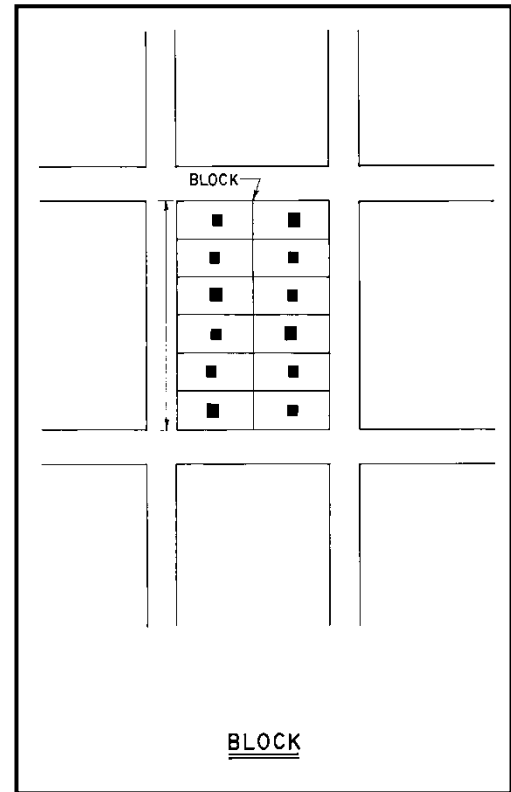
Buildable Area. The space remaining on a lot after compliance with the minimum required setbacks of this Ordinance.

Build to Line. An alignment established a certain distance from the front property line to a line along which the building shall be built. Certain projections shall be exempt for build to line requirements.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, property, equipment or similar items. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, and sheds.

Accessory Building or Structure. A building or structure, or portion of a primary building, subordinate to and on the same premises as the primary building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the primary building and use. Accessory structures shall include, but not limited to, garages, garden equipment sheds, small greenhouses and swimming pools.

Primary Building. A building in which the primary use of the lot is conducted.



Building Height. The vertical distance measured from the natural grade prior to construction to:

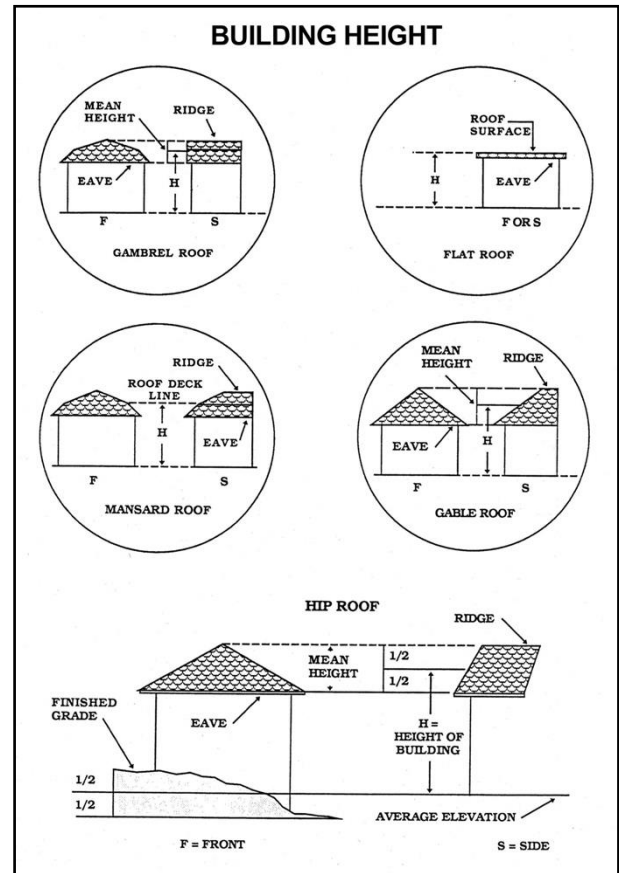
1. the highest point of the coping of a flat roof;
2. to the deck line of a mansard roof; or,
3. to the average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
4. seventy-five percent (75%) of the height of an A-frame.

Where a building is located on sloping terrain, the height shall be computed using the average grade measured at the building wall on all four sides (see illustration).

Building Official. The officer or other authority designated by the Township Board to administer and enforce the Building Code. In the case of Ovid Township, the Branch County Building Department is the designated building official for the Township.

Building Permit. A building permit is the written authority issued by the Branch County Building Department permitting the construction, removal, repair, moving, alteration or use of building in conformity with the provisions of this Ordinance.

Building Setback Line. A line parallel to a street right-of-way, private road easement, edge of a stream or lake, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, easement, water body, or other property line.



C

Caliper. The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

Care Facility. An institutional use of a building or property whereby a publicly or privately funded program enables persons to receive medical, psychological, emotional or other rehabilitative care as an out-patient or live-in patient. This definition does not include those institutional uses provided for elsewhere in this Ordinance, nor does it include foster care programs or homes.

Central Sewer System. The minimum requirements for a community wastewater disposal system shall be in accordance with the Recommended Standards for Wastewater Facilities (1990 edition). Community septic fields or cluster septic fields may be considered adequate measures to reduce lot size requirements only when allowed by the County Board of Public Works or Health Department as a more viable alternative to connecting to a central sewer system. Where feasible, connection to an existing wastewater collection and treatment system is preferred.

Central Water System. The minimum requirements for a community drinking water system (type II wells) shall be in accordance with Michigan Public Act 399 and the Recommended Standards for Water Works (1987 edition). All water mains shall be sized to provide fire flows in accordance with Insurance Services Office (ISO) guidelines (Sections 300 - 340) with a minimum diameter of eight inches. The maximum length of an unlooped water main shall be 809 feet.

Certificate of Occupancy. A certificate issued after final inspection indicating that all the provisions of this Ordinance are being complied with. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

Child Care Organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended, or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

Child Caring Institution. A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

Child Day Care Center. A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Family Child Day Care Home. A private home, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Foster Family Home. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Foster Family Group Home. A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Group Child Day Care Home. A private home, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption.

Church, Temple, Place of Worship, or Religious Institution. A religious institution, or a site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

Civic Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Clustering. A development design technique in which uses are grouped or “clustered” in specific areas on a site. The remaining land can then be used for recreation, open space, and/or preservation of environmentally sensitive areas.

Commercial Vehicle. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

Semi-trailer. A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.

Truck Tractor. A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.

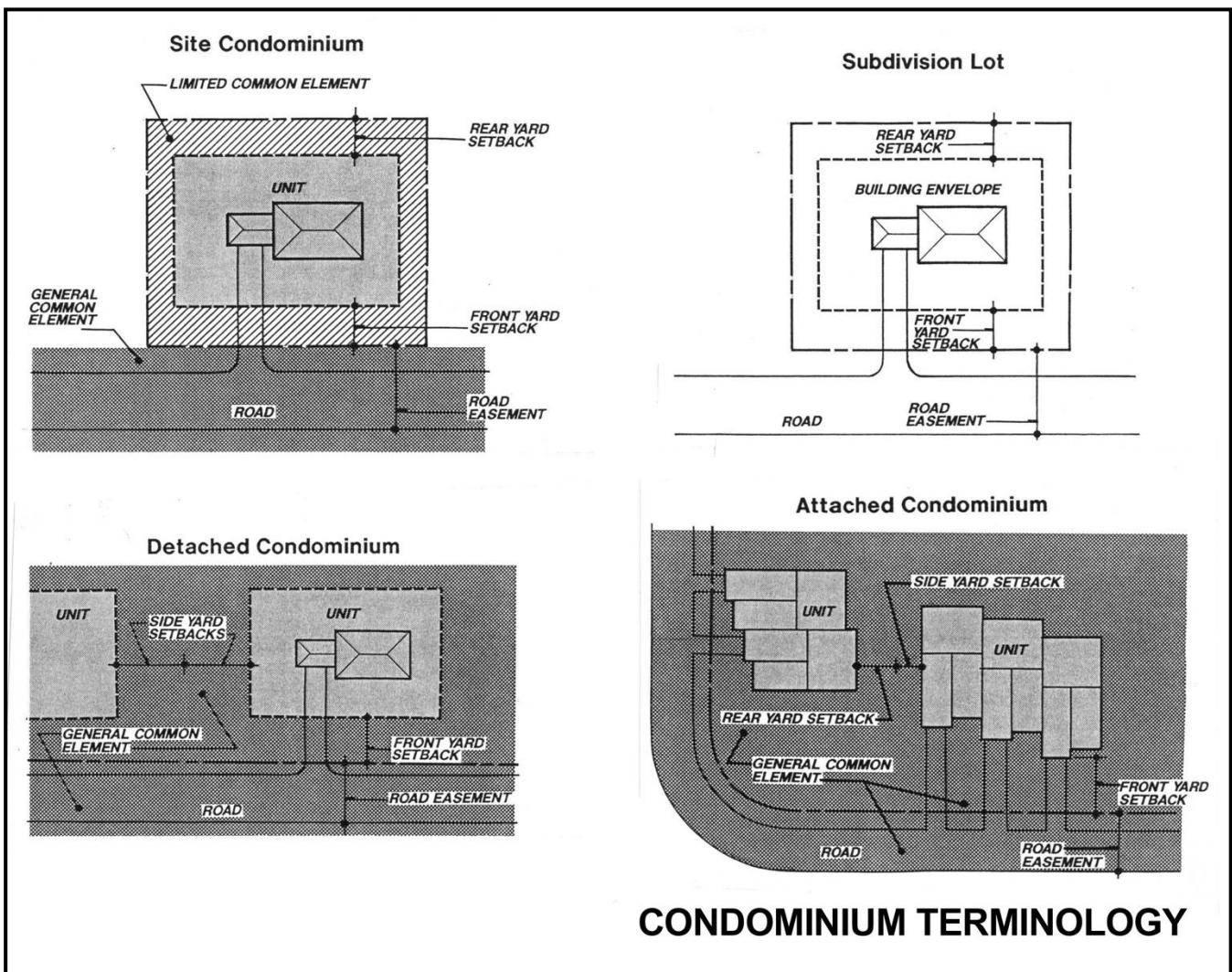
Other Commercial Vehicles. Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Common Open Space. An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Community Center. A building dedicated to social or recreational activities, serving the Township or a neighborhood and owned and operated by the Ovid Township, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the Township.

Composting Center. Composting is the biological decomposition of organic matter under controlled conditions that are characterized by aerobic, elongated piles (windrows) that generate heat. A composting center is a location where organic matters is collected and delivered from off-site, thereby allowing for large-scale composting involving various composting technologies.

Condominium. A condominium is a system of separate ownership of individual units and/or multiple-unit projects according to the state Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.



Convertible Area. A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

General Common Element. The common elements other than the limited common elements intended for the common use of all co-owners.

Limited Common Element. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Site Condominium. All allocation or division of land permitted under the State of Michigan Condominium Act, Act 59 of 1978 as amended, which permits single family detached housing pursuant to a master deed.

- a) **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- b) **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- c) **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
- d) **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Ovid Township Code of Ordinances and the Condominium Act.
- e) **Convertible Condominium.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- f) **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- g) **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - (1) **Front Yard Setback.** The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from a parallel line fifteen (15) feet from the nearest pavement edge to the foundation of the unit.
 - (2) **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; Within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district. Along the parameter of the development, the setback shall be measured from the property line of the development.
 - (3) **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district unless otherwise stated in this Ordinance.

- h) **Site Condominium Project.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Convalescent or Nursing Home. A home for the care of children, the aged or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. Such home shall also conform to and qualify for a license under applicable State laws (Public Act 139 of 1956, as amended).

Corner Clearance Area. A triangular area, formed at an intersection of any two street rights-of-way by a straight line drawn from one right-of-way line to the other at a distance along each line of ten (10) feet from their intersection point.

Deck. A platform, typically constructed of wood or wood composite, which is typically attached to the house and used for outdoor leisure activities having an elevation greater than nine (9) inches above the existing elevation.

D

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units situated on or to be developed per net or gross acre of land.

Detention basin. A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

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

Discontinuance. A vacation of lot, building, or structures, or a ceasing of the activities related to the nonconforming situation.

District. A portion of Ovid Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term “zone” or “zoning district.”

Double Frontage Lot. Lots that have frontage on two (2) non intersecting streets.

Driveways. A private lane, designed primarily for use by vehicles that connects a house, garage, or other buildings with the road.

Dumpster Enclosure. Any exterior space that secures or screens containers, structures, or other receptacles intended for temporary storage of solid waste materials.

Dwelling or Dwelling Unit. A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, cooking, eating, and sanitation. “Facilities for cooking” shall mean either cooking appliances (stove, oven, refrigerator, etc., but not microwaves) or the gas or electrical connections required for such appliance.

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

- a) **Accessory Apartment.** A dwelling for one (1) family located within a primary building occupied by a permitted use in the district, with separate and individual kitchen, bath, and toilet facilities, and a separate and distinct private entrance (i.e. “mother-in-law” apartment).
- b) **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking, and sleeping purposes, and having no separate designated entrance.

Attached Dwelling. A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

Detached Dwelling. A dwelling unit which is not attached to any other dwelling unit by any means.

Manufactured Dwelling. A building or portion of a building designed for long-term residential use and characterized by all of the following:

- a) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
- b) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
- c) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Modular Dwelling. A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.

Multiple Family Building. A building divided into apartments, townhouses, or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families with each floor having two (2) means of egress, exclusive of an elevator.

Single-Family Dwelling. A building designed exclusively for residential occupancy by not more than one family.

Stacked Flats Building. A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane in an appropriate manner for multiple-family uses. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.

Townhouse. A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building with no visible separation between walls or roof. Each townhouse dwelling shall be capable of individual use and maintenance without trespassing upon adjoining dwellings, and access, utilities, and service facilities shall be independent for each dwelling.

Two-Family (Duplex) Dwelling. A building designed exclusively for residential occupancy by two (2) families.

Accessory Dwelling Unit. A detached accessory structure meeting Building Code standards for residential occupation and meeting the definition of “Dwelling Unit” in this Ordinance.

E

Easement. A grant of one (1) or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

EIFS. Exterior Insulated Finish Systems; a popular building material with a stucco-like appearance.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply, or disposal systems therewith that is reasonably necessary for the furnishing of adequate service for the general health, safety, and welfare. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, or similar equipment and accessories associated with an essential service shall be considered essential services under this ordinance. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this ordinance.

Excavation. Any breaking of ground, except common household gardening and ground care.

F

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative and structural features.

Family.

An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children or servants of the principal occupants, with not more than two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, non-transient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable periods.

Farm. The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products.

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs(s) and/or sales, contractor's yards, snow removal businesses, lawn maintenance businesses, or any other activities other than those incidental to the bona fide farm.

Farm Animals. Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.)

Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this Ordinance when placed in a manner or position to serve as such.

Chain-link fence. A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.

Living fence. A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.

Ornamental fence. A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.

Privacy fence. A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than forty percent (40%) for the purpose of obscuring or screening an area from public view.

Rail fence. A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet (6') apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).

Temporary fence. A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Zoning Administrator for the purpose of enclosing or securing an area for a limited period of time.

- a) **Construction.** A fence erected for the purpose of securing a construction site against unauthorized access.
- b) **Special Events.** A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across street rights-of-way except as authorized by the Township Board and Branch County Road Commission, where appropriate.

Filling. Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Floor Area. The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a building or structure used for parking of motor vehicles shall not be computed in the floor area. Courtyards or balconies open to the sky and roofs which are utilized for recreation, etc., shall not be counted in the floor area but shall be a part of the recreational space.

Floor Area, Gross (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including a basement floor area where more than one-half (1/2) of the basement height is above the established lot grade at the building. However, electrical shafts, attic space, having headroom greater than 7 feet – 10 inches, interior balconies, and mezzanines are included.

Floor Area, Residential. 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 the building shall be measured from the exterior

surfaces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, however, it may include a lower level if that lower level exits directly out at grade level along at least one side, and the lower level is finished.

Floor Area, Usable (UFA). Eighty percent (80) of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities (For example, the UFA of a restaurant includes the food preparation, dining and serving areas, but not the restrooms, freezer, or pantry areas. (See illustration.)

Frontage. All the property adjacent to one side of a street, as measured along the street right-of-way line, or at the front yard setback line for pie-shaped lots on cul-de-sacs.

G

Garage. Space in a principal building, or in an accessory building or on the same lot, used for storage and maintenance of occupant-owned motor vehicles as an accessory use only.

Garbage. Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment.

Glare. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building/dwelling.

Grade, Average. The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

Grade, Finished. The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural. The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

Gross Floor Area. See Floor Area, Gross.

H

Hazardous Substance. Pursuant to Michigan Public Act 451 of 1994, as amended, A hazardous substance shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, Act No. 93 of the Public Acts of 1981, as amended, being sections 286.471 to 286.474 of the Michigan Compiled Laws:

1. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.
2. A Hazardous substance as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767.
3. A Hazardous waste as defined in Chapter 3, Part 111, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.11101 to 324.11152 of the Michigan Compiled Laws.
4. A Petroleum as defined in Chapter 8, Parts 211 and 213, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.21101 to 324.2121331 of the Michigan Compiled Laws.

Hedgerow. A row of eight (8) or more trees having a four (4) inch diameter or greater at a height of four (4) feet; the drip line of the trees defines the land area of the hedgerow.

Hospital. An institution, licensed by the Michigan Department of Health, to provide in-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time. Included as an integral part of the institutions are such related facilities as laboratories, out-patient departments, education facilities, food services and staff offices.

Hotel. One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. This definition shall include hotels, extended stay hotels, motels and inns.

J

Junk Yard or Motor Vehicle Storage or Dismantling Yard. An open area where waste, used, or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk but does not include uses established entirely within enclosed buildings. The term “junk yard” does not include drop-off stations for residential recyclables.

K**Kennel.**

Any building, lot or premises where four (4) or more dogs and/or cats (at least eight weeks of age) are kept. This shall not include residentially zoned premises or premises which are used for residential purposes, at which the occupant is keeping his or her own dogs or cats; or

Any building, lot, or premises where dogs or cats are kept or housed, for which remuneration is received.

L

Laboratory. A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landfill. A tract of land that is used to collect and dispose of “solid waste” as defined and regulated in Michigan Public Act 641 of 1979, as amended.

Landmark. A structure or property which is of value in preserving the historical, cultural, architectural or archeological heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history. Such structures or property should be preserved and restored to their historical character and should be protected from modifications which detract from their historical significance.

Lighting. The following definitions are related to lighting:

Footcandle. A unit of luminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.

Fully Shielded Fixture. A luminary constructed or shielded in such a manner that all light emitted by the luminary, either directly from the lamp or indirectly from the luminary, is projected below the horizontal plane through the luminary’s lowest light emitting part as determined by photometric test or certified by the manufacturer.

Glare. Direct light emitted by a luminary that causes reduced vision or momentary blindness.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting

Light Pollution. Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties

Light Trespass. The shining of light produced by a luminary beyond the boundaries of property in which it is located

Luminary. The complete lighting system including the lamp and light fixture.

Luminous Tube Lighting. Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.

Livestock. Horses, cattle, sheep. Goats, chickens and other domestic animals normally kept or raised on a farm.

Loading Space. An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lodge. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

Lot. A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any structures, and having frontage upon a public or private street or road.

Corner Lot. A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, where any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.

Double Frontage Lot. A lot other than a corner lot having frontage on two (2) more or less parallel streets.

Lot Area. The total area of land contained within the boundaries of lot, including rights-of-way, easements, floodplains, wetlands, and water bodies. (Net lot area does not include dedicated public or private rights-of-way or access easements, drainage easements or bodies of water.)

Waterfront Lot. A lot adjoining a body of water, such as a lake, river or canal.

Lot Coverage.

Building Lot Coverage. A ratio, expressed as a percentage, of the net lot area covered or occupied by buildings or structures to the net lot area of the zoning lot.

Surface Lot Coverage. The total footprint of all buildings, attached and detached accessory structures, roofed or enclosed porches, decks, and patios; and all imperviously paved concrete or asphalt surfaces used for patios, driveways or parking areas, divided by the net lot area of a zoning lot.

Lot Depth. The mean horizontal distance measured from the front street right-of-way line to the rear lot line.

Lot Line. Any line dividing one lot from another lot, or from a street right-of-way or from any public place. Specifically:

Front Lot Line. The line separating a lot from a street right-of-way or easement boundary (in the case of a private street that does not have either of these, this line shall be parallel to and thirty feet (30') back from the centerline of the pavement). On a corner lot, street frontages shall be considered front lot lines. In the case of waterfront lots, the lot line along the street shall be the rear lot line, and the lot line shall be located at the ordinary high watermark shall be the front lot line, unless otherwise designated.

Rear Lot Line. The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line. On a corner lot, the rear lot line shall be opposite the narrower of the two (2) street frontages.

Side Lot Line. Any lot line not a front lot line or a rear lot line.

Lot Of Record. A parcel of land, the dimensions and legal description of which are on file with the Branch County Register of Deeds and Township Treasurer, or any parcel which has been created in accordance with the provisions of State laws and local ordinances regulating the division of land and has been assigned a parcel (tax) identification number by the Assessor for Ovid Township or the Branch County Register of Deeds.

Lot Split and Consolidation. The dividing or uniting of lots by virtue of changes in the deeds in the office of the Branch County Register of Deeds and the Township Treasurer.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot lines.

M

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home shall not include modular homes, motor homes, house trailer, trailer coach, or travel trailers.

Manufactured Housing Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

Marihuana Caregiver: A person who has met the requirements of Initiated Law 1 of 2008 to be licensed as a primary caregiver, and who cultivates Marihuana in compliance with that license on residential property.

Marihuana Grow Operation Class A: A commercial facility licensed under State of Michigan Initiated Law 1 of 2018, the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 29), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30) that cultivates, dries, trims, or cures up to 100 Marihuana plants for sale to a processor or provisioning center.

Marihuana Grow Operation Class B: A commercial facility licensed under State of Michigan Initiated Law 1 of 2018, the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 20), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30) that cultivates, dries, trims, or cures between 101 and 500 Marihuana plants for sale to a processor or provisioning center.

Marihuana Grow Operation Class C: A commercial facility licensed under State of Michigan Initiated Law 1 of 2018, the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 29), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30) that cultivates, dries, trims, or cures between 501 and 2,000 Marihuana plants for sale to a processor or provisioning center.

Marihuana Microbusiness: A commercial facility under State of Michigan Initiated Law 1 of 2018, the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 29), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30) that that cultivates, dries, trims, or cures up to 150 Marihuana plants, processes and packages the plants, and sells or otherwise transfers the Marihuana to persons who are 21 years of age or older, or to a Marihuana safety compliance facility, but not to other Marihuana establishments.

Marihuana Processing Facility: A commercial facility licensed under State of Michigan Initiated Law 1 of 2018, the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 29), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30) that purchases Marihuana from a licensed grow operation and extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a provisioning center.

Marihuana Safety Compliance Facility: A commercial facility under State of Michigan Initiated Law 1 of 2018, the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 29), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30) that receives Marihuana from a licensed grow operation, licensed processing facility, or licensed caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Marihuana facility.

Marihuana Secure Transporter: A commercial facility licensed under State of Michigan Initiated Law 1 of 2018, the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 29), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30) that stores Marihuana and transports Marihuana between Marihuana facilities for a fee.

Marihuana Retail Establishment. A land use consisting of a person, entity, or business licensed under the State of Michigan Initiated Law 1 of 2018, the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 29), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30) to obtain marihuana from marihuana establishments (as defined in Initiated Law 1 of 2018) and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's Marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a Marihuana Retail Establishment for purposes of this Ordinance.

Land uses that meet this definition shall not be considered "retail" under this Ordinance, and shall instead be subject to the rules under this Ordinance specifically regulating "Marihuana Retail Establishments." Further, land uses that meet this definition shall not be considered Adult Uses, and shall not be subject to the regulations of Section 15.03."

Marquee. A structure of a permanent nature projecting from the wall of a building.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

Master Plan. The comprehensive plan(s) including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the Ovid Township, as well as the general location for all physical development of the Ovid Township, and includes any unit or part of such plan(s), and any amendment to such plan(s) or part(s) thereof. Such plan(s) shall be adopted by the Planning Commission and may or may not be adopted by Township Board.

Mezzanine. An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

Mixed Use. A structure or project containing residential and nonresidential uses.

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

Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use.

Motor Home (Trailer Coach). A self-propelled motorized vehicular unit primarily designed, used, or constructed for travel and/or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home" or "manufactured home."

N

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

Nonconformities.

Nonconforming Lot of Record. A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.

Nonconforming Site. A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.

Nonconforming Structure. A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.

Nonconforming Use Of Land. A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located, or does not have special approval where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.

Noxious. An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nursery. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

O

Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Offset. The distance between the centerlines of driveways or streets across the street from one another.

Off-Street Parking Facility. A facility located outside of the street right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use. Grading in the open space shall be minimal, with the intent to preserve existing topography.

Open Space Preservation Development. A technique that is intended to preserve the Rural Open Space Environment by grouping or clustering dwellings on some portions of the development site in order to preserve the remainder of the site as permanent open space in a natural state or for continued agricultural use. In areas not served by public sewers, units are typically clustered on the portions of the site where the soils are most capable of supporting septic systems. Rural Cluster Zoning is also known as "Open Space Zoning."

Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil and the vegetation.

P

Parapet Wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Park. Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts, or otherwise intended for active or passive recreational pursuits.

Parking Space. A space set aside for the sole purpose of parking an automobile on a temporary basis.

Patio. A platform or terrace commonly made of concrete, brick, stone, or other pavement material, which is typically attached to the house and used for outdoor activities having an elevation of no more than nine (9) inches over the existing grade.

Pavement Or Hard Surface. Plant-mixed bituminous material, concrete, and brick or masonry pavers meeting the construction specifications of the Ovid Township.

Pet. A tame animal that is subject to the dominion and control of an owner and accustomed to living in or about the house for pleasure or companionship. [Amended: 3/10/2008; Ord. #26]

Pier. (Waterfront) A structure extending outward from the shore line for use as a promenade or to secure and provide access to boats. (Also see Wharf.)

Pile, Spring, or Mooring. A column of timber, steel, or concrete driven into the ground below the water to tie off or otherwise moor a boat.

Planned Development. A form of comprehensively planned land development which permits flexibility in site design, arrangement and types of permitted uses.

Planning Commission. The Ovid Township Planning Commission created by Ordinance, being the agency designated to prepare and to recommend amendments to this Ordinance in accordance with authority of Public Act 110 of 2006, as amended. [Amended: 3/10/2008; Ord. #26]

Planting Season. The period of time during the year, as determined by a registered arborist or landscape architect, during which trees, shrubs and other plant materials may be planted with the greatest likelihood of successful growth and development.

Plat. A map of a subdivision of land.

Plat, Subdivision. The division of a tract of land for the purpose of sale, lease or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Township.

Porch. A space that serves as an entrance to a building or structure and a sheltered transition zone between indoor and outdoor areas. The space can either be enclosed (with materials other than mesh screening) or unenclosed (except for mesh screening and any necessary structural supports and architectural or safety features).

Premises. A single zoning lot, or multiple adjacent lots under common ownership occupied by a single primary use or integrated primary uses that are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.

Primary Use. See Use, Primary

Principal Use. See Use, Principal

Public or Private Utility. A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this ordinance.

R

Radioactive Materials. Materials defined as radioactive under state or federal regulations for transportation of radioactive materials.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, and fishing lot or parcel that is utilized for recreation.

Recreation Facility, Indoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Facility, Outdoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreational Vehicle. "Recreation Vehicles" shall include the following:

Boat. A watercraft (including, but not limited to any vessel, ship, motorboat, sailboat, barge, scow, tugboat or rowboat) which is any one of the following:

- a) Greater than 12 feet in length,
- b) Having a motor or engine of more than five (5) horsepower,
- c) Used for rental or other commercial purposes, or
- d) Registered or required to be registered with the Michigan Department of State.

Camper Trailer (pop-up). A canvas folding structure mounted on wheels and designed for travel and vacation use.

Motor Home. A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted on a chassis with wheels and capable of being moved place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

Personal Watercraft. A vessel that meets all of the following requirements:

- a) Uses a motor driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion,
- b) Is designed without an open load carrying area that would retain water, and
- c) Is designed to be operated by one (1) or more persons positioned on, rather than within, the confines of the hull.
- d) Registered or required to be registered with the Michigan Department of State.

Pick-Up Camper. A structure designed to be mounted on a pick-up or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

Other Recreational Equipment. Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

Travel Trailer. A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational and vacation uses and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water and electrical facilities.

Repair And Maintenance, Ordinary. Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Restaurant. Any establishment whose primary business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation and whose design and principal method of operation includes the following:

1. Suitable seating for customers and/or a service counter for carry-out orders.
2. Adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night.
3. Customers are served their food and beverages by a restaurant employee at the table where such items will be consumed, or at the counter where such items are ordered by the customer.

Restaurant, Carry-Out. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

1. Food and beverages are usually served in edible containers, or in paper, plastic or other disposable containers.
2. The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Drive-In. Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one or both of the following characteristics:

1. Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.
2. The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

Retail Stores and Retail Sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares, or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items. Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the primary use of retail sales to the customer in the building. This definition does not include temporary uses, outdoor display or sales areas, or adult uses and sexually-oriented businesses.

Retaining Wall. A permanent, solid barrier of brick, stone or similar material approved by the Ovid Township, intended to enclose an area. All supporting members, posts, stringers, braces, pilasters or other construction features shall be located and placed on the inside of the wall away from public view, and all visible exterior surfaces shall be constructed, painted, tinted or colored. No signs shall be placed, affixed, painted or designed on retaining walls.

Right-Of-Way. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or placement of public and semi-public utilities and under the legal authority of the agency having jurisdiction over the right-of-way.

Road. Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

Collector Road. A road whose principal function is to carry traffic between minor, local and subcollector roads and arterial roads but may also provide direct access to abutting properties.

Cul-De-Sac. A road that terminates in a vehicular turnaround.

Private Road. Any road which is to be privately maintained and has not been accepted for maintenance by the Branch County Road Commission, the State of Michigan or the federal government, but which is subject to approval by the Township. The inclusion of this definition is not intended to indicate that private roads are permitted in Ovid Township.

Public Road. Any road or portion of a road which has been dedicated to and accepted for maintenance by the Branch County Road Commission, State of Michigan or the federal government.

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

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a “den,” “library,” or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Rural Open Space Environment. Characteristics of an area that embody the rural/town environment, such as agricultural use of farmlands, open fields, road front trees, woodlots, fence rows, wildlife habitats, historic farm buildings and sites, and wetlands. A development that preserves the rural open space environment typically minimizes large lot sprawl which results in the fragmentation of rural lands.

S

Self-Storage Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer’s goods or wares.

Senior Housing. An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include:

Assisted Living Facility. A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.

Congregate or Interim Care Housing. A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

Dependent Housing Facilities. Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Elderly Housing Complex. A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.

Senior Apartments. Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.

Setback. The distance between any property line or street right-of-way and the nearest supporting member of a structure on the lot.

Minimum Required Setback. The minimum horizontal distance between a front, rear, or side lot line and the nearest supporting member of a structure required to comply with required yard provisions of this Ordinance. If there is an access or private road easement between the structure and the lot line in question, the setback shall be measured from the boundary line of the easement that is closest to the structure. If any other type of easement (utility, conservation, etc) is located between the structure and the lot line, the setback shall be measured from the lot line, not from the boundary of the easement.

Parking Lot Setback. The minimum horizontal distance between the street right-of-way or property line and the near edge of pavement in an off-street parking lot.

Shopping Center. A group of commercial establishments, planned, developed, owned and managed as a unit, and related in location, size and type of shops to the trade area it serves.

Signs. Any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices. Graphics painted upon the side of a building which carry no advertising shall not be construed to be a sign, except where such graphics pictorially display products or business that convey an advertising intent. The term "sign" includes the sign structure, supports, braces, guys and anchors.

Site Plan. A scaled drawing illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this ordinance and the Code of Ordinances.

Special Use Permit. An authorization by the Township Board or Planning Commission specified herein to use a parcel of land and/or structure for a special land use.

Solar Energy System. A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

Solar Farm. Any combination of solar energy systems that are a principal permitted use on a lot and that have a capacity to produce a minimum of 5,000 kWh per month.

Solar Storage Battery. A device that stores energy from the sun and makes it available in an electrical form

Stable, Commercial. A structure in which livestock used for pleasure riding or driving are housed or kept for hire, including a riding track.

Stable, Private. Space in a principal building or an accessory building on the same lot used for stabling of livestock owned by the occupants, exclusively as an accessory use.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state pursuant to the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, as amended (MCLA 400.701 et seq.), or the Child Care Organizations Act, Public Act 116 of 1973, as amended (MCLA 722.111 et seq.), which facility provides resident services and twenty-four (24) hour supervision or care for six (6) or fewer persons in need of supervision or care.

Steep Slopes. Slopes with a grade of twelve percent (12%) or more.

Store. A retail facility offering a variety of merchandise, including but not limited to the following: food, beverages, clothing, automotive supplies, personal hygiene items, toys, sports equipment, books, electronic equipment and household items.

Story. That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. Specifically:

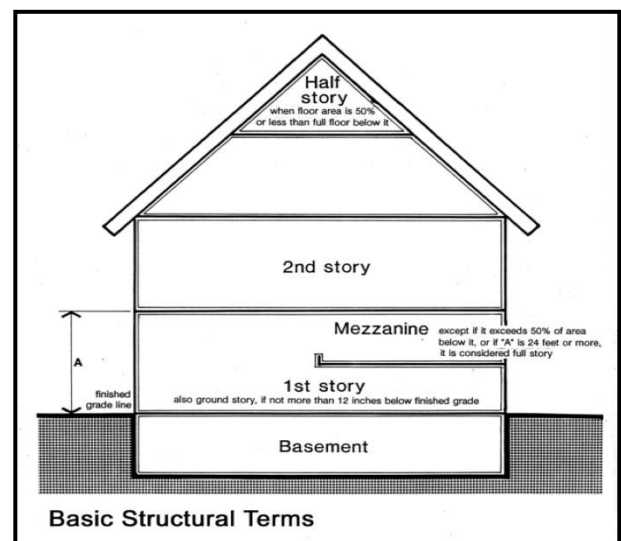
Basement. A story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building, including the family of the same.

First Story. The highest story having its interior floor surface not more than four feet above the curb level, or the average elevation of the finished grade along the front of the building, were it set back from the street.

Half-story. That part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half ($\frac{1}{2}$) of the floor area of such full story, provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.

Mezzanine. A full story when it covers more than fifty percent (50%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

Top Story Attic. A half story when the main line of the eaves is not above the middle of the interior height of said story.



Street. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent property.

Street Right-of-Way Line. The dividing line between the street and a lot.

Structural Alteration. any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, except the application of any exterior siding to an existing building for the purpose of beautifying and modernizing. [Amended: 3/10/2008; Ord. #26]

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, decks, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios. [Amended: 3/10/2008; Ord. #26]

Swimming Pool. Any structure or container located above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and intended for swimming or bathing. A swimming pool shall be considered an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

T

Tavern (Pub). An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.

Temporary Building. A structure permitted to exist during periods of construction or for special events.

Township Board. The Ovid Township Board.

Township. Ovid Township, Branch County, Michigan.

U

Use. The purpose for which land or premises, or a building thereon, is designed, arranged or intended, or for which it is occupied maintained, let or leased.

Accessory Use. A use naturally and normally incidental to, subordinate to and devoted exclusively to the primary use or building of the premises.

Permitted Use. A use permitted in each zoning district by right subject to site plan review approval.

- a) **Primary Use.** The main use to which the premises are devoted and the main purpose for which the premises exist.
- b) **Principal Use.** An activity permitted by right in the district, subject to the requirements and standards of this Ordinance.

- c) **Seasonal Use.** A temporary use permitted and regulated pursuant to this ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers and Christmas trees.
- d) **Special Land Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
- e) **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance, including, but not limited to carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets, and similar events.

Usable Floor Area. See Floor Area, Usable.

Usable Open Space. Open space is usable if it is accessible to a majority of residents of a development for recreation or leisure activities. Examples of usable open space include, but are not limited to, open fields and woodlands. Swamps or marshes would not generally be considered usable open space, except for those which are otherwise permitted in this ordinance.

V

Variance. A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

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

Veterinary Clinic Or Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

W

Walls. A screening structure of definite height and location constructed of masonry, concrete, rock, face brick, stone, decorative block, or similar material, and subject to Township regulations herein.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps, or marshlands. Wetlands shall also have one (1) or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes.
2. The substrate is predominantly un-drained hydric soil.
3. The substrate is saturated with water, or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Public Act 203 of 1979, as amended that have any of the following characteristics:

1. Contiguous to an inland lake, pond, river or stream;
2. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
3. Other wetlands where the MDEQ determines, with notification to the property owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

Wireless Communications Facility. All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

Abandoned Tower Or Antenna. An antenna that is not operated for a continuous period of twelve months, or a tower constructed or maintained without an operational antenna shall be considered abandoned.

Alternative Tower Structure. Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.

Amateur Radio Communications Antenna. An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.

Backhaul Network. The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.

Co-Location. The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.

Equipment Enclosure. A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.

Satellite Dish. An antenna structure designed to receive from or transmit to orbiting satellites.

Tower. A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

Y

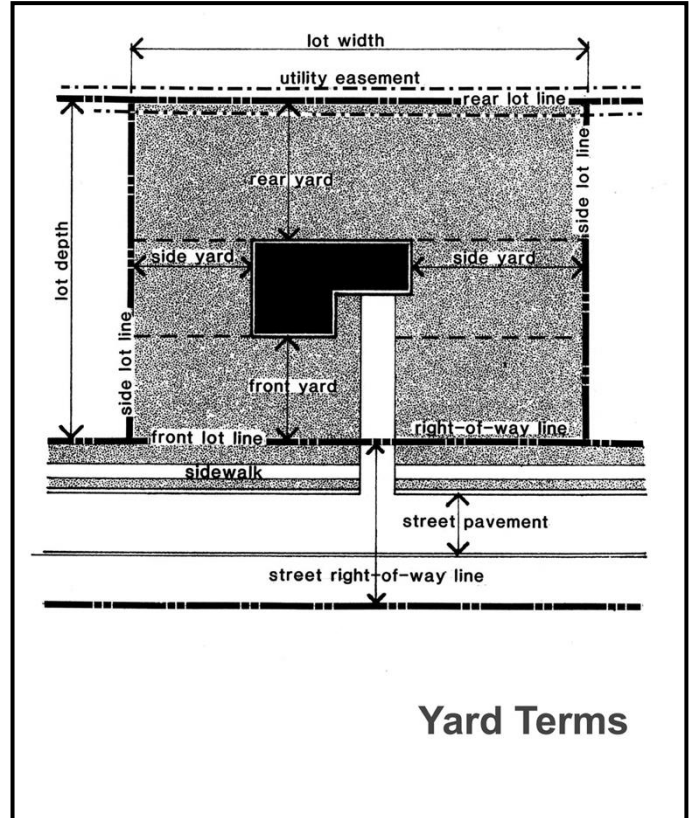
Yard. An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.

Front Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or street right-of-way and the nearest point of the primary building or the building setback line, whichever is further. However, on waterfront lots, the front yard shall be measured between the ordinary high water mark of the body of water adjacent to the property and the nearest point of the primary building or the building setback line, whichever is further.

Rear Yard. An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the primary building.

Required Yard. An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.

Side Yard. An open space extending from the front yard to the rear yard on the side of the primary building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the main building.



Z

Zoning Act. The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. [Amended: 3/10/2008; Ord. #26]

Zoning Administrator. The administrative official designated by the Township Board with the responsibilities of administering and enforcing this Ordinance.

Zoning Board of Appeals. The Ovid Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended. [Amended: 3/10/2008; Ord. #26]

Chapter 3.

Classification of Zoning Districts

Section 3.01 Zoning Districts

Ovid Township is hereby divided into the following Zoning Districts:

AG	Agriculture
RR	Rural Residential
NR	Neighborhood Residential
WR	Waterfront Residential
MH	Manufactured Housing
VC	Village Center
C	Commercial
E	Enterprise

Section 3.02 Zoning Map

- A.** The location and boundaries of the Ovid Township zoning districts are shown on a map adopted by the Ovid Township Board. The map shall be entitled "The Zoning Map of Ovid Township, Branch County, Michigan," and shall bear the date adopted or amended. It shall be the duty of the Township Supervisor and Township Clerk to authenticate such records by placing their official signatures thereon. Such map with all accompanying explanatory matter is hereby made a part of this Ordinance and shall be, as such, a part of this Ordinance as if the matters and information set forth thereon were all fully described herein.
- B.** The official copy of the Zoning map, bearing the words, "This is to certify that the above Map is the official zoning map referred to in Article VII, Section 3.02 of the Ovid Township Zoning Ordinance, adopted on January 9, 2006, as amended," with all amendments noted, shall be kept on file in the office of the Township Clerk. It shall bear the signature of the Township Clerk.
- C.** Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following township boundaries shall be construed as following such lot lines.

3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or stream beds, and in the event of a change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
 5. Boundaries parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
 6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.
- D.** A copy of the zoning map is located in the back of this ordinance. It is an unofficial composite of the official Township Zoning Map.
- E.** In every case where land has not been included within a district on the zoning map, such land shall be in the AG – Agriculture zoning district.

Section 3.03 Permissive Zoning

No land contained within any zoning district within Ovid Township shall be used for any purpose other than those uses specifically set forth in the following sections, except as permitted by Chapter 13, Nonconforming Lots, Uses, and Structures. Land uses are permitted specifically in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited unless construed to be similar to a use expressly permitted in the district and approved in accordance with Section 3.06.

Section 3.04 Uses Permitted by Right

Permitted uses, as identified in Chapters covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, landscaping, zoning district intent, permit, certificate and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated herein. To determine if site plan approval is required, reference Chapter 19, Site Plan Review and Approval Procedures. To determine if a zoning permit is required, reference Section 22.06, Zoning Permits.

Section 3.05 Uses Permitted by Special Land Use Permit

The uses identified as special approval uses in each district are recognized as possessing characteristics of such unique and special nature (relative to location, off-site impacts, design, size, public service, utility needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Chapter 15, Standards for Specific Uses, contains specific conditions for each of these special land uses, as do the specific district chapters themselves. Chapter 20, Special Land Use Permit Review and Approval Procedures, covers the steps and requirements for special approval uses, which shall apply to all of these uses.

Section 3.06 Uses Not Provided for Within a Use District

An individual may desire a use that is not specifically permitted under the terms of this Ordinance, but which is essentially the same in nature as other uses, by right or by special land use permit, within a zoning district. Uses that have not been specifically mentioned within any use district shall automatically be considered special land uses and be processed under the Special Land Use Permit procedure, in accordance with Chapter 20. The Township Planning Commission must first make a determination that such use is similar in nature and intent to those uses identified within the district. If such a determination is made, then the use that is being applied for and any related structures shall be subject to the area, height, bulk, and placement requirements for the district in which it is proposed and any related conditions or development standards that would be typically applied to the uses specifically mentioned herein, as determined by the Commission and Township Board.

Chapter 4.

A – Agriculture

Section 4.01 Description & Purpose

This Zoning District is intended to allow extensive areas of the Township to be retained in agriculture use, to prevent scattered non-farm growth; preserve woodlands and wildlife areas, and to retain open space in its natural state. The requirements of this district are designed so as to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agriculture resources, environment and economy. Flexibility is introduced for creative, value-added, special uses as a mechanism for allowing the small, family-farmer to maintain their property without having to sell to development. Other alternatives such as purchase of development rights and cluster development are introduced. The preservation of the agricultural, rural character; the wide-open view sheds; and the existing woodlots are all of primary importance in this district.

Section 4.02 Permitted Uses

Land, buildings, and structures in this zoning district are permitted by right for the following purposes only:

- A.** Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Branch County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.
- B.** Greenhouses, nurseries, orchards, vineyards, apiaries, blueberry and other fruit farms, and other like forms of agriculture.
- C.** Animal uses.
- D.** Riding stables, where horses are boarded.
- E.** Single family detached dwellings.
- F.** Open space developments.
- G.** Accessory uses and structures customarily incidental to the above permitted uses, including Accessory Dwelling Units.
- H.** Non-farming residential uses (see footnote 10 in Section 12.02).
- I.** Publicly owned and operated parks, parkways, and recreational facilities, including wildlife preserves.
- J.** Family child day care home.

- K.** Foster family home.
- L.** Foster family group home.
- M.** Adult foster care family home.
- N.** Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month, subject to the standards in Section 15.31.[Amended: 3/10/2008; Ord. #26]

Section 4.03 Uses Permitted by Special Land Use Permit

The following uses are permitted only after approval of a Special Land Use Permit in accordance with the procedures of Chapter 20, Special Land Use Permit Review and Approval Procedures, in accordance with Section 4.04 and any other applicable provisions.

- A.** Home occupations.
- B.** Churches, synagogues, and other religious facilities and buildings customarily incidental thereto; public and private schools; government buildings; libraries and museums; other public and quasi-public facilities and institutions.
- C.** Roadside stands.
- D.** Country clubs and/or golf courses.
- E.** Bed & Breakfast inns.
- F.** Cemeteries.
- G.** “U-pick” produce farms.
- H.** Annual seasonal events (i.e. corn maze, pumpkin patch, Christmas tree cutting, and sleigh riding).
- I.** Viticulture and wine production.
- J.** Wineries.
- K.** Campgrounds
- L.** Wireless communication facilities.
- M.** Kennels.
- N.** Commercial outdoor seasonal storage.
- O.** Junkyards and salvage yards.
- P.** Removal and processing of top soil, sand, gravel, or other such minerals.
- Q.** Airports and aircraft landing fields, subject to the applicant obtaining the necessary FAA approvals.
- R.** Composting Center.
- S.** Veterinary Offices and Clinics.

- T. Wind Energy Conversion Systems
- U. Outdoor recreation facilities.
- V. Marinas and other facilities for sales and servicing of small recreational watercraft.
- W. Group child day care home (See Section 15.22).
- X. Solar Farms, subject to the standards in Section 15.38.

[Amended: 3/10/2008; Ord. #26]

Section 4.04 Development Standards

No building, nor any enlargement thereof, shall be hereafter erected except in conformance with the following minimum standards.

- A. Area, height, bulk, and placement requirements, unless otherwise specified, are as provided in Section 12.01, Schedule of Regulations.
- B. **Lot Size.** Creation of lots or parcels that are less than 40 acres may be permitted in the follow instances:
 1. When the lot or parcel that is less than 40 acres is an entire quarter-quarter section or a half of a half of a quarter section;
 2. When the land division creating the new lot or parcel would permit use of the land in accordance with the purposes of the Agriculture (AG) District and with the Ovid Township Master Plan, and where the existing parent parcel being divided is between 74 and 80 acres. In this instance, a lot or a parcel being created through land division may be as small as 37 acres; or
 3. Through an approved Open Space Development, in accordance with the standards set forth in Section 14.21.
- C. **Lot Depth to Width.** No lot shall have a depth that is greater than three (3) times its width.

Chapter 5.

RR – Rural Residential

Section 5.01 Description & Purpose

The purpose of this district is to provide an opportunity for residential and agricultural land uses of rural character. The RR – Rural Residential district serves as a buffer between the more dense neighborhoods that surround the lakes and the wide-open farmland of the countryside. Open Space development regulations are applied in this district to ensure that the development that does occur does not destroy the character and beauty of the area.

Section 5.02 Permitted Uses

Land, buildings, and structures in this zoning district are permitted by right for the following purpose only:

- A. All of the uses permitted under Section 4.02, except that there shall be no migratory housing on land dedicated to general farming the RR zoning district.
- B. Adult foster care family home.
- C. Family child day care home.
- D. Foster family home.
- E. Foster family group home.
- F. Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month, subject to the standards in Section 15.38.

[Amended: 3/10/2008; Ord. #26]

Section 5.03 Uses Permitted by Special Land Use Permit

The following uses are permitted only after approval of a Special Land Use Permit in accordance with the procedures of Chapter 20, Special Use Permit Review and Approval Procedures, in accordance with Section 5.04 and any other applicable provisions.

- A. All of the special uses listed in Section 4.03 (A) – (J).
- B. Group child day care home (See Section 15.22).
- C. Senior housing and adult care facilities.

- D. State licensed residential facility, not otherwise listed.
- E. Parks, parkways, and recreational facilities.
- F. Child day care center.

[Amended: 3/10/2008; Ord. #26]

Section 5.04 Development Standards

No building, nor any enlargement thereof, shall be hereafter erected except in conformance with the following minimum standards.

- A. Area, height, bulk, and placement requirements, unless otherwise specified, are as provided in Section 12.01, Schedule of Regulations.
- B. See Section 14.24, Roadway Design Standards, and Section 14.25, Standards for Shared Driveways, as well as the Township Subdivision Ordinance for standards regarding curb cuts, driveways, and access points onto County roadways.
- C. **Lot depth to width.** No lot shall have a depth that is greater than three (3) times its width.

Chapter 6.

NR – Neighborhood Residential

Section 6.01 Description & Purpose

The purpose of this district is to encourage development that is consistent with the traditional architecture and compact layout of a village neighborhood. These areas are intended to transition from the rural areas into the Village Centers and provide a population base to support the businesses within the Village Centers. The requirements of this District are designed to permit a variety of residential densities and housing types. More specifically, the Neighborhood Residential Zoning District is intended to achieve the following objectives.

- A. Implement recommendations of the Master Plan;
- B. Provide a land use transition between the Village Centers and the more rural areas of the Township;
- C. With the Village Centers, create a distinct community center and focal point in the Township;
- D. Help ensure a consistent architectural theme without restricting innovative design;
- E. Integrate public gathering places;
- F. Promote long-term economic and social viability throughout the Township;
- G. Reduce traffic conflict points along primary roads by using a system of internal streets and access roads;
- H. Permit narrower streets and on-street parking on internal streets not intended to function as through streets; and,
- I. Enable development in a manner that will be compatible with the Village environment.

Section 6.02 Permitted Uses

Land, buildings, and structures in this zoning district are permitted by right for the following purposes only:

- A. Single family detached dwelling units.
- B. Accessory uses and structures customarily incidental to the above permitted use, including accessory dwelling units.
- C. Adult foster care family home.
- D. Family child day care home.
- E. Foster family home.

- F. Foster family group home.
- G. Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month, subject to the standards in Section 15.38.

[Amended: 3/10/2008; Ord. #26]

Section 6.03 Uses Permitted by Special Land Use Permit

The following uses are permitted only after approval of a Special Land Use Permit in accordance with the procedures of Chapter 20, Special Land Use Permit Review and Approval Procedures, in accordance with Section 6.04 and any other applicable provisions.

- A. Home occupations.
- B. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto; public and private schools; government buildings; libraries and museums; and other public and quasi-public facilities and institutions.
- C. Two-family attached dwelling units and town houses.
- D. Multiple family dwelling units.
- E. Parks, parkways, and recreational facilities.
- F. An office to handle sales and maintenance of dwelling units within a multiple family development as well as a recreation or social building as accessory uses.
- G. Bed and Breakfast Inns.
- H. Nursery schools.
- I. Adult care facility.
- J. Group child day care home (See Section 15.22).
- K. Child caring institution.
- L. State licensed residential facility, not otherwise listed above.
- M. Senior Housing.

[Amended: 3/10/2008; Ord. #26]

Section 6.04 Development Standards

No building, nor any enlargement thereof, shall be hereafter erected except in conformance with the following minimum standards.

- A. Area, height, bulk, and placement requirements, unless otherwise specified, are as provided in Section 12.01, Schedule of Regulations.

- B. Overall Density.** It is not the intent of this ordinance to stifle creativity or the variety of housing choices by imposing strict standards within this zoning district. Through the planned unit development process, flexibility can be granted on some of these standards including increased density in order to enhance the neighborhood character and variety. Potential accessory dwelling units shall not be counted in the below density standards.
1. If a proposed development is not connected to an approved central sanitary sewer system, the maximum overall density shall be one (1) unit per two (2) acres.
 2. If a proposed development is connected to an approved central sanitary sewer system, the maximum density shall be two (2) units per one (1) acre.
 3. If a proposed development includes development rights transferred from the AG district, the maximum density shall be four (4) units per one (1) acre.
- C. Lot Depth to Width.** No lot shall have a depth that is greater than three (3) times its width.
- D. Design Standards.** The following design standards shall apply to all site plans reviewed under Chapter 19, Site Plan Review; special use permits reviewed under Chapter 20, Special Use Permit Review; and subdivision plats and condominium developments.
1. **General.** The overall design and mixture of uses shall be consistent with the intent of this district. Compatibility of uses shall be determined by the following:
 - a) The uses shall not create noise, dust, odors, fumes or other nuisances that will have an obnoxious effect on surrounding residences.
 - b) Traffic volumes generated by the use shall not have a negative impact on surrounding residential character nor shall it have a significant negative effect on the level of service provided on existing Township roads.
 - c) Architecture shall meet the requirements of Section 19.06.
 - d) Location and use of yards shall contribute to the continuation of open space areas within the immediate vicinity.
 - e) Location and design of landscaping and pedestrian areas shall be compatible with and enhance the area's pedestrian and open space network.
 - f) Location, size and types of architectural projections such as porches or awnings shall be compatible with other structures along the same block.
 - g) Location, scale, and design of signs shall be consistent with the character of other signs, street elements, structures, and uses located along the same street.
 - h) Residential development shall be designed to be compatible with surrounding land uses, while providing a mixture of housing types to meet the varied needs of township residents.
 2. **Sidewalks/Pedestrian Circulation**
 - a) Site design shall demonstrate a special sensitivity to pedestrian circulation and safety.
 - b) Sidewalks at least five (5) feet wide, and at least seven (7) feet wide where abutting parking, shall be provided along streets.

- c) Bike paths shall be required in locations designated on the Future Land Use Map of the Ovid Township Master Plan or to provide linkages with existing or planned bike paths or with other Village Centers.
 - d) All developments shall provide pedestrian linkages between public sidewalks and the building entrances
3. **Common Open Space.** For any development which includes ten (10) or more dwelling units, 1,500 square feet of common open space shall be provided per dwelling unit.
- a) Open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
 - (1) Recorded deed restrictions;
 - (2) Covenants that run perpetually with the land; or
 - (3) A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
 - b) The common open space shall be used for social, recreational and/or natural preservation. Common open space within the village shall be of a distinct geometric shape, generally rectilinear or square. The common open space shall include landscaping, sidewalks, pedestrian benches and pedestrian scale lampposts. Open space at the edges of the village shall be left in a natural state, with the exception of trails or boardwalks.
4. **Architecture**
- a) **Purpose.** Architectural design is a key element in establishing a sense of place for a community. Buildings of high quality contribute to the attractiveness and economic well-being of a community, making it a better place to live and work. Ovid Township recognizes the importance of good architecture and its lasting impact.

The objective of these design standards is to direct builders toward creating buildings of timeless character that are in harmony with the natural and built environment. This is a function of good architectural principles such as selecting durable materials, composing elevations using good proportions, selecting harmonious colors, and combining all the architectural elements in a balanced composition.
 - b) **Architectural Design Elements.**
 - (1) **Building Materials** – Select materials possessing durability and aesthetic appeal.
 - (2) **Windows** – Windows are the main element contributing to an inviting façade. They give visual interest to a façade. Provide a large quantity of attractive windows on a façade that fronts a street.
 - (3) **Architectural Features** – Include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.
 - (4) **Colors** – Select natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors can be used as accents to provide visual interest to the facade.

- (5) **Garage Location** – The need for storage on residential lots must be balanced with the visual impact garages have, especially on small lots. Homes in the NR district should have either a detached garage or a side or rear-facing garage.
 - (6) **Porches** – Ovid Township’s desire to create pedestrian friendly villages is enhanced by the provision of front porches throughout the residential neighborhoods. Front porches are encouraged.
 - (7) **Roof Elements** – Traditional roof shapes and materials are encouraged. Dormers and other elements should be used to break-up large expanses of roofs.
 - (8) **Composition** – It is not sufficient to include the desired architectural elements on a facade, but to arrange them in a harmonious and balanced manner.
5. **Landscaping.** All landscaping shall meet the minimum requirements of Chapter 17, Landscaping and Screening. Because of the higher density of development permitted in the NR district, the following standard shall apply to frontage landscaping in place of the standards contained in Chapter 17:
- a) Along all road frontages within the district, on canopy street tree shall be planted for each 40 linear feet of frontage.
6. **Lighting.** In addition to the standards of Section 14.22, properties in the NR district must also satisfy the following requirements:
- a) A consistent type of pedestrian scale ornamental lighting shall be provided along all sidewalks, within any off street parking lots and along road frontages.
 - b) Street lights in residential neighborhoods should be shielded away from nearby residences to avoid shining direct light into homes.
- E. Approval Standards.** The following criteria shall be used, in addition to the standards contained in Chapter 19, Site Plan Review, as a basis upon which site plans or subdivision plats shall be reviewed and approved by the Township:
1. The proposal shall be designed, constructed, and maintained to be compatible with permitted uses on surrounding land to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration may be given to:
 - a) The location and screening of vehicular circulation and parking areas in relation to surrounding development, to the maximum extent feasible.
 - b) The location and screening of outdoor storage, outdoor activity and work areas, and mechanical equipment in relation to surrounding development.
 - c) The bulk, placement, and materials of construction of the proposed use in relation to surrounding development shall be compatible as determined by the general requirements listed in Section 6.04.D.1.
 - d) Proposed site amenities.
 - e) The site grading and stormwater drainage plan.

2. **Transportation and Access.** The proposed use shall be designed to minimize the impact of traffic generated by the use to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration may be given to the following:
 - a) Relationship between the proposed development and existing and proposed streets.
 - b) Estimated traffic generated by the proposed use.
 - c) Location and access to off-street parking.
 - d) Location and access to off-street loading.
 - e) Provisions for vehicular traffic.
 - f) Continuation of the planned street network for the village.
 - g) The Planning Commission may require a traffic impact study for special uses.
3. **Building Architecture.** In determining the appropriateness of buildings, design elements shall be evaluated in relation to existing and proposed surrounding buildings and uses. These shall meet the standards of section 6.04.D.4.
4. **Emergency Access.** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
5. **Health and Safety Concerns.** Any use shall comply with applicable Federal, state, county, and local health and pollution laws and regulations related to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetism; radioactive materials; and toxic and hazardous materials. The Planning Commission may require an environmental impact study for special uses.
6. **Screening.** Off-street parking, outside refuse, storage areas, and mechanical and electrical equipment that are within sight of adjacent residential districts or public roads shall be adequately screened.
7. **Appearance.** Signs and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby developments.

Chapter 7.

WR - Waterfront Residential

Section 7.01 Description & Purpose

This district is intended to support those residences and associated uses that exist in the immediate vicinity of the lakes. It provides a range of choices of living environments, provides suitable land uses in lakeside areas, protects lake water quality, prohibits use of the land that would adversely impact residential areas, discourages uses that would generate traffic on local streets in excess of normal traffic generated by the residents, and encourages the provision of public services, such as water and sewer. The intent of the district is to provide for an environment of predominately single-family dwellings, in a lakeside setting, along with associated uses and facilities that serve the residents in the district.

Section 7.02 Permitted Uses

Land, buildings, and structures in this zoning district are permitted by right for the following purposes only:

- A. Single-family residential dwelling units.
- B. Accessory uses and structures customarily incidental to the above permitted use, including accessory dwelling units.
- C. Family child day care home.
- D. Foster family home.
- E. Foster family group home.
- F. Adult foster care family home.
- G. Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month, subject to the standards in Section 15.38.

[Amended: 3/10/2008; Ord. #26]

Section 7.03 Uses Permitted by Special Land Use Permit

The following uses are permitted only after approval of a Special Land Use Permit in accordance with the procedures of Chapter 20, Special Land Use Permit Review and Approval Procedures, in accordance with Section 7.04 and any other applicable provisions.

- A. Home occupations.
- B. Bed & Breakfast inns.
- C. Publicly owned and operated parks, parkways, and recreational facilities.
- D. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto; public and private schools; government buildings; libraries and museums; and other public and quasi-public facilities and institutions.
- E. Marinas and other facilities for the sales and servicing of small recreational watercraft along with retail facilities that supply commodities related to boating.
- F. Neighborhood commercial uses, subject to the following conditions:
 - 1. Commercial uses in the WR district are limited to the location of existing commercial uses as of the time of adoption of this Ordinance.
 - 2. Neighborhood commercial uses permitted by special use in the WR district shall be those uses listed in Section 9.02.
 - 3. The commercial uses on these properties are subject to the development standards of Chapter 10, Commercial, and other applicable provisions contained within this Ordinance.
 - 4. Boat ramps or boat launches are prohibited at these locations.
 - 5. If a commercial use is converted to residential use, on one of the permitted parcels, it may be permitted to be converted back to a neighborhood commercial use by special use permit approval.
- G. Adult foster care facility.
- H. Group child day care home (see Section 15.22).
- I. Senior housing.
- J. Nursery school.

[Amended: 3/10/2008; Ord. #26]

Section 7.04 Development Standards

No building, nor any enlargement thereof, shall be hereafter erected except in conformance with the following minimum standards.

- A. Area, height, bulk, and placement requirements, unless otherwise specified, are as provided in Section 12.01, Schedule of Regulations.
- B. **Waterfront Yards.** For regulations pertaining to the use of waterfront yards, see Section 14.22, Waterfront Yards.
- C. **Lot Depth to Width.** No lot shall have a depth that is greater than three (3) times its width.

Chapter 8.

MH – Manufactured Housing

Section 8.01 Description & Purpose

The Manufactured Housing district is established to provide for the location and regulation of manufactured housing parks (or “mobile home parks”) as defined by the Mobile Home Commission Act, P.A. 96 or 1987, as amended (MCLA 125.2301 et seq.), and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district (including but not limited to educational and cultural land uses, parks, and playgrounds) in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended and the Manufactured Housing Commission General Rules. When regulations in this Section exceed the State law or the Manufactured Housing Commission Rules, the higher standards of this ordinance are intended to ensure that the manufactured housing parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety, and welfare of the Township’s residents. The higher standards incorporated herein have been approved by the Manufactured Housing Commission in accordance with applicable State law.

Section 8.02 Permitted Uses

Land, buildings, and structures in this zoning district are permitted by right for the following purposes only:

- A.** Mobile homes located in a licensed mobile home park.
- B.** Mobile home parks.
- C.** Recreational facilities for the exclusive use of park residents and their guests.
- D.** Office and residence for manager of the mobile home park.
- E.** Utility facilities, including laundry facilities for the mobile home park.
- F.** Accessory buildings as regulated herein and as would normally be ancillary to a mobile home park.
- G.** Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month, subject to the standards in Section 15.38.

Section 8.03 Uses Permitted by Special Land Use Permit

The following uses are permitted only after approval of a Special Land Use Permit in accordance with the procedures of Chapter 20, Special Land Use Permit Review and Approval Procedures, in accordance with Section 8.04 and any other applicable provisions.

- A. Home occupations.
- B. Temporary buildings or trailer offices incidental to construction activities.

Section 8.04 Development Standards

No building, nor any enlargement thereof, shall be hereafter erected except in conformance with the following minimum standards.

- A. **Plan Review.** Preliminary plans shall be submitted to Ovid Township for review and prepared in accordance with the preliminary plan provisions contained in this Section. The plans shall include the locations, layout, general design and description of the project. The preliminary plan requirements of this Section shall not include detailed construction, plot or site plan review plans.

Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to Ovid Township for review and approval.

1. **Application Content.** All plans submitted to the Planning Commission for review under this section shall contain the following information:
 - a) The date, north arrow direction and project scale. The scale shall not be less than one inch equals fifty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more.
 - b) All site and/or property lines are to be shown in scale dimension.
 - c) The typical location and height of all existing and proposed structures on and within the subject property, and existing within one hundred feet of the subject property.
 - d) The typical location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open spaces and recreation areas.
 - e) The typical location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 - f) The name and address of the professional civil engineering, registered landscape architect, or architectural firms responsible for the preparation of the site plan.
 - g) The name and address of the property owner and developer.
 - h) The typical location of all community garbage/rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 - i) Typical location of all fire hydrants, if applicable.

- j) The number of manufactured housing sites proposed.
 - k) The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
 - l) Existing utility and other easements.
 - m) Existing wetlands
 - n) Proposed entrance sign locations.
 - o) Demonstration that all required setbacks and separation distances will be met.
 - p) Provided, however, that detailed construction plans shall not be required to be submitted to Ovid Township.
2. **Charges/Reasonable Fees.** Reasonable fees for reviewing a manufactured housing community plan shall be established by the Township.
3. **Decision on Approval.**
- a) The Planning Commission shall review the plan for compliance with the design standards for manufactured housing communities contained in the Section, and the regulations of the Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the regulations established in this section, it shall be approved.
 - b) The plan shall be approved, approved with conditions, or denied within 60 days of receipt by the Township, unless the applicant consents to a longer period of review.
4. **Construction Plan Review.** A person shall not construct a manufactured housing community without first obtaining a Construction Permit from the Bureau of Construction Codes.
5. **Construction Standards.** A manufactured housing community shall be built and maintained to the construction standards for which is was licensed under Section 16 of the Act by the State of Michigan, as detailed in Manufactured Housing Commission Rule R125.1947a.
- B. Minimum Area for a Manufactured Housing Park.** The minimum parcel size for manufactured housing parks shall be ten (10) acres.
- C. Minimum Manufactured Housing Site Size.** Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under sub-section “L” of this Section or the Manufactured Housing Commission rules.
- D. Setbacks.** Manufactured houses shall comply with the following minimum setbacks:
- 1. Twenty (20) feet from any part of an adjacent manufactured house, including an attached structure that may be used for living purposes for the entire year. If the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road, then the setback along the parallel frontages may be reduced to 15. Ten (10) feet from a detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.

2. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
 - a) Support pillars that are installed adjacent to the edge of an internal road shall be setback four (4) feet or more from the closest edge of the internal road and two (2) feet or more from the closest edge of a common sidewalk, if provided.
 - b) The roof overhang shall be setback two feet or more from the edge of the internal road.
 3. Steps and their attachments shall not encroach into parking areas more than three and a half (3 ½) feet.
 4. Fifty (50) feet from permanent community-owned structures, such as either of the following:
 - a) Clubhouses.
 - b) Maintenance and Storage Facilities.
 5. One hundred (100) feet from any baseball, softball or similar recreational field.
 6. Twenty-five (25) feet from the fence of a swimming pool.
 7. Twenty-five (25) feet from a natural or man-made lake or waterway.
 8. The manufactured home shall be setback from internal roads based on the following requirements:
 - a) If there is a common sidewalk between the manufactured home and the road, the home shall be located seven (7) feet from the sidewalk.
 - b) If there is a parking space on an adjacent site, a parking bay off the home site, or widened pavement for on-street parking in front of the home, the home shall be located a minimum seven (7) feet away from each of these.
 - c) If none of these conditions exist, the manufactured home shall be located 10 feet from the edge of the internal road.
 9. All manufactured homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.
 10. Fifty (50) feet from the edge of any railroad right-of-way.
 11. A home sited on one side of the dividing line between a community constructed under a previous act an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.
- E. Maximum Height.** Buildings in a manufactured housing park (including manufactured homes and any community buildings) shall not exceed two (2) stories or 30 feet in height; accessory storage or service buildings adjacent to primary residential manufactured homes (not including common community storage buildings) shall not exceed 14 feet, or one (1) story in height. For manufactured homes, however, the construction standards contained in HUD's Manufactured Home Construction and Safety Standards (24 CFR 3280) shall take precedence if the manufactured housing community was built after the date on which the Michigan Manufactured Housing Commission approved of this Ordinance.

- F. Roads.** Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have direct access to a public street or road, and the entrance shall be contained in a permanent easement and shall be recorded by the developers. All roads shall be hard-surfaced.
- G. Parking.** A minimum of 2 hard-surfaced parking spaces shall be provided for each manufactured home site. Additional parking equal to 1 space for 3 manufactured homes shall be provided for visitor parking. Parking may be on-site or off-site.
1. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be adjacent to the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.
 2. If parking spaces are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.
 3. If vehicle parking is provided on the home site, it shall comply with both of the following provisions:
 - a) The parking space shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel, and supported by a suitable subgrade compliant with the standards of AASHTO.
 - b) The parking spaces may be either in tandem or side-by-side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side-by-side, then the combined width of the two parking spaces shall not be less than 20 feet and the length shall be not less than 20 feet
 4. A minimum of one parking space for every three home sites shall be provided for visitor parking.
 5. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
 6. If parking is provided for visitor parking, it shall contain individual space that have a clear parking width of 10 feet and a clear length of 20 feet.
- H. Streets, Driveways & Parking Areas.** All manufactured housing communities shall comply with a the following design requirements:
1. **Access.** The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.

An additional access shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall satisfy this requirement.
 2. **Composition and Surfacing.** All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (AAASHTO). Roads shall be maintained in a reasonably sound condition, as required under Rules R125.1924 and 1925(2)(b) of the Manufactured Housing Commission Rules.
 3. **Curbing.** If provided, internal road curbing shall be constructed of concrete or asphalt.

4. **Parking Spaces; Streets.** All internal roads shall be two-way and have driving surfaces that are not less than the following widths:
 - a) Two-way no parking 21 feet
 - b) Two-way, parallel parking, 1 side 31 feet
 - c) Two-way, parallel parking, 2 sides 41 feet
5. **Road Configurations.** An internal road that has no exit at one end shall terminate with a minimum turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area. A safe-site distance of 250 feet shall be provided at all intersections. Offsets at intersections of more than two internal roads are prohibited.
6. **Road Widths, Street Names, Addresses and Traffic Control.**
 - a) All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as indicated below in subsections b through d.
 - b) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
 - c) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - d) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority having jurisdiction. The intersection of the public road and ingress and egress road shall not have squared corners.
 - e) Appropriate speed and traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
 - f) School bus stops, if provided, shall be located in an area that is approved by the school district.
 - g) Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials, and elsewhere as needed. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.
- I. **Common Storage Areas.** A common outside storage area shall be provided for boats, motorcycles, recreation vehicles and similar equipment, and a mini warehouse building may be provided for storage of household goods or equipment. All storage facilities in a manufactured housing park shall be shown on the site plan, and shall be limited to the exclusive use of the manufactured housing park residents. Such storage areas shall be screened from view by an opaque six (6) foot high wooden fence or six (6) foot high masonry wall with a landscaped greenbelt consisting of closely-spaced evergreen trees and shrubs, and shall not be located within any required yard on the perimeter of the manufactured housing park. Park owners who prohibit storage of boats, motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.

- J. Sidewalks.** Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park streets. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public street abutting the manufactured housing park.
- K. Community Buildings and Facilities (Not for Storage).**
1. Accessory buildings and structures not used for storage, including park management offices, laundry facilities, or community facilities, shall be designed and operated for the exclusive use of park residents.
 2. Site-built buildings and structures within a manufactured housing park, (except storage facilities as addressed in item L. below), including a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the County.
- L. Storage of Personal Property.**
1. A Manufactured home site shall be kept free of fire hazards, including combustible materials under the home.
 2. One storage shed that complies with the Michigan Residential Code may be placed upon any individual manufactured home site for the storage of personal property, if permitted by management. Storage sheds shall be constructed with durable weather and rust-resistant materials and shall be maintained to reasonably preserve their original appearance.
 3. Storage sheds that are attached to homes shall consist of materials similar to that of the home and shall have a fire-rated wall separation assembly in accordance with the Michigan Residential Code.
 - a) A detached storage shed shall be at least 10 feet from all adjacent homes.
 - b) All storage sheds shall be securely anchored.
 4. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible. Towing mechanisms, including axles, may however, be stored under manufactured homes within a community.
 5. If a boat, trailer and motor home parking is permitted within the manufactured housing community, the community shall provide adequate parking spaces for these vehicles in a central or collective parking area. The area provided shall be in addition to the automobile parking requirements of this article. This storage area shall be adequately locked, fenced, permanently screened, and surfaced in accordance with Rule R125.1922(1) of the Manufactured Housing Commission Rules.
 6. The storage area shall be limited to use by the residents and management of the manufactured housing community.
- M. Open Space.** Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 2% of the Community's gross acreage to dedicated and contiguous open space. However, communities must provide a minimum of 25,000 square feet of dedicated open space. The open space shall be well drained and located conveniently in relation to the majority of dwelling units intended to be served. Up to 25% of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.

- N. Screening, Fencing and Landscaping.** If equal or greater standards are imposed on other residential developments, manufactured housing communities shall be landscaped as follows:
1. If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.
 2. If the community abuts a non-residential development, it need not provide screening.
 3. In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.
 4. The landscaping shall consist of evergreen trees or shrubs at least three feet in height at time of planting which are spaced so that they provide a continuous screen at maturity. Alternative screening devices may be utilized if they buffer the manufactured housing community as effectively as the required landscaping described above.
 5. Exposed ground surface in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.
- O. Site Landscaping.** A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.
- P. Garbage and Rubbish Disposal; Sanitation.** Each manufactured home site shall use approved garbage/rubbish containers that meet the requirements of Part 5 of the Michigan Department of Environment Quality Health Standards, Rules R325.3351 through R325.3354 of the Manufactured Housing Commission Rules. The containers shall be kept in sanitary condition at all times. It shall be the responsibility of the community operator to ensure that all garbage/rubbish containers do not overflow and that all areas within the community are free of garbage/rubbish.
- Q. Canopies and Awnings.** Canopies and awnings may be attached to any manufactured house and shall comply with the setback and distance requirements set forth in this Article. The installation of canopies and awnings shall require a building permit from the Branch County Building Department and a zoning permit from the Township.
- R. Travel Trailer/Recreational Vehicles.** Travel trailers, recreational vehicles or those similar in nature, shall not be occupied as a permanent living quarters in a manufactured housing park, except for those existing “hybrid” manufactured housing communities already licensed by MDEQ to accommodate travel trailers in campground facilities.
- S. Towing Mechanisms.** Towing mechanisms shall be removed from all manufactured housing dwellings at the time of installation and must meet the design and installation requirements as stated sections 3280.901-904 of the Manufactured Home Construction and Safety Standards published by HUD.
- T. Skirting.** All manufactured housing dwellings must be skirted within 90 days of installation and must meet the design and installation requirements as stated in Manufactured Housing Commission Rule 604, as amended.
- U. Water and Sewer Service.** Public sewer systems shall be required in manufactured home development, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the manufactured housing park shall connect to a state-approved sewage system.

- V. Storm Drainage.** All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable local, county, and state regulations, including MDEQ Manufactured Home Park Standards.
- W. Telephone and Electric Service.** All electric, telephone, cable TV, and other lines within the park shall be underground.
- X. Gas.** Any gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All gas lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
- Y. Operational Requirements.**
- 1. Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The County Building Inspector shall communicate his/her recommendations regarding the issuance of such licenses to the Director of Bureau of Construction Codes, Michigan Department of Labor and Economic Growth. Additionally, no manufactured housing unit shall be placed on a site in an approved manufactured housing park until a building permit has been obtained to approve the manufactured housing unit setup on the lot.
 - 2. Violations.** Whenever, upon inspection of any manufactured housing park, the County Building Inspector finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the County Building Inspector shall give notice in writing by certified mail to the Director of Bureau of Construction Codes, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety, and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
 - 3. Inspections.** The County Building Inspector or other authorized Township agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein. No manufactured housing dwelling unit shall be occupied until a certificate of occupancy for that dwelling is obtained from the County Building Inspector.
 - 4. License.** A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Labor and Economic Growth.
- Z. In-Community Home Sales.** New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed retailer or broker, provided that the manufactured housing community management permits the sale, as established in Section 28a of the Act, and Rules R125.2001a, R125.2005, R125.2006 and R125.2009(e) of the Manufactured Housing Commission Rules.
- AA. School Bus and Public Transit Stops.** School bus stops, if provided, shall be located in an area that is acceptable to the school district and the manufactured housing park developer.

BB. Mailbox Clusters. The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, their location from an intersection of any manufactured housing park road and a public road shall be of an acceptable distance to the United States Postal Office that reasonably accommodates vehicle stacking.

Chapter 9.

VC - Village Center

Section 9.01 Description & Purpose

The purpose of this district is to encourage development and redevelopment that is consistent with the traditional architecture, mixture of uses, and compact layout of a traditional village. The requirements of this District are designed to permit a variety of retail, office, housing, and service uses that are subject to review by the Planning Commission. More specifically, the Village Center Zoning District is intended to achieve the following objectives:

- A. Implement recommendations of the Master Plan;
- B. Establish a complimentary and integrated mixture of employment, shopping, entertainment, and civic uses that create a walkable village with less reliance on automobile travel;
- C. Create a distinct community center and focal point in the Township;
- D. Help ensure a consistent architectural theme without restricting innovative design;
- E. Integrate public gathering places;
- F. Promote long-term economic and social viability throughout the Township;
- G. Reduce traffic conflict points along primary roads by using a system of internal streets and access roads;
- H. Encourage a mix of uses by allowing residential units above permitted commercial uses;
- I. Permit narrower streets and on-street parking on internal streets not intended to function as through streets; and
- J. Promote a concentration of commercial uses and other higher intensity non-industrial uses as opposed to a strip of commercial uses. Strip commercial uses tend to create traffic congestion, compromise public safety, threaten sensitive environments, and perpetuate poor design and aesthetics.

Section 9.02 Permitted Uses

Land, buildings, and structures in this zoning district are permitted by right for the following purposes only:

- A. Two-family attached dwelling units and townhouses.
- B. Apartments, provided they are located above or behind an approved non-residential use. The apartment should not occupy the ground-floor space along the road frontage.
- C. Parks, parkways, and recreational facilities.

- D.** Accessory uses and structures customarily incidental to the above permitted uses.
- E.** The following non-residential uses up to 8,000 square feet of gross floor area, without drive-through service or outdoor retail sales/display:
1. Retail stores for the sale of such products as art/office supplies, computer equipment, hardware, appliances, sporting goods, bait and tackle, clothing, drugs and notions, gifts, books, and home entertainment supplies and rental.
 2. Food and beverage stores for the sale of groceries, fruit, and meat; baked goods; dairy products; beverages and liquor.
 3. Food and beverage service establishments such as restaurants, dairy bars, and taverns; including outdoor cafes.
 4. Personal service establishments such as barber shops, beauty salons, tanning salons, and laundry pick-up.
 5. Banking and financial institutions.
 6. Repair shops for bicycles, appliances, shoes, jewelry, small motors, and other such items but not motor vehicles.
 7. Funeral homes.
 8. Music/dance studios and technical or vocational training facilities.
- F.** Business and professional offices such as administrative, legal, architecture, engineering, financial, insurance, real estate, accounting, medical, dental, governmental, and other similar offices up to 8,000 square feet of gross floor area.
- G.** Churches, synagogues, and other religious facilities and buildings customarily incidental thereto; public and private schools; government buildings; libraries and museums; and other public and quasi-public facilities and institutions.
- H.** Mixed use developments including a combination of uses permitted above. If a mixed use development includes a use identified in Section 9.03, a special permit shall be required.
- I.** Family child day care home.
- J.** Foster family home.
- K.** Foster family group home.
- L.** Adult foster care family home.
- M.** Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month, subject to the standards in Section 15.38.

[Amended: 3/10/2008; Ord. #26]

Section 9.03 Uses Permitted by Special Land Use Permit

The following uses are permitted only after approval of a Special Land Use Permit in accordance with the procedures of Chapter 20, Special Land Use Permit Review and Approval Procedures, in accordance with Section 9.04 and any other applicable provisions.

- A. Bed and breakfast inns.
- B. Nursery schools and day care facility.
- C. Group child day care home (See Section 15.22)
- D. The permitted non-residential uses listed above that are greater than 8,000 square feet of gross floor area, utilize drive-through service, or have outdoor retail sales/display.
- E. The permitted business and professional offices listed above that are greater than 8,000 square feet of gross floor area.
- F. Banquet halls, private clubs, and fraternal halls.
- G. Indoor recreation centers such as fitness and health clubs, batting cages, bowling alleys, skating rinks, and athletic courts.
- H. Gas stations and minor vehicle repair.
- I. Hotel.

[Amended: 3/10/2008; Ord. #26]

Section 9.04 Development Standards

No building, nor any enlargement thereof, shall be hereafter erected except in conformance with the following minimum standards.

- A. Area, height, bulk, and placement requirements, unless otherwise specified, are as provided in Section 12.01, Schedule of Regulations.
- B. It is not the intent of this ordinance to stifle creativity or the variety of housing choices by imposing strict standards within this zoning district. Through the planned unit development process, flexibility can be granted on some of these standards, including density, in order to enhance the neighborhood character and variety.
- C. **Design Standards.** The following design standards shall apply to all site plans reviewed under Chapter 19, Site Plan Review and Approval Procedures; special uses reviewed under Chapter 20, Special Use Permit Review and Approval Procedures; and subdivision plats and site condominium developments.
 - 1. **General.** The overall design and mixture of uses shall be consistent with the intent of this district. Compatibility of uses shall be determined by the following:
 - a) The uses shall not create noise, dust, odors, fumes or other nuisances that will have an obnoxious effect on surrounding residences.

- b) Traffic volumes generated by the use shall not have a negative impact on surrounding residential character nor shall it have a significant negative effect on the level service provided on existing Township roads.
- c) Architecture shall meet the requirements of Section 19.06.
- d) Location and use of yards shall contribute to the continuation of open space areas within the immediate vicinity.
- e) Location and design of landscaping and pedestrian areas shall be compatible with and enhance the area's pedestrian and open space network.
- f) Location, size, and types of architectural projections such as porches or awnings shall be compatible with other structures along the same block.
- g) Location, scale, and design of signs shall be consistent with the character of other signs, street elements, structures, and uses located along the same street.
- h) Residential development shall be designed to be compatible with surrounding land uses, while providing a mixture of housing types to meet the varied needs of Township residents.

2. **Sidewalks/Pedestrian Circulation.**

- a) Site design shall demonstrate a special sensitivity to pedestrian circulation and safety.
- b) Sidewalks at least ten (10) feet wide shall be provided along streets.
- c) Bikepaths shall be required in locations designated on the Future Land Use Map of the Ovid Township Master Plan or to provide linkages with existing or planned bikepaths or with other Village Centers.
- d) All developments shall provide pedestrian linkages between public sidewalks and the building entrances.

3. **Common Open Space.** For any development which includes ten (10) or more dwelling units, 1,500 square feet of common open space shall be provided per dwelling unit.

- a) Open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
 - (1) Recorded deed restrictions;
 - (2) Covenants that run perpetually with the land; or
 - (3) A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
- b) The common open space shall be used for social, recreational and/or natural preservation. Common open space within the village shall be of a distinct geometric shape, generally rectilinear or square. The common open space shall include landscaping, sidewalks, pedestrian benches and pedestrian scale lampposts. Open space at the edges of the village shall be left in a natural state, with the exception of trails or boardwalks.

4. **Parking/Loading Areas**

- a) The amount of parking for nonresidential uses required under Chapter 16, Parking and Loading Standards, may be reduced by the Planning Commission by up to fifty percent (50%) if anyone of the following determinations are made:
 - (1) Patrons will be able to walk to the use from nearby residential areas;
 - (2) Shared parking facilities can serve several uses at the same time; or
 - (3) On-street parking is available.
- b) Off street parking lots shall be located behind the front line of the principal building. Where this is not feasible or practical, the Planning Commission may permit off street parking within the front yard. Parking lots must be setback from any front lot line a minimum of 20 feet.
- c) All off street parking spaces or loading areas must be screened from view of any public road or pedestrian path right-of-way, or private road or pedestrian path easement by an evergreen hedge row or masonry wall, which is consistent with building architecture and site design, at least three (3) feet in height.
- d) Where parking or loading areas abut a residential use, a six (6) foot tall masonry wall, which is consistent with building architecture and site design, shall be constructed between the parking lot or loading area and the adjacent residential use. The Planning Commission may substitute the masonry wall with one or more rows of six (6) foot tall evergreens or other appropriate landscaping required to meet the intent of this Ordinance.
- e) Loading/unloading from secondary streets may be permitted by the Planning Commission rather than the required on-site loading, upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.

5. **Architecture**

- a) Buildings shall possess architectural variety, but enhance the overall cohesive and historic village character.
- b) Building architecture shall meet the standards of Section 19.06.
- c) The first floor of front facades shall include at least eighty percent (80%) windows. The approximate size, shape, orientation and spacing shall match that of buildings on adjacent lots.
- d) The mass and proportion of structures shall be similar to structures on adjacent lots and on the opposite side of the street. Larger buildings may be broken-up with varying building lines and rooflines to provide a series of smaller scale sections, which are individually similar in mass and proportion to surrounding structures.
- e) Buildings located on corner lots shall provide distinct and prominent architectural features or site elements that reflect the importance of the building's corner location and create a positive visual landmark.
- f) For proposed alterations to commercial structures for which site plan review is not required under Chapter 19, the review of the Planning Commission shall be advisory to the Zoning Administrator in the issuance of a zoning permit. The provisions of this section shall not be construed to prevent the ordinary maintenance or repair of any exterior feature. Further, the provisions of this section shall not prevent the construction, alteration, restoration, or demolition of any feature that the County

Building Inspector and/or Zoning Administrator certify is required because of a threat to public safety.

6. **Signs.** Signs shall be designed to be compatible with the principal building's architecture and materials.
7. **Landscaping:** All landscaping shall meet the minimum requirements of Chapter 17, Landscaping and Screening. Because of the higher density of development permitted in the VC district, the following standard shall apply to frontage landscaping in place of the standards contained in Chapter 17:
 - a) Along all road frontages, one canopy street tree shall be planted for each 40 linear feet of frontage.
8. **Lighting.** In addition to the standards of Section 14.22, properties in the VC district must also satisfy the following requirements:
 - a) A consistent type of pedestrian scale ornamental lighting shall be provided along all sidewalks, within any off street parking lots and along road frontages.
 - b) Parking lot lighting shall not be greater than 20 feet in height.

D. Approval Standards. The following criteria shall be used, in addition to the standards contained in Chapter 19, Site Plan Review and Approval Procedures, as a basis upon which site plans or subdivision plats shall be reviewed and approved by the Township:

1. **Compatibility with Adjacent Uses.** The proposal shall be designed, constructed, and maintained to be compatible with permitted uses on surrounding land to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration may be given to:
 - a) The location and screening of vehicular circulation and parking areas in relation to surrounding development, to the maximum extent feasible.
 - b) The location and screening of outdoor storage, outdoor activity and work areas, and mechanical equipment in relation to surrounding development.
 - c) The bulk, placement, and materials of construction of the proposed use in relation to surrounding development shall be compatible as determined by the general requirements listed in Section 9.04.D.1.
 - d) Proposed site amenities.
 - e) The site grading and stormwater drainage plan.
2. **Transportation and Access.** The proposed use shall be designed to minimize the impact of traffic generated by the use to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration may be given to the following:
 - a) Relationship between the proposed development and existing and proposed streets.
 - b) Estimated traffic generated by the proposed use.
 - c) Location and access to off-street parking.
 - d) Location and access to off-street loading.
 - e) Provisions for vehicular traffic.

- f) Continuation of the planned street network for the village.
 - g) The Planning Commission may require a traffic impact study for special uses.
3. **Building Architecture.** In determining the appropriateness of buildings, design elements shall be evaluated in relation to existing and proposed surrounding buildings and uses. These shall meet the standards of Section 9.04.D.5.
 4. **Emergency Access.** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
 5. **Health and Safety Concerns.** Any use shall comply with applicable Federal, state, county, and local health and pollution laws and regulations related to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetism; radioactive materials; and toxic and hazardous materials. The Planning Commission may require an environmental impact study for special uses.
 6. **Screening.** Off-street parking, outside refuse, storage areas, and mechanical and electrical equipment that are within sight of adjacent residential districts or public roads shall be adequately screened.
 7. **Appearance.** Signs and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby developments.

Chapter 10.

C - Commercial

Section 10.01 Description & Purpose

The Commercial District is designed to provide for a variety of commercial uses, including the more intensive uses not permitted in the Village Center. This district is intended to cater to the needs of the whole community and surrounding areas. The property in this District is intended to have larger lot areas and be located so that it is served by larger roads and is generally away from sensitive residential areas. Because of the impact of some of the uses, detailed attention must be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Screening, parking, and lighting standards as well as the overall site design and architectural character must be consistent with the overall Township character.

Section 10.02 Permitted Uses

Land, buildings, and structures in this zoning district are permitted by right for the following purposes only:

- A.** Retail stores for the sale of such products as art/office supplies, stationary, computer equipment, hardware, appliances, sporting goods, bait and tackle, clothing, drugs and notions, gifts, books, antiques, flowers, jewelry, paint and wallpaper, and home entertainment supplies and rental.
- B.** Food and beverage stores for the sale of groceries, fruit and meat; baked goods; candy; dairy products; beverages and liquor, including beer and wine.
- C.** Food and beverage service establishments such as restaurants, dairy bars, and taverns; including outdoor cafes, but without drive-through or drive-in service.
- D.** Personal service establishments such as barbershops, beauty salons, tanning salons, self-service Laundromat and laundry pick-up, photographic studios, crating and packaging services, and frame shops.
- E.** Offices, including executive, administrative, and professional offices, establishments which perform financial or personal or business services, including banks, savings and loan companies, insurance and real estate offices, small loan companies, travel agencies, and similar companies, offices, and agencies.
- F.** Repair shops for bicycles, appliances, shoes, jewelry, clothing, small motors, and other such items, but not motor vehicles.
- G.** Marinas and other facilities for sales and service of small watercraft.
- H.** Funeral homes.
- I.** Music/dance studios and technical or vocational training facilities.

- J.** Medical and dental offices and clinics, and offices of other professionals offering services.
- K.** Churches, synagogues, and other religious facilities and buildings customarily incidental thereto; public and private schools; government buildings; libraries and museums; and other public and quasi-public facilities and institutions.
- L.** Art galleries.
- M.** Nursery schools.
- N.** Essential services.
- O.** Child day care center.
- P.** Hotel.
- Q.** Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month, subject to the standards in Section 15.38.

Section 10.03 Uses Permitted by Special Land Use Permit

The following uses are permitted only after approval of a Special Land Use Permit in accordance with the procedures of Chapter 20, Special Land Use Permit Review and Approval Procedures, in accordance with Section 10.04 and any other applicable provisions.

- A.** Banquet halls, private clubs, and fraternal halls.
- B.** Indoor recreation centers such as fitness and health clubs, batting cages, arcades, bowling alleys, skating rinks, and athletic courts.
- C.** Gas stations and automobile repair.
- D.** Drive-in or drive-thru establishments for the provisions of goods or services of a permitted use in this district (e.g., drive-through restaurant or drive-through bank).
- E.** Car wash facility, both automatic and self-service facilities.
- F.** Automobile and other vehicle sales, including small watercraft.
- G.** Veterinary offices and clinics providing medical, surgical, and grooming facilities for small non-farm animals.
- H.** Outdoor retail sales of plant material, lawn furniture, playground equipment, and home garden supplies.
- I.** Self-storage units.
- J.** Offices, showrooms, or workshop of a plumber, electrician, building contractor, upholsterer, caterer, exterminator, heating and cooling contractor, decorator, or similar trade.
- K.** Other similar retail business or service establishments, which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood as determined by the Planning Commission.
- L.** Adult care facility.
- M.** Child caring institute.

- N. Solar Farms, subject to the standards in Section 15.38.

Section 10.04 Development Standards

No building, nor any enlargement thereof, shall be hereafter erected except in conformance with the following minimum standards.

- A. Area, height, bulk, and placement requirements, unless otherwise specified, are as provided in Section 12.01, Schedule of Regulations.
- B. **General Conditions.** All uses in the C - Commercial District shall be subject to the following conditions:
1. All uses within this district shall be conducted within an enclosed structure.
 2. All goods produced and services performed on the premises shall be sold at retail on the premises produced.
 3. There shall be no outside storage of goods, inventory, or equipment, unless otherwise permitted in this Ordinance.
 4. If deemed necessary by the Zoning Administrator or at the request of the Planning Commission, a Traffic Impact Analysis shall be required for special uses in the C district. The Traffic Impact Analysis shall include, at minimum, the following information: trip generation estimates, the volume of existing traffic on roads adjacent to the site, the peak hour volume of traffic expected to be generated by the proposed development, estimates of the directional distribution of trips generated by the development, projected assignment of vehicle trip volumes to the roadway network, analysis of anticipated turning movements and required left or right turn controls, and recommendations to mitigate the impact of the development on the transportation system.
 5. Sidewalks shall be required along all street frontages. Building and site layout shall be arranged to ensure safe pedestrian movement for passersby and patrons of the business(s).
- C. **Screening.** Side yards and rear yards adjacent to residential or agriculturally zoned property shall be treated in one of the following methods, in addition to the requirements of Chapter 17, Landscaping and Screening:
1. A 20 foot greenbelt buffer shall be required along the shared property line with a combination of evergreen and deciduous trees planted ten (10) feet on center along the length of the property line in accordance with Chapter 17; or
 2. A ten (10) foot landscape buffer shall be required along the shared property line with a combination of evergreen and deciduous trees planted ten (10) feet on center along the length of the property line in accordance with Chapter 17, and a solid masonry wall or opaque wood fence six (6) feet in height.
- D. **Access.** Commercial uses shall have no more than one access drive along any public road right-of-way; except in such case where parcels abut two public roads, one access drive may be permitted along each adjoining road frontage. For multiple tenant buildings and commercial developments, shared drives, connected parking lots, and parallel access roads shall be utilized. For parcels exceeding 330 feet in frontage along a public roadway, the Planning Commission may grant one (1) additional drive approach upon review of a submitted site plan.

Chapter 11.

E - Enterprise

Section 11.01 Description & Purpose

The enterprise district is established for the purpose of providing locations for planned industrial development. It is the hope of this commission that the development would provide sustainable employment opportunities to the residents of Ovid Township in a manner consistent with the goals and objectives of the Township Master Plan.

Permitted activities or operations shall produce no external impacts that are detrimental in any way to other users in the district or to properties in adjoining districts. The enterprise district shall be compatible with adjacent residential and agricultural uses. Accordingly, permitted manufacturing, distribution, warehousing, and industrial uses permitted in this district should be fully contained within well-designed buildings on amply landscaped sites, with adequate off-street parking and loading areas.

Located on either side of the interchange at Interstate 69, the Enterprise District will establish the first impression of Ovid Township for visitors arriving via the highway. Therefore, the design and appearance of the properties and developments within this district shall be such to ensure that this gateway creates a positive and lasting impression consistent with the character and ideal of the Township. The design standards and conditions contained herein have been developed for this purpose.

Section 11.02 Permitted Uses

Land, buildings, and structures in this zoning district are permitted by right for the following purposes only:

- A.** The manufacture, assembly, compounding, processing, packaging, treatment or testing of products; such as bakery goods, candy, soap (cold mix only), cosmetics, pharmaceutical products, toiletries, dairy and food products, hardware, and cutlery. The manufacturing, processing, and assembling from basic raw materials, including the rendering or refining of fats and oils, shall be prohibited.
- B.** The manufacture, assembly, compounding, processing, packaging, treatment or testing of articles of merchandise from the following previously prepared materials which have been manufactured elsewhere: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile body panels), ferrous and non-ferrous metals (excluding large castings and fabrications), shell, textiles, tobacco, wax, wire, yarn, wood (excluding saw and planing mills), and paint (not employing boiling process).
- C.** The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

- D.** Laboratories, offices, and other facilities for basic and applied research, experimentation, testing, product design, technology development, consulting, and business development.
- E.** Data processing and computer centers, including service and maintenance of electronic data processing equipment.
- F.** Any high technology research and development use which has as its principal function research, services, light manufacturing, assembly, fabrication, or machining from processed materials. Such uses shall include but are not limited to computer information transfer, communication, distribution, management, processing, administration, laboratory, experimental, developmental, technical, testing services, agricultural technology, biological or pharmaceutical research, software technology, telecommunications, biomedical technology, fluid transfer and handling technology, defense and aerospace technologies or other technology oriented or emerging industrial or business activity.
- G.** Wholesale and warehousing businesses; storage buildings; resale shops; commercial laundries; cleaning establishments; frozen food lockers; and shipping, packing, and mailing companies.
- H.** Bottling plants and dairies.
- I.** Contractor yards.
- J.** Machine shop; printing shop; tool, die, and gauge shop.
- K.** Sign painting and servicing shop.
- L.** Taxidermist.
- M.** Self-storage warehouse or self-storage units.
- N.** Essential services.
- O.** Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month, subject to the standards in Section 15.38.

Section 11.03 Uses Permitted by Special Use Permit

The following uses are permitted only after approval of a Special Use Permit in accordance with the procedures of Chapter 20, Special Use Permit Review and Approval Procedures, in accordance with Section 11.04 and any other applicable provisions.

- A.** Auto repair shop.
- B.** Car wash facility, both automatic and self-service.
- C.** Gas stations.
- D.** Indoor and outdoor recreation facilities.
- E.** Junkyards and salvage yards.
- F.** Saw and Planing Mills
- G.** Radio and TV transmission towers.

- H. Wireless communication facilities.
- I. Petroleum storage provided it is located at least 500 feet from any district that permits residential uses.
- J. Adult uses.
- K. Restaurants, financial institutions, vocational training centers, and other retail uses clearly accessory to the principal industrial use established to serve the employees of the industrial facilities within the localized area only.
- L. Other uses of a similar nature to those listed above which the Planning Commission finds to be consistent with the purpose of this Ordinance, and which will not impair the present or potential use of adjacent properties.
- M. Composting Center.
- N. Solar Farms, subject to the standards in Section 15.38
- O. Marihuana Retail Establishments that meet the requirements of Section 15.39, the requirements of the Ovid Township Ordinance Authorizing Retail Marihuana Establishments (Township Ordinance 29), and the Ovid Township Regulation of Adult-Use Marihuana Establishments Ordinance (Township Ordinance 30).

Section 11.04 Development Standards

No building, nor any enlargement thereof, shall be hereafter erected except in conformance with the following minimum standards.

- A. Area, height, bulk, and placement requirements, unless otherwise specified, are as provided in Section 12.01, Schedule of Regulations.
- B. **General Conditions.** The following general conditions shall apply to all sites developed within the Enterprise district:
 - 1. Each use shall be conducted wholly within a fully enclosed building unless otherwise permitted by this Ordinance.
 - 2. In no case shall noise, odor, fumes, dust, smoke, glare, or radioactive material impact adjacent districts on which residential occupancy is permitted within Ovid Township.
 - 3. All stormwater drainage shall be accommodated on site in a manner acceptable to the Township.
 - 4. All buildings shall be readily accessible by fire and emergency vehicles.
- C. **Loading.** In addition to the standards of Chapter 16, Parking and Loading, all loading spaces must be fully screened from the view of any property that is zoned to allow residential use. The Planning Commission may consider time restrictions in those instances where trucks are likely to be reversing within 200 feet of residential properties.
- D. **Signs.** In addition to the standards of Section 14.09, post signs are prohibited in the E district. All signs must be monument style with a masonry or brick base. The maximum height is eight (8) feet with a maximum sign face of 32 square feet.

- E. Landscaping.** In addition to the standards of Chapter 17, Landscaping and Screening, the landscaping in the front yard and along the front building elevation should be enhanced to complement the architecture of the building. Those buildings located along Interstate 69 or adjacent to the Fenn Road interchange shall pay particular attention to their landscaping in order to create a more attractive site and development.
- F. Lighting.** In addition to the standards of Section 14.22, all sites shall provide enough lighting to permit safe movement of vehicles and pedestrians at night. However, there shall be no spillage of light onto properties that are not in this zoning district. Furthermore, where the proposed project is part of a larger development, the type of lighting (e.g., high-pressure sodium, metal halide, etc.) should be consistent throughout the entire development. It is preferred that this be consistent through the entire zoning district.
- G. Trash Removal.** The method of trash removal is to be shown on the site plans presented to Planning Commission for approval. Dumpsters and similar receptacles should be screened in a manner acceptable to Chapter 17, Landscaping and Screening.
- H. Building Design Standards.** All buildings in the Enterprise District shall be designed according to these standards.
1. The exterior facades of commercial, office, or high tech/research buildings shall be constructed of brick, stone, glass, or other similarly decorative material as determined by the Planning Commission. No more than 10% of the exterior façade may contain EIFS or decorative masonry block.
 2. The exterior facades of industrial buildings constructed or located within 300 feet of, and facing, the front lot line of any parcel of land fronting upon any public street or internal road shall be constructed of brick, stone, glass, or other similarly decorative material as determined by the Planning Commission. No more than 25% of the exterior façade may contain EIFS, decorative masonry block, or metal panels.
 3. Elevators, stairways, tanks, heating and air conditioning equipment, vents, ducts, pipes and other similar apparatus shall be screened from view from off-site by a penthouse or structure equal in height to the height of the equipment being screened. The outside finish materials shall be the same as or complimentary to the building facade finish materials to which it is attached. The Planning Commission may modify this requirement at site plan review.
 4. Building elevations and landscaping on sites adjacent to primary roads and limited access highways shall be of equal importance and present an attractive appearance, comparable to the building front.

Chapter 12. Schedule of Regulations

Section 12.01 Table of Dimensional Standards by District

Zoning Districts	Lot Minimums		Max. Building Height ² (feet)	Maximum Lot Coverage ³		Minimum Setback Measured from Lot Line (feet)				Minimum Useable Floor Area Per Unit (sq. ft.)
	Area (acres)	Width ¹ (feet)		Bldg	Surface	Front Yard ^{4, 5, 6}	Side Yard ⁷		Rear Yard ⁸	
							Min. Yard	Both Yards		
AG - Agriculture	40 ¹⁰	--	35	25%	35%	50	20 ¹¹	50 ¹¹	50	1000
RR – Rural Residential	5	330	30 ¹²	30%	40%	50	20	50	50	1400
NR – Neighborhood Residential	2 / 1/2 ^{9, 13}	150 / 80 ¹³	30 ¹²	35%	5-9%	20	10 ¹⁴	25 ¹⁴	25 ¹⁴	(15)
WR – Waterfront Residential	1 / 1/6 ¹⁶	115 / 60 ¹⁶	30 ¹²	35%	50%	30 ¹⁷	7 ¹⁸	20 ¹⁸	15 ¹⁹	1000
MH – Manufactured Housing	See Chapter 8 for the Standards pertaining to the MH district.									
VC – Village Center	(20)	(20)	35	50%	80%	10 ²¹	0 ¹⁴	0 ¹⁴	80 ¹⁴	(15)
C - Commercial	2 / 1/3 ²²	150 / 70 ²²	35	40%	80%	50 ²³	10 ²⁴	10 ²⁴	10 ²⁵	--
E - Enterprise	3 / 1.5 ²⁶	200 / 135 ²⁶	45	40%	70%	50	20 ²⁷	20 ²⁷	50	--

(##) - Footnote

Section 12.02 Notes to Schedule of Regulations

1. **Lot widths shall be measured at the front building line.** Minimum lot widths are required along the street upon which the lot principally fronts. Where a curvilinear street pattern results in irregularly shaped lots with non-parallel side lot lines, the minimum lot widths shall be increased by 30%. On corner lots, the minimum lot width shall be increased by 30 feet along both street frontages in order to accommodate the required setbacks.
2. See Section 14.16, Building Height.
3. In order to reduce runoff and to improve water quality by filtering pollutants into the substrata and not directly into lakes and streams, the following types of pervious or porous paving materials are encouraged to be used for exterior paving purposes. The lot coverage factor to be used for each type of pervious paving material is listed below:
 - a) Compacted or crushed stone driveways or parking pads will be calculated at 75% of the total area.
 - b) Exterior open-slatted wooden or composite decks; and patios that are at grade level and not roofed or enclosed and that use stone, concrete or asphalt pavers over a compacted sub-base will be calculated at 50% of the total area.
 - c) Patios, driveways and parking areas that utilize pervious, gap-graded, no-fines or enhanced-porosity concrete; or porous asphalt; or that utilized permeable, inter-locking paving systems designed for living sod or gravel fill will be calculated at 25% of the total area.
4. **Front yard setback notes.**
 - a) Unless otherwise stated, the front yard setback shall be measured from the existing road right of way line, which is also the front lot line.
 - b) For corner lots, both street frontages shall be considered front yards and shall provide the minimum front yard setback. The size of corner lots shall be large enough to accommodate both front yard setbacks and a building of similar size to those located on non-corner lots. The rear yard of a corner lot is the side opposite the narrower of the two street frontages.
 - c) No new double frontage lots shall be created. For existing double frontage lots, both street frontages shall be subject to the front yard regulations. In districts where the rear yard setback is greater than the front yard setback, the building shall be setback at least the distance of the rear yard setback requirement from the street that it does not primarily face.
 - d) For waterfront lots, the waterfront side shall be the front yard. The ordinary high water mark shall be considered the lot line for purposes of zoning and setback measurement. See section 14.22 for additional standards regarding waterfront yards.
5. The following table shows the front yard setback standards for each of the zoning districts (except Waterfront Residential, WR). The front yard setback is measured from the property line, which is the road right of way line in most instances. However, where there is no right of way or easement line, or where the road is not located centrally in the right of way, an additional standard is provided for front yards. In no case shall any structure be located within the setbacks provided from the edge of pavement of the adjacent road:

Zoning District	Front Yard Setback	
	from Right of Way	from Edge of Road
Agriculture – AG	50	59
Rural Residential – RR	50	59
Neighborhood Residential – NR	20	29
Village Center – VC	10	19
Commercial – C	50	59
Enterprise - E	50	59

6. **Front yard setback exceptions.** The following exceptions are based on the Future Right of Way Plan that is included in the Circulation Chapter of the Ovid Township Master Plan. The intent is to protect areas of undeveloped road right of way for future road expansion. These additional setback requirements shall only apply to structures constructed after the effective date of this amendment. [Amended: 3/10/2008; Ord. #26]
- a) Properties with frontage on Angola Road, Behnke Road, Block Road, Centennial Road, Central Road, or Fenn Road shall have a front yard setback of 110 feet from the centerline of the road right of way.
 - b) Properties with frontage on Fillmore Road or Quimby Road shall have a front yard setback of 93 feet from the centerline of the road right of way.
 - c) In no case shall the front yard setback requirement exceed 35% of the total depth of the lot. If the setback exceeds 35%, the standard shall be set at 35% of the lot depth or the standard for that zoning district, whichever is greater.
7. Two standards are provided for the side yard setback minimum. Each yard must meet the minimum requirement listed under the first column, labeled “Min. (minimum) Yard.” Plus, the sum of the two side yards added together must also equal at least the minimum amount listed under the second column, labeled “Both Yards.” In order to conform to this Ordinance, the site must meet both standards for side yards.
8. For properties adjacent to Interstate 69, the minimum setback from the property line adjacent to the interstate shall be 75 feet.

9. Development rights from properties in the Agriculture District (AG) may be transferred to properties in the Neighborhood Residential (NR) district, where density and development are more appropriate. The right to develop one (1) unit in the NR district shall require the transfer of development rights from four (4) acres in the AG district. As a result, the maximum density permitted in the NR district is increased from two (2) units to the acre to four (4) units to the acre. In order to be credited with the density bonus, documentation confirming the transfer of development rights shall be submitted to the Township, and the required minimum amount of land in the AG district that was transferred must be permanently placed in an undeveloped state as open space, as defined in Section 14.21.A of this Ordinance. The required open space shall be set aside by the property owner through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will remain undeveloped. Documentation that this requirement has been fulfilled must also be submitted.
10. Non-farming residential uses in the AG district shall have a minimum lot size of one (1) acre and a maximum lot size of five (5) acres. When the lot is created, at a minimum, the balance of 40 acres or the parent parcel must be dedicated to permanent Open Space, per the guidelines in Section 14.21.F. One such split shall be permitted per parent parcel. [Amended: 3/10/2008; Ord. #26]
11. All uses split from the same parent parcel must be clustered together and share a common access point to the adjacent, existing road. These standards may be excepted if the non-farming residential uses being separated are existing uses. [Amended: 3/10/2008; Ord. #26]
12. Non-residential structures shall be separated from residential structures by a minimum of 25 feet and satisfy all rear and side yard requirements for the district. Non-residential structures shall be arranged in a safe and efficient manner. [Amended: 3/10/2008; Ord. #26].
13. For residential structures, in no case shall any part of the house exceed a height of 40 feet from the natural grade except for personal television antennae.
14. The minimum lot size in the NR district without being connected to an approved sewer system is two (2) acres. However, with a connection to an approved sewer system, the minimum lot size is reduced to one-half (1/2) acre (or 21,780 square feet). If the minimum lot size is two (2) acres, the minimum lot width shall be 150 feet. If the minimum lot size is one-half (1/2) acre, the minimum lot width shall be 80 feet. In a multiple lot development, the density will be based on these standards. However, the applicant is encouraged to be creative and vary the lot sizes through a planned development in an effort to vary the types of housing provided.
15. The minimum distance between multiple-family structures located on the same lot shall be 35 feet, except for the following situations:
 - a) If the rear of one structure is facing the rear of another structure, the separation shall be 60 feet;
 - b) If the front of one structure is facing the rear of another structure, the separation shall be 50 feet; or
 - c) If the front of one structure is facing the front of another structure, the separation shall be 60 feet.
 - d) These shall be in addition to the required setback from lot lines.
16. The minimum floor area per dwelling unit shall be as follows:

- a) Each single family and two (2) family dwelling unit shall have a minimum floor area of 960 square feet.
 - b) Efficiency apartments shall have a minimum floor area of 500 square feet.
 - c) One (1) bedroom multi-family dwelling units shall have a minimum floor area of 650 square feet.
 - d) Two (2) bedroom multi-family dwelling units shall have a minimum usable floor area of 750 square feet.
 - e) Three (3) bedroom multi-family dwelling units shall have a minimum usable floor area of 900 square feet.
 - f) Each additional bedroom in a multi-family dwelling unit shall add an additional 100 square feet of usable floor area to the required minimum area.
17. The minimum lot size for newly created lots in the WR district without being connected to an approved sewer system is one (1) acres. However, with a connection to an approved sewer system, the minimum lot size is reduced to 7,200 square feet. If the minimum lot size is one (1) acre, the minimum lot width shall be 115 feet. If the minimum lot size is 7,200 square feet, the minimum lot width shall be 60 feet.
 18. The minimum front yard setback in waterfront yards shall be consistent with the average of the front yard setbacks of the properties within 200 feet on either side of the subject property or 30 feet, whichever is less. The minimum front yard setback for non-waterfront yards shall be consistent with the average of the front yard setbacks of the properties within 200 feet on either side of the subject property or 30 feet, whichever is less. However, for non-waterfront lots, the minimum front yard setback shall be no less than 15 feet. [Amended: 3/10/2008; Ord. #26]
 19. For existing lots of record that are less than 50 feet wide, no side yard shall be less than seven (7) feet. In no case shall the total of both side yards be less than 14 feet.
 20. For waterfront lots, the rear yard is adjacent to the road. All structures shall be setback a minimum of 15 feet from the rear property line (road right of way) or 24 feet from the edge of pavement of the road surface, where the property line is the edge of pavement, within the pavement, or is unknown. [Amended: 3/10/2008; Ord. #26]
 21. Density in the VC district shall be determined by compliance with building height, lot coverage, parking, landscaping, and other standards contained herein.
 22. The front yard setback in the VC district shall be no more and no less than 10 feet from the property line (or 19 feet from the edge of pavement, whichever is greater) unless there is an approved site plan for an alternative setback that includes a plaza or other public space within the enlarged front yard or unless it is subject to the future right of way setback.
 23. The minimum lot size in the C district without being connected to an approved sewer system is two (2) acres. However, with a connection to an approved sewer system, the minimum lot size is reduced to one-third (1/3) of an acre. If the minimum lot size is two (2) acres, the minimum lot width shall be 150 feet. If the minimum lot size is one-third (1/3) of an acre, the minimum lot width shall be 65 feet.
 24. The front yard setback in the C district shall be the lesser of the following: 50 feet or the average of the setbacks of the principal structure on either side of the subject property provided the adjacent properties are both zoned Commercial.

25. Side yard setbacks in the C-Commercial District:

- a) Where the Commercially zoned subject property is adjacent to residential or agricultural zoning, the side yard setback for each yard shall be 25 feet. Within that setback, a ten (10) foot greenbelt is required with screening per the requirements of Chapter 17, Landscaping and Screening.
- b) Where the Commercially zoned subject property is adjacent to commercial zoning, the side yard setback for each yard shall be ten (10) feet.
- c) The Planning Commission can reduce the setback between commercial properties to zero (0) feet provided they have an application before them with the signatures of both property owners showing a shared building that straddles the property line with an approved firewall separating the two uses.

26. Rear yard setbacks in the C-Commercial District:

- a) Where the Commercially zoned subject property is adjacent to residential or agricultural zoning, the rear yard setback shall be 25 feet. Within that setback, a ten (10) foot greenbelt is required with screening per the requirements of Chapter 17, Landscaping and Screening.
- b) Where the Commercially zoned subject property is adjacent to commercial zoning, the rear yard setback shall be ten (10) feet.
- c) No accessory buildings shall be located within five (5) feet of the rear property line.

27. The minimum lot size in the E district without being connected to an approved sewer system is three (3) acres. However, with a connection to an approved sewer system, the minimum lot size is reduced to one and one-half (1.5) acres. If the minimum lot size is three (3) acres, the minimum lot width shall be 200 feet. If the minimum lot size is one and one-half (1.5) acres, the minimum lot width shall be 135 feet. The overall density of development will be based on these standards. The applicant is encouraged to create a campus style environment in this district. The planned development process allows for flexibility in the specific lot sizes while still controlling the overall density of the area.

28. Side yard setbacks in the E-Enterprise District:

- a) Where the Enterprise property is adjacent to other property that is in the Enterprise district, the side yard setback for each yard is 20 feet.
- b) Where the Enterprise property is adjacent to any other zoning district, the side yard setback for each yard is 50 feet. Within that setback, a ten (10) foot greenbelt shall be required with screening consistent with the requirements of Chapter 17, Landscaping and Screening.

Chapter 13.

Nonconforming Lots, Uses, and Structures

Section 13.01 Purpose

Non-conformities are lots, uses, structures, buildings, or site plans for developed sites which do not conform to one or more provisions or requirements of this Ordinance, but which were lawfully established prior to the date of adoption or amendment of this Ordinance. Such non-conformities are considered to be incompatible with the current or intended use of land, buildings or structures, in the district in which they are located. This section is intended to meet the objectives stated below by establishing regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of non-conformities, and specify the circumstances and conditions under which nonconformities shall be permitted.

The objectives of this Ordinance are to eliminate, or bring into compliance, lots, buildings, structures and uses which legally existed at the date of adoption of this Ordinance, but do not meet the current standards of this Ordinance. This Ordinance also has special provisions to permit certain nonconforming situations considered to be less harmful to continue under certain conditions, but to discourage their expansion, enlargement, or extension. The standards of this Article are intended to accomplish the following:

- A.** Terminate and remove any use, building, accessory structure, or any combination thereof that was established after the effective date of this Ordinance and in violation of this Ordinance. Such uses, buildings or accessory structures are classified as illegal nonconformities and shall not receive any of the rights, privileges, or protection conferred by this Article for legal nonconforming situations.
- B.** Eliminate nonconforming uses that are more intense than the uses permitted within the zoning district and are considered to be incompatible with permitted uses, or encourage their redevelopment into a more conforming use.
- C.** Permit legal nonconforming buildings, structures or uses to remain until they are discontinued or removed, but to discourage their survival.
- D.** Encourage the combination of contiguous nonconforming lots of record to create lots that conform to current standards, to avoid the public health, safety, and welfare problems associated with the over-crowding of land.
- E.** Declare the legal conforming status of certain existing lots that were established before the Ordinance was created but may not satisfy the standards of this Ordinance. This shall aid in the financing and insurance administration of these properties.

Section 13.02 Applicability

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in 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, or upon which actual building construction has been diligently carried on and there is a valid building permit. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

Section 13.03 Legal Lots of Record

As of the date of adoption of this ordinance, all lots with a gross area of at least 4,000 square feet and a width of at least 40 feet shall be considered legal and conforming lots of record. All lots that do not satisfy these standards shall be considered legal nonconforming lots and shall be subject to the standards contained below.

Section 13.04 Nonconforming Uses of Land, Buildings, and Accessory Structures

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on open land, a lot(s), a building(s), or an accessory structure(s) exists that is made nonconforming by this Ordinance or its amendments, such use may be continued, as it remains otherwise lawful, subject to the following provisions:

- A. Expansions:** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the effective date of this Ordinance, but no such use shall be enlarged, expanded, or extended to occupy a greater area of land or greater floor area than was occupied at the effective date of this Ordinance.
- B. Accessory uses and structures:** No new accessory use, building, or structure shall be established.
- C. Relocation:** The nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Ordinance.
- D. Abandonment or discontinuance:** If such nonconforming use is abandoned or discontinued for any reason, except as noted below, such use shall not be re-established. Subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- E. Special standards for single family homes in nonresidential district:**
 - 1. A single family residential dwelling in a zoning district which does not permit such a use may be expanded to occupy the floor area necessary for living purposes subject to approval by the Zoning Board of Appeals.

2. A single family dwelling and its accessory structures, in a zoning district which does not permit such use may be continued, replaced, repaired or remodeled if damaged by flood, fire, or vandalism, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint and floor area will be the same size or smaller than that of the building before such change. Replacement of such nonconforming single-family building shall commence no sooner than receiving a valid building permit and within one (1) year of the date of damage. Work shall be diligently pursued toward completion. The applicant may be required to provide the Township with evidence, visual or otherwise, to demonstrate to the satisfaction of the Zoning Administrator that work is being diligently pursued. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.
- F. Change in use.** Except for single family dwellings as permitted above, a nonconforming use shall not be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. If no structural alterations are made, any nonconforming use of a building, or building and land in combination, may be changed to another nonconforming use if the Zoning Board of Appeals, either by general rule or by making findings in the specific case, finds the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- G. Removal.** Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- H. Exceptions.** Any use for which a special exception, variance or Special Land Use permit has been granted as provided in this Ordinance shall not be deemed a non-conformity.

Section 13.05 Nonconforming Lots of Record

The following regulations shall apply to any non-conforming lot of record or non-conforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- A. Use of Nonconforming Lots:** Any non-conforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of this ordinance. 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 the lot is in conformance with all other applicable yard setback, minimum floor area, and maximum height requirements for the district in which it is located (see item C below).
- B. Variance to Area and Bulk Requirements:** If the use of a non-conforming lot requires a variation of the minimum floor area and bulk (minimum setback and maximum height) requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals. (See item C below).
- C.** To develop a nonconforming lot(s) under the provisions of paragraphs A and B of this section, the applicant is required to submit evidence that ownership of the lot was not under contiguous single ownership with other lots which could have been combined into a conforming or more conforming lot.

- D. Nonconforming Contiguous Lots under the Same Ownership:** The following regulations shall apply to nonconforming contiguous lots under the same ownership.
1. If two or more lots or a combination of lots with contiguous frontage are or have been under single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance. Any altering of lot lines or combination of lots shall result in lots, which conform to the requirements of this Ordinance.
 2. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance.
 3. Any combination, in whole or in part, of non-conforming lots of record shall result in lots that conform to the requirements of this ordinance to the maximum extent feasible.
 4. Once any combination that creates a conforming lot occurs, the resulting lot shall not retain nonconforming lot of record status and will hereafter be required to comply with the lot requirements of this ordinance.

Section 13.06 Nonconforming Buildings and Structures

Where a lawful building or 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, landscape buffer, off-street parking, loading space, minimum setback, or other characteristics of the structure or its location on the lot, such building or structure may be continued provided it remains otherwise lawful, subject to the following provisions.

- A. Permitted expansions:** An expansion (footprint, height, or floor area) of a non-conforming building or structure shall be permitted, provided that the expansion does not worsen the non-conformity. For the purposes of this section, “worsen” means to make the non-conforming portion of the structure taller, wider, or deeper, to reduce a non-conforming setback even further, or to eliminate a required site feature (such as a parking space or landscape area), from an already non-conforming site design. The Zoning Administrator shall have the authority to determine whether an alteration to a site worsens and non-conformity. Appeals of the decisions of the Zoning Administrator shall be the Zoning Board of Appeals.

Structures located on Angola Road, Behnke Road, Block Road, Centennial Road, Central Road, Fenn Road, Fillmore Road, or Quimby Road that are nonconforming due to a lack of conformance with the increased front yard setback requirement along the frontage of these roads as stated in footnote 6 of Section 12.02 shall be permitted to expand subject to the following conditions and shall not be subject to the conditions stated in paragraphs 1, 2, and 3 directly above:

1. The front side of the structure is the only side that does not conform to setback requirements.
2. The proposed expansion will be located no closer to the front property line than the principal structure is located currently.
3. The proposed expansion will conform to all other setback and height requirements.

[Amended: 4/13/2009; Ord. #27]

Except as noted above, no nonconforming building or structure may be enlarged unless a variance is granted by the Zoning Board of Appeals.

- B. Replacement of a nonconforming single family dwelling:** A nonconforming building used as a single family residence may be continued, replaced, repaired or remodeled if damaged by flood, fire, vandalism, accident or other natural disaster provided the replacement structure does not expand the footprint (horizontal dimensions) of the original structure unless that portion of the structure that is expanding is in conformance with the requirements of this Ordinance. Replacement of such a nonconforming single family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals. [Amended: 3/10/2008; Ord. #26]
- C. Damaged nonconforming buildings and structures:** Except as noted in item B above, a nonconforming building or structure, which is damaged by flood, fire, or vandalism to an extent of more than fifty percent (50%) of its market value prior to damage (as described in paragraph H), exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this Ordinance, unless the lot is a nonconforming lot of record, in which case the provisions of Section 13.05 also apply. Where the extent of damage does not exceed 50% of the market value of the building or structure, the damage may be replaced provided replacement is commenced within one (1) year of the date of damage and is being diligently pursued toward completion. Failure to complete replacement shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals. Where the extent of damage exceeds 50% of the market value of the building or structure, the replacement shall commence as new construction in conformance with the provisions of the Ordinance. [Amended: 3/10/2008; Ord. #26]
- D. Relocation of a nonconforming building or structure:** Should any nonconforming building or structure be relocated or removed for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- E. Safety related repairs, improvements and modernization:** Repairs, improvements, or modernization of non-conforming buildings or structures deemed necessary by the County Building Inspector or the Township Zoning Administrator to keep a non-conforming building or structure structurally safe and sound shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the market value (as described in paragraph H) of the building or structure during any period of 12 consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating, or cooling systems to meet Building Code requirements. Any such repairs, improvements, and modernization shall not result in an enlargement of the non-conforming structure. However, if a non-conforming structure or a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the Building Department, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located. [Amended: 3/10/2008; Ord. #26]
- F. Repair and Maintenance.** Ordinary repair and maintenance of nonconforming structures, other than structural alterations and reconstruction or repairs covered in the paragraphs above, may be conducted on non-conforming structures. In addition, structural alterations may be carried out where those structural alterations are determined by the building official to be required for the protection of the public health, safety, and welfare, or where those structural alterations are in compliance with the standards of this Ordinance.

1. The extent of repairs and maintenance shall not exceed 50% of the market value of the building or structure (as described in paragraph H below). A building or structure undergoing repair or maintenance to such extent shall be considered new construction and shall be brought into conformance with the standards of the Ordinance.
2. Structural alterations shall include any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, except the application of any exterior siding to an existing building for the purpose of beautifying and modernizing.

[Amended: 3/10/2008; Ord. #26]

- G. Elimination of nonconformity:** In the event a non-conforming situation is removed, the corresponding section of the building or structure shall thereafter conform.
- H. Market Value:** For the purpose of this Article, Market Value shall be determined by an acceptable independent appraisal provided by the applicant. The Township Assessor shall review the appraisal. The value of the repairs of improvements shall be based on a written estimate from a licensed contractor provided by the applicant. This estimate shall be reviewed by the Township Zoning Administrator and if necessary the County Building Inspector.

Section 13.07 Recording of Nonconforming Uses and Structures

Failure on the part of a property owner to provide the Township with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

Chapter 14.

General Provisions and Exceptions

Section 14.01 Purpose

All uses and structures, whether permitted by right or by special use permit, shall be subject to the following general regulations of this Ordinance.

Section 14.02 General Exceptions

- A. Essential Services.** Essential services serving Ovid Township shall be permitted as authorized and regulated by law and other ordinances of the Township. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Township shall be considered a Special Use and be required to go through the procedures as stated in Chapter 20, Special Land Use Permit Review and Approval Procedures. Such review shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the Township.

The Zoning Board of Appeals may permit the erection and use of a building, or an addition to an existing building of a public service corporation for public utility purposes, in any permitted district to a greater height or of a larger area than the district requirements herein established and may permit the location in any use district of a public utility building, structure, or use, if the Board finds such use, height, area, building, or structure reasonably necessary for the public convenience and services, and if such building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.

- B. Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal or other public election.

Section 14.03 Reserved

Section 14.04 Performance Standards

No activity, operation, or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, radiation, noise or disposal of waste is deleterious to other permitted activities in the zone district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety or welfare of the community.

A. Vibration

1. **Permitted Vibration.** Vibration is the oscillatory motion of a solid body. Machines or operations which cause vibration may be permitted in industrial districts, provided that: No operation shall generate any ground- or structure-borne vibrational motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located, and
2. **Permitted Exemptions.** Vibrations resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM. shall be exempt from the maximum permitted vibration levels in Subsection 3, provided that such activity occurs in a legally accepted manner.

B. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion. The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air. This requirement shall not pertain to lawfully operated farming practices that are being conducted in accordance with state GAAMP requirements and as otherwise protected by the state Right To Farm act.

C. Odor. Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard to adjoining property, or which could be detrimental to human, plant, or animal life. This requirement shall not pertain to lawfully operated farming practices that are being conducted in accordance with state GAAMP requirements and as otherwise protected by the state Right To Farm act.

D. Glare and Heat. Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half ($\frac{1}{2}$) of one (1) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

E. Sewage Wastes and Water Pollution. Sewage disposal and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including the Michigan Department of Public Health, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, including Michigan Public Act 451 of 1994, as amended, the Branch County Health Department, and the U. S. Environmental Protection Agency.

- F. Gases.** The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the Federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations.
- G. Electromagnetic Radiation and Radio Transmission.** Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.
- H. Radioactive Materials.** Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an x-ray machine, shall not exceed levels established by federal agencies that have jurisdiction.
- I. Noise.**
1. At no point shall any individual or existing residential use in the AG, RR, NR, WR, or MH districts produce sound levels that exceed the A scale levels (slow response) of 55 dB(A).
 2. At no point shall the sound pressure level of any individual operation operating in the VC, C or E districts exceed the A scale levels (slow response) of 62 dB(A).
 3. Between the hours of 10:00 pm and 7:00 am, the maximum permitted sound pressure level shall be reduced by 7 dB.
 4. Construction shall be prohibited between the hours of 7:00 pm and 7:00 am and all day on Sundays and holidays due to the disturbance created. Otherwise, construction tool operation shall be exempt from the maximum noise level standards of this Section.
 5. The following items shall be exempt from this section: emergency vehicles and emergency work, snowplowing and street cleaning, other public work, agricultural uses, church bells and chimes, lawn care and maintenance during daylight hours, licensed vehicles being operated on a road or street, or trains and air crafts.

Section 14.05 Temporary Uses

- A. Permitted Temporary Buildings and Uses.** The following buildings and uses are permitted subject to meeting all of the following requirements of this section:
1. **Temporary Dwellings.** No temporary dwelling shall be erected or moved onto a lot and used for dwelling purposes except during construction of a permanent dwelling on the premises that has been issued a building permit. The reasonable date for removal of the temporary dwelling, established on the permit issued by the Zoning Administrator, shall not exceed one (1) year from the issuance of the permit. The temporary dwelling shall be subject to the following conditions:
 - a) Temporary dwellings are permitted in all residential districts.
 - b) In the AG and RR districts, the temporary dwelling shall conform to all yard and setback requirements.

- c) The use of the structure on the premises shall not adversely affect adjacent properties.
 - d) The structure shall comply with all applicable sanitary codes and building restrictions of the Township and Branch County.
 - e) There shall be verifiable evidence of continuing construction of the principal structure.
2. **Temporary Construction Structures.** Temporary building and/or structure used for storage of equipment and construction offices may be used only during construction of a permanent structure that has been issued a building permit. In instances where the temporary structure is serving one site or one building, the temporary structure shall be removed from the site prior to issuance of a final notice of approval from the Zoning Administrator. Where the temporary structure is serving multiple building sites, the temporary structure shall be removed prior to the final approval of the final building site within the development. Temporary Construction Structures shall be subject to the following additional conditions:
- a) Temporary construction structures must be setback at least 10 feet from all property lines except that no temporary construction structures shall be permitted in the front yard.
 - b) The property shall be well maintained and free of debris. Litter shall be kept in an approved, enclosed container.
3. **Temporary Office for Sales / Retail in a Residential Development (Model Home).** In approved residential developments, no more than two (2) temporary offices for the sale or rental of the properties within that development, and only the properties within that development, shall be permitted. The following conditions shall apply to these structures:
- a) An individual company or entity may only operate one (1) such temporary structure in a single development. The same company cannot operate both permitted temporary offices within a single development.
 - b) A minimum of four (4) off-street parking spaces shall be provided for the employees and customers.
 - c) The structure shall be equal in appearance to the surrounding residences and shall be able to be converted to residential use immediately upon cessation of the temporary use.
 - d) Signage shall be limited to one ground sign with a maximum size of 16 square feet and a maximum height of five (5) feet. If illuminated, the light shall be directed so as not to shine onto adjacent properties.
 - e) The temporary office shall be converted to a permanence residence once greater than 75% of the lots or homes have been sold and/or leased.
4. **Special Events and Other Temporary Uses.** The Township Zoning Administrator may grant temporary use of land and structures for special events and other temporary uses. The following conditions apply to specific temporary uses:
- a) Carnival, Circus, and Musical Concert or Other Transient Entertainment or Recreational Enterprise.
 - (1) The maximum duration of any individual event shall be 10 days.

- (2) The location of the special event shall not be in or adjacent to any developed residential area except on church, school, or park property. In such a case, the setback from any residential property shall be 100 feet.
 - (3) Events that extend beyond one calendar day may require Planning Commission approval as determined by the Zoning Administrator.
 - (4) The Planning Commission may require an Impact Assessment for temporary special events. The assessment must have a focus on traffic impacts created by the event and the impacts of that event on the level of service of surrounding roads. The assessment may also evaluate impacts on services, utilities, public safety, drainage, and/or the environment as necessary. The assessment must be completed by a licensed, certified Engineer.
- b) Sidewalk, Tent Sale, or Other Similar Outdoor Sale
- (1) The maximum duration of the special event shall be seven (7) days.
 - (2) These special events shall be permitted in the C, Commercial and VC, Village Center districts only.
 - (3) The sales area shall not cover more than 50% of the width of the sidewalk.
 - (4) If the special event is occurring in a parking lot, a sufficient number of parking spaces shall remain to meet the existing zoning requirements for that district.
- c) Christmas Tree Sales
- (1) The maximum duration of the special event shall be 45 days.
 - (2) The special event shall not be located in or adjacent to any developed residential area.
 - (3) (Within 24 hours of completion of the special event, stumps, branches, and other debris shall be completely removed from site.
 - (4) If the special event is occurring in a parking lot, a sufficient number of parking spaces shall remain to meet the existing zoning requirements for that district.
- d) Sporting or Outdoor Recreational Event and any overnight camping associated with these events.
- (1) The maximum duration for the special event shall be three (3) days.
 - (2) The special event shall be permitted in the Agriculture district only.
- e) See also Section 15.32, Seasonal Events, for additional standards that apply to temporary uses that occur on an annual basis.

B. Temporary Zoning Permit. A temporary building or use shall require issuance of a zoning permit from the Zoning Administrator under Section 22.06 of the Zoning Ordinance. The Township Zoning Administrator may also require the applicant to submit a site plan, including those elements of Section 19.03 that the Zoning Administrator determines to be necessary for a thorough review. Applications shall be accompanied by payment of a fee in accordance with the duly adopted schedule of fees to cover costs of processing the application.

The Township Zoning Administrator shall make a determination that the location of any temporary buildings or uses will not adversely affect adjoining properties, nor adversely affect public health, safety, and the general welfare of the Township. The permit shall establish a reasonable date for removal of the temporary structure and/or use, and shall set forth other conditions of permission as deemed necessary by the Zoning Administrator. Any temporary buildings shall be placed so as to conform to all yard requirements of the zoning district in which it is located, unless otherwise indicated.

- C. Conditions.** In order to protect the adjacent property owners and citizens of the Township, the Township shall impose conditions and restrictions on all temporary buildings and uses to insure the following:
1. Adequate off-street parking shall be provided.
 2. The applicant shall specify the exact duration of the temporary use.
 3. Electrical and utility connections shall be approved by the County Building Official.
 4. Adequate site and surrounding area clean up shall be done following removal of the temporary use or shelter.
 5. A minimum of one toilet shall be provided for each 50 persons estimated to attend temporary events.
 6. Closure of commercial or similar activity shall be from midnight to 9:00 a.m.
 7. One security person shall be provided for each 50 persons estimated to attend.
 8. There will be no gambling or use of alcohol or controlled substances contrary to law.
 9. There will be no generation of bright lights, loud noises, or strong odors at a level or intensity sufficient to create a nuisance to adjacent properties.
- D. Performance Guarantee.** The Township may require a deposit by the applicant with the Township Clerk in the form of a certified check, cash, or a surety bond in an amount sufficient to hold the Township free of all liabilities incident to the operation of a temporary building or use, to indemnify any adjoining land owner for any damages resulting from the operation of such activity and to ensure proper and complete clean-up after temporary use and removal of all temporary buildings. The Zoning Administrator shall estimate the amount of such bond, cash, or check. The Township shall rebate to the applicant upon satisfactory removal of all temporary buildings and uses. Such rebate shall be based upon the report and recommendation of the Zoning Administrator. The Zoning Administrator may refer the application to the Township Engineer for review of the proposed improvements and recommendations of performance guarantees.
- E. Extensions.** At the conclusion of the agreed upon duration of the temporary use, if the applicant still has need for the temporary use, then one (1) extension may be granted for up to fifty percent (50%) of the original agreed upon duration. An extension must be requested no more than ten (10) days after the expiration of the temporary use permit. The Zoning Administrator may grant an extension if there is a legitimate explanation for why the extension is needed and evidence is presented supporting that the temporary use will be complete or will be able to cease by the conclusion of the extension.
- F. Removal.** Temporary structures or uses other than temporary construction buildings shall be removed within 10 days after expiration of the permit, or the Zoning Administrator may use the performance guarantee to enact such removal.

Section 14.06 Accessory Structures and Uses

The following shall apply to all new accessory structures in the Township (including, but not limited to attached or detached garages, sheds, and similar structures), and to alterations, renovations, expansions, or other work that includes exterior changes to existing structures:

- A. Attached and Detached Structures.** Authorized accessory buildings may be erected as part of the principal building; may be connected to the principal building by a roofed porch, breezeway, portico, covered colonnade, or similar structure; or may be completely detached from the principal building. [Amended: 3/10/2008; Ord. #26]
1. When erected as an integral part of the permitted principal building or connected to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. This includes all setback requirements.
 2. No portion of an attached accessory structure, or portion of a single family home, shall be given separate title or tax ID number, and shall not be sold separately from the single family home, even if the attached accessory structure or portion of the single family home meets the definition of “dwelling unit” in this ordinance. Properties in Zoning Districts that allow multiple housing units (not including Accessory Dwelling Units) on one parcel shall be exempt from this restriction.
 3. The distance between a detached accessory building and any principal building shall not be less than 10 feet.
- B. Permit Required.** A Zoning Permit is required for all structures constructed on one’s property with a gross floor area of 100 square feet or greater. In order to receive a permit from the Zoning Administrator, the requirements of this section must be satisfied.
- C. Exempt Properties.** All lots five (5) acres or larger shall be exempt from the requirements of this Section 14.06, except for the setback requirements and the requirements of Section 14.06.B. [Amended: 3/10/2008; Ord. #26 / Amended: 4/13/2009; Ord. #27]
- D. Maximum Permitted.** There shall be no more than two (2) detached accessory structures permitted on any lot in the NR, WR, or RR districts, unless otherwise stated herein.
- E. Front and Side Yard Setbacks.** All accessory buildings shall meet front and side yard requirements, except on waterfront lots where the rear yard is adjacent to the street. On these lots, accessory structures may be located no closer than 15 feet from the property line or 24 feet from the edge of pavement, whichever is greater. The building may be located no closer than seven (7) feet from any side lot line to provide access for emergency vehicles to the principal structures.
- F. Rear Yard.** No accessory building shall be located nearer than five (5) feet to any rear lot line or occupy more than 30% of any rear yard area. On waterfront lots, where the rear yard is adjacent to the road, see paragraph E above.
- G. Waterfront Yards.** Accessory structures in waterfront yards are subject to the following requirements:
1. Accessory buildings in Waterfront yards must satisfy the requirements of Section 14.22, Waterfront Yards.
 2. Accessory buildings are not permitted to be located in the clear vision triangle (Section 14.22.B).

3. Accessory buildings located in front yards shall be no closer than five (5) feet to the ordinary high watermark, unless otherwise stated in Section 14.22. [Amended: 3/10/2008; Ord. #26]
 4. Docks and boat storage structures in residential districts for the use of the individual residential property owners are permitted as an accessory use and shall not count against the maximum allowable units, except for fully enclosed boathouse structure or storage units that are on shore. Docks and storage structures must not be located nearer than five (5) feet from any lot line unless the lot is less than 25 feet in width.
- H. Maximum Height.** Where a detached accessory structure has a maximum building height of more than 14 feet, as measured from average grade, the structure shall be setback from all property lines by an amount equal to the height of the structure.
- I. Maximum Area.** If the lot area of the subject parcel does not exceed one (1) acre, the total area of all detached accessory structures located on a property shall not exceed the ground floor area of the primary building.
- J. Materials and Design.** The building materials and design of any accessory structure shall be similar to that of the primary building on the lot, and shall be in accordance with the purpose of the district where it is located.
- K. Carports.** Carports and other temporary or permanent covered and unenclosed vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this article.
- L. Accessory Apartments and Efficiency Apartments.** Accessory Apartments and Efficiency Apartments shall be prohibited in most instances. They may be approved by the Zoning Administrator and/or the Planning Commission in the following instance: above an accessory structure located across the street (as permitted in Section P below) from the primary residence under similar ownership in the waterfront residential district if a sewer tap exists for the accessory structure.
- M. Timing of Construction.** No accessory structure shall be constructed on a parcel unless there is a primary building, structure, or use being constructed or already constructed on the same parcel of land.
- N. Accessory Use.** Detached accessory buildings in residential districts (RR, NR, and WR) shall not be used for dwelling units, for any business, profession, trade, occupation, or storage space offered for rent. Exceptions are accessory buildings on parcels of an agriculturally permitted use in the RR district or units approved per paragraph P below.
- O. Same Lot as Primary Use.** Accessory structures are permitted only in conjunction with, incidental to, and on the same lot as a primary structure, which is allowable in the particular zoning district, except as permitted in subsection (P) below.
- P. Accessory Buildings, Structures and Uses on Waterfront Lots.** On waterfront lots, accessory garage structure(s) may be placed on a separate lot of record than the principal structure if the following provisions are met and the Zoning Administrator has issued a permit.
1. There shall be common ownership between the principal building or residence and the lot being used for the accessory structure(s).
 2. A maximum of two (2) accessory structures may be constructed on the separate parcel. However, one (1) structure may be no larger than 100 square feet.

3. Total combined area of the accessory structures on the separate parcel may not exceed the smaller of the following:
 - a) 25% of the gross lot area
 - b) The gross floor area of the primary structure
 - c) In order to construct an accessory structure that is larger than the primary structure in this situation, a special use permit must be approved by the Township.
 4. The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the accessory structure(s).
 5. The accessory structure(s) shall maintain all required front, side, rear yard, and waterfront setbacks, and lot coverage regulations associated with a principal structure in the specified zoning district.
- Q.** Accessory Dwelling Units (which are defined in this Ordinance as being within detached accessory structures, not within attached accessory structures or within single family homes – see Section 2.02.BI.11) shall be permitted in the AG, RR, NR, and WR districts and must meet the following standards:
1. The structure containing the accessory dwelling unit must meet all requirements of this Ordinance, including, but not limited to, setbacks, floor area, and lot coverage.
 2. The accessory dwelling unit shall not be given separate title or tax ID number, and shall not be sold separately from the single family home.

Section 14.07 Principal Buildings on a Lot

Except in the instance of cluster development, condominium development, or Planned Unit Developments (PUDs), where a site plan is approved, and except for lots used for education or religious institutions, not more than one (1) single-family dwelling shall be located on a lot as defined herein, nor shall a single-family dwelling be located on the same lot with another principal building. This provision shall not prohibit the lawful division of land.

Section 14.08 Signs

A. Definitions.

1. **On-premises sign.** A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.
2. **Off-premises sign.** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located. A “billboard” is a type of off-premises sign.
3. **Premises.** A lot as otherwise defined in this Ordinance.
4. **Temporary sign.** A sign not constructed or intended for long-term use. Examples of temporary signs include signs that announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

5. **Political signs.** A sign commenting on the election or appointment of a person or an issue or matter to be voted upon by a public body.
 6. **Billboard.** An off-premises sign 20 square feet or larger.
 7. **Identifying Sign.** Any structure on the same premises it identifies which serves only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; only to tell the name or address of an apartment house, hotel, or motels; or only to inform the public as to the use of a parking lot.
 8. **Name Plate.** A structure affixed flat against the wall of a building that serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building
 9. **Real Estate Sign.** Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
 10. **Freestanding sign.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of the sign.
 11. **Wall sign.** A sign attached to a wall and not projecting away from the wall more than 12 inches.
- B. Measurement of Sign Area.** The total sign area is to be expressed in square feet and shall be computed as herein set forth and permitted in the "Schedule of Sign Regulations" attached to and made a part of this code.
1. Single-Face Sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), messages(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
 2. Double-face Signs having two (2) faces of equal size arranged and/or positioned back to back and parallel or with the faces at an included angle of not more than thirty (30) degrees in the plan or vertical view; the area of the sign shall be computed as one-half (1/2) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
- C. Sign Permits.**
1. **Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless specifically exempted by this Section, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Township Board. [Amended: 3/10/2008; Ord. #26]
 2. **Applications.** Application for a sign permit shall be made upon forms provided by the Zoning Administrator. The following information shall be required:
 - a) Name, address, and telephone number of the applicant.
 - b) Location of the building, structure, or lot on which the sign is to be attached or erected.

- c) Position of the sign in relation to nearby buildings, structures, and property lines.
- d) Plans showing the dimension, lettering style, color, materials, method of construction, method of illumination, and method of attachment to the building or in the ground.
- e) Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.
- f) Other information required by the Zoning Administrator to make a determination that the sign is in compliance with applicable laws and regulations.

3. **Review of Application.**

- a) **Planning Commission Review.** Sign permit applications in conjunction with the proposed construction of a new building or addition to an existing building requiring site plan review shall be reviewed by the Planning Commission as part of the required site plan review. Proposed signs must be shown on the site plan.
- b) **Zoning Administrator Review.** Unless otherwise specified herein, the Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.

4. **Removal Agreement or Bond.** The Planning Commission or Zoning Administrator may require a performance guarantee to guarantee the future removal of a sign.

5. **Permit Issuance.** Following a review of a sign application by the Planning Commission or the Zoning Administrator as appropriate, the Zoning Administrator shall have the authority to issue a sign permit.

6. **Exceptions.** A new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where a sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for those signs listed in subsection D, Exempt Signs.

D. Exempt Signs. The following signs are exempt from Sign Regulations:

1. Signs having an area of not more than six (6) square feet each, the message of which is limited to warning of any danger, prohibiting trespassing, or prohibiting hunting within the Township;
2. Signs prohibiting or regulating of the use of property or traffic or parking thereon;
3. Real Estate signs advertising a single or multi family residence for sale or rent, limited to six (6) square feet or less and setback 10 feet from any property line;
4. Real estate signs advertising the sale, rent, or lease of non-residential, limited to one (1) sign per property, a maximum size of 32 square feet, and a setback of 25 feet from any property line unless attached to the building;
5. Signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any other premises where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs or any one advertiser does not exceed one (1);
6. Election signs advocating or opposing a candidate for office or a position on an issue to be determined at an election, located at least 100 feet from any entrance to a polling place;

7. Governmental use signs erected by the governmental agencies to designate house of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings;
8. Highway signs erected by the State of Michigan, County of Branch, or the Township;
9. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks;
10. Essential service signs denoting utility lines, railroad lines, hazards, and precautions;
11. Memorial signs or tablets which are either cut into the face of a masonry surface or constructed of bronze or other incombustible material, when located flat on the face of a building and no greater than six (6) square feet in size;
12. Special decorative displays or signs used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes;
13. Signs in the agricultural district that serve only to identify the name of a farm, farm owner, or crops or livestock produced thereon.

E. District Regulations.

1. Signs Permitted in the AG (Agriculture) District.

- a) For commercial and industrial uses in the AG district approved as special uses, on premises freestanding or wall signs are permitted having an area not exceeding one (1) square foot for each 10 feet of road frontage with a maximum of 48 square feet for each sign. Signs permitted by this section shall be approved as a part of the special use permit review. The front yard setback shall be 15 feet. The maximum height for a freestanding sign shall be eight (8) feet.
- b) Small accessory signs no more than four (4) square feet in area, such as no trespassing signs and signs warning of animals.
- c) Uses shall be limited to one freestanding sign and one wall sign per street frontage. If the frontage exceeds 1000 feet, a second freestanding sign shall be permitted.

2. Signs Permitted in the RR, NR, WR, and MH Districts.

- a) One (1) on premises freestanding sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding eight (8) feet is permitted.
- b) Construction sign denoting architects, engineers, contractors, financiers, and other professionals involved in a project during development of a subdivision or other property for a period not exceeding two (2) years or until 50% of the lots or units are sold and/or leased, whichever comes first. One (1) such freestanding sign shall be permitted, having an area not exceeding 32 square feet and a height not exceeding 12 feet is permitted in the subdivision together with signs having an area not exceeding six (6) square feet each and a height not exceeding four (4) feet, directing the public to or identifying models. Signs permitted by this section shall be located so as not to block visibility of passing or turning motorists.

- c) Churches, schools and buildings housing governmental functions and utilities of the Township, County, or State or any subdivision thereof, are permitted to erect one (1) freestanding sign not to exceed 30 square feet in area or an overall height of six (6) feet. The area of changeable copy shall not exceed 50% of the area of the sign face. These entities are also permitted to have one (1) wall sign per road frontage with a maximum size of 20 square feet and a maximum height of 12 feet.
3. **Signs Permitted in the VC, C, and E Districts.**
- a) Signs in the Village Center district are subject to the development standards listed in Section 9.04.
- b) One (1) freestanding and one (1) wall-mounted sign per road frontage for an individual commercial, industrial, church, school, or hospital use as located on a lot or group of lots developed as one lot.
- c) For multiple tenant uses such as a shopping center or office complex located on a lot or group of lots developed as one lot, one (1) freestanding sign per lot or group of lots developed as one (1) lot and one (1) wall-mounted sign per each individual use or one (1) wall sign for the shopping center. Centers located on corner lots shall be permitted one (1) freestanding sign per road frontage to be located at entry drives.
- d) For an industrial, research, or office park, one (1) freestanding sign per park and one (1) freestanding and one wall-mounted sign per each individual use to be located on the lot of that individual use. For larger developments with more than one entrance from a local or primary road, a freestanding sign identifying the development may be permitted at each such access point with the Planning Commission approval.
- e) It shall be unlawful to erect any freestanding sign the height of which is greater than 15 feet above the level of the street upon which the sign faces at the point of the sign.
- f) Freestanding signs shall not have a surface area exceeding 48 square feet for a single face sign and 96 square feet for signs of two faces, unless permission for greater surface area is granted in the paragraph below.
- g) In case of shopping centers, the total surface area of the sign identifying the shopping center and the businesses therein shall be a maximum of 100 square feet for a single face sign and 200 square feet for signs having two faces. Identification signs for up to 4 tenants may be placed upon and supported by the same stanchion, post or other support as the shopping center identification sign, provided there is uniformity in design and square footage requirements are met.
- h) Wall-mounted signs shall not exceed 20 square feet and shall not project outward from the wall more than one (1) foot or above the cornice or roofline. Signs erected on the vertical portion of a mansard roof are considered to be wall signs. Wall mounted signs shall not be taller than the eaves of a pitched roof or the top of a flat roof building.
- i) In the case of an individual retail (over the counter sales) establishment, the owner may have the option to interchange the square footage allowed for freestanding and wall-mounted signs, provided that the total square footage for both signs does not exceed 116 square feet in total area and no individual sign shall exceed 96 square feet. Shopping centers and multiple business complexes are excluded from this provision.
4. **Setbacks.** All signs shall satisfy the minimum setback requirements of the zoning district in which they are located, except as follows:

- a) Free standing signs in the front yard shall be setback a minimum of ten (10) feet from the right of way. If the property is adjacent to a private road, the sign shall be setback a minimum of fifteen (15) feet from the edge of the pavement.
- b) If the property is located along Angola Road, the front yard setback minimum for freestanding signs shall be reduced to two (2) feet.
- c) No sign shall be located so that it will obstruct the view of the driver of a vehicle at an intersection or driveway. There shall be provided an unobstructed triangular area in which no signs shall be located. The sides of the triangle shall be established by the edge of the pavement. The sides of the triangle extend from the intersection of the two road segments. (In the case of a rounded corner, the pavement lines shall be extended in straight lines until they intersect to establish the starting point.) At an intersection of two streets, the sides of the triangle shall extend 25 feet from the starting point. At an intersection of a street and a driveway, the sides shall extend 15 feet from the starting point. Connecting the far ends of each side with a long, straight line across the yard completes the triangle.

F. Temporary Signs. Temporary signs other than political signs shall be authorized by the Zoning Administrator for not more than two (2) months at a time by written permit which shall show the size, shape, content, height, number, type of construction and location of such signs and the period during which authorized, upon finding by the Zoning Administrator, on the basis of written information furnished by the applicant that the proposed sign or signs are for the direction and/or information of the public and not contrary to the spirit and purpose of this Ordinance, and upon payment of a fee set by the Township Board of each permit and renewal. If such signs are placed on public property, the Zoning Administrator shall remove them without notice.

G. Political Signs. Political signs shall be permitted without permit, subject to the following conditions:

1. **Maximum Area and Number.** No more than four (4) political signs shall be placed on any lot, and the area of each sign shall not exceed sixteen (16) square feet. Political signs shall not be located closer than fifteen (15) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way or attached to any utility pole. Political signs shall be ground or wall signs. No ground sign shall be higher than 48 inches above average mean grade of the yard on which it is placed.
2. **Removal.** Political signs shall be removed within 10 calendar days after the election or event to which it relates. Signs that express an opinion unrelated to an election date are limited to a period of display not to exceed 30 days (whether consecutive or not) in one (1) calendar year on any premises.
3. **Placement.** Political signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic.

H. Non-conforming Signs.

1. **Lawful Existing Signs.** Any sign lawfully existing at the time of this Chapter which does not fully comply with all provisions shall be considered a non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
2. **Continuance.** A non-conforming sign shall not:
 - a) Be expanded or changed to another non-conforming sign;

- b) Be relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement, or design of the sign.
 - c) Be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer;
 - d) Be repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.
3. **Intent.** It is the intent of this section to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming, and to administer this Chapter to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights, therefore;
- a) No person shall be required to remove a sign which was erected in compliance with previous regulations of this Chapter if said sign becomes nonconforming due to a change occurring after adoption of this chapter, or in the location of buildings, streets or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.
 - b) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Chapter.

I. General Sign Provisions.

1. **Permission of Owner or Occupant.** It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.
2. **Construction.** All signs shall be securely constructed in conformance with applicable building, fire, and electrical codes and standards of this Article. Wood products shall be treated to prevent deterioration. Letters, figures, and characters shall be safely and securely attached to the sign structure. All signs shall have a surface or facing of noncombustible material. All signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire, strips of wood, or nails.
3. **Restrictions on Movement.** It is unlawful to erect or maintain any sign, except a cloth flag moved only by natural wind, which moves or has any visible moving or animated parts or image, whether movement is caused by machinery, electronics, or otherwise, including swinging signs. It is unlawful to erect or maintain strings of flags or streamers.
4. **Illumination.** It is unlawful to erect or maintain any illumination sign where the light source moves, flashes, is not of constant intensity and color, where any light bulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway, or parking areas or into any window or any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device. The source of illumination shall not be visible from the ground.
5. **Exceptions.** Paragraphs 3 and 4 above shall not be applied to prevent the erection or maintenance of holiday lights each year or signs that convey changing information such as time or temperature.

6. **Signs Located on or Projecting Over Public Property.** It is unlawful to erect or maintain any sign on, over, or above any public land or right-of-way, if any part of such sign extends more than four (4) feet above such land or right-of-way, is less than nine (9) feet above ground level or has an area exceeding eight (8) square feet. Signs placed upon a public right-of-way contrary to the provisions of this Ordinance shall be removed by the Zoning Administrator without notice. This Ordinance does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
7. **Maintenance.** All signs, sign frames, sign copy areas, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.
8. **Substitution.** Notwithstanding anything in this ordinance to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure. [Amended: 3/10/2008; Ord. #26]

J. Off-Premises Signs.

1. **Intent.** The intent of off-premise signage in Ovid Township is primarily to direct traffic towards commercial and community uses not located along heavily traveled roads. Additional space is provided for a logo and essential information (i.e. address, phone number, hours) as is traditional for these types of signs. These signs are not intended to be used to advertise products, merchandise, or services.
2. **Permitted.** Off-premise signage shall only be permitted along County Primary Roads and within 150 feet of an intersection of another road and a County Primary Road.
3. **Setbacks.** Off-site signage shall be setback from the right of way line or roadway easement by a minimum of two (2) feet. Each sign should be separated by at least (4) feet.
4. **Maximum Size.**
 - a) Each sign shall be a maximum size of 15 square feet.
 - b) If multiple businesses mount their sign panels on the same posts, they shall be entitled to a bonus of 10 square feet, which can be split amongst the businesses or used to identify a general direction, distance, or shopping center. All of the panels must be of the same design.
 - c) The maximum height shall be eight (8) feet if there is one (1) panel, 12 feet if there are multiple panels.
5. **Design.** All signs located at the same intersection or within 500 feet of the intersection shall have a uniform design.
 - a) The following components of the sign design shall be uniform:
 - (1) Shape
 - (2) Size
 - (3) Background color
 - (4) Font, font size, font color (unless font is particular to the identity of the business.)
 - (5) Material

- b) The Zoning Administrator and/or Planning Commission shall determine whether the sign is of compatible design if there is any question.
 - c) If there is one existing sign located at the location, the design must match that existing sign.
 - d) If there are multiple existing signs and at least two (2) of the signs are of the same design, the new sign shall match the design of the two (2) existing signs with coordinating designs. However, the size may need to be adjusted to fit within the standards.
 - e) If there are multiple existing signs and none match, the applicant shall select one to coordinate design, within the standards of this Ordinance.
6. **Illumination.** Off-premises signs shall not be internally illuminated. External illumination is permitted. However, the standards of Section H, subsection 4 above apply.
7. **Existing Off-Premises Signs.** Existing off-premises signs that do not conform to these standards are nonconforming and are subject to the standards of Section G above.

K. Sign Removal by Township Action.

1. **Abandoned and Illegal Signs.** The Planning Commission shall have the authority to require the removal of abandoned and illegal signs in the Township subject to the following:
- a) **Public Hearing.** Such action may be taken only after a public hearing has been held at which time the owner, operator, or person having beneficial use of the property upon which the sign is located shall be given an opportunity to present evidence that the sign is not abandoned or illegal or should not be removed.
 - b) **Determination.** Subsequent to the hearing, the Planning Commission shall make a determination as to whether the sign is an abandoned or illegal sign, as defined by this Ordinance. Written notification of the determination, and any order for removal, shall be provided to the sign owner, operator or person having beneficial use of the property upon which the sign is located.
 - c) **Removal.** Abandoned or illegal signs shall be removed within 30 days of the determination and order for removal by the Planning Commission. All sign copy and component parts shall be completely removed and the area where the sign was located shall be restored as nearly as possible to its original condition. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the expense of the owner of the property upon which the sign is located. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
 - d) Abandoned signs or signs advertising business no longer in business for a period greater than 90 days. Illegal signs are signs that are constructed without a permit and/or are constructed out of compliance with the standards of this Ordinance.
2. **Damaged Signs.** Signs determined to be in a damaged condition by the Zoning Administrator shall be repaired, replaced, or removed to the satisfaction of the Zoning Administrator by the owner, operator of person having beneficial use of the property upon which the sign is located. Such signs may be repaired or removed by the Township at the expense of the owner of the property upon which the sign is located, if such action is not taken by the owner within 10 days. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

3. **Nonconforming signs.** Nonconforming signs are to be eliminated, except as otherwise specifically set forth in this section, as rapidly as the police power of the Township permits. The Township Board shall have the authority to institute and prosecute proceedings for the condemnation of nonconforming signs, determined to be in violation of the requirements of subsection G, Nonconforming Signs, under the power of eminent domain, in accordance with the laws of the State of Michigan and the provisions of the Township Charter relative to condemnation. The Township Board may, at its discretion, acquire and remove nonconforming signs by purchase, condemnation, or otherwise for the purpose of removal, with the cost paid from general funds.
4. **Temporary Signs.** Temporary signs erected or displayed within a street right of way or corner clearance area without a valid permit, or after the expiration of a permit, may be removed by the Township without notice. Signs removed shall be held by the Township for a 15 day reclamation period, after which the signs shall be deemed abandoned and shall be discarded.
5. **Unsafe Signs.** Signs determined to be unsafe by the Zoning Administrator shall be immediately removed or repaired to the satisfaction of the Zoning Administrator by the owner, operator, or person having beneficial use of the property upon which the sign is located. Such signs may be removed by the Township at the expense of the owner of the property upon which the sign is located if such action is not taken by the owner within 24 hours. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

Section 14.09 Health Department Approval

No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Branch County.

Section 14.10 Junk Storage / Use of Vacant Land

No yard or parcel of land encompassing a dwelling or commercial building shall be used for open air storage, wrecking, parking, dismantling, accumulation, or abandonment, either temporarily or otherwise, of disused, discarded, or dismantled vehicles, machinery, apparatus, implements, furniture, appliances, used lumber, water craft, or any junk or similar used property, unless approved as a junkyard, salvage yard, or outdoor seasonal storage use in accordance with the requirements contained herein. These are all special uses with additional requirements contained in Chapter 15 of this Ordinance.

Section 14.11 Swimming Pools

- A. **Applicability.** The standards below shall apply to all swimming pools with a depth of greater than 24 inches. [Amended: 3/10/2008; Ord. #26]

- B. Permit Application.** It shall be unlawful for any person to construct or maintain an outdoor swimming pool without first making application to the Zoning Administrator and obtaining a permit thereof. An application for a permit should provide the following information; name of the owner, plot plan specifying dimensions, site location of the pool, as well as nearby fences, buildings, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool must include plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping, and valve layout.
- C. Location.** Outdoor swimming pools may be erected in the side or rear yard only, provided that they are located no closer than 10 feet from the side or rear lot lines. On waterfront lots, pools may be located in the front yard, provided they are no closer than 15 feet to the high water mark and 10 feet to the side lot lines. Pools shall not be permitted in the rear yard (adjacent to the street) of a waterfront lot. There shall be 10 feet between the pool wall and any structures on the lot as well.
- D. Fencing.** Swimming pools shall satisfy the fencing, gate, and locking requirements of the County Building Code. Where these standards require a taller fence than otherwise permitted by this Ordinance, the minimum height permitted by the County Building Code shall be installed. [Amended: 3/10/2008; Ord. #26]
- E. Utilities.** All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the State Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way that has been granted for public utility use. The following location restrictions apply to utilities around proposed pools:
1. There must be 10 feet horizontally between pool walls and overhead electrical and telephone wires.
 2. There must be 25 feet horizontally separating pools from any semi-public water well, unless the County Public Health Department approves a shorter distance.
 3. There must be three (3) feet horizontally maintained between pool walls and any sewer.
 4. There must be 10 feet horizontally maintained between swimming pools and septic tanks, tile fields, or other treatment facilities, provided the water level in the pool is one (1) foot above the ground surface elevation of such treatment facility.
 5. There must be three (3) feet horizontally between any portion of the pool and any underground water, electrical, telephone, gas, or other pipes and conduits, except for parts of the swimming pool system.

Section 14.12 Grades, Elevation Differentials, Walls, and Drainage

- A.** Any excavation, filling, or grading of land that would alter the established site elevations, or the use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes, or by-products, shall not be permitted in any zoning district except in accordance with an approved site plan. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has been issued by the County.

- B. The grading of all building lots shall be such so as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property, in accordance with County Building Codes.
- C. Retaining walls in excess of four (4) feet in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in a structurally sound condition and shall not impair drainage or create negative impacts on adjacent properties.

Section 14.13 Fence, Wall, and Privacy Screen Regulations

Fences are permitted or required subject to the following:

- A. From the date of adoption of this ordinance, it shall be unlawful for any person, firm or corporation to construct or cause to be constructed, any fence or wall upon any property within Ovid Township without first having obtained a zoning permit from the Zoning Administrator.
- B. All property lines must be properly established either by survey, deed or assessor description before any fence is installed.
- C. Fences in the RR, WR, and NR Zones shall comply with the following standards:
 - 1. **Front Yard Fences.** When located within the front yard, fences shall not exceed three (3) feet in height measured from the finished grade at the property line and may be located on the front property line provided the fence may not be located closer than 15 feet to the road pavement, nor 2 feet from the sidewalk. [Amended: 3/10/2008; Ord. #26]
 - 2. **Corner Lot Fences.** All yards adjacent to road frontage shall be subject to the requirements of Paragraph 1 above. These requirements shall govern between the road right of way line and the building line beyond that point away from the road; the maximum height of the fence is subject to the requirements for interior side yards.
 - 3. **Interior Side Yard.** When located in an interior side yard between the front building line and the rear building line, fences must be setback a minimum of five (5) feet from the front building line and may not exceed six (6) feet in height.
 - 4. **Rear Yard Fences:**
 - a) A fence may be located on the rear property line not to exceed six (6) feet in height.
 - b) If there is an alley or service road in the rear yard, the fence must be setback 15 feet from the road pavement, or at the property line, whichever is greater. [Amended: 3/10/2008; Ord. #26]
 - c) Where the rear yard is along the street frontage (waterfront lots), except as permitted in subsection b above, the standards for front yard fences shall apply. [Amended: 3/10/2008; Ord. #26]
 - 5. **Waterfront Yards.** Fences a maximum of three (3) feet in height measured from the finished grade are permitted in waterfront yards. [Amended: 3/10/2008; Ord. #26]
 - 6. Farms permitted in the RR district shall be exempt from all fence height and use restrictions, except as required for swimming pools and playgrounds. [Amended: 3/10/2008; Ord. #26]

- D. Fences, which enclose public or institutional playgrounds, shall not exceed seven (7) feet in height above grade, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total areas.
- E. Fences shall be permitted in non-residential districts, provided that such fences shall not exceed six (6) feet in height above grade, and shall not extend toward the front of the lot farther than any portion of the main building, except where permitted for the purposes of enclosing outside storage.
- F. Living fences or landscaping densely packed to serve the same function as a fence shall be subject to the same standards as any other fence in this Ordinance except that a living fence shall be permitted to exceed the maximum height for a fence in the rear yard and shall be exempt from the requirements of Section 14.13.A. [Amended: 4/13/2009; Ord. #27]
- G. Fences shall be required in non-residential zones for the enclosing of areas used for outside storage of goods, material or equipment. Such fences shall not be less than six (6) feet in height above grade.
- H. Barbed-wire fences and fences with electrically-charged wiring are prohibited in residential districts. Parcels in the AG-Agricultural district and parcels greater than 5 acres in area in the RR-Rural Residential district shall be exempt from this requirement. [Amended: 4/13/2009; Ord. #27]
- I. Fences in non-residential districts shall not consist of barbed wire or electrically- charged wiring, provided, however, that fences enclosing storage areas may have barbed wire connected to them, if such barbed wire is more than six (6) feet above grade. [Amended: 3/10/2008; Ord. #26 / Amended: 4/13/2009; Ord. #27]
- J. Fences shall be required for swimming pools by this Ordinance in Section 14.11 and by County Building Code Standards. Where there are conflicts between the standards for fences in general and the standards for swimming pool fences, the specific requirements for swimming pool fences shall govern. [Amended: 3/10/2008; Ord. #26]
- K. Temporary fences may be permitted on a temporary basis by the Zoning Administration provided that a specific time for the removal of the fence is provided.
- L. If, because of the design or construction, one side of a fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot. All wooden fence posts must be properly treated to prevent decay. Posts must be installed inside the property line, facing the interior of the lot.
- M. Slats of any material shall not be permitted in chain link fences.
- N. Except as required for swimming pools and playgrounds, parcels located in the AG District shall be exempt from all fence height and use restrictions. In cases where parcels located in the AG District are exempt from the standards of this Ordinance, no permit shall be required for the construction of a fence.

Section 14.14 Storage of Recreational and Commercial Vehicles on Residential Lots

A. Parking of Commercial Vehicles in Residential Districts.

1. **Purpose.** The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for residential development. The parking of large commercial vehicles is frequently an impediment to the ingress and egress of emergency vehicles and equipment, and is frequently unsafe when operated on residential streets. The noise, exhaust emissions and appearance of commercial vehicles tend to impair the health, safety and general welfare of the people of the Township.
 2. **Parking Prohibited.** No commercial vehicle over one ton in gross vehicle weight shall be parked in a residentially zoned area. This provision shall not apply to commercial vehicles temporarily parked in a residential area in conjunction with the maintenance or service to a property in a residentially zoned area.
 3. **Storage Prohibited.** Commercial vehicles satisfying the restrictions above and maintaining a current license shall not be located on a residential lot on a permanent or semi-permanent basis for the purpose of providing additional storage. [Amended: 3/10/2008; Ord. #26]
 4. **Violations.** In any proceeding for violation of this section, either the person to whom a commercial vehicle is registered or the owner(s) of the property on which the vehicle is parked may be held fully liable for the violation.
 5. **Agriculture Districts.** Commercial vehicles parked in an agricultural district shall be exempt from the standards contained in this Section of the Ordinance.
- B. Storage of Certain Vehicles.** The provisions of this section apply to recreational vehicles, boats, personal watercraft, and other self-propelled vehicles. The provisions of this section apply to all lots that are located, in whole or in part, in any agricultural or residential zoning district. The provisions of this section shall not apply to vehicles and machinery that are intended for and used for agricultural operations. The provisions of this section shall not apply to boats and marine equipment on a property that is lawfully and fully permitted as a marine storage operation.
1. Vehicles subject to this section may be stored in a fully enclosed, properly permitted and lawful accessory building.
 2. Up to four (4) such vehicles may be stored outside of a fully enclosed building in accordance with the following requirements:
 - a) Such vehicles shall not be located in any front yard;
 - b) Such vehicles may be located in a side or rear yard, provided they are not located within five (5) feet of a side property line;
 - c) Such vehicles shall be in a fully operable condition;
 - d) Such vehicles shall be located on a lot with an existing, permitted and lawful principal structure.
 - e) Waterfront properties must also comply with the standards of Section 14.22.
 3. In situations where practical difficulties exist unique to a particular lot or parcel and strict compliance with the standards of this section of the Ordinance are not possible, a permit to park one (1) vehicle in the front yard may be obtained from the Township Zoning Administrator. In order to exceed that amount, a variance must be obtained from the Zoning Board of Appeals. To obtain a permit or variance, the applicant must demonstrate that compliance with the standards of this section is not practical.

- C. Use of Recreational Vehicles in All Districts.** The Section above provides standards for year-round storage of recreational vehicles. However, these vehicles are sometimes used, and new standards must be applied in these situations. The standards below shall govern in all zoning districts on a temporary basis while the recreational vehicles are in use. These provisions shall not apply to properties that are lawfully and fully permitted for use as a campground. The use of a recreational vehicle for temporary living quarters or other use, except in a lawful and permitted campground, is prohibited except in accordance with the following requirements:
1. The use of a recreational vehicle for temporary living quarters or other use shall be allowed for a period of 14 days.. After the expiration of 14 days, no recreational vehicle shall be allowed for at least 30 days, except as permitted by Section 8.04.R, Section 14.05, and Subsection 3 below.
 2. Such vehicles shall be located on a lot with an existing, permitted and lawful principal structure.
 3. Parcels 20 acres or larger shall be permitted to use five (5) recreational vehicles for temporary living quarters for no more than three (3) months. Additional vehicles or additional time would require approval of the Zoning Administrator.
 4. The use of a recreational vehicle as living quarters during periods of construction or as a temporary office space is governed by Section 14.05 Temporary Uses.

Section 14.15 Visibility Obstruction

No structure, wall, fence, sign, shrubbery, parked vehicle, stored material, or trees shall be placed, erected, planted, or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that shrubbery and low retaining walls not exceeding three (3) feet in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended. At driveways, the lines forming the triangular are reduced 15 feet.

Section 14.16 Building Height Exceptions

The following exceptions shall apply to the height limits for all districts as required by this Ordinance:

- A. Residential Exceptions.** Chimneys, elevator towers, mechanical equipment, flag poles, television antennae for personal use, and similar structures shall not be included in calculating the height of the primary building, provided that the total area covered by such structures shall not exceed 20% of the roof area of the building.
- B. Residential Limit.** The highest point of a residential structure shall not exceed 40 feet from the natural average grade prior to construction. The only exception to this standard shall be television antennas for personal use.
- C. Public/Semi-public Exceptions.** Church spires, public monuments, and water towers shall not be included in calculating the height of the primary building.

- D. Farm Exceptions.** Barns, windmills, silos, and other structures related to agriculture production shall not be subject to height regulations and as such, shall not be included in the calculated height of the primary building.
- E. Towers and turbines,** wireless communication towers, television and radio antennas, and wind turbines approved by the Township with a Special Use Permit shall be permitted to exceed the height limit of the zoning district provided they adhere to the standards provided in Section 15.25 or create a hazard to the public health, safety, or welfare.
- F. Special Permit Uses.** If any of the above listed structures or uses require a special permit, the Planning Commission and Township Board reserve the right to specify a height limit when authorizing the special use.

Section 14.17 Projections Into Yards, Porches, and Decks

The following shall apply to all buildings and structures, whether temporary or permanent.

- A. Terraces and patios may project into a required yard provided:**
1. That such structures are unroofed and without walls or other continuous enclosure;
 2. That the elevation of such structures is no more than nine (9) inches above the existing average grade;
 3. That no such structure shall be permitted nearer than five (5) feet to any lot line;
 4. That such areas and structures may have open railings or fences not exceeding three (3) feet in height;
 5. That such structures may have noncontinuous windbreaks, visual screens, or walls not exceeding six (6) feet in height in a rear or side yard, or three (3) feet in height in a front yard, and not enclosing more than one-half the perimeter of said terrace, patio, or similar structure, except where not permitted by this Ordinance;
 6. That such structures shall be included in the calculations of maximum building coverage.
- B. Decks may project into a required rear yard provided:**
1. That such structures shall not project into the required front or side yards;
 2. That such areas and structures may have open railings or fences not exceeding four (4) feet in height;
 3. That such structures may have noncontinuous windbreaks, visual screens, or walls not exceeding six (6) feet in height in a rear or side yard, or three (3) feet in height in a front yard, and not enclosing more than one-half the perimeter of the deck or similar structure, except where not permitted by this Ordinance; and
 4. The maximum extent of the encroachment into the rear yard is fifteen (15) feet.
 5. That decks in waterfront yards shall be subject to the standards of Section 14.22, specifically 14.22.B, Clear Vision Triangle.

- C. Unenclosed or enclosed porches and other enclosed appurtenances to a principal building may project up to eight (8) feet into a required front yard and up to 12 feet into a required rear yard in the AG, RR, NR, and WR districts. Projections of this nature up to five (5) feet into the required side yard shall be permitted in the AG, RR, WR and NR districts only. In no case shall the front yard or rear yard setbacks be less than 10 feet or the side yard setback be less than five (5) feet. Porches in waterfront yards shall be subject to the standards of Section 14.22, specifically 14.22.B, Clear Vision Triangle.
- D. Belt courses, sills, pilasters, approved signs, window air conditioners, cornices, eaves, gutters, and similar features may project into any required yard a maximum of 24 inches. Projections that exceed 24" (including but not limited to certain bay windows, cantilevers, and chimneys) shall be subject to the setback requirements as a part of the permanent structure. Ground mounted air conditioning compressors, gas tanks not exceeding fifty (50) gallon capacity, and other similar equipment must meet all of the required setbacks. [Amended: 3/10/2008; Ord. #26]
- E. Unenclosed and unroofed fire escapes, outside enclosed or unenclosed stairways, and excavated stairways may project into any required yard a maximum of four (4) feet.
- F. Accessory structures and buildings, including gazebos, decks, terraces, patios and similar features, which are not attached to a principal building, shall comply with the requirements of Section 14.06, Accessory Buildings and Structures.
- G. Access drives may be placed in the required front, side, or rear yards so as to provide access to rear yards or accessory or attached structures. Further, any walk or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.
- H. Stoops or steps must lead to an exterior entrance to a building and shall not encroach into any required yard more than five (5) feet but shall be no closer than five (5) feet to any property line. A wheelchair ramp required for compliance with the Americans with Disabilities Act may be constructed in a required yard space provided the ramp is the minimum size required and provided that it is not located within 20 feet of the front property line and within five (5) feet of any other property line.

Section 14.18 Common Use (Keyhole) Lots

- A. **Common Use Lot (Keyhole) Defined.** A common use riparian lot (keyhole) shall be defined as any private site, platted lot or other parcel held in common by a subdivision, association, similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use riparian access to non-riparian lots or land owners.
- B. **Applicability.** These regulations shall apply to the following common use lots:
 - 1. Those lots created after the effective date of this ordinance.
 - 2. Those lots of record existing prior to the effective date of this ordinance that did not provide common use access to a water body (riparian rights to non-riparian land owners) prior to the effective date of this ordinance.
 - 3. Lots that have been providing common use access to a water body for a defined geographical area or a specific number of lots through an association or subdivision/condominium deed prior to the effective date of this ordinance, and where it is proposed to expand the geographical area or number of lots that are provided common use access to a water body through said common use access lot.

4. Lots of record existing prior to the effective date of this ordinance that have been providing common use access to a water body for a defined geographical area or a specific number of lots may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under the Michigan Inland Lakes and Streams Act.

C. Uses Subject to Special Use Permit. The following uses shall be permitted on a common use lot in any district upon approval of the Planning Commission and subject to conditions as specified in Chapter 20.

1. Recreational sites, including bathing beaches, playgrounds, and other recreational areas.
2. Scenic sites.
3. Trails, bicycle paths and access routes, other than dedicated streets.
4. Boat and watercraft docks provided that all of the requirements of Paragraph F are met.

D. Area and Bulk Requirements. Waterfront sites dedicated to common use shall conform in all respects to the area and bulk requirements of the adjacent districts that they are intended to serve, unless otherwise permitted by the standards of this section of the Ordinance.

E. General Requirements.

1. The deed to such lot or parcel shall specify the non-riparian lots or parcels that shall have rights to its use.
2. Such riparian lot or parcel shall have a minimum frontage of 150 feet, measured by a straight line which intersects each side lot line at the water's edge; a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge; and a minimum area of 30,000 square feet.

F. Boat and Watercraft Docks.

1. The maximum number of boats and/or personal watercraft which can be docked, moored, or stored at a common use riparian parcel shall be one per 80 feet of riparian frontage.
2. If the facility stores four (4) or more boats and personal watercraft, the facility must obtain a permit for marina operation from the Michigan Department of Natural Resources in accordance with Administrative Rules of the Michigan Inland Lakes and Streams Act (P.A. 346 of 1972, as amended). Design for a boat and watercraft dock facility shall meet all of the Michigan Department of Natural Resources standards for marinas.

Section 14.19 Exterior Lighting

A. General Provisions. The design and illumination standards of this Article shall apply to all exterior lighting sources and other light sources visible from the public way or adjacent parcels, except where specifically exempted herein.

1. **Fully-shielded.** Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.

2. **Intensity.** The intensity of light within a site shall not exceed 10 footcandles within the site, and one (1) footcandle at any lot boundary, street right-of-way line, or waterfront boundary. Where a lot abuts a residential district or use, the intensity shall not exceed one-half (0.5) footcandle at the lot boundary.
3. **Glare and light trespass.** Exterior lighting sources shall be designed, constructed, located, and maintained in a manner that does not cause off-site glare or light trespass on neighboring properties or street rights-of-way or upon open water.
4. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, and the use of laser light sources, searchlights or any similar high intensity light source for outdoor advertisement or entertainment is prohibited.

B. Standards by Type of Fixture.

1. **Freestanding pole lighting.** The following standards shall apply to all freestanding pole-mounted light fixtures:
 - a) **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to its proximity to a residential district or use, as follows:
 - (1) Fifteen feet (15') high, where such fixtures are located within 150 feet of a residential district or use.
 - (2) Twenty feet (20') high, where such fixtures are located more than 150 feet from a residential district or use.
 - (3) Twenty five feet (25') high, where such fixtures are located more than 300 feet from a residential district or use.
 - b) **Hours of operation.** All exterior lighting systems in non-residential districts shall incorporate automatic timers, and shall be turned off between the hours of 11:00 p.m. and sunrise, except where used for security purposes, or where the use of the property continues after 11:00 p.m.
2. **Building-mounted lighting.** Unshielded luminous tube or fluorescent lighting shall be prohibited as an architectural detail on all buildings, including but not limited to areas along roof lines, cornices and eaves or around and within window and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.
3. **Window lighting.** Unshielded luminous tube and fluorescent lighting that is visible through a window from the public way shall be prohibited, and all light fixtures visible from the public way through a window shall be shielded to prevent glare at the property line.
4. **Decorative light fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps.

- C. **Lamp or Fixture Substitutions.** Light fixtures regulated under this Section shall not be altered or replaced after approval has been granted, except where the Zoning Administrator has verified that the substitution would comply with the provisions of this Section.

- D. Exempt Lighting.** The following types of exterior lighting are exempt from the requirements of this Section, except that the Planning Commission and/or the Zoning Administrator may take steps to minimize glare, light trespass, or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:
1. Holiday decorations.
 2. Shielded pedestrian walkway lighting.
 3. Residential lighting that does not cause off-site glare or contribute to light pollution.
 4. Cases where federal or state laws, rules, or regulations take precedence over the provisions of this Section.
 5. Situations where fire, police, rescue, or repair personnel need light for temporary or emergency situations.

Section 14.20 Private Roads

- A.** All newly created lots must front on public roads developed in accordance with the design standards of the Branch County Road Commission.
- B.** The planning Commission may consider the use of private roads in a Planned Unit Development where such use will further the intent of this Ordinance.

Section 14.21 Open Space Development – Standards and Regulations

Open Space Preservation Developments may be approved in the AG, RR, and NR, Districts, subject to the standards and review procedures set forth herein.

- A. Purpose.** The purpose of Open Space Preservation Option is to preserve undeveloped land, thereby maintaining rural character and agricultural lands in the Township. These regulations in this section propose to accomplish this purpose by providing for the grouping of homes onto the most buildable portions of a site so that the remainder of the site can be preserved in an undeveloped state.

As used in this section, the term “undeveloped state” shall have the meaning given to it in Section 102, subsection (t), of the Zoning Act, Michigan Public Act 110 of 2006, as amended, which states the following: [Amended: 3/10/2008; Ord. #26]

“Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use of condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.”

- B. Applicability.** Property in the AG, RR, and NR districts may be developed according to the standard conditions and requirements for the zoning district, or it may be developed according to the Open Space Preservation Option of this section. If the Open Space Preservation Option is selected, the property shall be developed under the conditions and requirements in this section, other applicable zoning regulations, and other applicable Township ordinances.

C. Review and Approval Process. Proposals for Open Space Preservation Development shall be reviewed following the same procedures used for conventional subdivisions or condominium proposals, except that the applicant shall complete a site features inventory prior to development. This inventory shall consist of maps and written analysis which shall identify, describe, and quantify the following features, at a minimum: active agriculture areas, existing vegetation, topography at two (2) foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings) MDEQ-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered habitats, and any additional features uniquely affecting the site. The information required may be modified by the Zoning Administration or the Township Planner based on the characteristics of the site or the scope of the development.

D. Permitted Density. The permitted density in the Open Space Development shall be based on the net buildable area of the site which consists of the portions of the site that are not encumbered by regulated wetlands (except that one-quarter of the total wetlands may be counted as buildable), steep slopes, existing and proposed rights-of-way, easements, existing structures or lots, or other existing or proposed features that would prevent the construction of a building or use of the site for residential purposes.

To assist the Planning Commission in determining the net buildable area, the applicant shall submit an alternative plan that shows how the site could be developed under conventional zoning. The alternative plan should be drawn to contain the maximum number of lots possible without using the Open Space Option.

Modifications permitted under the Open Space Preservation Option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.

Based on the parallel plan, the permitted density in an eligible open space development shall be increased by 20%. The following table shows the results densities:

Zoning District	Permitted Density Under Conventional Zoning	Permitted Density With Open Space Bonus
NR	4 units/acre	4.8 units/acre
RR	1 unit/5 acres	1 unit/4 acres
AG	1 unit/40 acres	1 unit/32 acres

An additional 20% density bonus may be added to the open space development if the Planning Commission determines any of the following elements will be demonstrated in the community.

- a) A minimum open space preservation of 50% in the NR district, 65% in the RR district and 85% in the AG district.
- b) Integration of a variety of housing types, quality architecture, and superior site design.
- c) Providing at least 150 feet transition area along all road frontages and incompatible developments.
- d) Cleanup of site contamination.
- e) Providing public amenities.
- f) Other similar elements as determined by the Planning Commission.

E. Dimensional Standards.

1. **Setbacks.** Open Space Preservation Developments shall comply with the following minimum yard setback requirements:
 - a) **Building Setbacks.**
 - (1) The building setbacks along the perimeter of Open Space developments shall be 50 feet in all districts except the AG district, where the minimum setback shall be 100 feet.
 - (2) The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on sound planning and design principals, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents on the site.
 - b) **Parking Lot Setbacks.**
 - (1) The setback for parking lots along the perimeter of Open Space developments shall be 50 feet.
 - c) **Natural Features Setback.**
 - (1) The setback for buildings and parking lots in Open Space developments from lakes, ponds, streams, and wetlands shall be 50 feet.
 - (2) Docks, bulkheads, patios, terraces, gazebos, and pathways shall be permitted within the 50 ft. waterfront/wetland setback, subject to review and approval by the Township in any applicable agency permits (i.e. DEQ)
2. **Minimum Lot Size.** Open Space Preservation developments shall comply with the following minimum lot size requirements:

Zoning District	Minimum Lot Size
NR	6,000 sf
RR	1 acre
AG	1 acre

Variation from these lots size standards may be required or permitted where the Planning Commission finds that either of the following circumstances exist:

- a) A larger lot size is required to satisfy the Branch County Board of Health septic system standards, or
 - b) A smaller lot size is required to achieve the density permitted under Section 14.21.D (Permitted Density Bonus).
3. **Distances between Buildings.** Any detached single family structure shall maintain the following separation from any other detached single family structure or accessory structure in each of the following zoning districts:
 - a) In the NR district, a separation of 15 feet must be maintained.
 - b) In the RR district, a separation of 20 feet must be maintained.

c) In the AG district, a separation of 30 feet must be maintained.

4. **Height Standards.** Buildings in an Open Space Preservation development shall comply with the height standards for the district in which the development is located.

F. Open Space Requirements. Open Space Preservation developments shall provide and maintain open space in an undeveloped state as defined in paragraph A above. The Planning Commission may determine that a public park or a public facility is appropriate and should be located in the open space areas of Open Space Preservation developments. Open space provided in Open Space Preservation developments shall comply with the following standards:

1. Open Space Preservation developments shall reserve open space in the following quantities:

Zoning District	Required Open Space Reserved
NR	25%
RR	50%
AG	75%

2. Open space shall be located on the parcel to meet the following objectives:

- a) To preserve distinct natural features, scenic or wooded conditions, and rural characteristics.
- b) To preserve farmland.
- c) To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
- d) To maintain open, rural character along main roads.
- e) To create neighborhood parks.

3. In addition, no more than 25% of the required open space may be developed with children’s play facilities, picnic facilities, trails, public parks and similar passive recreational facilities, or public facilities (schools, government facilities) to satisfy the needs of future residents of the development, provided that all such facilities shall be compatible in design with other open space requirements and objectives, except in the NR district. In the NR district, the limit to develop open space for recreation uses is expanded to 75%.

4. No more than 75% of the open space may be regulated wetlands.

5. Required open space shall not include the area of any public or private road, the area of any easement provided access to the site, the area of any commercial recreation use (such as a golf course), or the area of any storm water retention or detention pond.

6. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will remain undeveloped. Such conveyance shall:

- a) Indicate the proposed use(s) of the required open space.

- b) Provide for the privately owned open space to be maintained by private property owners having an interest in open space.
- c) Provide maintenance standards and a maintenance schedule.
- d) Provide notice of possible assessment to the private property owners by the Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
- e) After approval from the Township, the developer shall record with the Branch County Register of Deeds to provide record notice of the restrictions to all persons having or seeking an interest in the property contained in the Open Space Preservation development. Evidence that the document has been recorded shall be provided to the Township.

G. Building Location. Where feasible, Open Space Preservation developments shall comply with the following building location requirements. Modification of these locational requirements may be approved by the Township Planning Commission as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features of conditions.

- 1. Clustering of the buildings is required.
- 2. Buildings shall be located on the edge of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields.
- 3. Buildings shall not be located on the tops of ridgelines or in areas with slopes that exceed 35%.
- 4. Building shall not be located in wetlands or floodplains
- 5. Building shall be set as far back from public roads as possible to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing plantings behind or within a woodlands or tree line that screens the buildings from the road.

H. Roads and Driveways. The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open space Preservation developments. Accordingly, Open Space Preservation developments shall comply with the following standards:

- 1. In the AG Zoning District, curb cuts for private driveways or neighborhood entryways shall be a minimum of 800 feet apart.
- 2. No private roads shall be created as part of the development of Open Space Preservation Developments. All internal roads shall be public roads, developed according to the standards of the Branch County Road Commission, and approved by the Road Commission.
- 3. Roads shall follow existing contours to minimize the amount of cut and fill.
- 4. Where sites include linear features, such as tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
- 5. Roads shall not be located in open fields.

6. Access to individual lots within a development shall be from internal roads only. There shall be no access permitted from existing County roads unless natural features on the site prohibit access of that lot via an internal road. In that case, the private driveway would still be subject to the separation standard in subsection (1) above, and the development would need to satisfy all other requirements of this Ordinance.
- I. **Storm Water Management.** Existing natural drainage shall be maintained to the maximum extent feasible. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
- J. **Landscaping and Lawns.** Open Space Preservation developments should provide landscaping and lawns that fit the natural environment and meet the following conditions:
 1. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
 2. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
 3. Where landscaping is proposed, species native to Michigan are preferred.
- K. **Existing Structures.** When a parcel contains existing structures deemed to be of historic, cultural, or architectural significance (such as historic farmhouses, barns and other farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential use shall be permitted.
- L. **Regulatory Flexibility.** Upon showing that an alternative “standard” will result in a higher quality development or increased protection of natural features/open space, the Planning Commission may modify any of the standards within this Section.

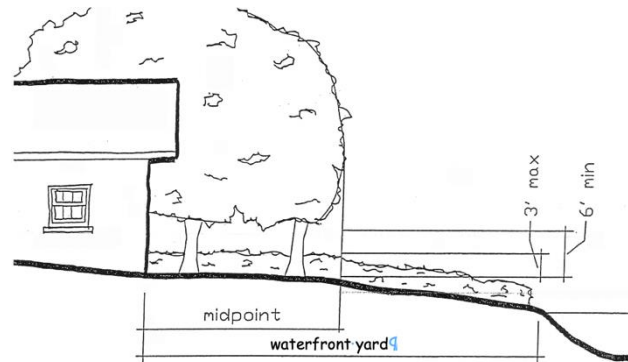
Section 14.22 Waterfront Yards

All parcels with a property line abutting waterfront must comply with the applicable sections of this ordinance.

- A. **Waterfront Yard Setbacks.** The setback in waterfront yards shall be the average of the waterfront yard setback (front yard) of the properties within 200 feet on either side of the subject property or 30 feet, whichever is less.
- B. **Clear Vision Triangles.** Each lot shall maintain clear vision triangles along both side lot lines between the waterfront yard setback and the shoreline as described below. The area within clear vision triangles shall be maintained free of recreational vehicles, waterfront structures, accessory buildings, and plant material over the height of three (3) feet with the following exceptions:
 1. Within clear vision triangles, plant material that reaches a mature height of over three (3) feet shall not be newly installed between the shoreline and the midpoint of the waterfront setback line. The midpoint shall be defined as the point halfway between the shoreline and the waterfront yard setback line, as measured at the side lot line.

2. Between the midpoint of the waterfront yard setback and the waterfront yard setback line, shrubs and evergreen plants shall be trimmed so as to not exceed a height of three (3) feet and deciduous and evergreen trees shall be trimmed so as to not have foliage below a height of six (6) feet, provided that vegetation may occupy a portion of such area between the heights of three (3) feet and six (6) feet as long as it does not significantly obstruct views to the lake or canal, as determined by the Zoning Administrator.

3. The Clear Vision Triangle shall be bounded by the following sides:
 - a) The side lot line;
 - b) The shoreline; and
 - c) A line that commences at the intersection of the side lot line and the waterfront yard setback and runs towards the shoreline at a thirty (30) degree angle from the side lot line.



Permitted Vegetation Within the Clear Vision Triangle

C. Waterfront Structure. The following waterfront structures and appurtenances are permitted within a waterfront yard provided such structures are accessory to a permitted principal use of waterfront property and the use is limited to recreational and personal use of the principal user (occupants) residing on the property. No structure will be approved without an existing primary structure on the parcel.

1. Permitted projections into yards as regulated in Section 14.17, Projections into Yards are permitted in waterfront yards subject to the standards of Section 14.17 and these additional conditions:
 - a) Said structures shall not exceed a height above the average surrounding grade. [Amended: 3/10/2008; Ord. #26]
 - b) The horizontal distance of said structures shall not exceed 50 percent of the width of the lot line that abuts the water body.
 - c) Said structures shall be at least five (5) feet from a side lot line.
 - d) Said structures shall not extend over the water more than 24 inches. This provision shall not apply to seasonal docks.
 - e) Railings that exceed three (3) feet in height shall not exceed 50% opacity.
 - f) Fences, windbreaks and other similar structures attached or adjacent to decks, patios, or terraces shall not exceed four (4) feet in height, unless otherwise prohibited by the standards of this ordinance.
2. A shed, not exceeding a floor area of more than 100 square feet and a height of eight (8) feet shall be permitted within the waterfront yard, provided such shed is setback a minimum of 20 feet from the shoreline and complies with all accessory building standards contained in Section 14.06, Accessory Structures, and subsection 14.22.B, Clear Vision Triangles above.

3. The following waterfront structures and appurtenances shall be permitted, provided that they meet the requirements of subsection 14.22.B Clear Vision Triangles above:
 - a) Piers and wharves, including floating types;
 - b) Flush mount and swivel hoists, overhead hoists, davits and mooring whips;
 - c) Spring or mooring piles; and,
 - d) Unenclosed boat port/well having a roof only and not exceeding a height of twenty-two (22) feet above mean high water.
4. Boat lifts shall be permitted within a waterfront yard, provided that the total width of the boat wells on the property does not exceed 50% of the width of the lot at the water frontage. A minimum 10 foot setback must be maintained between the boatwell(s) and the principal structure on the lot.
5. Bulkheads or seawalls are permitted, provided no bulkhead or seawall may extend into the waterway beyond the lot line of any lot.
6. Construction, installation, storage, docking, or mooring of structures, appurtenances, or watercraft shall not obstruct the natural flow of water or access of boaters to: adjoining or nearby parcels; to deeper waters; or, normal boating routes.
7. All permitted structures and appurtenances shall be kept safe, secure and in good repair.
8. The placement of aids to navigation and regulatory markings are specifically exempt from the requirements of this section.
9. Pump houses less than 3 feet in height shall be exempt from these requirements.
10. Temporary waterfront structures may be stored within the clear vision triangle of a waterfront lot between September 15 and May 15:
11. All structures contained in the waterfront yard shall be counted towards the calculation of lot coverage.
12. Storage of recreational vehicles in waterfront yards shall be prohibited within the clear vision triangle.

[Amended: 4/13/2009; Ord. #27]

Section 14.23 Pets

- A.** The keeping of pets is permitted as an accessory use in any zoning district which permits residential dwellings. Pets, as defined in Chapter 2, shall be differentiated from wild and exotic animals.
- B.** All pets shall be maintained and accommodated in a manner so as to not pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.
- C.** Farm animals, horses, and livestock shall be governed by Section 15.05.
- D.** It shall be prohibited to possess, breed, exchange, buy, or sell wild or exotic animals as defined in Chapter 2 unless approved as a zoological park or aquarium, wildlife sanctuary, nature preserve, circus, or similar bona fide scientific, medical, or research type use.[Amended: 3/10/2008; Ord. #26]

Section 14.24 Roadway Design Standards

Streets built in the Township from this point forward shall meet the following standards, with the acknowledgment that for any public streets, any more stringent standards of the Branch County Road Commission or the Michigan Department of Transportation shall apply.

A. General street design standards for new streets in all districts.

1. The street layout shall provide for continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
2. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
3. Intersecting streets shall be laid out so that the intersection angle is as nearly as possible to 90 degrees. Streets convening at one point shall be reduced to the least practical number.
4. Street names shall not be permitted that might cause confusion for purposes of assessing, mail delivery, or locating by the public with names of existing streets in or near the Township. Streets that will be continuations of existing streets shall be called by the same names as such existing streets.
5. Minimum length for a cul-de-sac road shall be 140 feet. Maximum length shall be 660 feet and shall terminate in a circle 120 feet in diameter. The Township Board and the Road Commission may permit a longer street if necessary and appropriate because of topography or other natural features, existing conditions, or other circumstances.

B. Streets in the AG, RR, and WR districts. There shall be a minimum distance of 330 feet between intersecting roads serving residential developments along County primary or local roads measured from the centerline of the intersecting roadways.

C. Streets in the NR district.

1. No direct access points to individual residences or uses shall be permitted along County primary or local roads.
2. Access points to County primary roads shall be spaced at 330 foot intervals. If an access point is within 33 feet of an adjacent property, provisions for shared access must be provided.
3. Access points along streets or driveways intersecting with County primary roads shall be setback at least 100 feet from the primary road right-of-way line.
4. The Township may require shared access or connections between adjacent uses as a means to limit conflict points and preserve capacity along roadways.
5. The maximum length of blocks shall be 700 feet.
6. Street connections to adjacent parcels shall be provided where the Master Plan identifies a future street connection or there is the possibility to create future street connections. Road stubs for future connections shall be improved to the parcel line.

D. Streets in the VC district.

1. Access points to County primary roads shall be spaced at least 330 feet apart.

2. The Township may require shared access or connections between adjacent uses as a means to limit conflict points and preserve capacity along roadways.
3. The maximum length of blocks shall be 700 feet.
4. Street connections to adjacent parcels shall be provided where the Master Plan identifies a future street connection or there is the possibility to create future street connections. Road stubs for future connections shall be improved to the parcel line.

Section 14.25 Standards For Shared Residential Driveways (Residential Zoning Districts).

- A. The number of residential driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible along County Primary Roads and County Local Roads, access shall be via a shared driveway. Where it is not possible to provide shared access, this access may be by an individual driveway.
- B. A lot split for a parcel that has frontage along an arterial road that will result in more than one parcel with access to said County roads, shall meet the following shared access requirements:

Road Type	One Driveway For Each
County Primary Roads	660 ft. of frontage
County Local Roads	330 ft. of frontage
Other Roads	Based on minimum lot width (frontage) of the zoning district

1. All lots created that do not provide the above required frontage shall have shared access from the single driveway meeting the standards of subsection C below.
2. The Planning Commission may approve additional driveways where safe traffic operations will be maintained based upon vehicular speeds, traffic volumes, relationship to other access points, sight distance and comments of MDOT or the Branch County Road Commission.
- C. Two (2) single-family lots may have access from a private driveway when the following conditions are met:
 1. The driveway surface shall be a uniform minimum 16 feet wide, measured edge to edge. The width may be reduced to 12 feet if the length of the shared driveway is greater than 300 feet in length or if there are significant topographic, wetland, or other natural features on the site and 16 foot wide passing flares are provided at least every 300 feet.
 2. The driveway shall be constructed of materials suitable to accommodate emergency vehicles.
 3. There shall be a recorded shared access easement. The applicant shall provide record of the shared access agreement and documentation that shared access agreement has been recorded with the County prior to the issuance of a Zoning permit.
 4. The driveway shall be maintained by the landowners to ensure adequate access for emergency vehicles. (It is the land owners' responsibility to maintain this access).

5. No more than two (2) single-family lots may be served by a private driveway established in accordance with this section of the Ordinance. If additional lots are split beyond these two lots and wish to access the County road via the private driveway, the driveway must be dedicated to the County and upgraded to County Road standards.
6. The driveway must be aligned with a driveway across the street or offset a minimum 100 feet.

Chapter 15.

Standards for Specific Uses

Section 15.01 Accessory Apartments

- A. Sketch Plan Review Required.** The applicant shall provide a sketch plan and building elevations for Planning Commission review and approval.
- B. Apartments Accessory to permitted Office and Services Uses or Commercial Uses.**
1. Accessory apartments shall be contained entirely within the primary building, and shall occupy no more than fifty percent (50%) of the gross floor area of the building.
 2. Each accessory apartment shall have separate kitchen, bath and toilet facilities and a private entrance (where there is more than one (1) accessory apartment in a building, such entrances may be provided from a common hallway).
 3. When a building is used for both commercial and residential occupancy, apartments may only occupy areas above the first story or to the rear of the commercial use. No business or office use shall be located above any story that contains a residential use. The prime space in the building located on the ground floor along the road frontage shall be devoted to the commercial use.
 4. A parking area shall be reserved on the same lot or parcel as the principal building and designated for the exclusive use of the apartment occupants. Two (2) parking spaces shall be required for each apartment. Shared parking agreements may be acceptable upon approval of the Planning Commission.
 5. If an approved apartment is converted to a use permitted in the district, that shall not require special use approval. However, no residential occupancy is permitted following such a conversion unless a special use approval is approved by the Township.

Section 15.02 Adult Care Facility, Senior Housing, and State Licensed Residential Facility.

- A. Foster Family Group Home.** Foster Family Group Homes shall be permitted uses in all districts where residential uses are permitted. There is no minimum lot size except that which is required for the applicable zoning district. [Amended: 3/10/2008; Ord. #26]
- B. Minimum Size.** Sites must have a minimum of lot area of two (2) acres, and all dwelling units shall have a minimum of four hundred fifty (450) square feet per unit.

- C. Separation Requirements.** No foster care group home shall be located closer than one thousand five hundred feet (1,500') to any other state-licensed residential facility, measured from the nearest wall of each such structure. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single area, or in the Township overall.
- D. Access.** All access shall be from a paved road. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public roads.
- E. Allowable Density Modification.** The allowable density of the underlying zoning district may be increased by no more than twenty-five percent (25%) for all nursing care units licensed by the State of Michigan, or fifteen percent (15%) for non-licensed nursing care and supportive care units.
- F. Accessory Uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.

Section 15.03 Adult Uses

- A. Authorization.** In the preparation, enactment, and enforcement of this section, it is recognized that there are some uses relating to sexual material, which, because of their very nature, have serious operational characteristics that have a deleterious effect upon residential, office, and commercial areas. Because certain forms of expression relating to sexual material have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such property, it is the intent of this section to provide a framework of reasonable regulatory standards which can be used for approving or disapproving the establishment of this type of use in a viable and accessible location, where the adverse impact of their operations may be minimized.

However, it is recognized that these specified controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Regulation is necessary to ensure that adverse effects of such uses will not contribute to the degradation of adjacent parcels and the surrounding area. Furthermore, these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious.

- B. Uses Specified.** Uses subject to these controls as defined herein as “adult uses” in Chapter 2, Definitions.
- C. Site Location Principles.**
1. No adult use shall be located within 1,000 feet, measured from the lot line of the lot upon which the proposed adult use will be situated to the closest lot line of the following: residential zoning district; church; monastery, temple, or similar place of worship; cemetery; school, library, public park or playground; non-commercial assembly facility; public office building; licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.); or arcade located in Ovid Township or surrounding communities.
 2. No adult use shall be located within 500 feet, measured from the lot line of the lot upon which the proposed adult use will be situated, to the closest lot line of a single family home, non-farm, in the AG district, or equivalent in an adjacent jurisdiction.

3. No adult use shall be permitted within a 1,000-foot radius of an existing adult use. Measurement of the 1,000 feet shall be made from the lot line of the lot upon which the proposed adult use will be situated to the closest lot line of the lot of the closest adult use.
4. No adult use shall be located within 500 feet of intersecting centerlines of County roads within Ovid Township or surrounding communities.
5. Residential zoning districts shall be RR, NR, WR, and MH, not AG.

D. Site Development Requirements.

1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
2. The building and site shall be designed, constructed, and maintained so displays, decorations, or signs depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed from adjacent properties or by pedestrians or motorists within the public rights-of-way.
3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the Planning Commission.
4. An adult only business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.
5. Access shall be limited to County primary and County local roads, as defined in the Township Master Plan, and screening shall be required from the public right-of-way and abutting properties in accordance with Chapter 17, Landscaping and Screening.
6. Such uses shall be located within a freestanding building (shared or common wall structures or shopping center spaces shall not be considered a freestanding building) with a maximum gross floor area of 5,000 square feet.)

E. Use Regulations.

1. No person shall reside in or permit a person to reside in the premises of an adult use.
2. No person shall operate an adult use unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
3. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult use without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from Ovid Township, County of Branch, and State of Michigan.
4. The provisions of this Section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics, or the offices of a physical, surgeon, chiropractor, osteopath, psychologist, clinical social worker, or family counselor who is licensed or permitted to practice in the State of Michigan, or to massage therapists who are certified members of the American Massage and Therapy Association or International Myomassethics Federation.

- F. **Approval Within 90 Days.** Site plans shall be reviewed and approved, approved with conditions, or denied within 90 days of the filing of a complete application, submission of a complete site plan and payment of fees.
- G. **Limit on Re-application.** No application for an adult use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

Section 15.04 Airports and Aircraft Landing Fields

Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted subject to the following conditions:

- A. **Plan Approval.** The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
- B. **Minimum Standards.** The standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation shall be complied with.
- C. **Clear Zones.** All required “clear zones” (as defined by the FAA) shall be owned by the airport facility.
- D. **Aircraft and Vehicle Parking.** Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for offices, restaurants, sales rooms, and other uses associated with the airport, subject to the requirements in Chapter 16, Parking and Loading Spaces.
- E. **Airport Layout.** Airports shall be designed so that offices, restaurants, sales rooms, and similar uses are located closest to the road.

Section 15.05 Animal Uses

- A. All new and expanding animal uses involving more than 50 animal unit equivalents, as defined by the Michigan Department of Agriculture (see table below), are special uses and subject to special use permit approval as provided in Chapter 20. Such facilities must also comply with Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities as adopted by the Michigan Department of Agriculture, including the submission of a site plan and a Manure Management Plan. All potential sites for new and expanding livestock facilities must follow the MDA site selection review and verification process and must submit a letter of conformance with the GAAMP for Site Selection and Odor Control for New and Expanding Livestock Production Facilities from MDA prior to site plan approval.

ANIMAL UNITS	50
ANIMAL TYPES	NUMBER OF ANIMALS
Slaughter and Feeder Cattle	50
Mature Dairy Cattle	35
Swine (over 55 pounds)	125
Sheep and Lambs	500
Horses	25
Turkeys	2,750

Laying Hens or Broilers	5,000
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(All other animal classes or types of sizes (e.g., Nursery Pigs) not in this table are to be calculated as one thousand pounds live weight equals one animal unit.)

- B. New and expanding animal uses involving fewer than 50 animal units shall be permitted in the AG and RR districts according to the density table provided below. It is recognized that not all of the existing lots in the Township conform to the minimum lot size requirements of the zoning district. Therefore, nonconforming lots of three (3) acres or larger may be used for animal husbandry provided the density standards contained in this table are followed and the required setbacks contained elsewhere in this Ordinance can be maintained.

	Cattle, bison, and other bovine animals		Swine		Llamas, sheep, goats, and other ruminants		Poultry, rabbit, water fowl		Other exotic flightless birds	
	AG	RR	AG	RR	AG	RR	AG	RR	AG	RR
Min. acreage for animals	3	5	10	10	3	5	3	5	3	5
Animals allowed on minimum	3	2	1	1	3	2	6	3	5	5
Animals allowed per additional acre	1	½	1	1	1	½	3	3	1.5	1

*Note: These numbers refer to actual animals, not animal units. [Amended: 3/10/2008; Ord. #26]

- C. These standards shall not apply to households raising animals in the above categories (not including horses) for educational or recreational purposes. Such households shall be limited to a maximum of three (3) animals per occupant of the property and have a minimum lot size of two (2) acres in the AG – Agriculture or RR- Rural Residential districts. Accessory structures used to house these animals shall not be located in the front yard and must be set back a minimum 20 feet from all property lines.
- D. Horses and equine fewer than 50 animal units shall be permitted in the AG and RR districts according to the following table of density and lot sizes:

	Horses, Equine	
	AG	RR
Min. acreage for animals	3	5
Animals allowed on minimum	1	1
Animals allowed per additional acre	1/2	1/4

- E. Disposal or slaughtering of animals for commercial purposes shall be prohibited
- F. Manure shall be stored in a manner that minimizes odor and run-off. Consideration should be given to partial paving of confinement areas, storage ponds, and other Accepted Agricultural Practices (GAAMPs) regarding runoff control. When manure from confinement manure storage pits or holding areas is removed it shall be incorporated, knifed in, or disposed of in a reasonable manner following GAAMPs and taking into account the season of the year and wind direction. Sufficient area to permit proper incorporation or disposal of manure shall be provided. Manure shall not be applied and left on the soil surface in any area that is within 150 feet of surface water.

Section 15.06 Auto Repair Shop and Gas Stations

- A. **Setbacks.** Pump island canopies shall be setback a minimum of 20 feet from any right-of-way line. Fuel pumps shall be located a minimum of 30 feet from any right-of-way line.

- B. Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
- C. Overhead Doors.** Overhead doors shall not face a residential district or use. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative, subject to additional screening being provided.
- D. Pump Island Canopy.** The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure and in compliance with the external lighting standards of this Ordinance.
- E. Repair and Service Use Limitations.** All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
- F. Temporary Vehicle Storage.** The storage, sale, rental, or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies, or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding 30 days for repair stations and 24 hours for all other facilities. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- G. Noise and Odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
- H. Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Chapter 17, Landscaping and Screening. All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.
- I. Traffic Impacts and Pollution Prevention.** The Planning Commission may request a traffic impact study to evaluate the impacts of the proposed development on the existing level of service and traffic patterns surrounding the site. They may also request a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.

Section 15.07 Reserved

Section 15.08 Bed & Breakfast Inns

- A. Primary Residence.** The dwelling shall be the primary and permanent residence of the bed and breakfast inn operator. An owner or manager shall be on the premises when the bed and breakfast in operation is active.

- B. Meals.** Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
- C. Guests.** There shall be a maximum of seven (7) rooms for lodging, with a maximum of 18 guests at any given time. Guests may stay no longer than 14 days in succession or a total of 60 days in any 12-month period. Each operator shall keep a log of the names of all persons staying at the bed and breakfast inn operation including the name, arrival, and departure dates.
- D. Parking.** Off-street parking areas shall be provided in accordance with Chapter 16, Parking and Loading Spaces, outside of any required front yard.
- E. Landscaping.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with Chapter 17, Landscaping and Screening.
- F. Signs.** Bed & Breakfast Inns shall be permitted one sign to identify the establishment. The sign is limited to six (6) square feet and a maximum height of six (6) feet. The sign should be residential in nature and integrated into the design of the house and the site. Preferred sign types include signs that hang from light posts, signs that are hung on fence posts, or signs that are mounted on the building wall. All signage must be submitted and reviewed at the time of site plan approval.

Section 15.09 Campgrounds

- A.** Campgrounds shall be located so as not to substantially hinder existing or potential future farming operations or activity within the immediate area.
- B.** Campgrounds shall be located on a paved road accessible by necessary public services, including public safety.
- C.** Campgrounds shall not be located within 1,000 feet of any residentially zoned district.

Section 15.10 Car Washes

- A. Setbacks.** All car washes shall have a minimum front yard setback of 30 feet. All buildings shall maintain a 50-foot setback from any residential district or use.
- B. Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Chapter 17, Landscaping and Screening.
- C. Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent or pedestrian crossings. All maneuvering areas and stacking lanes shall be located within the site.
- D. Traffic Impacts.** A traffic impact study may be required analyzing the projected impact of the proposed use on the level of service of adjacent roadways as well as recommended adjustments or solutions, if necessary.
- E. Drainage.** All drainage shall be trapped and contained on site. Chemicals, waxes, and cleaning agents used in the wash shall be thoroughly removed from the wastewater before it is passed from the site.

Section 15.11 Cemeteries

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

- A. Location.** No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for gravesites.
- B. Accessory Building.** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.
- C. Setbacks.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than 100 feet to the boundary line of any residential or commercial district. A crematorium located with a cemetery shall be setback a minimum of 400 feet from the boundary line of any residential district.

Section 15.12 Churches, Synagogues, Temples, and Other Places of Worship

- A. Height.** The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 45 feet, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard. The highest point of chimneys, church spires, cupolas, domes and towers may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than 20% of the roof area of the building.
- B. Screening.** Screening shall be provided in accordance with Chapter 17, Landscaping and Screening, where the site abuts a residential district or use.
- C. Accessory Facilities.** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, preschools, and other similar uses incidental to the primary use shall be permitted, subject to the requirements of this Ordinance.
- D. Impact Assessment.** The Planning Commission may require an impact assessment for churches, temples or other places of worship that have a seating capacity of over 500 persons. The impact assessment would be focused primarily on traffic, and the impact of the proposed use on the existing and future level of service of surrounding roads. However, the assessment should also analyze the impacts of the proposed sewer system and other public services.

Section 15.13 Contractor Offices or Showrooms

Limited accessory retail sales of primarily products produced on the premises, where such retail operations are intended to serve the general public shall be permitted in the C and E districts, subject to the following requirements.

- A. Character of the Principal Use.** The principal use on the site shall not be retail in character.

- B. Percent of Floor Area.** The retail activity shall occupy no more than twenty percent (20%) of total floor area or five hundred (500) square feet, whichever is less.
- C. Percent of Gross Value.** The gross value of the retail sales shall not exceed twenty percent (20%) of the gross value of the business.
- D. Products Offered for Sale.** Retail sales shall be limited primarily to products produced on the premises or principal business on site. If it is determined that the sale of limited specialty products not produced on the premises is essential to installation or use of the principal product sold, then such sales may be permitted provided they represent no more than twenty percent (20%) of the gross on-site retail sales.
- E. Compatibility of Traffic.** The type of and quantity of traffic generated by the retail sales operation shall be compatible with permitted industrial uses in the district.
- F. Parking.** Adequate parking shall be provided for the retail sales, as specified in Chapter 16. Off-street parking shall be subject to the locational and setback requirements of the district in which the use is located.

Section 15.14 Drive-in or Drive-thru Establishments

The following conditions shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any required conditions for the primary use.

- A. Location.** Sites must abut a major road, with all ingress and egress directly to such road.
- B. Access and Traffic.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or pedestrian crossings. All maneuvering areas and stacking lanes shall be located within the site. The Planning Commission may request that the applicant provide a traffic impact assessment that analyzes the projected impact of the proposed use on the existing and future levels of service on adjacent roadways.
- C. Screening.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Chapter 17, Landscaping and Screening.
- D. Performance Standards.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- E. Menu boards.** Menu boards may be erected, subject to the following:
 - 1. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from the street right-of-way or adjacent properties.
 - 2. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
 - 3. The total sign area of all permitted menu boards shall not exceed 48 square-feet.

Section 15.15 Farm Processing Facilities

- A. Purpose.** It is the intent of this subsection to promote local agricultural production and preservation of rural character by allowing construction and use of a Farm Processing Facility. The Farm Processing Facility use includes retail and wholesale sales of fresh and processed agricultural produce. The majority of the produce sold fresh or processed has to be locally produced. Fifty-one percent (51%) of the produce sold fresh or processed has to be grown in Branch County. Activities such as weddings, receptions, and other social functions for hire are not allowed, however, participation in approved Township wide events is allowed. It is not the intent to grant any vested interest in non-agricultural uses of any structure built for a Farm Processing Facility. This Section is not intended to supercede any Conservation Easement. Farm Processing Facilities shall be permitted subject to the following:
- B. Retail and wholesale sales.** Retail and wholesale sales of fresh or processed agricultural produce is allowed provided
1. Grape wine that is processed, tasted, and sold in a farm processing facility under this section is limited to Branch County appellation wine meaning 51% of the juice will be from fruit grown in Branch County.
 2. Fruit wine that is processed, tasted, and sold in a farm processing facility under this section is limited to wine bearing a label identifying that 51% of the juice is from fruit grown in Branch County.
 3. Tasting of fresh or processed agricultural products at the farm processing facility is allowed. Tasting of wine is limited to that produced at the farm processing facility and labeled as being Branch County appellation. Bread, crackers, fruit, and cheese may be served at no charge as part of the tasting of processed products.
 4. Logo merchandise may be sold provided:
 - a) The logo merchandise is directly related to the consumption and use of the fresh and/or processed agricultural produce sold at retail;
 - b) The logo is prominently displayed and permanently affixed to the merchandise;
 - c) Specifically allowed are gift boxes, packaging, wine glasses, corkscrews, cherry pitter, and apple peeler.
 - d) Specifically not allowed as unrelated ancillary merchandise are clothing, coffee cups, and bumper stickers.
- C. Limitations on sources of produce.**
1. Not less than 51% of all of the agricultural produce sold fresh or processed shall be grown in Branch County. A significant portion must be grown on the land owned or leased for the specific farm operation by the same party owning and operating the specific farm processing facility.
 2. If crop conditions or natural disaster result in a shortage of locally grown fruit for a particular year, the Township Board may approve a larger proportion of produce grown off the land owned or leased for the specific farm operation by the same party owning and operating the specific farm processing facility for that particular year, provided that verification of such conditions are presented to the Township Board by a public organization representing the operators that is duly recognized by the Township Board. Processed products produced in such a year shall not exceed the highest volume produced in any of the preceding five years.

3. Wine shall be produced and bottled in the winery and the label shall include “produced and bottled by” immediately preceding the place where bottled or packed in accordance with the Bureau of Alcohol, Tobacco, and Firearms law, article 27CFR, paragraph 4.35 (a) (1). “Produced and bottled by” means 75% of such produced will be fermented and clarified on the site.
4. Dried fruit, a minimum of 51% by weight of which is growth in Branch County and a minimum of 30% by weight is grown on the owner’s farm, may be dried off premises and sold in the farm processing facility retail room, provided, no more than the amount of fruit sent out for this processing is returned for retail sale.

D. Public Events. Participation in Township Wide Events at the facility, open to the public, shall be allowed.

E. Parcel Requirements.

1. A total of 40 acres of land are required to be devoted to the operation of a farm processing facility.
2. The 40 acres shall be located within Ovid Township and shall be owned or leased for the specific farm operation by the same party owning the specific farm processing facility.
3. The same party shall own the 40-acre minimum parcel and the winery. None of the land shall be alienable.
4. The 40 acres may be one parcel or two contiguous parcels and the contiguous parcels may be separated by a road.
5. There shall be no more than one house on the 40-acre parcel containing the farm processing facility.
6. There shall be a minimum of five (5) acres of crops grown on the same parcels as the farm processing facility.

F. Setbacks. The minimum setbacks for the farm processing facility including retail areas and customer parking shall be the following:

1. Side and rear yard setbacks shall be 100 feet.
2. Front yard setbacks shall be 50 feet.
3. There shall be a minimum of 200 feet separation from any pre-existing residence on adjoining property.

G. Farm processing facility size. The total floor area above finished grade (one or two stores) of the farm processing facility including retail space, shall be no larger than 6,000 square feet, or 0.5% of the parcel size, whichever is less. The retail space shall be a separate room and may be the greater of 500 square feet in area or 25% of the floor area above finished grade. The facility may consist of more than one building, however all buildings shall be located on the 20 acres minimum parcel that contains the farm processing facility. Underground buildings are not limited to, and maybe in addition to, the 6,000 square feet of floor area provided that it is below pre-existing ground level and has no more than one loading dock exposed.

H. Pre-existing buildings. Building built prior to this amendment may be used for a farm processing facility provided that if it is more than 6,000 square feet in size, the retail space room shall not be larger than 1,500 square feet. The Zoning Board of Appeals may consider variances from setbacks for such pre-existing building if it shall first be determined that such extension shall not be harmful to public health, safety, or welfare, particularly with regard to surrounding property interests.

- I. **Vested Interest.** There shall be no vested interest in non-agricultural uses of the structures. Structures shall only be used for allowed uses in permitted districts in the event that the farm processing facility use is abandoned.
- J. **Parking.** A minimum of one parking space for each 150 square feet of floor area in the retail tasting area shall be provided, plus one space per employee on the longest shift. Parking shall comply with Chapter 16, Parking and Loading of the Zoning Ordinance.
- K. **Lighting.** All lighting shall be so installed as to be confined within and directed in the parcel only. It shall comply with Section 14.19 of this Ordinance.
- L. **Signs.** Farm processing facilities are permitted signage in accordance with Section 14.08, Signs.
- M. **Records.** The owner and operator of the farm processing facility shall keep up to date records of land ownership, growth, processing, and sales, and make those records available for Township review in order to ensure that the facility is abiding by all of the standards of this Ordinance.

Section 15.16 Golf Courses and Country Clubs

- A. **Setbacks.** The principal and accessory buildings shall be set back at least 75 feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.
 - 1. **Golf Courses.** Golf course fairways shall be designed so that existing or future dwelling units are located a minimum of 200 feet from the center of the fairway.
 - 2. **Driving Ranges.** The minimum length of a driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be setback at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines. Netting is prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses.
- B. **Access.** Golf courses and Country clubs shall have direct access onto a paved public road.
- C. **Screening.** Any lot line abutting a residential zoning district shall provide a landscaped buffer strip in accordance with Chapter 17, Landscaping and Screening.
- D. **Performance Standards.** Site size shall be sufficient to retain errant balls within the site. The Planning Commission may restrict lighting and hours of operation.
- E. **Site Plan Requirements.** The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.
- F. **Accessory Uses.** A Golf Course and Country Club is permitted to operate a restaurant, a bar, and a retail facility for the purposes of selling items to be used on the golf course. The Club shall be available for rental for special events. All uses are subject to approval by the Planning Commission and must be identified on the site plan submitted for approval. Additional uses considered after approval must be brought back to the Planning Commission for approval as an amendment to the site plan.

Section 15.17 Home Occupations

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

- A. No more than two (2) persons total (including the members of the family residing on the premises) shall be engaged in such occupation.
- B. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than one-quarter (25%) of the floor area of the dwelling in which the occupation is being conducted may be used for the purposes of the home occupation or for storage purposes in conjunction with the home occupation.
- C. A home occupation shall be conducted completely within the principal structure. Home occupations are not permitted in accessory buildings. In the AG district, Home Occupations are permitted in accessory buildings provided that the home occupation does not occupy more than 50% of said building.
- D. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations not otherwise customary in residential areas including the expansion of off-street parking areas in excess of residential standards.
- E. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, wireless communications interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.
- F. Signs not customarily found in residential areas shall be prohibited, however that one (1) non-illuminated name plate, not more than four (4) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises, in the RR, NR, WR, and MH districts. Freestanding signs not in excess of six (6) square feet in area may be placed on private property in the AG district as an alternative but not in addition to a sign placed on the dwelling.
- G. There shall be no deliveries to or from a home occupation with a vehicle larger than permitted by the State of Michigan.
- H. The hours of operation for a permitted home occupation shall be subject to Planning Commission review and shall be set in accordance with the provisions of this Ordinance based upon the type of use proposed.
- I. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.

Section 15.18 Indoor and Outdoor Recreation Centers (Excluding Public Parks)

- A. **Permitted Uses.** Permitted uses may include, but shall not be limited to recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice or in-line skating, and similar activities, bowling alleys, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, music concert pavilions, and band shells.

- B. Accessory Uses.** Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating, and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.
- C. Setback Requirements.** No structure or spectator seating facility shall be located within 50 feet of a property line, nor within 200 feet of any residential district or use. Pools shall be at least 100 feet from any residential zoning district.
- D. Performance Standards.**
1. The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.
 2. A plan to control loitering and litter shall be provided.
 3. Recreation uses shall comply with Section 14.04, Performance Standards.
 4. The applicant shall provide documentation that the site area is adequate, according to national standards for the use.
- E. Impact Analysis.** The Planning Commission may require an Impact Analysis be submitted analyzing the impacts of the proposed use on the traffic surrounding the site, public uses provided to the site, and the existing natural features on the site and immediately surrounding it.

Section 15.19 Junkyards and Salvage Yards

- A. Setbacks.** A minimum setback of 250 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least 250 feet from any road or highway right-of-way line, and at least 300 feet from any property line.
- B. Screening.** The entire junk yard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence constructed in accordance with Chapter 17, Landscaping and Screening, and Section 14.13, Fences. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.
- C. Surfacing.** All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Zoning Administrator so as to confine any wind-borne dust within the boundaries of the site.
- D. Regulated Activities.** Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.
- E. Permits.** All required Township, County, and State permits shall be obtained prior to establishing a junkyard.
- F. Stacking.** Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

Section 15.20 Kennels

- A. Minimum Site Size.** Sites shall have a minimum lot area of one (1) acre.
- B. Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Chapter 17, Landscaping and Screening.
- C. Performance Standards.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.
- D. Setbacks.** Structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall also be set back at least 50 feet from dwellings on adjacent lots.

Section 15.21 Multiple Family Residential Developments

Multiple-family dwellings and developments shall comply with the following:

- A. Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.
- B. Street Design and Vehicle Circulation.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots. All access drives shall be twenty-four feet (24') in width. The Planning Commission may require a Traffic Impact analysis, which would analysis the projected impact of the proposed use on the existing and future levels of service of surrounding roadways.
- C. Pedestrian Circulation.** Minimum five (5) foot wide concrete sidewalks shall be provided from parking areas, public sidewalks and recreation areas to all building entrances. Public sidewalks shall be provided along collector roads and streets with a minimum width of six (6) feet.
- D. Parking.** Minimum parking requirements shall be based on the standards of Chapter 16, Parking and Loading. The Planning Commission may give credit towards parking requirements where abutting on-street parking is available. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with Chapter 17, Landscaping and Screening.
- E. Open Space.** Open space or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the development) shall be provided at a ratio of at least 15% of the gross area of the development. The minimum size of each area shall be not less than 5,000 square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

- F. Utilities.** All multiple-family dwellings shall be connected to the public sewer and public water system if available. If no connection to public systems is available, private systems must be installed. Water and sanitary sewer systems must be approved by Branch County Public Health.
- G. Accessory Uses.** Buildings for a management office, sale or leasing of units, recreation, social gathering, laundry, maintenance, and/or other accessory uses shall be permitted interior to and accessory of multi-family residential development. Such structures shall meet all setback and separation requirements of the principal structures. Accessory uses are subject to the approval of the Planning Commission and must be identified on the site plan.
- H. Other Requirements.** Adequate landscaping and screening shall be provided along all property lines that abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Section 15.22 Nursery Schools and Child Care Facilities

The following regulations shall apply to Nursery Schools, Group Child Day Care Homes, Child Day Care Centers, Child Caring Institutions, and Pre Schools:

- A. Licensing.** In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the Department of Human Resources and shall comply with the minimum standards outlined for such facilities.
- B. Outdoor Play Area.** A minimum of 150 square feet of outdoor play area shall be provided and maintained per child provided that the overall size of the play area shall not be less than 5,000 square feet. The outdoor play area shall be suitable fenced and screened from abutting residentially zoned or used land.
- C. Frontage.** Childcare centers shall front onto a paved thoroughfare or primary road. Childcare centers and family day care homes may be permitted on unpaved roads, subject to Special Land Use approval.
- D. Setbacks.** Childcare centers shall have a minimum side yard setback of at least 25 feet except in the Village Center district.
- E. Family Child Day Care Home.** Family Child Day Care Homes shall be considered permitted uses in all districts where residential uses are permitted.
- F. Group Child Day Care Home.** A group child day care home shall be granted a special exception use permit in any district where residential uses are permitted if it satisfies all of the following conditions:
1. The facility is located not closer than 1500 feet to any of the following:
 - a) Another licensed group child day care home.
 - b) Another adult foster care small group home or large group home licensed under the adult foster care licensing act.
 - c) A facility offering substance abuse treatment and rehabilitation services to seven or more people licensed under article 6 of the public health code.
 - d) A community correction center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

2. The facility has appropriate fencing for the safety of the group day care home as determined by Ovid Township.
3. The facility maintains the property consistent with the visible characteristics of the neighborhood.
4. The facility does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit its operation between the hours of 10:00p.m. and 6:00 a.m.
5. The facility complies with all appropriate sign regulations.
6. The facility provides adequate off-street parking for its employees.

[Amended: 3/10/2008; Ord. #26]

Section 15.23 Outdoor Sales or Display Areas for Sales or Rentals of Goods, Products, Farm Equipment, Machinery, Automobiles, and Other Motor Vehicles, Recreational Vehicles, Boats, Building Supplies, Hardware, Landscaping, and Other Items

- A. Setback Requirements.** Outdoor sales or display areas shall be set back a minimum of 10 feet from any parking area, driveway or access drive, and 20 feet from any street right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
- B. Sidewalk Standards.** A minimum of six (6) feet of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
- C. Performance Standards.** Outdoor sales and display areas must be kept clean, litter-free, and outdoor waste receptacles shall be provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
- D. Signs.** Additional signs shall not be permitted beyond those permitted for the primary use.
- E. Surface.** Sales and display areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained to dispose of all surface water. All areas for display of automobiles, trucks, recreational vehicles, boats and similar items shall be paved.
- F. Landscaping and Screening.** Such sales or display area shall be separated from the parking area by landscaping, a decorative wall or other architectural feature in accordance with Chapter 17, Landscaping and Screening. A six (6) foot fence or wall, greenbelt or buffer strip may be required along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
- G. Watercraft Sales Facilities.** Facilities for Watercraft Sales shall also meet the standards contained in Section 15.34 below.

Section 15.24 Public Utility Buildings

These standards shall apply to structures and uses not located in the public right-of-way. Essential services permitted by Section 14.02.A of this Ordinance, shall be required to satisfy the standards established below unless exempted by the Township Zoning Administrator.

- A. Need.** Applicants must provide evidence of the necessity for the proposed location of all public utility and essential service structures and uses.
- B. Setbacks.** Electric or gas regulator equipment and apparatus shall be set back a minimum of 20 feet from all lot lines.
- C. Screening.** Screening requirements are subject to Planning Commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with Chapter 17, Landscaping and Screening.
- D. Use Requirements.** Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the surrounding area character.

Section 15.25 Radio and TV Transmission Towers

- A.** At a minimum, the antenna (s) tower, turbine, etc. must be setback a distance equal to 110% of the height of the tower from any adjoining lot line. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the zoning district.
- B. Separation from Adjacent Uses.** Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1 below, measured from the base of the tower to the lot line of the offsite uses and/or designated areas (using a straight-line measurement):

Off-site Use / Designated Area	Separation Distance
Single family, two family or multiple family residential uses.	200 feet or 300% of height of tower, whichever is greater.
All other areas of residential use, both on and off the property being used or leased.	200 feet or 300% of height of tower, whichever is greater.
Non-residentially zoned lands and non-residential uses.	Setback requirements of subsection F.3 apply.

- C. Height.** The maximum allowable height is 220 feet.
- D. Security.** The base of the tower and structural support apparatus shall be enclosed by fencing or other suitable enclosure, to be determined by the Planning Commission, not less than six (6) ft. in height, sufficient to restrict access to authorized personnel only. Said tower and structural support apparatus shall also be equipped with an appropriate anti-climbing device.

- E. Landscaping.** In all zoning districts, existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six (6) ft. placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained. Landscaping shall be installed on the outside of any fencing.
- F. Lighting.** The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration (FAA) or other state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surround property or roadways. In cases where there are residential uses with a distance from the tower, which is 300% of the height of the transmission tower, and when required by federal law, dual mode lighting shall be requested from the FAA.
- G. Display.** No signs, striping, graphics or other attention-getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three (3) square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).
- H. Weather Resistance.** The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area. The Transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the Township.
- I. Ancillary Structures/Buildings.** All buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
- J. Removal.**
1. All transmission towers, antennas, transmission tower substructures and ancillary facilities shall be removed within six (6) months from the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The responsibility to so remove shall be born by the owner and operator of the tower, antenna, substructure or facility and by the real property owner upon which the tower, antenna, substructure or facility is located. The site must be restored to the extent possible with appropriate landscaping to its pre-transmission transmission tower appearance. The Township may grant one (1), six (6) month extension where a written request has been filed, with the initial six (6) months.
 2. The Township may require the posting of an open-ended bond before zoning permit issuance to ensure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

Section 15.26 Retail Facilities Accessory to Industrial Developments

Accessory retail or service uses that are intended to serve the occupants and patrons of the principal use shall be an incidental use occupying no more than five percent (5%) of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:

- A. Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.
- B. Personal service establishments, which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.
- C. Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.
- D. Financial institutions, including banks, credit unions, and savings and loan associations.

Section 15.27 Roadside Stands and “U-Pick” Produce Farms

The following regulations shall apply to all roadside stands and farms designed for customers to visit and pick their own produce in the fields:

- A. **Lot Size.** Facilities five (5) acres or larger must receive special land use approval. For facilities smaller than five (5) acres, site plan approval shall be required.
- B. **Building Size.** Any building containing a roadside stand shall be at least 50 square feet but no greater than 250 square feet in size.
- C. **Trash Containers.** Suitable trash containers shall be placed on the premises for public use. The site shall be maintained in a neat and orderly condition at all times.
- D. **Structures.** All structures, including permanent buildings and any temporary tables, stands, display racks, tents, or other temporary structures, must be shown on the site plan submitted for approval.
- E. **Building Setbacks.** All permanent structures must abide by the established setback standards for the zoning district. Temporary stands, tables, and other structures that are brought out during the day and stored overnight can be located in the front yard provided they do not block safe access to the site, there is still adequate parking provided on the site, all structures are located no closer than 45 feet from the nearest edge of the paved surface of road, and all structures are brought in and stored every night.
- F. **Parking.** Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations of Chapter 16, Parking and Loading Spaces, except that hard-surfacing shall not be required.
- G. **Signs.** Roadside stands and “U-pick” Produce Farms shall be permitted one (1) ground sign and one (1) wall sign consistent with the standards of Section 14.08, Signs.
- H. **Local Goods.** At least 51% of the goods sold at the roadside stand must be grown or produced in Branch County.
- I. **Schedule.** The application shall indicate an approximate schedule of when the uses will operate including the months of the year, the days of the week, and the hours of the day.

- J. Standards for Approval.** In considering such authorization, the Planning Commission shall consider the following:
1. The use shall not be located so as to create traffic conflicts or occupy productive farmland;
 2. The location of the proposed use in relation to other uses should be such that any dust, noise, or traffic generated by the proposed use does not impact the surrounding uses;
 3. The building(s) and/or structure(s) to be utilized for the proposed use shall be of the same character and nature of the surrounding uses. The size, nature, and character of the proposed use shall not detract from the surrounding uses;
 4. The produce and goods to be sold at the roadside stand shall be raised or produced locally; and
 5. The proposed parking shall provide adequate space and drainage for the projected customer base.

Section 15.28 Schools, Public and Private

Schools and educational institutions shall be subject to the following additional standards:

- A.** The minimum lot size shall be five (5) acres.
- B.** No buildings shall be located nearer than 100 feet from any property line.
- C.** Such facilities shall be located on paved roads, as indicated in the Township Master Plan.

Section 15.29 Seasonal Events

- A. Seasonal Events.** Seasonal events are those events that occur for only a short period within one year but take place regularly every year. Examples of seasonal events include Christmas tree sales, hay rides, pumpkin sales, corn mazes, neighborhood garage sales, and other similar events. (Christmas tree sales lots shall also meet the standards contained in Section 14.05.A.4.c.)
- B. Temporary Uses.** Seasonal events that do not occur on an annual basis shall be subject to the Temporary Use standards and procedures of Section 14.05, Temporary Uses.
- C. Annual Events.** Seasonal events that occur on an annual basis shall not have to get a new temporary use permit every year. The following procedure shall be followed for annual events:
 1. An application for site plan review shall be filed with the Planning Commission.
 2. A site plan shall be submitted including those elements contained in Section 19.03 that the Zoning Administrator and Planning Commission believe are necessary for a thorough review.
 3. The application must provide a schedule of days when the event will operate and for how many years it is expected to continue.
 4. The Zoning Administrator shall determine whether or not the seasonal event shall require Planning Commission approval. If desired, the Administration may consult with the Planning Commission before making this decision. In making the determination, the Zoning Administration shall consider the following:

- a) The size of the operation.
 - b) The impacts on local traffic.
 - c) The impacts on local services.
 - d) The amount of parking necessary.
 - e) If it is determined that the seasonal use will have a greater impact than could be reasonably expected for that site or vicinity at that point in time, then the application should be sent to the Planning Commission.
 - f) The Planning Commission reserves the right to require certain applications for a seasonal use to come before them for approval if it is agreed upon by a majority of members.
5. The Planning Commission shall decide whether to approve, approve with conditions, or deny the permit in accordance with the criteria established in Section 19.06.
 6. If approved, the permit shall last for one (1) year from the date of approval.
 7. In order to renew the permit for each subsequent year, approval of the Zoning Administrator is required.
 8. Only upon substantial change to the originally approved site plan in the opinion of the Zoning Administrator or a violation of a condition of approval will the applicant be required to go back to the Planning Commission for renewal of the permit.
- D. Traffic.** All such sales and events shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- E. Parking.** Adequate parking and ingress and egress to the premises shall be provided.
- F. Temporary Structures in Off-Season.** During the off-season, all temporary structures, fences, light stands, signs, or other display materials shall be removed immediately upon ceasing business for the season.
- G. Signs.** Signs shall conform to the provisions of Section 14.08, Signs, for the district in which the use is located.
- H. Lighting.** Any lighting shall be directed downward and controlled so as not to create a nuisance to neighboring property owners. Lighting shall be in conformance with Section 14.19, Exterior Lighting.

Section 15.30 Self-storage Facilities

- A. Permitted Uses.** The use shall be limited to storage of household and non-hazardous commercial goods. However, no commercial business shall be conducted out of an individual storage unit. An accessory caretaker's residence shall be permitted for the person or persons responsible for the operation of the facility.
- B. Minimum Lot Size and Setbacks.** The minimum lot area shall be three (3) acres. The minimum building and parking setback shall be 50 feet from any street right-of-way line, residential district or off-site residential use.
- C. Screening and Landscaping.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Chapter 17, Landscaping and Screening.

- D. Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- E. Storage.** All storage shall be completely within enclosed structures

Section 15.31 Stables, for Riding or Boarding

All stables and academies for the rearing, schooling, and housing of horses, mules, ponies, and similar riding animals shall meet the following requirements:

- A. Minimum Lot Size and Setbacks.** Stable sites shall have a minimum of five (5) acres. All structures wherein animals are kept shall not be less than 100 feet from any occupied dwelling or to any adjacent building used by the public. When animals are fed hay and oats or other feed outside of a building, the feeding area shall be located not less than 100 feet from any occupied dwelling or any adjacent building used by the public. Corrals where animals graze only shall not be considered feeding areas.
- B. Performance Standards.** Stables shall be enclosed by a suitable fence, and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.
- C. Number of Animals.** The number of animals permitted on site shall be governed by Section 15.04, Animal Uses.

Section 15.32 Top Soil, Sand, Gravel, or Other Material Extraction and Processing Facilities

The purpose of these requirements is to provide for the use of lands that have significant gravel, sand or other deposits for mining or extraction purposes in a manner that complies with the regulations of this Ordinance, would not constitute a hazard to the public health, safety and welfare, and would result in reclamation of the land in a suitable manner for other purposes. Such uses shall be subject to the following:

- A. Area.** The minimum site size shall be 10 acres.
- B. Site Plan Information.** The following additional information shall be provided on a site plan:
1. Name and address of the person, firm or corporation who or which will be conducting the actual operation.
 2. Location of the processing plant or buildings, whether on-site or off-site.
 3. Type of materials or resources to be removed or to be brought to the site.
 4. Proposed method of removal or filling, or incineration, general haul route, and whether blasting or other use of explosives will be required.
 5. General description of equipment to be used.
 6. The estimated time to complete total operations.
 7. The total area (expressed in acres) proposed to be excavated or mined.

8. A reuse plan, drawn to a scale of 1" = 50' placed on a standard sheet and containing the following information:
 - a) A proposed grading plan and landscape plan.
 - b) A description of the land use activities proposed to be located on the site upon completion of mining or extraction operations.
 - c) A description and location of the street, drainage, water, and sanitary sewer facilities required to serve the uses.
- C. Impact Assessment.** The applicant shall submit an impact assessment prepared by a licensed, qualified professional, analyzing the potential impacts of the proposed use on the surrounding land uses, the existing and adjacent environment and natural features, the utilities, the traffic and levels of service of adjacent roadways, and additional impacts that may be caused by the proposed use.
- D. Setbacks.** The following minimum setback standards shall apply:
 1. All structures and machinery shall be a minimum of 100 feet from all property lines and 200 feet from any residential districts or uses.
 2. No mining, excavation, stockpiling of material or processing shall take place less than 100 feet from all property lines and 200 feet from any residential districts or uses. The Planning Commission may approve a reduction in this setback requirement upon determining that proposed lateral support will adequately protect abutting property, and may require additional setback area upon determining that additional setback area is necessary to adequately protect adjacent property.
 3. No mining, excavation, stockpiling of material, or processing shall take place less than 100 feet from any street right-of-way, except where determined by the Planning Commission to be necessary to reduce or raise the final elevation to the existing elevation of the street.
- E. Security.** The site shall be enclosed with a six (6) foot security fence with a locking access gate. Such fences shall be placed no closer than 50 feet to the top or bottom of any slope. The owner or operator shall place appropriate "KEEP OUT" - "DANGER" signs around said premises not more than 200 feet apart.
- F. Reuse Plan.** Reclamation and rehabilitation of mining and landfill areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation activity (inactivity for a 12 month consecutive period shall constitute termination of mining activity).
- G. State and Federal Requirements.** Proof of all required outside agency approvals or permits shall be provided to the Township prior to the start of work on the site.
- H. Access and Circulation.** Truck routing shall be restricted to those streets designed to accommodate truck traffic on a year-round basis. All roads used for the purpose of ingress and egress shall be kept dust free by hard topping with cement, bituminous substance or chemical treatment.
- I. Performance Standards.** Such uses shall comply with Section 14.04, Performance Standards, and the following:

1. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State of Michigan. In order to protect water wells and the water supply of the Township, the pumping or drainage of water from such quarrying operations is absolutely prohibited.
2. No topsoil shall be removed from the site, and all topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
3. The slopes of the banks of the excavation shall in no event exceed seven (7) feet horizontal to one (1) foot vertical. Where ponded water results from the operation, this slope shall be maintained and extended into the water to a depth of 10 feet.

Section 15.33 Two-family Attached Dwelling Units and Townhouses

A. **Building layout and architecture.** The following architectural standards shall be met for all structures:

1. **Orientation.** Parking areas, garages and any other accessory structures and uses shall be located within the established rear yard, with access provided by an alley or access drive. A minimum of 75% of the main entrances to the individual dwellings shall be located on the front façade of the building, and all shall include a front porch or stoop that is at least six (6) feet in width and depth, and 70 square feet in area.
2. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.

B. **Street design.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Alleys shall be provided where necessary for access to rear yard garages. Such alleys shall have a minimum pavement width of 20 feet and shall be located within a minimum 30-foot wide access easement. An alley shall be designed to provide only secondary frontage and access to dwellings.

C. **Pedestrian circulation.** Minimum five (5) foot wide concrete sidewalks shall be provided on both sides of all internal streets within a townhouse or stacked flat development, between the public sidewalk and all dwelling entrances, and within all open space areas. Sidewalks along collector roads and streets shall be at least six (6) feet wide.

D. **Recreation Area.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least 15% of the gross total area of the development. The minimum size of each area shall be not less than 5,000 square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

E. **Utilities.** All townhouse and stacked-flat dwellings shall be connected to the public sewer, if available. If not, the Branch County Public Health Department must approve a central sewer system.

- F. Other Requirements.** Adequate landscaping and screening shall be provided along all property lines that abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.
- G. Duplexes.** The exterior of a two-family dwelling (or duplex) shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling. The addition of a separate exterior door on the front facade is prohibited. The primary entrance for the second dwelling unit may be located on a sidewall

Section 15.34 Veterinary Offices and Clinics

- A. Setbacks.** Structures shall be set back at least 20 feet from all side and rear property lines, and at least 50 feet from abutting residential districts or uses, churches, schools, or restaurants on the same side of the street.
- B. Landscaping and Screening.** Outdoor enclosures or runs shall be enclosed by screening in accordance with Chapter 17, Landscaping and Screening, to buffer street rights-of-way and adjacent residential districts or uses.
- C. Operating Requirements.** A licensed or registered veterinarian shall operate the clinic. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved for a kennel in accordance with Section 15.19, Kennels. All activities shall be conducted within an enclosed building.
- D. Performance Standards.** All veterinary clinics shall comply with the following:
1. Such buildings shall be constructed to ensure that noise and odors shall not be perceptible beyond the site's property lines.
 2. Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 7:00 a.m.

Section 15.35 Watercraft Sales, Service Facilities, and/or storage

- A.** There shall be a 25-foot green belt with landscape screening along any property line abutting residential properties. Landscape screening shall consist primarily of evergreens.
- B.** All parking or storage of watercraft outdoors shall be on a paved surface or treated in a manner to confine any wind-borne dust with all stormwater being managed on-site.
- C.** There shall be adequate room on site for maneuvering of vehicles and trailers without interruption or blockage of traffic on a public road.
- D.** Devices for the broadcasting of voice or music are prohibited.
- E.** Seasonal storage of boats and docks shall occur in the rear yard only. The storage yard shall be surrounded by an evergreen screen.
- F.** These uses shall comply with the Performance Standards, provided in Section 14.04, and specifically:

1. Noise from repair and service related activities or from other activity on the site shall be kept to a minimum to reduce impact on adjacent sites. There shall be nothing louder than background noise (55 dB(A)) produced on site between the hours of 7:00 pm and 7:00 am.
2. Any chemicals that are released from the boats as a result of washing, waxing, painting, maintenance, or other activities, must be detained onsite and treated prior to release or otherwise disposed of properly.

Section 15.36 Wireless Communication Facilities

- A. Purpose.** The general purpose of this chapter is to regulate the placement, construction and modification of transmission towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Ovid Township. Specifically, the purposes of this chapter are:
1. To regulate the location of transmission towers and telecommunications facilities in the township;
 2. To protect residential areas and land uses from potential adverse impact of transmission towers and telecommunications facilities;
 3. To minimize adverse visual impact of transmission towers and telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques;
 4. To promote and encourage shared use/collocation of transmission towers and antenna support structures as the primary option rather than construction of additional single-use transmission towers;
 5. To avoid potential damage to property caused by transmission towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used for or determined to be structurally unsound; and
 6. To ensure that transmission towers and telecommunications facilities are compatible with surrounding land uses.
- B. Exceptions.** Nothing in this chapter shall apply to amateur radio antennas, short wave facilities, or satellite dishes with a diameter of less than 1.5 meters.
- C. Definitions.** The following terms, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. **Alternative Technology.** Any basis technology that could feasibly be used to provide the same level of service as the wireless system being proposed.
 2. **Alternative Tower Structure.** Trees, clock towers, steeples, light poles, water towers, billboards, buildings, and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.
 3. **Ancillary Facilities.** The buildings, cabinets, vaults, closures and equipment housing and ventilation and other mechanical equipment.

4. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.
5. **Antenna Support Structure.** Any building or other structure other than a transmission tower, which can be used for location of telecommunications facilities.
6. **Applicant.** Any person that applies for a transmission tower development permit.
7. **Application.** The process by which the owner of a parcel of land within the Township submits a request to develop, construct, build, modify, or erect a transmission tower upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.
8. **Attachment.** An antenna or other piece of related equipment affixed to a transmission tower, building, light or utility pole, or water tower.
9. **Backhaul Network** - the lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices and/or long distance providers, or the public switched telephone network.
10. **Collocation.** Placement of an antenna on an existing transmission tower, building, light or utility pole or water tower where the antenna and all supports are located on the existing structure.
11. **Engineer.** Any engineer licensed by the State of Michigan.
12. **Height.** When referring to a tower or structure, the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna or other attachment.
13. **Owner.** Any person with fee title, and land contract purchaser's interest, a long-term (exceeding 10 years) leasehold to any parcel of land within the Township who desires to develop, construct, build, modify, or erect a transmission tower upon such parcel of land.
14. **Person.** Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
15. **Provider.** A person in the business of designing and using wireless communication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.
16. **Stealth.** Any transmission tower or wireless communications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and transmission towers designed to look like other than like a transmission tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of un-camouflaged lattice, guyed or monopole transmission tower designs.

17. **Wireless Communication Facility (or Facility).** All facilities related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including towers, alternative tower structures, antenna and ancillary facilities. Not included are facilities for citizen band radio, short wave radio, ham and amateur radio; television reception antenna; satellite dishes; and government facilities that are subject to state and federal law. Wireless communication facilities shall be specifically excluded from the definitions of “essential services” and “public utility”.
18. **Wireless Communication Tower (or Tower).** Any structure used to support attached wireless communication facilities, or other antennas, or facilities including the following:
 - a) **Guyed Tower:** A tower that is supported by the use of cables (guy wires) which are permanently anchored;
 - b) **Lattice Tower:** A tower characterized by an open framework of lateral cross members which stabilizes the tower; and
 - c) **Monopole:** A single upright pole, engineered to be self-supporting and does not require lateral cross supports or guys.

D. Location Requirements. No wireless communication facility, as defined in this chapter, may be constructed, modified to increase its height, installed or otherwise located within the Township except as provided in this chapter.

E. Application Requirements.

1. A permit for a wireless communication facility shall be processed in accordance with the special use permit procedures of Chapter 20 of this ordinance and in accordance with established administrative policies. The criteria contained in Chapter 20 of this ordinance and subsection F below shall govern approval or denial of the special use permit application. In the event of a conflict in criteria, the criteria contained in subsection F of this section shall govern. No zoning permit shall be issued prior to completion of this special use permit process, including any appeals.

The Township shall have 14 days immediately following the filing of an application for a new wireless telecommunications facility to request the information required in this Ordinance from the applicant. Once the required information is received, the Township shall have 90 days to approve or deny the special use permit application.

2. **Information Required for Special Use Application.** In addition to any information required for applications for special use permits pursuant to Chapter 20 of this ordinance, applications for a special use permit for a Wireless Communication Facility shall submit the following information:
 - a) A scaled site plan clearly indicating the location, type, and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other governmental jurisdictions), the current land use plan’s classification of the site, and all properties within the applicable separation distances set forth in subsection F, roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, or equipment enclosures, topography, parking, and other information deemed by the Zoning Administrator and/or Planning Commission to be necessary to assess compliance with the standards for approval in this ordinance.
 - b) Legal description and ownership of the parent tract and leased parcel (if applicable).

- c) The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a residential zoning district.
- d) Documentation from an engineer demonstrating compliance with non-ionizing electromagnetic radiation (NEIR) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are located or collocated or in structures within 500 feet of the entrance to the tower site.
- e) Documentation from an engineer that placement of the antennas is designed to allow future collation of additional antennas if technologically possible.
- f) Documentation from an engineer that the ancillary facilities will not produce excess sound levels, or designs showing how the sound is to be effectively reduced.
- g) An inventory of existing towers, antennas, or sites approved for towers or antennas that are owned or used by the applicant or any affiliated entity within Branch County, or within one (1) mile of Ovid Township. This inventory shall include the location, height, and design of each existing tower. The location of all such existing towers, and sites approved for towers or antennas, shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned or used by the applicant or any affiliated entity located with Ovid Township or within one (1) mile of any boundary of the Township, and indicate the owner(s) or operator(s) of such towers, if known.
- h) A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the service area coverage provided by the addition of any proposed facilities.
- i) Plans showing the connection to utilities, right-of-way cuts required, ownership of utilities and easements required.
- j) A signed statement from the applicant stating that the applicant will submit documents demonstrating that necessary easements have been obtained, prior to requesting a building permit.
- k) Plans showing how vehicle access will be provided.
- l) A landscaping plan showing fencing and specific landscape materials.
- m) Finished color and, if applicable, the method of camouflage and illumination. Also, the color and exterior materials for the equipment enclosure and any other structures or improvements installed on site.
- n) The applicant is responsible for seeking and receiving any and all applicable permits required for the site location, including but not limited to the Federal Aviation Administration, Michigan Aeronautics Commission, Branch County Road Commission, Michigan Department of Transportation, Branch County Airport Board, and any other applicable governing or administrative agency, and shall provide a description of compliance with all federal, state and local laws.
- o) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- p) Identification of entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.

- q) A description of the suitability of the use of existing towers, other structure or alternative technology not requiring the use of towers or structures to provide the services to be made available through the use of the proposed new tower.
- r) A description of the desirable characteristics justifying the suitability of the proposed location.
- s) "Point of view" renderings of how the proposed tower will appear from the surrounding area.
- t) Each applicant to allow collocation of antennas shall include a written statement from an engineer that the construction and placement and proposed use of the antenna(s) shall not interfere with public safety communications and the usual and customary transmission or reception or radio, television or other communications service enjoyed by adjacent residential and non-residential properties.
- u) All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

F. Standards for Approval of Special Use Permit for Wireless Communication Facilities. In addition to the generally applicable standards for approval of special use permit applications pursuant to Chapter 20 of this ordinance, installation, construction, or modification of all transmission towers and antennas shall comply with the following standards, unless a waiver is obtained pursuant to the provisions of subsection H of this chapter.

1. **Availability of suitable existing towers, other structures or Alternative technology.** The applicant shall demonstrate that no existing tower, structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna. The applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of the following:
 - a) No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements.
 - b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are demonstrated by the applicant to be unreasonably higher than the norm for similar situations. The Planning Commission may consider such costs exceeding 20% above the norm to be unreasonably high.
 - f) The applicant satisfactorily demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. **Sharing Space.** No new transmission tower shall be built, constructed, or erected in Ovid Township unless the transmission tower is capable of supporting another firm's operating telecommunications facilities comparable in weight, size, and surface to the telecommunications facilities installed on the applicant's transmission tower within six (6) months of the completion of transmission tower construction pursuant to subsection F.5.
 3. **Setbacks:** At a minimum, the tower base must be set back a distance equal to 110% of the height of the tower from any adjoining lot line. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.
 4. **Separation from off-site uses/designated areas.** The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1 below, measured from the base of the tower to the lot line of the offsite uses and/or designated areas (using a straight-line measurement):

Off-site Use / Designated Area	Separation Distance
Single family, two family or multiple family residential uses.	200 feet or 300% of height of tower, whichever is greater.
All other areas of residential use, both on and off the property being used or leased.	200 feet or 300% of height of tower, whichever is greater.
Non-residentially zoned lands and non-residential uses.	Setback requirements of subsection F.3 apply.

5. **Separation Between Transmission Towers.** The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (using a straight line measurement). No transmission tower may be constructed within one (1) mile of any existing transmission tower. For purposes of this paragraph, an existing tower shall include any transmission tower for which the Township has issued a building permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to the adoption of this chapter may be modified to accommodate additional providers consistent with provisions for collocation in this section.

	Lattice	Guyed	Monopole 75 ft. in Height or Greater	Monopole Less than 75 ft. in Height
Lattice	2.5 miles	2.5 miles	2 miles	1 mile
Guyed	2.5 miles	2.5 miles	2 miles	1 mile
Monopole 75 ft. in Height or Greater	2 miles	2 miles	2 miles	1 mile

Monopole Less than 75 ft. in Height	1 mile	1 mile	1 mile	1 mile
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6. **Maximum Tower Height.** The Maximum allowable tower height is 220 feet unless a waiver is granted pursuant to the provisions of subsection H. At the discretion of the Planning Commission smaller towers may be expandable to 220 feet.
7. **Collocation.** New transmission towers shall be designated and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least three (3) other users, unless the Planning Commission determines pursuant to specific information submitted by the applicant that this multiple user requirement is not technologically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special use approval standards. Where a multiple use tower is proposed, or is otherwise required by the Planning Commission pursuant to this ordinance, the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas or other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
8. **Security.** The base of the tower and structural support apparatus shall be enclosed by fencing or other suitable enclosure, to be determined by the Planning Commission, not less than six (6) ft. in height, sufficient to restrict access to authorized personnel only. Said tower and structural support apparatus shall also be equipped with an appropriate anti-climbing device.
9. **Landscaping, Buffering and Site Maintenance.** In all zoning districts, existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six (6) ft. placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well-maintained. Landscaping shall be installed on the outside of any fencing.
10. **Lighting.** The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration (FAA) or other state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surround property or roadways. In cases where there are residential uses with a distance from the tower which is 300% of the height of the transmission tower and when required by federal law, dual mode lighting shall be requested from the FAA.
11. **Display.** No signs, striping, graphics or other attention-getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three (3) square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).
12. **Weather Resistance.** The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area. The Transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the Township.

13. **Non-Interference.** The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
14. **Aesthetics.** Towers and antennas shall meet the following requirements:
 - a) Towers shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b) The design of the buildings, equipment, and enclosures, and related structures at a tower site shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d) Notwithstanding the foregoing, the Planning Commission may also require tower and guy wire devices designed to minimize bird-tower collisions.
15. **Ancillary Structures/Buildings.** All buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
16. **Inspection and Maintenance.** An approved tower/antenna and ancillary structures shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain the tower/antenna and ancillary structures in a safe and weather-withstanding condition. Reports of all inspections and maintenance shall be made to the Township upon written request.
17. **Minimum Lot and Yard Requirements.** For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.
18. **Criteria for Approval.** Construction, installation, replacement, co-location, alteration, or enlargement of Wireless Communication Facilities shall only be approved upon determination that all of the following conditions have been satisfied:
 - a) **Operating requirements.** The petitioner shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
 - b) **Engineering requirements.** The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
 - c) **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas and street rights-of-way will not be adversely impacted by the location of the wireless communications facility.
 - d) **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures and other inherent site characteristics are compatible with the installation of wireless communications facilities on the site.

- e) **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening and other design elements are in compliance with applicable provisions of this Article.

G. Installation of Antenna on Existing Tower. The following provisions govern the installation of antenna apparatus on an existing communication tower, and the construction of associated ancillary buildings/structures on the side of an existing communication tower:

1. Where the existing tower has been granted special use and site plan approvals, and the proposed antenna apparatus and, where applicable, proposed associated ancillary buildings/structures, are in complete conformance with the underlying special use permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location of associated accessory buildings/structures, no further zoning approvals are required.
2. Where the existing tower has been granted special use and site plan approvals, but the proposed antenna apparatus and, where applicable, proposed associated ancillary buildings/structures, are not in complete conformance with the underlying special use permit and approved site plan for the tower, as provided in paragraph 1 above, the Zoning Administrator is authorized to administratively approve the proposed antenna apparatus and/or associated ancillary buildings/structures upon determining that the proposed antenna apparatus and/or ancillary buildings/structures constitute a minor modification of the underlying special use permit and approved site plan for the tower. For purposes of this sub-section, a request shall be subject to administrative approval as a minor modification only if approval of the request is not any manner contrary to the applicable standards for special use approval and site plan approval for the subject tower and any conditions imposed on such approvals.

The Township shall have 14 days immediately following the filing of an application for the modification to the site or for a co-location on the site to request the information required in this Ordinance from the applicant. Once the required information is received, the Township shall have 60 days to administratively approve the application.

A determination by the Zoning Administrator pursuant to this sub-section shall be subject to appeal to the Zoning Board of Appeals pursuant to Chapter 21 of this ordinance and applicable provisions of law.

H. Waiver.

1. Any waiver to the requirements of this chapter shall be granted only pursuant to the following provisions. The criteria for granting a waiver shall be limited to this chapter, and shall not include criteria beyond this chapter.
2. The Township may grant a waiver from the provisions of subsection F of this chapter providing the applicant demonstrates that:
 - a) It is technologically impossible to locate the proposed transmission tower on available sites more than the applicable required separation distance from a pre-existing transmission tower defined in Table 2 and still provide the approximate coverage the transmission tower is intended to provide;
 - b) The pre-existing transmission tower that is within the required separation distance of the proposed transmission tower (see Table 2) cannot be modified to accommodate another provider; and
 - c) There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the transmission tower is intended to provide.

3. The Township may grant a waiver to the setback requirements of subsection F.3 upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.
 4. The Township may grant a waiver to the 220 foot height limitation if the applicant shows, through written documentation provided by an engineer, that the proposed height is the minimum height needed to meet service needs and to accommodate future collocations per subsection F.7.
 5. A request for waiver shall be considered as part of the special use permit process and shall be based on the criteria in this chapter, Chapter 19, and Chapter 20.
- I. Abandonment of Wireless Telecommunications Facilities.** Abandoned or unused wireless telecommunication facilities shall be removed, by the owner of the wireless telecommunications facilities. The removal process for wireless telecommunications facilities shall be consistent with the process for abandonment of Special Uses described in Section 20.06.A. All decommissioned materials must be removed from Ovid Township within 1 month of the completion of the removal process. No permanent storage or disposal of decommissioned wireless telecommunications facilities or related equipment shall be permitted in the Township. **Fees.** Notwithstanding any other provision of this Ordinance, the Township may require, as part of applications fees for building or special use permits for telecommunication facilities, an amount sufficient to recover all of the township's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunications expertise. This amount shall be set by Township Board resolution. [Amended 6/3/2021]
- J. Repealer.** All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 15.37 Wind Energy Conversion System

- A. Purpose.** The regulation of wind energy conversion systems (WECS), including the height, minimum lot area, and required setbacks, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents. The system, its construction, and its operation shall comply with all applicable local, state, and federal regulations.
- B. Definitions.** A wind energy conversion system is a system for the conversion of wind energy into electricity. A common type of wind energy system includes the use of a wind turbine generator, which includes a turbine, blades, tower and related equipment, although other technology may be used to convert wind energy into electricity.
1. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, with a single tower that may or may not be connected to the utility grid.
 2. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities, or larger cooperative organizations.
- C. Submittal Requirements.** In addition to the requirements for special land use and site plan review, applications for WECS shall include the following information:
1. The location of overhead electrical or distribution or transmission lines, whether utilized or not.
 2. The location of the WECS with its specific dimensions, including the entire area through which the rotors may rotate.

3. The location of any guy wires, other support devices, or accessory structures or facilities.
4. The location of all structures and land uses (including dwelling units) within 500 feet of the WECS.
5. Evidence of liability insurance for the project.
6. The name, address, and telephone number of the owner of the WECS.
7. The manufacturer's name and address.
8. Survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator.
9. Name, address, and telephone number of the installer.
10. Name, address, and telephone number of the person responsible for maintenance.
11. The height of the wind turbine, as described below.
12. The setbacks of the tower and any accessory components of the WECS (structure, guy wires, etc.) from adjacent property lines.

D. Requirements. WECS shall comply with the following requirements:

1. **Electromagnetic Interference.** The WECS (including turbines, alternators, generators, and interconnect systems) shall be located, designed, and filtered and/or shielded to prevent the emission of generated radio frequency energy that would cause any interference with radio, television broadcasting, wireless telephone, and/or personal communication transmission or reception, and shall comply with all applicable state and federal rules and regulations.
2. **Noise.** The maximum level of noise permitted to be generated by any WECS shall be 55 decibels, as measured on the db(A) scale, measured at the property line nearest the WECS. This decibel level may be exceeded during short term events such as utility outages or severe wind storms. If the ambient sound level prior to installation exceeds 55 decibels, the standard shall be the ambient decibels plus five. The Planning Commission may require that a baseline study of the decibel levels existing prior to and modeling of noise levels predicted for after the installation be included as required documentation for review.
3. **Visual Impact.** A WECS shall use tubular towers and shall be finished in a single, non-reflective matte finished color. Multiple towers involved in a "large turbine/utility grid" WECS shall be constructed 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. Accessory structures may have lettering that exhibits the manufacturer's and/or owner's identification. The tower must be a monopole design, without guy wires. All utility lines running to the facility must be buried underground.
4. **Height.** The height of the wind turbine shall be measured from the existing grade at the base of the turbine to the top of the blade or rotor at its tallest point.
 - a) The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be forty (40) feet for site parcels of one (1) to less than two (2) acres, eighty (80) feet for site parcels of two (2) to less than three (3) acres and up to 120 feet for site parcels of three (3) acres or more.

- b) The maximum allowable height for any "large turbine/utility grid" WECS based upon the combined tower and rotor blade length, shall be 300 feet. The Planning Commission, in consideration of a request, may approve an increase to this height requirement where the following requirements are met:
- (1) The increased height will result in the preservation of a substantial stand of trees, existing land forms, or structures that would otherwise be required to be removed to satisfy anticipated and required wind velocity.
 - (2) The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return. The Planning Commission shall not grant the increased height if the lack of economic return is due to the use of inefficient equipment that does not utilize current commercial technologies or would be aesthetically injurious to the area.
 - (3) The increased height will not result in increased intensity of lighting on the tower due to Federal Aviation Administration (FAA) requirements.
5. **Lot area/setbacks.**
- a) No "small turbine/on-site" WECS shall be erected on any lot or parcel less than one (1) acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of the tower as defined in subparagraph D.1 above.
 - b) No "large turbine/utility grid" WECS shall be erected on any parcel less than five (5) acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of any towers as defined in subparagraph D.1 above.
 - c) Guy wires or other elements of the support structure shall not extend closer than ten (10) feet to the owner's property lines.
 - d) Accessory structures or other accessory equipment used in the function of the WECS shall satisfy the setback requirements of the subject zoning district.
6. **Ground Clearance.** For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is twenty (20) feet.
7. **Safety/Accessibility.** All WECS 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. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of twelve (12) feet. All spent lubricants and cooling fluids shall be properly and safely removed promptly from the site of the WECS. A sign shall be posted near the WECS containing emergency contact information as well as near the entrance warning visitors about the potential danger of falling ice.

8. **Connection to power grid.** In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The owner shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the owner will be required to install a disconnecting device adjacent to the electric meter(s).
9. **Lighting.** The turbine shall be lighted in compliance with the minimum requirements of the Federal Aviation Administration (FAA).
10. **Vibration.** Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
11. **Additional studies.** The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, environmental impacts, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.
12. **Decommission Plan/Site Reclamation.** The applicant shall submit a plan that indicates the necessary anticipated life of the project, the estimated cost and method to ensure the availability of maintenance and removal funds, and the manner in which the site will be reclaimed.
13. **Abandonment of Unused Turbines.** Abandoned or unused wind energy conversion systems shall be removed, by the owner of the wind energy conversion system. The removal process for wind energy conversion systems shall be consistent with the process for abandonment of Special Uses described in Section 20.06.A. All decommissioned materials must be removed from Ovid Township within 1 month of the completion of the removal process. No permanent storage or disposal of decommissioned wind turbines or related equipment shall be permitted in the Township. [Amended 6/3/2021]
14. **Performance Bond.** A performance bond shall be required by the Township to assure performance in accordance with these requirements, adequate insurance coverage, decommissioning, and removal of the turbines. The amount of the bond shall be determined based on the value of the project and the estimated cost of removal.

Section 15.38 Solar Energy Systems

- A. Purpose and Intent.** In order to preserve the natural, rural beauty of the Township, the viability of the Township's farmland, the precious ecosystems contained within the Township, and the health, safety, and welfare of the Township's residents, the regulations of this section shall govern the development of solar energy facilities within Ovid Township.
1. **Renewable energy** is important for the sustainability of ecosystems, food systems, economies, and communities. However, the large-scale positive impacts must be weighed against local negative impacts, including the health, safety, and welfare of the residents of Ovid Township.
 2. **On-site solar energy systems** provide ecological and economic benefits, at a scale that is desirable in a rural community and with fewer impacts on the immediate surroundings than utility-scale solar energy systems. However, the impacts that they do have must be managed through zoning regulations.

3. **Utility-scale solar energy systems (“solar farms”)** should be developed with careful consideration of the impacts on local ecosystems, farmland, rural beauty, and the health, safety, and welfare of the Township’s residents.

B. Accessory solar energy systems capable of producing a maximum of 5,000 kWh per month shall be subject to the following regulations:

1. All solar panels and other structures associated with the solar energy system shall be set back at least 20 feet from all lot lines.
2. No more than 20% of any lot may be covered by an accessory solar energy system.
3. Solar energy systems shall be designed and located to avoid glare or reflection onto adjacent lots and adjacent roadways, and shall not interfere with traffic or create a safety hazard off-site.
4. A building permit shall be required for any solar energy system.
5. No homeowners’ agreement, covenant, common interest community, or other contract between multiple lot owners within a subdivision shall restrict or limit accessory solar energy systems.

C. The following shall apply to all solar energy facilities, regardless of the maximum kWh capacity:

1. Rooftop and building mounted solar energy systems are subject to the following regulations:
 - a) Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed. Roof mounted systems that do not extend more than 3 inches above the surface of the roof shall be accessory solar energy systems, regardless of the kWh capacity.
 - b) No solar energy system may protrude beyond the edge of the roof.
2. Ground mounted and freestanding solar energy systems are subject to the following regulations:
 - a) All solar energy systems shall have a defensible space for fire protection, as required by the fire department with jurisdiction over the site.
 - b) **Height.**
 - (1) The height of the solar panel and any mounts shall not exceed 14 feet when oriented at maximum tilt.
 - (2) If the solar energy system is an accessory use is located in the front yard between the required front setback line and front building wall of the principal building, the maximum height for the system shall be 42 inches(3.5 feet). Evergreen landscaping that is sufficient to completely block the equipment from view from dwelling units or public right-of-way located within a quarter-mile but that will not obstruct the energy collecting surface from solar energy shall be provided.
3. **Batteries.** When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

D. Solar farms shall be subject to the following regulations, in addition to the general standards for special uses:

1. **Definition of “Participating” and “Non-Participating”:** As used in this Section, the following terms shall have the following meanings:
 - a) **Participating Lot:** A lot where the landowner has leased land to the solar applicant, OR a landowner that has any other written and signed agreement with the solar applicant with regard to the solar farm, including “good neighbor” agreements and other agreements that do not necessarily allow the placement of solar panels on the lot.
 - b) **Non-Participating Lot:** Any lot that does not meet the definition of “Participating Lot” in Subsection a).
2. **Setbacks.** All solar panels and other structures associated with the solar farm shall meet the following minimum setback requirements. Fencing shall only be subject to this Section as described in Subsection 8. The setbacks described in this Section may be increased or decreased by the Township Board, based on the criteria in Section 20.06.B.
 - a) **From a lot line abutting a lot that is not participating in the solar project, is greater than 5 acres in area, and does not contain a residential dwelling unit:** 50 feet
 - b) **From a lot line abutting a lot that is not participating in the solar project, and is EITHER under 5 acres are OR contains a residential dwelling unit:** Adjacent to no more than 2 lot lines for a given non-participating parcel, the minimum setback shall be 200 feet. For all other lot lines of the non-participating parcel, the setback shall be 1,000 feet. These setbacks shall not apply across public rights-of-way.
 - c) **From a residential dwelling unit existing at the time of Special Use approval for the solar farm:** 500 feet from nearest corner of the dwelling unit. This setback requirement shall apply across public rights-of-way.
 - d) **From a public or private roadway:** 50 feet, or the required front setback for the zoning district in question, whichever is greater. The requirements of Section 12.02, Footnote 6 must also be met.
 - e) In order to create corridors through the solar farm for the passage of wildlife, there shall be a 10 foot setback requirement from the lot line of a participating parcel. The Township Board may waive this setback entirely upon determining that the applicant has created sufficient wildlife corridors through the solar farm that the setback is unnecessary.
3. No solar panels associated with a solar farm shall be located within the boundaries of a wetland delineated by the State of Michigan.
4. **Landscaping, Ground Cover, and Buffering:** The following requirements must be met for all solar farms:
 - a) **Buffering/Screening:**
 - (1) The following screening requirements must be met along all property lines meeting the following criteria:
 - (i) The adjacent parcel is non-participating.
 - (ii) The adjacent parcel contains one or more residential dwelling units OR the adjacent parcel is under 5 acres in area.

- (iii) The required setback from the property line in question, after any alterations by the Township Board under Section 20.06.B, is smaller than or equal to 1,000 feet.
 - (2) When landscape screening is required, it may be planted anywhere within the required setback, and shall meet the following requirements:
 - (i) Evergreen trees, planted in a staggered double row designed to form a dense visual screen while still allowing for healthy development of the trees. The trees must be at least 6 feet in height at the time of planting in all areas where the solar panels will be visible from a residence (in the opinion of the Township Board), and at least 4 feet in height at the time of planting in all other areas.
 - (ii) The required evergreen trees shall be a mixture of some or all of the following species: White Cedar, White Pine, Colorado Blue Spruce, Norway Spruce, Black Hills Spruce, and White Spruce. The applicant must submit a description of the height and spread of each proposed species at maturity, as well as an estimated timeline for each species to reach maturity.
 - (iii) The Township Board shall determine at the time of approval whether the proposed plantings constitute a “dense visual screen” at the time of planting and whether the design also allows for the “healthy development of the trees.” The Township Board may require additional plantings, or other design changes to the landscape plan, as a condition of Special Land Use Approval. In making their determination, the Township Board may request the opinion of a landscape architect, arborist, or other expert, with costs to be paid by the applicant.
 - (3) **Existing Trees and Woodlands:** Existing trees shall be preserved within areas where screening is required. The Township Board may waive or alter Subsection 2 above upon determining that existing foliage on a participating lot provides a sufficient screen from neighboring residential uses (foliage on non-participating lots shall not count for screening requirements). If existing foliage is permitted to count for screening requirements, the solar farm owners shall be responsible for the maintenance of the existing foliage, including compliance with Subsection iv, and the planting of new landscaping to replace any areas that no longer form a sufficient screen due to death, disease, or destruction of plants.
 - b) **Ground Cover:** Between the solar panels, the ground must be covered by natural vegetation which may include, but is not limited to:
 - (1) **Native Grasses**, including, but not limited to bluestem, sedge, and bottlebrush.
 - (2) **Grazing Grasses**, including, but not limited, to switchgrass, gamma, and Indiangrass.
 - (3) **Pollinator Habitat**, including, but not limited to, sunflower, milkweed, and black-eyed susan.
 - c) **Maintenance:** All plantings shall be installed in a design that supports their long- term health and vitality. All plantings shall be maintained in a sound health and vigorous growing condition. The Township may require dead, diseased, damaged, or destroyed species within the required setback area to be replaced with new plantings. The new plantings must comply with this Ordinance and must result in an overall landscape screen that complies with this Ordinance.
5. **Noise.** Noise emanating from solar panels or other structures associated with the solar farm shall not exceed 55 decibels (dB), as measured at any residence on a non-participating lot.

6. Drainage.

- a) Prior to approval of the Special Use permit by the Township Board, the solar farm applicant must obtain written confirmation from the County Drain Commissioner that stormwater drainage will not be impacted, or that any impacts will be mitigated without negative impacts on any nearby lots (participating or non-participating).
 - b) Any damage to underground drainage tiles, or other stormwater infrastructure or County Drains caused during the installation of the solar farm shall be repaired by the solar farm owner within 90 days of discovery of the damage. The Township Board may extend this deadline upon determination that the solar farm owner has made good faith progress towards the repair.
7. **Glare.** No solar farm shall produce glare, as defined by this Ordinance, that causes negative impacts on any adjacent lot (participating or non-participating), or causes a danger to motorists on any roadway.
 8. **Fencing.** Clusters of solar panels shall be surrounded by a six-foot-high fence with self-locking gate. The fence shall not be subject to setback requirements, except where necessary to preserve wildlife corridors. The design of the fence must be approved by the Township Board, and no design other than the approved design shall be installed.
 9. The solar farm must be designed and operated to allow sufficient access for public safety vehicles in the event of an emergency, in the opinion of the fire department with jurisdiction.
 10. All power transmission lines and other utility wires within the project boundary shall be located underground.
 11. There shall be maintained a current general liability policy covering bodily injury and property damage (including damage to public roadways and non-participating properties) with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The insurance policies shall be reviewed by the Township every five years, and the Township Board may require increases to the policy limits.
 12. If the land on which the solar farm is proposed is to be leased, rather than owned, by the solar farm operator, all lots within the solar farm project boundary shall be included in a recorded easement, lease, or consent agreement specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar farm operator and the affected parties shall be in place prior to commencing construction, unless specified otherwise by the special use permit conditions.
 13. No solar farm shall be installed until evidence has been given to the Township that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. The agreement must be submitted to the Township prior to construction.
 14. The owner of the solar energy system shall submit, as part of the Special Use application, written documentation that the proposed project has a valid interconnection application in process with the regional or local transmission provider. Off-grid systems shall be exempt from this requirement. The Special Use application shall not be approved without the required documentation. A copy of the approved interconnection agreement must be submitted to the Township prior to the start of construction.

15. Abandoned or unused solar panels and associated facilities shall be removed, by the owner of the solar panels. The removal process for solar farms shall be consistent with the process for abandonment of Special Uses described in Section 20.06.A. All decommissioned materials must be removed from Ovid Township within 1 month of the completion of the removal process. No permanent storage or disposal of decommissioned solar panels or related equipment shall be permitted in the Township.

- E. Required Application Information.** Solar farms shall be required to submit all information listed below as part of the Special Use application. The Zoning Administrator may waive information requirements for accessory solar energy systems (but not for solar farms), upon determining that the information is not relevant to determining compliance with this Ordinance for the application in question. The Township may seek the advice and consultation of third-party experts to review the information listed below, and may require the applicant to submit funds to cover the cost of the expert review.
1. All information required for Special Use Approvals, as described in Article 20, including, but not limited to, owner contact information, a complete Site Plan, stormwater drainage information, and a comprehensive landscape plan.
 2. Operational information, including power output, safety/security provisions, interconnection to transmission grid, lighting, potential telecommunications interference, and projected number of permanent jobs created in Ovid Township.
 3. Construction information, such as timeline, phasing, potential expansions, construction traffic/truck routes, temporary access roadways, and temporary construction jobs created.
 4. Leases (and/or other agreements) for all participating parcels. Personal identifying information and financial information may be redacted.
 5. Visual renderings of the proposed solar farm, as seen from all public roadways and non-participating parcels where the solar farm will be visible. Landscaping should be shown as it will appear at the time of planting, and as it is projected to appear 5 years after completion of construction.
 6. A list of required approvals from County, State, and/or Federal entities with jurisdiction, and a description of the status of each approval. Proof of approval must be submitted prior to construction.
 7. Information on hazardous waste storage, including battery locations and storage.
 8. Insurance policies as required by Section D.10.
 9. The information required in Sections D.11, D.12, and D.13.
 10. All other information deemed necessary by the Township in order to determine whether the application meets the requirements of this Ordinance, including the Special Use Approval Criteria in Section 20.04.

[Amended 6/3/2021]

Section 15.39 Marihuana Uses

- A.** Marihuana Retail Establishments shall meet the following requirements:
1. No Marihuana Retail Establishment shall be located within five-hundred (500) feet of any school.

2. No Marihuana Retail Establishment shall be located within two-hundred fifty (250) feet of any of the following:
 - a) Public Park
 - b) Church, Temple, Place of Worship, or Religious Institution
 - c) Any lot in the RR, NR, WR, or MH Zoning Districts.
 - d) Any lot in Algansee Township zoned R-1, R-2, or R-3.
 - e) Any lot in Bethel Township zoned R-1 or R-2
 - f) Any lot in Coldwater Township zoned R-2, R-3, or R-4.
 - g) Any lot in Kinderhook Township zoned R-1, R-2, R-3, or R-4.
 3. The distances provided in this Subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the lot at which the proposed Marihuana Retail Establishment is to be located to the nearest point of one of the following:
 - a) The lot line of the separated use, when:
 - (1) A school, public park, church, temple, place of worship, or religious institution is the only use on the parcel.
 - (2) A parcel is zoned in one of the districts listed in Section 15.39.A.2.
 - b) The premises of the separated use, when:
 - (1) A school, public park, church, or house of worship is one of multiple uses on the parcel.
 4. No Special Use Approval shall be granted on a lot that is not in compliance with all separation requirements. If a use listed in Section 15.39.A.2 moves into the proximity of an approved Marihuana Retail Establishment, there shall be no effect on the approval of the Marihuana Retail Establishment. If a lot is rezoned to one of the zoning districts listed in Section 15.39.A.2 after the submission of an application for a Special Use permit for a Marihuana Retail Establishment, there shall be no effect on the approval of the Marihuana Retail Establishment.
 5. All signage proposed on a lot containing a Marihuana Retail Establishment must be included in the Special Use permit application. The Planning Commission and Township Board shall review the proposed signage as part of the Special Use process. Signage shall only be erected if approved as part of the Special Use. Signage proposed after approval of the Special Use shall be submitted as an amendment to the approved Special Use, and reviewed for potential approval by the Planning Commission and Township Board under the same process as the original special use approval.
- B.** Marihuana Grow Operations (Class A, B, or C), Marihuana Microbusinesses, Marihuana Processing Facilities, Marihuana Safety Compliance Facilities, and Marihuana Secure Transporters shall all be prohibited land uses in all Zoning Districts.
- C.** Marihuana Caregivers shall only be permitted as Home Occupations, and must meet all requirements in Section 15.17. Additionally, no more than one marihuana caregiver shall operate on any given lot.

[Amended 2/8/2021]

Chapter 16.

Parking and Loading Spaces

Section 16.01 Purpose

The purpose of this Article is to:

- A. Protect water quality and storm sewer capacity by limiting the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building.
- B. Preserve the character of the Ovid Township by limiting parking in front yard areas, promoting the use and development of shared parking and restricting the use and development of scattered private parking lots.
- C. Establish flexible minimum and maximum standards for off-street parking and loading, and promote the use and development of shared parking and loading facilities, cross-access between sites, and a pedestrian-oriented development pattern.

Section 16.02 Scope

Off-street parking and loading shall be provided in all districts in accordance with the provisions in this Chapter whenever a structure or use is established, constructed, altered, or expanded, an existing use is replaced by a new use (change of use), or the intensity of a use is increased through additional dwelling units, an increase in floor area or seating capacity, or by other means.

Section 16.03 General Requirements

The following general standards shall apply to all off-street parking or loading facilities:

- A. **Number of required spaces.** Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Chapter. The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by Section 16.04 (Schedule of Required Parking by Use).
- B. **Off-Street Parking Spaces for One and Two-Family Dwellings.** Off-street parking facilities required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve subject to the provisions of Section 14.06, Accessory Structures and Uses. No parking shall be permitted in the required front yard except on a driveway that leads to an approved parking space.

- C. Off-Street Parking for Multiple-Family and Non-Residential Uses.** Off-street parking facilities required for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 300 feet of such building or use. (The measurement shall be based on the walking distance from the nearest point of the parking facility to the nearest normal entrance to the building or use.) Ownership or a use easement, duly recorded with the Township, shall be shown for all land areas intended for use as parking by the applicant.
- D. Similar uses.** Where a use is not specifically mentioned in this Chapter, the Planning Commission shall apply the standards for a similar listed use.
- E. Shared facilities.** The development and use of a joint parking or loading facility shared between two or more contiguous uses is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the same time of day. The maximum joint requirements will be less than the total individual requirements if the peak needs for the uses occur at distinctly different times of the day from the peaks of the other uses. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners.
- F. Irrevocable use.** All required off-street parking and loading spaces shall be reserved irrevocably and shall not be changed to any other use unless spaces meeting the standards of this Article are provided elsewhere, or the parking requirements of the use change.
- G. Storage, repairs, and displays prohibited.** Except when land is used as permitted storage space in direct connection with a business, a 24 hour time limit for parking in non-residential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles on any parking area in any district. Parking lots and loading areas shall not be used for parking of inoperable vehicles; outside storage of any equipment, products, or materials; or dumping of refuse. Repairs, performing service, or display of vehicles for sale is prohibited.
- H. Restriction of parking on private property.** No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property.

Section 16.04 Minimum Required Parking Spaces By Use

The number of required off-street parking spaces shall be determined by the Planning Commission in accordance with the following table. Where calculations determining the number of required parking spaces results in a fractional space, the fraction shall be rounded-up to the next higher whole number.

A. Residential Uses

1. Dwellings	Two (2) per dwelling unit
2. Multiple Family Dwelling Units	One (1) per dwelling unit plus one (1) additional visitor space for every four (4) dwelling units
3. Sanitariums, convalescent, or nursing home	Two (2) per three (3) dwelling units or per five (5) beds, plus one (1) per one-duty employee based on maximum employment shift.
4. Bed & Breakfast Inn	One (1) space per room for guest use plus (2) spaces for the dwelling unit.

B. Community Uses.

1. Churches	One (1) for each four (4) seats in the main worship unit based on maximum capacity of the assembly space.
2. Hospitals, institutions, and clinic	One (1) per bed, plus one (1) per employee during the eight (8) hour shift in which the greatest number of employees are on duty.
3. Libraries, museums, and Post Offices	One (1) for each 300 square feet of floor area.
4. Private clubs and lodges	One (1) for each four (4) people based on the maximum occupancy of the building.
5. Nursery schools and day care centers	One (1) per 350 square feet of usable floor space.
6. Senior high schools and Institutions of higher learning	One (1) space for each employee, plus one (1) for each 10 students, plus one half (1/2) per classroom for visitor use, plus any additional requirements for the auditorium and stadium if required.
7. Stadiums	One (1) for each four (4) seats or six (6) feet of bleachers plus one (1) per employee on largest employment shift.
8. Theaters, auditoriums	One (1) for each (4) seats based upon maximum seating capacity of the primary assembly space plus one (1) for each employee on the largest employment shift.

C. Commercial/Industrial Uses

1. Banks, business offices, and public buildings not specifically mentioned elsewhere	One (1) for each one hundred fifty (150) square feet of usable floor area.
2. Bowling alleys	Six (6) for each alley, with an alley consisting of two bowling lanes and one (1) scoring console. One (1) additional space per employee on the largest employment shift shall also be required. If there is a restaurant, bar, or pro shop included with the alley, the minimum required for each of those uses shall be applied.
3. Business Parks and/or similar uses.	One (1) for each 250 square feet of usable floor area.
4. Restaurants, grills, dining rooms, dairy bars, soda fountains	One space per 100 square feet of usable floor area, plus one (1) per employee during largest employment shift.
5. "Drive-in" establishments	One (1) per 30 square feet of usable floor area with a minimum of 25 parking spaces plus stacking requirements as contained in section 16.04.G
6. Hotels and Motels	One (1) for each two (2) guest rooms Plus one (1) per each employee on the largest shift, plus extra spaces for dining rooms, ballrooms, or meeting rooms as required based upon maximum occupancy load.
7. Kennel, Veterinary Clinic	One (1) space per 500 square feet, plus one (1) space per employee on largest employment shift.
8. Manufacturing, processing, and/or fabricating, manufacturing buildings, and/or business offices, and/or research laboratories, and/or other facilities related, but not necessarily connected to a manufacturing or industrial building	One (1) per 1000 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
9. Marinas	Two (2) for each slip or mooring.

10. Medical doctors office or dental clinic	One (1) for each 150 square feet of waiting room area plus one (1) for each examining room, dental chair, or similar use area, plus one (1) per employee on duty
11. Mortuaries or funeral homes	One (1) for each fifty (50) Square feet of floor area used for services
12. Motor vehicle sales and service establishments	One (1) for each 200 square feet of usable floor space of sales area and one (1) for each one (1) auto service stall, plus one (1) space per employee on largest employment shift
13. Professional offices and buildings	One (1) for each two hundred (200) square feet of floor area
14. Car wash	One (1) per employee based upon maximum employee shift, plus stacking per Section 16.03.E
15. Retail stores, supermarkets, department stores, personal service shops—general business	One for each 150 square feet of usable floor area.
16. Taverns and bars	One for each 50 square feet of usable floor area.

D. Rural/Agricultural Uses

1. Campgrounds	One (1) space per campsite located adjacent to each campsite, plus one (1) space per employee on largest employment shift.
2. Golf Course	Five (5) spaces per hole plus one (1) per each employee on maximum employment shift.
3. Greenhouses and nurseries, U-Pick produce farms	One (1) per 500 square feet of usable floor space plus one (1) per employee based upon maximum employment shift.
4. Outdoor recreation facilities	One per six (6) acres of gross land area.
5. Roadside Stands	One (1) per 250 square feet of usable floor area plus one (1) per employee based upon maximum employment
6. Wineries	The production portion = one (1) space per 1000 square feet of usable floor space. The tasting, retail, presentation portion = one (1) space per 150 square feet of usable floor space. For all, add one (1) space for each employee on largest employment shift.

E. Other Uses

1. Annual Seasonal Event	To be determined based on information on the particular event presented by the applicant to the Planning Commission.
2. Mixed uses in the same building	See Section 16.03.E
3. Other uses not specifically mentioned	In the case of buildings, which are being developed for uses not specifically mentioned, the standards for the mentioned use most similar in terms of parking demand shall apply to the proposed development.

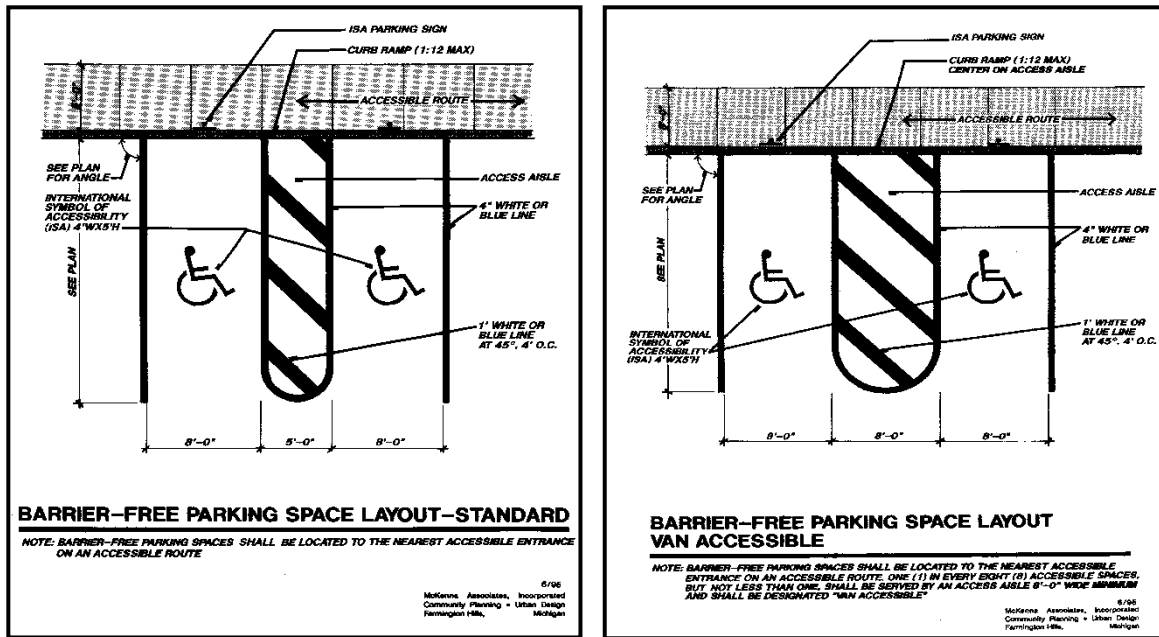
Section 16.05 Design Requirements

A. Barrier-Free Parking Requirements.

1. Within each parking lot, signed and striped barrier-free spaces shall be provided at conveniently accessible locations in accordance with the following standards, or with any revised standards of the Michigan Department of Labor, Construction Code Commission.

2. Accessible spaces shall be a minimum width of eight (8) feet.
3. Adjacent to each accessible space shall be at least one access aisle.
4. For the required Van Accessible spaces, the minimum width of the access aisle is eight (8) feet. For all other accessible spaces, the minimum width of the access aisle is five (5) feet.
5. The required number of Van Accessible spaces shall be based on the table shown below.
6. Barrier-free parking spaces shall be identified by signs located approximately six (6) feet above grade.
7. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in 12 feet and a width of not less than four (4) feet shall be provided for wheelchair access.

Total Parking Spaces	Barrier-Free Parking Spaces Required	VAN-ACCESSIBLE Barrier-Free Parking Spaces Required
Less than 25	1	1
25 – 49	2	1
50 – 74	3	1
75 – 99	4	1
100 – 149	6	1
150 – 199	8	2
200 – 299	10	2
300 – 399	12	3
400 or more	14, plus 1 space for each 50 total parking spaces over 400	4, plus 1 space for each 15 total barrier-free spaces



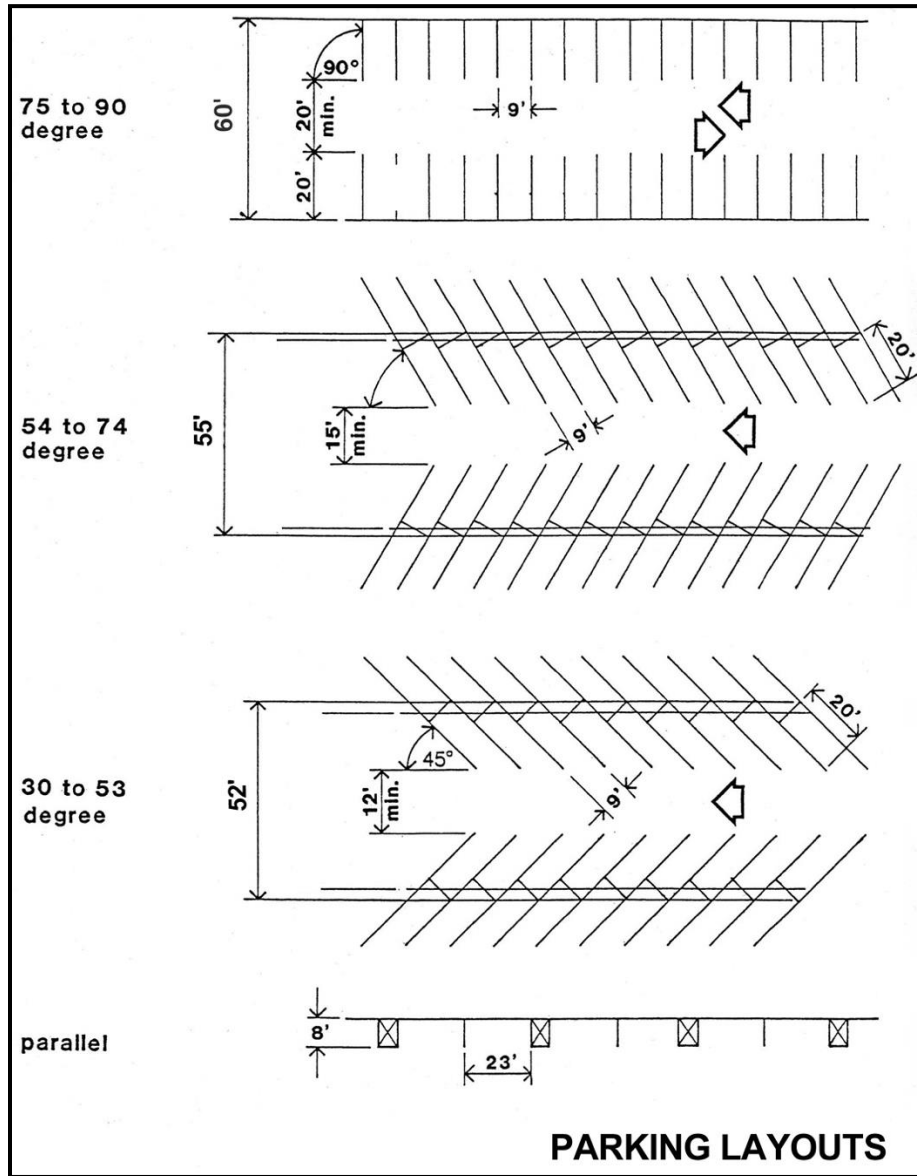
- B. **Landscaping.** Landscaping, screening and buffering shall be provided for all parking and loading facilities in accordance with the provisions of Chapter 17, Landscaping and Screening.
- C. **Exterior lighting.** Where provided, exterior lighting shall comply with the standards of Section 14.19, Exterior Lighting.
- D. **Ingress/Egress.** Adequate means of ingress and egress shall be provided for all parking and loading facilities, and such facilities shall be designed to prevent vehicles from backing into the street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows. Entrances and exits shall be located so as to minimize traffic congestion. Shared curb cuts are to be utilized whenever possible on primary roads.
- E. **Curbing.** Parking lots shall be provided with concrete curbs and gutters for the protection of adjoining properties, streets, sidewalks and landscaped areas. The Planning Commission may approve parking facilities without concrete curbs, however bumper stops must be provided in such facilities to prevent vehicles from bumping any walls or fences or encroaching upon any landscaping or sidewalks. Where necessary for the protection of the public and the adjoining properties, streets, or sidewalks, curbs shall be required.
- F. **Sidewalks.** In all cases where off-street parking spaces directly abut a public or private sidewalk, the sidewalk shall be widened to at least seven (7) feet in width to accommodate encroachment of the vehicle's bumper.
- G. **Stacking spaces for drive-through facilities.**

1. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement, such as drive-in banks or cleaning establishments, where the automobile engine is not turned off, there shall be provided four (4) off-street stacking spaces for each service window or transaction station. Eight (8) off-street stacking shall be provided for each drive-thru transaction station of a restaurant.
2. Self-service motor vehicle car wash establishments shall provide three (3) off-street stacking spaces for each washing stall. Quick oil change facilities and motor vehicle car wash establishments other than self-service, shall provide stacking spaces equal in number to three (3) times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. "Maximum capacity" shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length of each wash line by 20 feet. A drying lane 50 feet long shall also be provided at the exit of the washing stalls in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.
3. An off-street waiting space is defined as an area 10 feet wide by 20 feet long.

H. Grading and drainage. The parking lot and its driveway shall be designed to meet minimum engineering standards. At a minimum they shall provide adequate drainage, surfaced with concrete or asphalt pavement, and maintained in good condition, free of dust, trash, and debris.

I. Parking layout. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern (degrees)	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of One Row of Spaces Plus Maneuvering Lane (feet)	Total Width of Two Rows of Spaces Plus Maneuvering Lane (feet)
0° (parallel)	24' (two-way)	10'	24'	34'	44'
30° to 53°	12' (one-way)	10'	20'	26'	40'
54° to 74°	15' (one-way)	10'	20'	33'	50'
75° to 90°	20' (two-way)	10'	20'	40'	60'



Section 16.06 Off-Street Loading Requirements

Where determined to be necessary by the Planning Commission, adequate space shall be provided for loading and unloading activities on the same premises with a use involving the receipt or distribution of vehicles, materials, or merchandise to avoid undue interference with the public use of streets and alleys. Each loading or unloading space shall be 10 feet wide by 50 feet long, with a 15 foot height clearance, unless the Planning Commission determines that an alternative size is more appropriate for the site. Such spaces shall be provided in accordance with the following schedule:

Usable floor Area (square-feet)	Loading and Unloading Spaces Required by district	
	C	E
0 to 2,000	None	None
2,001 to 5,000	1	1
5,001 to 20,000	1	1 plus 1/5,000 in excess of 5,000
20,001 to 50,000	1 plus 1/20,000 in excess of 20,000	3 plus 1/15,000 in excess of 20,000
50,001 to 100,000	1 plus 1/20,000 in excess of 20,000	5 plus 1/10,000 in excess of 50,000
100,001 to 300,000	5 plus 1/100,000 in excess of 100,000	10 plus 1/100,00 in excess of 100,000
300,001 to 500,000	10 plus 1/100,000 in excess of 300,000	10 plus 1/100,000 in excess of 300,000
Over 500,000	12 plus 1/250,000 in excess of 500,000	14 plus 1/150,000 in excess of 500,000

- A. No loading space shall be located closer than 50 feet to any residential district or use, except where located within an enclosed building or adequately screened to the satisfaction of the Planning Commission.
- B. Loading spaces shall not be provided in the front yard or on any building facade facing or visible from a public street, except where the Planning Commission determines such a location is necessary due to the location or placement of the building, existing street pattern, or other factors.
- C. Loading spaces shall be paved with concrete or plant-mixed bituminous material in accordance with the requirements of the Township.
- D. **Deferment of parking spaces.** Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space, and provided that the applicant agrees to construct the additional parking upon request by the Township after the Zoning Administrator documents three (3) incidents of problem parking on the site.
- E. **Special circumstances.** Under the following circumstances, the Planning Commission may permit alternative means (other than the construction of private off-street parking or loading facilities) of complying with the parking or loading requirements of this Chapter:
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1. Existing off-street parking and/or loading spaces on the lot can effectively accommodate the parking and loading needs of a given use.
2. Existing on-street spaces adjacent to the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
3. Existing public parking lots and alleys near the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
4. An agreement for shared facilities is in place between adjacent property owners to set aside existing off-street parking and/or loading spaces on an adjacent lot to accommodate the requirements of a given use.

Section 16.07 Modification of Standards.

- A. Deferment of parking spaces.** Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space, and provided that the applicant agrees to construct the additional parking upon request by the Township after the Zoning Administrator documents three (3) incidents of problem parking on the site.
- B. Special circumstances.** Under the following circumstances, the Planning Commission may permit alternative means (other than the construction of private off-street parking or loading facilities) of complying with the parking or loading requirements of this Chapter:
1. Existing off-street parking and/or loading spaces on the lot can effectively accommodate the parking and loading needs of a given use.
 2. Existing on-street spaces adjacent to the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
 3. Existing public parking lots and alleys near the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
 4. An agreement for shared facilities is in place between adjacent property owners to set aside existing off-street parking and/or loading spaces on an adjacent lot to accommodate the requirements of a given use.

Section 16.08 Maintenance.

All parking and loading areas shall be maintained in accordance with the provisions of this Chapter, an approved site plan, and the following:

- A.** Any alterations to an approved parking or loading facility that is not in accordance with an approved site plan shall be a violation of this Ordinance.
- B.** Parking and loading facilities for an established use shall not be encroached upon, unless the site maintains the minimum number of required parking spaces as provided in this Chapter. If not, accommodations for additional parking must be made in order to satisfy the minimum requirements for that use.

- C. All land between the boundaries of the parking facility and required screening, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the requirements of this Ordinance.

Chapter 17.

Landscaping and Screening

Section 17.01 Purpose

The intent of this Chapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of sites, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, property value stability, and overall character in the Township.

The standards of this Chapter are also intended to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flows at driveways and within parking areas, and minimize negative impacts of stormwater runoff.

The landscape standards of this Chapter are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

The provisions of this Chapter shall apply to all sites that are subject to site plan or sketch plan review in accordance with Chapter 19, Site Plan Review and Approval Procedures. Such sites shall be required to comply with all applicable provisions of this Chapter. Every property owner and developer has the responsibility to ensure that the use of a lot in the Township does not adversely impact adjacent properties.

Section 17.02 General Requirements and Standards

- A. Landscape Plan.** A Landscape Plan shall be included with all site plan applications reviewed by the Township. The separate landscape plan shall be submitted at a minimum scale of one (1) inch equals 50 feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials.
- B. Installation and Inspection.**
1. Wherever this Ordinance requires landscaping or plant materials, the material shall be planted prior to the issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials, which may be supplemented with other plantings.
 2. If due to the seasons, it is not an appropriate time to install landscaping, the Planning Commission shall require a performance guarantee, in a form acceptable to the Township, to cover the costs of landscaping prior to the issuance of a certificate of occupancy.

3. Landscaping shall be installed in a sound manner according to generally accepted planting procedures consistent with the standards of the American Association of Nurserymen and the quality of plant materials as hereinafter described and shall be protected from vehicular encroachment and snow removal operations.
4. In the event a performance guarantee is being held, the Zoning Administrator will within three (3) months of receiving written notification of installation, conduct an inspection to verify said installation and authorize release of the guarantee.

C. Plant Material Standards. It is the intent of this Chapter that a diverse mixture of plantings be provided throughout the Township. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this Chapter. The Planning Commission may vary these standards where the established minimums, in the judgment of the Commission, will not serve the purpose and intent of this Chapter.

1. **Plant Quality.** Plant materials permitted in required landscaped areas shall be hardy to the climate of Michigan, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
2. **Plant Size Specifications.**
 - a) **Trees.** Required trees shall be of adequate size as determined by the Planning Commission at the time of planting, unless otherwise stated in this Chapter.
 - (1) **Deciduous Trees.** Two and a half (2-½) inch caliper minimum trunk measurement at four (4) feet off the ground, with a minimum eight (8) feet in height above grade when planted.
 - (2) **Evergreen Trees.** Six (6) feet in height, with a minimum spread of three (3) feet and the size of the burlapped root ball shall be at least 10 times the caliper of the tree measured six (6) inches above the grade.
 - (3) **Deciduous Ornamental Trees.** One (1) inch caliper minimum at four (4) feet off the ground, with a minimum height of six (6) feet above grade when planted.
 - b) **Shrubs.** Minimum 24 inches in height above planting grade.
 - c) **Hedges.** Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.
 - d) **Groundcovers.**
 - (1) Lawn areas shall be planted in species of grass normally grown as permanent lawns in south Michigan. Grass may be sodded, hydro-seeded and mulched, plugged, or seeded, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
 - (2) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance that is reasonably complete after one complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
 - (3) Stone and synthetic materials shall not be used as a groundcover.

- e) **Mulch Material.** Minimum of four (4) inches deep for planted materials shall be installed in a manner as to present a finished appearance.
 - f) No plant materials used to satisfy these standards shall be comprised of non-living materials, such as plastic plants.
 - g) All plant materials shall be well-formed, sound, vigorous, healthy and free from disease, sunscald, wind burn, abrasion, and harmful insects at the time of planting.
 - h) The following plant materials are not permitted for planting (in a public right-of-way or as required by the minimum landscaping standards of this Ordinance) due to their tendency and susceptibility to storm damage, their roots are known to clog drains and sewers, they are known to be susceptible to disease or insect pests, or other undesirable characteristics: Silver Maple, Box Elder, Honey Locust (thorned), Ginko (female), Mulberry, Poplar, Black Locust, Willow, American Elm, Siberian Elm, Slippery Elm (Red Elm), and Chinese Elm, Horse Chestnut, Poplar, Ailanthus, Catalpa, Osage orange, Cottonwood, and European Barberry.
- D. Plant Health and Maintenance.** Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn areas, shall be maintained in a healthy and growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within 30 days of written notice from the Zoning Administrator, or within an extended time period as specified in said notice.
- E. Irrigation.** All landscaped areas shall be provided with a readily available and acceptable water supply to facilitate continued maintenance.
- F. Visibility.** Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants, and shall not interfere with or obstruct the view of public viewsheds and sight lines from rights of way and public property to streams, lakes, and other waterways.
- G. Species Tolerance.** Public and private roads, cul-de-sacs, site entrances, and boulevard medians shall be landscaped with species tolerant of roadside conditions common to the area.

Section 17.03 Existing Plant Material

- A. Consideration of Existing Elements in the Landscape Design.** In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth in this Section.
- B. Preservation of Existing Plant Material.** Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are six (6) inches or greater in caliper, measured four (4) feet above grade.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of a tree guard at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree or approved substitute, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space, and similar considerations:

Damaged Tree*	Replacement Tree	Replacement Ratio
Less than 6 inches	2 ½ to 3 inches	1 for 1
More than 6 inches	2 ½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree
*Caliper measured 4 feet off the ground.		

Section 17.04 Screening and Buffering Requirements.

In those instances where the following conditions occur, the need for a wall, a berm, or similar type of landscaped buffer strip shall be determined by the Planning Commission.

A. Zoning Districts and Land Uses.

- For developments within the C, VC, and E districts, there shall be provided and maintained on those sides abutting or adjacent to a residential zoning district and/or a current residential use, a masonry wall, wooden privacy fence six (6) feet in height, greenbelt, or evergreen screen in accordance with Section 17.06, (except as otherwise required) as deemed appropriate by the Planning Commission.
- For non-residential land uses within residential zoning districts, there shall be provided and maintained on those sides abutting or adjacent to a residential zoning district and/or a current residential use, an obscuring wall six (6) feet in height, decorative wooden privacy fencing, a greenbelt, a berm, or a buffer strip (except as otherwise required).

B. Location. Required walls, fences, greenbelts, berms, or buffers strips shall begin on or at the property line, except where underground utilities interfere.

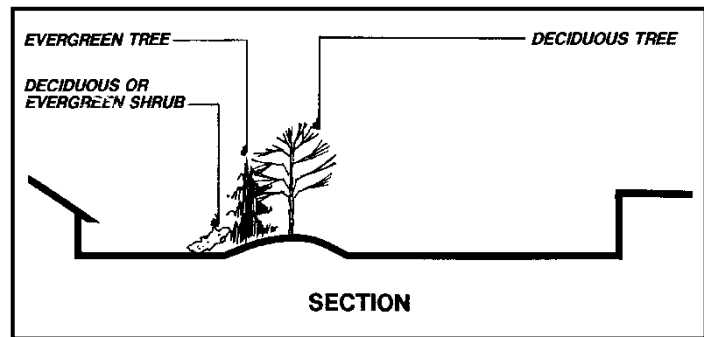
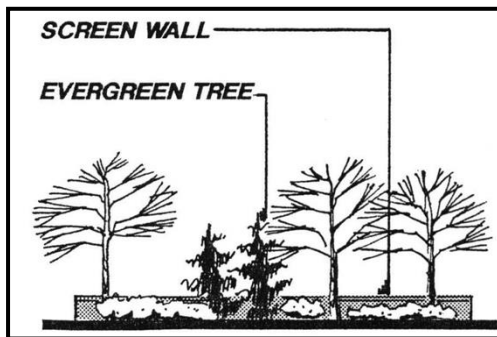
C. Materials. Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided for in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Planning Commission to be durable, weather resistant, rustproof, and easily maintained. Materials for walls shall be compatible with surrounding building materials. Materials for the greenbelts, berms, or buffer strips shall be in accordance with the standards identified in this Chapter unless specified elsewhere.

D. Alternatives. The Planning Commission may approve a landscaped berm as an alternative to a wall upon finding the landscaped berm will provide a similar screening effect. However, the yard space that the berm shall occupy shall be yard space that would not otherwise serve any functional purpose besides screening and buffering the adjacent use.

Section 17.05 Methods of Screening and Buffering

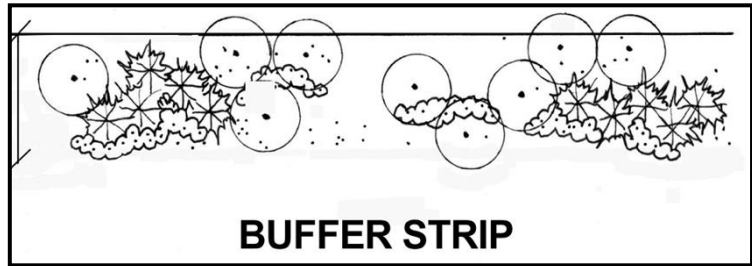
Screening and buffering elements shall satisfy the purpose and objectives of this Chapter, and shall be accomplished by any one of the following methods, or any combination of these methods or other alternatives that the Planning Commission determines to be best suited for the existing conditions, unless a specific method or combination of methods was identified elsewhere in the Ordinance:

- A. Screen wall (or fence) with planting strip.** This method shall consist of a decorative brick wall or ornamental fence up to four (4) feet in height, along with a six (6) to 10 foot wide planting strip abutting the base of the wall or fence that includes a mixture of deciduous shade trees, ornamental trees and shrubs, at a minimum concentration of one (1) tree and five (5) shrubs per each 30 lineal feet.
- B. Berms.** Berms shall consist of a combination of a raised earth berm and plantings, and shall meet the following standards:



1. A berm shall have side slopes no steeper than four to one (4:1) - four (4) feet horizontal to one (1) foot vertical - and the top of all berms shall have a level horizontal area of at least four (4) feet in width.
 2. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission.
 3. The berm shall be designed and graded to blend with existing topography, and shall be appropriately sodded, hydro-seeded or planted with appropriate groundcovers.
 4. A mixture of deciduous shade and ornamental trees, evergreen trees and shrubs shall be planted along the entire berm area at a minimum concentration of one (1) tree and two (2) shrubs per each 10 lineal feet of berm.
 5. Berms shall be used only in areas adjacent to parking and adjacent to industrial uses, unless otherwise excepted by the Planning Commission, due to the amount of space they occupy and the potential long-term impact on the landscape material.
- C. Evergreen screen.** This method shall consist of evergreen trees, with year-round characteristics that meet the screening objectives of this Article, planted 10 to 15 feet apart in a minimum of two (2) staggered rows 10 to 15 feet apart.

D. Greenbelt buffer strip. A buffer strip may be required, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are residential in character or less intense than the use of the subject site. A required greenbelt buffer strip shall include the following:



1. Greenbelts shall have a minimum width of six (6) feet, with a preferred width of 10 feet, and shall contain appropriate grasses, groundcovers and mulch as necessary.
2. A mixture of deciduous shade and evergreen trees and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and two (2) shrubs per each 20 lineal feet of street frontage or length along a property line. Additional trees may be substituted for the required shrubs at the rate of one (1) tree per four (4) shrubs.

E. Hedgerow. To provide a low screen to block headlight glare, screen parked vehicles from street rights-of-way, or other circumstances where ground-level screening is necessary to obscure a portion of a site without inhibiting visibility or light, the Planning Commission may require use of a continuous hedgerow consisting of 24 inch to 36 inch high shrubs planted and maintained as a continuous visual screen, with full maturity within one full planting season, with the maximum permitted spacing to be determined by the type of shrub proposed.

F. Masonry wall. Where required, a masonry wall shall be solid and decorative in nature, and at least two (2) feet and no more than six (6) feet in height above grade. Such walls shall be capped, and constructed of masonry (brick, stone, or decorative block) materials that complement the primary building materials.

Section 17.06 Parking Lot Landscaping

Within every parking area containing 10 or more proposed spaces, at least one (1) deciduous tree with at least 100 square feet of planting area shall be used for every 10 parking spaces, or fraction thereof, in addition to any other landscaping requirements. This landscaping shall meet the following standards:

- A.** Landscaping shall be dispersed throughout the parking area in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
- B.** Landscaping shall be planned and installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, nor interfere with adequate motorist sight distance.
- C.** Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the development plan. Minimum width of such areas shall be 10 feet.
- D.** All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements. Trees should result in high, broad canopies that will provide shade over large expanses of the parking lot.
- E.** Approved shrubs or groundcover shall be used to cover the remainder of the island area.

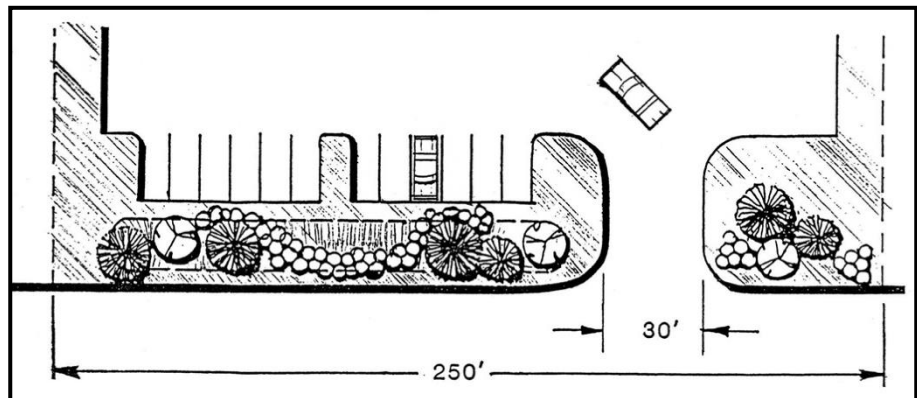
Section 17.07 Waste Receptacle, Mechanical Equipment, and Loading Area Screening

- A. Waste receptacles shall be screened to the satisfaction of the Planning Commission in accordance with Section 17.06. Except at locations where the receptacle will not be visible from public right of ways or any adjacent properties, enclosures shall be required. Enclosures include privacy fence, masonry wall, or landscaping that is an opaque screen year round. A steel-reinforced, lockable wooden gate shall be provided to secure the enclosure.
- B. Loading areas, storage areas and service areas, public utility and essential service uses and structures, ground-equipment shelters for wireless communications facilities, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from the street right-of-way and adjacent properties in accordance with Section 17.06.
- C. Roof mounted equipment shall also be screened from view through the use of ceiling walls, parapet walls, or other devices and techniques.

Section 17.08 Street Yard Landscaping

Street yard areas, including the area between the street pavement edge and the street right-of-way line plus any required front yard setback area, shall be landscaped in a manner that enhances the visual character of Township streets and minimizes adverse impacts of vehicular traffic on adjacent uses.

- A. **Street trees.** Street tree plantings shall consist of deciduous shade trees planted in one (1) or more rows at regular intervals, or in informal groupings, along the margins of street rights-of-way, in an amount equal to a minimum of one (1) street tree per 40 linear feet, as measured along the street right-of-way line.



- B. **Front yard setback area plantings.** Where a front yard setback is required by this Ordinance, the Planning Commission may require a berm, greenbelt, or other landscaping materials within the front yard setback in accordance with the screening or buffering objectives of this Article.
- C. **Infill development exception.** In the case of spot infill redevelopment where an individual property or use is being developed or redeveloped in the midst of existing development, the Planning Commission may decide to alter the street tree landscaping requirement based on the following determinations:
 1. There is no established street tree landscaping pattern along the existing roadway, and there likely never will be;
 2. The existing landscaping provides adequate or better treatment along the streetscape than the required landscaping would provide; and

3. Not planting the required landscaping along the street frontage would not cause any detriment to the subject property or any adjacent properties at the present time or at any time in the future.
4. If the Planning Commission determines that the specific property qualifies, then the trees required to be planted along the street can be relocated elsewhere on the site. They are still required; they are just no longer required in the streetyard.

Section 17.09 Maintenance

All landscaping materials shall be maintained in accordance with the approved landscape plan, and the following:

- A. Landscape maintenance procedures and frequencies to be followed shall be specified on the landscape plan, along with the manner in which the effectiveness, health and intended functions of the various landscape areas on the site will be ensured.
- B. Landscaping shall be kept in a neat, orderly and healthy growing condition, free from debris and refuse. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- C. All dead or diseased plant materials shall be removed and replaced with the same number, size and species of materials within 30 days of written notice from the Township, or by the end of the next planting season if it is determined by the Township that the new materials would be jeopardized by weather conditions.
- D. The approved landscape plan shall be considered a permanent record and integral part of the approved site plan. Any replacement or removal of plant materials that is not in accordance with the approved landscape plan shall be a violation of this Ordinance.
- E. Adequate provisions shall be made to supply water to all landscape areas on a regular schedule.

Section 17.10 Exceptions and Alternatives.

- A. **Alternative designs or materials.** The Planning Commission shall have the authority to modify the standards of this Chapter, provided that the alternative is determined to be in accordance with the purpose and objectives of this Chapter.
- B. **Existing sites.** Where an existing building is undergoing redevelopment, improvement, a change in use, or expansion, the Planning Commission may require landscaping, screening and buffering improvements in accordance with the purpose and objectives of this Chapter, provided that any required improvements shall be in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions or other site improvements.

Chapter 18.

Planned Unit Development

Section 18.01 Purpose

The intent of this Article is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for large-scale developments which qualify as planned developments. These may include, but are not limited to residential developments, shopping centers, industrial, office and business park developments, and medical or educational campuses. Certain large developments may be of such size and configuration as to justify a controlled degree of flexibility, and to permit a mix of land uses that may not normally be permitted in the zoning district, but would, under specific circumstances, increase convenience, be compatible with the overall character of the district, and not be injurious to adjoining properties.

The further purpose of this Article is to:

- A. Provide a consistent and uniform method for review of planned development applications that encourages thoughtful and creative planning and design, and high quality development practices.
- B. Allow reasonable regulatory flexibility that results in a substantially higher quality of development, in accordance with the principles, goals and objectives of the Master Plan and any sub-area plans.
- C. Preserve natural resources and site features, and encourage economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- D. Encourage the utilization of open space and the development of recreational facilities particularly suited to the proposed uses within a planned development and the natural character of the land where it is located.
- E. Develop sites in such a way that proposed uses, buildings and site improvements are compatible with each other and with adjoining uses, and to prevent adverse impacts on neighboring properties and districts.
- F. Provide for supportive mix of land uses and amenities such as day care, office, neighborhood retail, and similar uses, which in the opinion of the Planning Commission, are in conformance with the goals and objectives of the master plan and will enhance the residential stability and economic base of Ovid Township through the application of a special use permit.

Section 18.02 General Requirements

- A. **Permitted Districts.** Planned Unit Developments are permitted in the following zoning districts: RR, Rural Residential; NR, Neighborhood Residential; and VC, Village Center.
- B. **Minimum Project Area.** The minimum size for a PUD development shall be based on the zoning district in which the development is located according to the following table:

RR, Rural Residential	20 Acres
NR, Neighborhood Residential	10 Acres
VC, Village Center	8 Acres

The Township may, upon recommendation from the Planning Commission, permit a PUD project on a smaller site if the proposed development would have unique benefits for the area of Township as a whole.

- C.** The development must have direct access to a publicly maintained road.
- D.** The site shall be able to be planned and developed as an integrated unit. Phased plans shall be permitted so long as a phasing schedule is submitted with the application for review.
- E. Uses.** The following uses are permitted in the PUD.
1. In the RR and NR districts, the principle permitted use shall be residential development, consistent with the zoning district.
 - a) Residential development shall be primarily single family detached dwellings, although attached two-family dwellings, townhouses, and multifamily dwellings may be permitted as long as it does not exceed 30% of the total dwelling units of the project.
 - b) Non-residential land uses may be integrated into the proposed “PUD” through approval of the special use permit. Commercial uses shall be limited to the development of not more than ten percent (10%) of the total project area. Examples of commercial uses may include retail stores, personal service establishments, bed and breakfast establishments, business or professional offices, the retail or restaurant components of golf courses, and day care facilities. However, all proposed commercial uses must meet the intent of the “PUD” Chapter and be subject to reasonable terms established as part of the special use permit process.
 - c) In these districts, single-family residential land uses and other land uses shall be carefully integrated creating a high quality environment consistent with good site design and sound planning principles.
 2. In the VC district, the principle permitted use shall be commercial development, although accessory apartments and multifamily residential housing may be permitted.
 - a) A maximum of 30% of the area can be dedicated to strictly residential uses.
 - b) Over 50% of the residential uses within each PUD must be accessory apartments.
 - c) The proposed mix of land uses shall blend harmoniously and consistently within the goals and objectives of the Township Master Plan.
 3. Each principal building in the proposed PUD must be connected to sewer facilities that are approved by the Branch County Department of Public Health.
 4. Each site shall be provided with adequate storm drainage. Open drainage courses and storm retention ponds shall be reviewed and may be permitted by the County Drain Commissioner.
 5. Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance or the Master Plan.
- F. Building Height.** The building height standards of the original underlying zoning district shall apply.

- G. Setbacks.** Minimum setbacks of the original underlying zoning district shall apply. Modifications to these standards may be approved as a part of the Preliminary PUD Plan based on good planning and design principles taking into account the degree of compatibility between adjoining uses and streets, sensitivity to characteristics of the site, the need for free access for emergency vehicles, and the need for adequate amounts of light and air between buildings.
- H. Circulation system.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas, safely and conveniently. Sidewalks and streets shall be connected into the overall Township network, and shall be extended to adjacent undeveloped properties to provide future connections.
- I. Utilities.** All utilities including telephone, electric, and cable, within the “PUD”, shall be located underground.
- J. Additional considerations.** In their review of a proposed PUD development, the Planning Commission and Township Board may review other considerations that are found to be relevant to a particular project, including but not limited to road capacity, utility systems, signage, lighting, building materials, noise reduction, and visual screening.
- K. Covenants and Restrictions.** Where a homeowner association is to be established, the developer shall file a declaration of covenants and restrictions that will govern the homeowners association for review prior to approval.
- L. Density Bonus.** A variable density bonus of ten percent (10%) shall be allowed as an incentive for the use of the PUD process. An additional density bonus of ten percent (10%) may be approved at the discretion of the Planning Commission and the Township Board of Trustees based upon a demonstration by the applicant of design excellence in the PUD project. In order to be eligible for the additional density bonus the PUD must meet all of the following criteria:
1. Provide perimeter buffer areas at least 150 feet in depth along all road frontages and against incompatible developments (e.g. residential adjacent to commercial, single family residential adjacent to multiple family residential).
 2. Cleanup of on-site contamination, if necessary.
 3. Providing a minimum of 30% open space in the development.
 4. Providing an integrated mixture of housing types and styles within the development.
- M. Open Space.** PUD developments shall include a centrally located, usable open space component that is accessible to all residents of the PUD. These standards should not be confused with Section 14.21 – Open Space Preservation Development. That is a distinct, separate form of development from the PUD.
1. **Character and arrangement.** The arrangement and characteristics of such open space shall reflect good planning and design principles, and shall take into account the following considerations:
 - a) Open spaces shall be conveniently located in relation to dwelling units.
 - b) Open spaces shall have reasonable, minimum dimensions which are usable for the functions intended and which will be maintainable. Open space designs which emphasize perimeter walking paths as the primary open space feature are not permitted.

- c) Open spaces shall satisfy the leisure and recreation needs of all segments of the population residing in the development would be accommodated.
- d) Open spaces shall be integrated into the overall design of the development.

2. **Amount and quality of open space.** Planned unit developments shall provide a minimum amount of open space depending on the zoning district they are located within consistent with the following table:

RR, Rural Residential	50%
NR, Neighborhood Residential	25%
VC, Village Center	10%

A minimum of fifty percent (50%) of the dedicated open space shall be upland area that is accessible to all residents of the PUD. An active recreational area with appropriate equipment or amenities shall be provided within the dedicated open space, equal in size to a minimum of one thousand five hundred (1,500) square feet per dwelling in the residential component of the PUD. The active recreational area shall be well drained, graded, seeded, or sodded and barrier-free accessible.

- 3. **Areas not Considered Open Space.** Common open space shall not include proposed street right-of-ways, open parking area or commercial areas, areas proposed as single-family residential lots or site condominium lots, or areas proposed to be occupied by dwellings. Common open space may contain accessory structures, paved bicycle and/or walking paths, agricultural uses, wetlands, and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses.
- 4. Golf courses may be considered for a maximum of seventy-five percent (75%) of the common open space requirement in a PUD if approved by the Township. The remainder of the land required for open space shall be set aside for the use and enjoyment of the residents of the development and shall satisfy the objectives and requirements of this Section. Accessory golf course uses such as pro shops, restaurants, and bars shall be considered commercial spaces and counted towards the maximum allowable commercial property permitted in the PUD.
- 5. **Protection of Open Space.** The dedicated open space shall be permanently set aside and conserved through an irrevocable conveyance acceptable to the Township that:
 - a) Describes the permitted activities within the dedicated open space, and assures permanent protection from all forms of development, except as shown on an approved PUD plan.
 - b) Identifies who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded, and what standards shall be applied to such maintenance.
 - c) Permits unrestricted access to any active recreation areas by the general public during daylight (dawn until dusk) hours.
 - d) Is submitted prior to and approved during the Final Development Review process. The legal instrument by which the open space is dedicated shall be submitted to and approved by the Township Attorney prior to Final Development Review.

Section 18.03 Informal Conference

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual PUD plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The Planning Commission may also request input from Township Officials, the County Building Inspector, and consultants. Conceptual PUD plans should, at minimum, include the proposed use, building footprint, existing conditions, general site layout, and conceptual grading. Conceptual review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Township Board resolution.

Section 18.04 Preliminary PUD Review Procedure

A. Application. An applicant wishing to develop property under the Township's PUD provisions shall first submit for approval to the Township an application for Preliminary Site Plan review.

1. **Preliminary PUD Plan.** The Preliminary PUD Plan shall contain the following:

- a) A scale of not less than 1" equals 50'.
- b) Date, north arrow and scale.
- c) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within 100 feet.
- d) Legal description of parcel.
- e) The location and nature of any streams, drains, swamps, marshes, and/or unstable soils.
- f) An indication of basic drainage patterns, existing and proposed, as well as existing topographical contours at a minimum of two foot intervals.
- g) The location of all existing and proposed streets, drives and parking areas, along with a designation of whether those areas are to be public or private.
- h) The names, address, and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- i) The location of all existing and proposed structures on the site.
- j) The general landscape concept, showing tree masses to be preserved, added buffer areas, screening, and similar features.
- k) Building envelopes for all parcels.
- l) General layout of all proposed utilities including: water, sewer, telephone, gas, and electrical services.

2. **PUD description.** A detailed description of the proposed uses, building and site improvements, phasing plans, and open spaces. The written statement shall describe how the proposed project qualifies for consideration as a PUD, state why a PUD is preferred over conventional zoning at this site, review possible impacts on public facilities and services, identify benefits to Ovid Township, and provide details and reasons for any proposed modifications from Zoning Ordinance provisions.
3. **Application.** The applicant shall submit an application form with the following information, at a minimum, to the Township Zoning Administrator:
 - a) The applicant's name, address, and phone number.
 - b) Proof that the applicant is the owner of the property or has a legal or financial interest in the property (such as a sales agreement).
 - c) The name and address of all persons, firms or corporations having a legal or equitable interest in the property.
 - d) The address of the property.
 - e) The legal description and parcel identification number of the property.
 - f) Project descriptions.
 - g) Size of the property in acres.
 - h) The signature of the applicant and the property owner.
4. **Impact Assessment.** The Planning Commission may require the applicant to prepare and submit an impact assessment. When required, preparation of the impact assessment shall be the responsibility of the applicant. The applicant shall use qualified professional personnel to complete the impact assessment. The impact assessment shall describe in detail the effect and impact that the proposed "PUD" will have, or may have, upon or with respect to any of the following: Streams, rivers, wetlands, and the quality of surface and ground waters; public utilities; displacement of people and other land uses by the proposed use; the character of the area; traffic; and/or wildlife.
5. Upon receipt of the completed application, application fee and 10 copies of the Preliminary PUD Plan and PUD description, the Township Zoning Administrator shall forward copies of the plan and the application form to the township engineer, planner, and any other persons or agencies deemed appropriate. The balance of the plans and the original application form shall be distributed to the Planning Commission to allow for their review of the proposed PUD.

B. Public Hearing.

1. Prior to approval of the preliminary site plan, the Planning Commission shall hold a public hearing, one (1) notice of such shall be published (in accordance with the requirements in Section 20.03.C) not less than 15 days prior to the public hearing date in a newspaper of general circulation in the Township and sent by first class mail to the holders of the property for which the project is proposed, to the owners of record of all real property, and to the occupants of all structures located within 300 feet of the boundaries of the property in question. The notice shall:
 - a) Describe the nature of the PUD request.
 - b) Adequately describe the property in question.

- c) State the date, time and place for the public hearing.
- d) Indicate when and where written comments concerning the proposed project will be received.
- e) Indicate that the property is also under consideration for rezoning to PUD district. If the development involves the rezoning of 11 or more existing parcels, then each individual parcel is not required to be identified and the notice is not required to be mailed to adjacent neighbors and occupants (see Section 20.03.C). [Amended: 3/10/2008; Ord. #26]

2. Within 45 days after receipt of the completed application and fee the Planning Commission shall schedule a public hearing on the request.

- C. Planning Commission Consideration.** Subsequent to the hearing, the Planning Commission shall review the proposed PUD, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the project meets the general requirements for a PUD (Section 18.02), and whether the Preliminary PUD Plan meets the following standards:
1. The proposed development is in keeping with the overall goals of the Township's Master Land Use Plan.
 2. The proposed development is designed to be in harmony with the existing and intended character of the general vicinity.
 3. The proposed development will not be detrimental to the existing or future neighboring uses.
 4. The proposed development meets the intent of the PUD district.
 5. The proposed development will not be detrimental to the economic welfare of the community.
 6. The proposed development is consistent with the purposes of this Ordinance.
- D. Planning Commission Decision.** Within a reasonable time following the public hearing, the Planning Commission shall recommend to the Township Board of Trustees, one of the following: approval, approval subject to certain specified conditions, or denial. [Amended: 3/10/2008; Ord. #26]
- E. Township Board Action.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall review all findings and take action to approve, approve with conditions or deny the Preliminary PUD plan, and shall set forth the reasons for their action.
- F. Effect of Township Board action on the Preliminary PUD Plan.** Preliminary PUD Plan approval is intended to provide direction for preparation of the Final PUD Plan, but shall not assure approval of the Final PUD Plan. Preliminary PUD plan approval shall expire two (2) years after the date of approval, unless the Final PUD plan for the project has been submitted to the Planning Commission for review. Upon written request received by the Township prior to the expiration date, the Township Board may grant an extension of up to one (1) year, upon determining that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Preliminary PUD plan remains in conformance with the purpose and provisions of this Chapter and the goals and objectives of the Master Plan. If the Township Board denies the Preliminary PUD Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new Preliminary PUD Plan for further consideration.

Section 18.05 Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies. Proof of approval shall be submitted with the Final PUD Plan.

Section 18.06 Final PUD Plan Review Procedures

A. Application. Following approval of the Preliminary PUD Plan, the applicant shall complete and submit 10 copies of the Final PUD Plan to the Planning Commission for approval. This plan shall contain at a minimum the following information:

1. All information required under Preliminary Site Plan approval.
2. Complete engineering drawings and calculations for all roads, bridges, signs, sanitary sewer, and water and storm water infrastructure.
3. All roads whether public or private shall be constructed according to applicable Township standards for public roads. Where no Township standards for similar roads exist, the roads shall be constructed to applicable county standards for public roads.
4. Storm water and drainage shall be designed to county standards for conventional subdivisions under P.A. 288 of 1967 (The Subdivision Control Act).
5. Floor plans and elevation drawings for all non-residential buildings.
6. Landscape plan.
7. Golf course management and/or landscape management plans.
8. The location and type of any hazardous materials or landscape maintenance chemicals to be stored on the site.
9. Master Deeds, Master Condominium documents and special subdivision regulations or covenants.
10. Projected time for completion of the entire project.
11. Proposed phasing, if any, and the projected time for completion of each phase.
12. Detailed plans addressing any special concerns or requests of the Township raised during the Preliminary Site Plan approval phase.
13. Any additional information necessary or requested by the Township to show consistency with the Preliminary PUD Plan.

B. Planning Commission Action. Subsequent to the hearing, the Planning Commission shall review the Final PUD plan, together with any reports and recommendations from officials, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the Final PUD Plan conforms to the following objectives and requirements, and shall then report its findings and recommendations to the Township Board:

1. The Final PUD Plan is consistent with the approved Preliminary PUD Plan, any conditions of approval, and the land use goals and objectives of the Master Plan.

2. All conditions of Preliminary Final PUD Plan approval have been addressed.
3. All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.

C. Township Board Action. Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall review all findings and take action to approve, approve with conditions or deny the Final PUD plan, and shall set forth the reasons for their action.

Approval of the Final PUD Plan and PUD Agreement by the Township Board shall allow the applicant to submit construction and building plans for the project to the County Building Inspector for review. All construction and building plans and permits shall conform to the approved Final PUD Plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final PUD Plan.

D. Expiration. An approved Final PUD Plan shall expire 365 days after the date of approval of the Final PUD plan, unless building permits have been issued or construction has commenced. If such construction has commenced, Final PUD Plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than 180 continuous days, said approval shall immediately expire. Upon written request received by the Township prior to the expiration date, the Township Board may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Final PUD Plan remains in conformance with the purpose and provisions of this Chapter and the goals and objectives of the Master Plan.

Section 18.07 Amendments to an Approved Final PUD Plan

Changes to an approved Final PUD plan may occur only under the following circumstances:

- A.** A developer or property owner who has been granted final PUD approval by the Township Board shall notify the Township Zoning Administrator or Supervisor if they desire to change an approved final development plan.
- B.** Minor changes to a final development plan may be approved by the Zoning Administrator provided that the proposed revision does not alter the basic design nor conditions of the plan. "Minor changes" are limited to the following:
 1. For residential buildings, the size of structures may be reduced or increased by five percent (5%) provided that the overall density of units does not increase.
 2. Square footage of nonresidential buildings may be decreased or increased by up to five percent (5%).
 3. The relocation of building footprints by not more than three (3) feet, unless a specific setback or separation distance is imposed as a condition of the PUD approval.
 4. An increase in area portions of the site designated as "not to be disturbed".
 5. Landscape materials may be replaced by similar plant materials on a one-to-one basis or greater.
 6. Building materials may be changed to those of higher quality.

7. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the PUD which are not significant in relation to the PUD and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare.
- C. Should the Zoning Administrator and/or Township Supervisor determine that the requested modification to the final PUD plan is not minor, resubmittal to the Planning Commission is necessary.
- D. Should the Planning Commission determine that the modifications to the final PUD plan significantly alter the intent of the original concept of the project, a new final PUD submittal, illustrating the modification and satisfying the requirements of Section 18.06, shall be submitted for review by the Planning Commission and Township Board.

Section 18.08 Performance Guarantees

To ensure compliance with the Zoning Ordinance and any conditions imposed thereunder, the Planning Commission may require that a case certified check, irrevocable letter of credit, or surety bond acceptable to the Township and the Township Attorney covering the estimated cost of improvements associated with a project, be deposited with the Township to ensure faithful completion of the improvements.

Chapter 19.

Site Plan Review and Procedure

Section 19.01 Purpose

The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review for proposed development plans. Through the application of the following provisions, the attainment of the Ovid Township Master Plan will be assured, and the Township will develop in an orderly fashion.

Section 19.02 Determination of Whether Site Plan Review is Required.

A. Submission of a site plan shall be required for any of the following:

1. Any development or use for which submission of a site plan is required by provisions of this Ordinance.
2. Any proposal to construct, move, relocate, convert or structurally alter a building, including accessory buildings, except as noted below. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area or height of the building.
3. All condominium developments (including "site condominium" developments).

B. Exempt Development. Unless specifically required by the provisions of this Ordinance the following developments are exempt from the provisions of this Chapter, however a plot plan shall be submitted and a zoning permit is required, in accordance with Section 22.06:

1. Single and two-family dwelling units on individual lots.
2. Residential accessory buildings (for personal use) less than 1,200 sq. ft. in area in residential or agricultural zoning districts.
3. Agricultural accessory buildings located in agricultural zoning districts and agricultural accessory buildings in an otherwise legal and lawful nonconforming use.

C. Site Plan Review Not Required by the Planning Commission. Uses with approved site plans, which propose a one-time change constituting ten percent (10%) or less of the building floor area or ten percent (10%) or less of the required parking spaces, may be reviewed, approved and administered by the Township Zoning Administrator. Such review and approval by the Township Zoning Administrator shall be reported to the Planning Commission at the next regularly scheduled meeting. However a plot plan shall be submitted and a zoning permit is required, in accordance with Section 22.06.

- D. Uses or activities not requiring site plan review before the Planning Commission shall submit to the Zoning Administrator a plot plan with adequate dimensions and such information deemed necessary by the Zoning Administrator to assure that the proposed development complies fully with the requirements of this Ordinance.

Section 19.03 Required Information for Site Plans

- A. **Site Plan Information.** Each request for site plan review shall be accompanied by a detailed site plan, which shall consist of an accurate drawing, showing the entire site, and all land within 150 feet of the site. The scale of the site plan shall be not less than one (1) inch equals 50 feet if the subject property is less than three (3) acres, and one (1) inch equals 100 feet if three (3) acres or more. If multiple sheets are used, each shall be labeled and identify the professional who prepared the sheet. The following information shall be included. However, the Chairperson of the Planning Commission may, upon written request, determine that some of the required information is not necessary due to the scope and nature of the proposed project:
1. Name of development and general location sketch.
 2. Name, address and phone number of owner(s), developer, engineer, architect and/or designer.
 3. North arrow, scale, and date of original drawing and revisions.
 4. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, Registered Land Surveyor or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a Registered Architect. The builder or contractor may prepare a site plan for an alteration or addition to an existing structure.
 5. Stamped survey of the property showing building location, drawn to scale, and indicating dimensions of the property. The Township may waive the requirement for a survey at any time.
 6. A legal description and address of the property in question.
 7. The area of the site in square feet and acres excluding all existing and proposed public rights-of-way.
 8. The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated.
 9. Existing topographic elevations at two (2) foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions.
 10. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, and wetlands, and proposed drainage ways.
 11. Location and type of existing vegetation, including location of all existing trees over five (5) inches in diameter. Where strands of trees to be preserved, the general location may be indicated.
 12. Any significant site amenities and unique features.
 13. Existing land uses and zoning classification of the subject parcels and adjacent parcels.

14. All required yards.
15. The location and dimensions (length, width, height) of all existing and proposed structures and accessory structures on the subject property and all existing structures and/or accessory structures within 100 feet of the subject property.
16. The location and width of all existing public roads, rights-of-way or private easements of record, abutting streets, alleys, and driveway locations to abutting streets.
17. With residential proposals, a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet on floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage.
18. With non-residential proposals, the number of offices, number of employees, the number of floors, and typical floor plans and cross sections.
19. Proposed parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per ordinance requirements) and type of surfacing.
20. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.
21. Proposed traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks. Designate loading and unloading areas, barrier free access, any fire lanes, and carports.
22. Proposed finish grade of buildings, driveways, walkways, and parking lots.
23. Proposed type of building materials, roof design, projections, canopies and overhangs, roof-located mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
24. Proposed water service including any proposed tap-ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains.
25. Proposed sanitary sewer facilities and the location of all existing utilities, easements and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
26. Proposed storm water management plan including design of sewers, outlets (enclosed or open ditches), and retention or detention ponds. Sufficient data regarding site run-off estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanency of drainage detention and/or retention as well as the impact on local surface and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan.
27. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
28. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
29. Soil erosion and sedimentation control measures.

30. Detailed landscaping plan indicating location, types and sizes of material, in compliance with the landscaping requirements set forth in Chapter 17.
31. All proposed screening and free standing architectural walls, including typical cross-sections and the height above ground on both sides.
32. The dimensions and location of all signs, both wall signs and free-standing signs, and the associated lighting structures and shielding.
33. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
34. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
35. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
36. Notation of any variances that have been or must be secured.
37. Notation of performance guarantees to be provided including amounts, types, and terms.
38. Statement that applicant will comply with state, local and federal laws, as applicable to the site or intended use.
39. Information and special data that may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
40. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.
41. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
42. Plans depicting existing and proposed building elevations.
43. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan needs to be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
44. Building elevations of the proposed structure(s) and/or accessory structures from each direction shall be shown.
45. Any additional information required by the Planning Commission or Zoning Administrator in order to complete their review.

Section 19.04 Preliminary Site Plan Consideration / Pre-Application Meeting

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual site plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The applicant or Planning Commission may also request input from the County Building Inspector and other Township officials or consultants. Conceptual plans should include, at minimum, the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual plan review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Township Board resolution.

Section 19.05 Application Process

- A. Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Township. Such application shall be submitted at least 30 days prior to the Planning Commission meeting at which review is sought. The site plan shall be prepared in accordance with the provisions of this Chapter, including all appropriate information required by Sections 19.03. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.
- B. Application Form.** Each request for site plan review shall be accompanied by a completed application form furnished by the Township and shall include the following information:
1. The applicant's name, address, and phone number.
 2. The address and parcel number of the property.
 3. The application shall be executed by the owner(s) of the property. The application may be represented by a party who has a legal financial interest in the property (such as a purchase agreement) provided that the application contains an affidavit signed by the property owner(s) indicating the party and the nature of the legal interest.
 4. The address of the applicant to whom all correspondence regarding the application and site plan review the process should be sent.
 5. Project description, including the total project title, number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, and other pertinent information.
 6. The gross and net acreage of all lots or parcels in the project.
 7. Existing zoning classification, land uses, and structures on the subject parcel.
 8. Name and address of developer (if different from the applicant), engineer, architect and/or land surveyor.
 9. Project completion schedule/development phases.

10. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
- C. Number of Copies.** Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. Ten (10) complete copies of all site plans shall be filed with the Zoning Administrator who shall place the request on the next Planning Commission agenda.
- D. Technical Review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to the County Building Inspector, the Road Commission, the Sheriff's Department, the Fire Department, and/or additional Township officials and staff for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review and comment.
- E. Planning Commission Consideration.** The Planning Commission shall review the site plan or sketch plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then take action based on the requirements of this Ordinance and the criteria for approval (Section 19.06). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows: [Amended: 3/10/2008; Ord. #26].
1. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 2. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site shall be denied. If a plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny approval of the site plan.
 3. **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.
 4. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.
- F. Recording Action.** Planning Commission action on the site plan shall be recorded in the Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the Commission's action. The Secretary shall mark and sign two (2) copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. One (1) copy shall be kept on file in the Township, and one (1) shall be returned to the applicant.

Section 19.06 Criteria for Granting Site Plan Approval

In the review of all site plans, the Zoning Administrator and the Planning Commission shall endeavor to assure the following:

- A.** The proposed development conforms to all provisions of the Zoning Ordinances.
- B.** All required information has been provided.
- C.** The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.
- D.** The proposed development will be harmonious with existing and future uses in the immediate area and the community.
- E.** The proposed development provides the necessary infrastructure improvements, such as roads, drainage, pedestrian facilities and utilities, and parking and loading spaces, to serve the site, and be adequately coordinated with the current and future use of adjacent properties.
- F.** The applicable requirements of Township, County and State agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers.
- G.** Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner that will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.
- H.** The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.
- I.** The proposed development will not cause soil erosion or sedimentation.
- J.** Landscaping, including trees, shrubs and other vegetative material, is provided to maintain, improve, and/or restore the aesthetic quality of the site.
- K.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials, and color.
- L.** All elements of the site design are harmoniously and efficiently organized in relation to topography, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access, and the type and size of buildings.

Section 19.07 Performance Guarantee

To ensure compliance with the Zoning Ordinance and any condition imposed within, the Planning Commission may require that a cash certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Township to ensure faithful completion of the improvements and also be subject to the following:

- A. The performance guarantee shall be deposited prior to the issuance of a temporary certificate of occupancy. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Any partial release of funds shall be less than 10%, which shall be retained by the Municipality until all work has been completed and subsequently inspected and approved by the Zoning Administrator or County Building Inspector. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper function of said public improvements.
- B. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (the state Subdivision Control Act).
- C. As used in this section, "improvements" mean those features and actions associated with projects which are considered necessary by the body or official granting zoning approval, to protect 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 roadways, lighting, utilities, sidewalks, screen, landscaping, and surface drainage. Improvements do not include the entire project that is the subject of zoning approval.

Section 19.08 Issuance of Building Permit After Site plan Approval

Construction plans shall be submitted for review by the County Building Inspector and, as applicable, the Township Engineer. Upon review and finding that the construction plans meet with the requirements of site plan approval and other applicable ordinances of the Township, the Building Inspector shall issue a building permit for construction.

Section 19.09 Site Plan Resubmission, Appeals, Expiration, or Revisions

- A. **Resubmission.** A plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of plan determinations. However, when the Planning Commission approves a plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals. The Zoning Administrator shall provide copies of the site plan, application materials, and Planning Commission meeting minutes to the Zoning Board of Appeals. Zoning Board of Appeals consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.
- C. **Expiration of site plans.**
 - 1. **Plan approval.** Site plans shall expire 365 days after the date of approval.
 - 2. **Extension of approval.** Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan or sketch plan remains in conformance with all applicable provisions of this Ordinance.

Section 19.10 Conformity to Approved Site Plan Required

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this Ordinance and subject to the sanctions of Chapter 23.

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner/applicant shall submit to the Township Zoning Administrator two (2) copies of an "as built" site plan, certified by an engineer or architect, at least one (1) week prior to the anticipated occupancy of any building. The County Building Official shall withhold the Certificate of Occupancy in any case where the site plan and major conditions as approved by the Planning Commission have not been complied with. Any minor variations may be approved by the Zoning Administrator, and shall be reported to the Planning Commission within 30 days after the issuance of Certificate of Occupancy.

Chapter 20.

Special Land Use Permit Review and Approval Procedures

Section 20.01 Purpose

- A. **Intent.** The procedures and standards set forth in this Chapter are intended to provide a consistent and uniform method for review of proposed plans for special land uses.
- B. **Purpose.** The purpose of incorporating special use permits into the Zoning Ordinance is based on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the Township into districts, and within each district the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses that, while generally compatible with other uses in a particular zoning district, may not be suitable for each property located within that district. Furthermore, there are certain uses that, because of their unique characteristics, may require additional development standards to minimize potential impacts to adjacent and nearby properties.
- C. **Application.** Certain uses are permitted by special use permit in accordance with the various zoning district regulations. When a special use permit is required, no zoning permit shall be issued, no construction for any building or structure shall be commenced, and no use shall be made until and after the Township Board approves a special use permit for a particular use on a particular lot in accordance with the procedure set forth in this Chapter.

Section 20.02 Application Requirements

Special land use applications shall be submitted in accordance with the following:

- A. **Eligibility.** The owner or operator of the proposed use, the owner of an interest in the lot where the special land use would be located, or by the owner or operator's designated agent, shall submit the application. The applicant or agent is required to be present at all scheduled review meetings.
- B. **Requirements.** Special land use applications shall be submitted to the Township on the forms and according to the guidelines provided by the Township, and shall include the following information:
 - 1. The applicant's name, address, telephone and facsimile numbers.
 - 2. The names and addresses of all owners of record, and proof of ownership. If the applicant leases the property, a copy of the lease shall be provided, along with the owner's signed authorization for the application.

3. Legal description, address, location and tax identification number of the property.
 4. A certified survey drawing of the subject property. The Zoning Administrator and/or the Zoning Board of Appeals may exempt this requirement for certain types of variances or applications.
 5. A detailed description of the proposed use.
 6. A site plan that meets the requirements of Section 19.03.
 7. Appropriate fees, as determined by the Township Board.
 8. Supporting statements, evidence, data, information, and exhibits that address those standards and requirements for assessing special use permit applications outlined in Section 20.04 below.
 9. Any other information, deemed necessary by the Planning Commission to determine compliance with the standards for approval set forth in this Ordinance. [Amended: 3/10/2008; Ord. #26]
- C.** For Special Uses proposed to be located on more than one lot or parcel of land, any individual parcel may be removed from the application, and not approved for the Special Use, as a condition of the approval of the remaining parcels in the application. [Amended: 6/3/2021]

Section 20.03 Review Procedures

- A. Concurrent Review.** The conditional use review and site plan review may occur concurrently at the discretion of the Planning Commission.
- B. Submission of the Application.** The application shall be filed with the Zoning Administrator, who shall review the application within 15 days of its receipt. In reviewing the application for completeness, the Zoning Administrator may consult with the Chairman of the Planning Commission, the Township Supervisor, the Township Engineer, and any other parties whose input the Zoning Administrator deems necessary for the proper review of the application. If the Zoning Administrator finds that the application is not complete, he shall return the application with a written explanation of the additional information that is required. Once the application is found to be complete, the Zoning Administrator shall schedule the application for a Public Hearing at a regular meeting of the Planning Commission, within 45 days of the date on which the application was found to be complete.
- C. Public Hearing.** Upon receipt of an application for a use requiring special land use permit approval (or other item or request requiring a public hearing), the Planning Commission shall hold a public hearing, requiring one (1) notice of which to be published not less than 15 days prior to the public hearing date in a newspaper of general circulation in the Township. All applications requiring a public hearing shall comply with the Michigan Zoning Enabling Act, as amended, and the other provisions of this Section with regard to public notification. [Amended: 4/13/2009; Ord. #27]
1. **Responsibility.** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.
 2. **Content.** All mail, personal, and newspaper notices for public hearings shall:

- a) **Describe nature of the request.** Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.
 - b) **Location.** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - c) **When and where the request will be considered.** Indicate the date, time and place of the public hearing(s).
 - d) **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e) **Handicap access.** Information concerning how handicap access will be accommodated in the meeting facility is not handicap accessible.
3. **Personal and Mailed Notice.**
- a) **General.** Except as otherwise provided in this Ordinance and State Law, notice shall be provided to:
 - (1) The owners of property for which approval is being considered, and the applicant, if different than the owners(s) of the property.
 - (2) Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request and to all occupants of those properties, regardless of whether the property or occupant is located within the boundaries of the Township. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, 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. If the name of the occupant is not known, the term "occupant" may be used in making notification. [Amended: 4/13/2009; Ord. #27]
 - (3) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Paragraph 5 below, Registration to Receive Notice by Mail.
 - b) **Notice by mail/affidavit.** Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

4. **Timing of Notice.** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, or this Ordinance where applicable, notice of a public hearing shall be provided not less than fifteen (15) days before the date of the public hearing. Notice shall be deemed provided when personally delivered or deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. [Amended: 4/13/2009; Ord. #27]
5. **Registration to Receive Notice by Mail.**
 - a) **General.** Any neighborhood organization, public utility company, railroad, or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to Paragraph 3 above, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 - b) **Requirements.** The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must register bi-annually to continue to receive notification pursuant to this Section. [Amended: 3/10/2008; Ord. #26]
- D. **Planning Commission Consideration.** Subsequent to the hearing, the Planning Commission shall review the application for the special use, together with any reports and recommendations from staff, consultants, and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and Section 20.04, and shall provide a recommendation to the Township Board. The Planning Commission may postpone consideration of the special land use application, recommend approval, recommend approval subject to conditions or recommend denial to the Township Board for the special land use.
- E. **Township Board Consideration.** The Planning Commission shall transmit its recommendation, together with reports and public hearing findings, to the Township Board for final action. The Township Board may postpone consideration of the application, deny, approve, or approve with conditions a special land use. Any decision on such a request shall state the finding of fact and specify the conclusions drawn there from and any conditions imposed thereon.
- F. **Recording.** Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the Planning Commission and/or the Township Board. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

Section 20.04 Standards for Approval

Approval of a special land use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards applicable to the use:

- A. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the Township.
- B. **Compatibility with adjacent uses.** The use is compatible with adjacent uses and the existing or intended character of the surrounding area, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the area or Township as a whole.

- C. **Compatibility with the Master Plan.** The location and character of the use is consistent with the general principles, goals, objectives, and policies of the adopted Ovid Township Master Plan.
- D. **Compliance with applicable regulations.** The use is in compliance with all applicable Zoning Ordinance provisions, Township codes and ordinances, federal and state laws and outside agency regulations.
- E. **Impact upon public services.** The impact of the use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.
- F. **Traffic impacts.** The use is designed and located in a manner that minimizes any adverse traffic impacts.
- G. **Impact upon the environment and the public health, safety, and welfare.** The use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts. The proposed use shall be compatible with the natural environment.
- H. **Isolation of existing uses.** Approval of the use will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Section 20.05 Special Land Use Expiration, Duration, Amendment, and Revocation

- A. **Expiration of Special Use Approval.** Special land use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the site plan associated with the special land use has been submitted to the Township for review. Special land uses shall also expire upon expiration of the approved site plan associated with a special land use. Upon written request received by the Township prior to the expiration date, the Township Board may grant one (1) extension of up to 180 days, provided that the special land use conforms to current Zoning Ordinance standards.
- B. **Effective Duration of Special Use Approval.** Special use approvals shall be valid for the duration of the approved use, provided that the use is operated in compliance with all regulations of this Ordinance and all conditions of approval. However, the Township Board may, as a condition of approval, impose a specific time period for the Special Use, after which the Special Use must be renewed in order to continue operations. If an approved Special Use ceases operation for a period longer than six months, the Special Use shall be considered void.

The sale, transfer, or conveyance of the entity granted the Special Use Permit shall not void the Special Use. However, the Township Board may impose a condition of approval requiring the Township to be notified of any change in ownership impacting the Special Use. [Amended: 6/3/2021]

- C. **Amendments to Special Land Uses.** When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special approval of land use. The denial of an application to amend an existing Special Use Permit shall not nullify or cause to prohibit the applicant from continuing to operate in compliance/conformance within the specifications of the original (existing) Special Use Permit approval.

- D. Rescinding Approval of Special Land Uses.** Approval of a special land use may be rescinded by the Township Board upon determination that the use has not been improved, constructed, or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 20.03.C, at which time the owner or operator of the use or owner of an interest in land for which the special use was sought, or the owner or operator's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to said owner, operator, or designated agent. [Amended: 3/10/2008; Ord. #26]

Section 20.06 Other Procedures and Requirements for Special Uses

- A. Abandonment.** Any Special Use that ceases operations for more than 6 months shall be deemed "abandoned" under this Ordinance, and the Special Use permit shall be considered void. In the event of abandonment, the following process shall be required for campgrounds, wireless communications facilities, composting centers, outdoor recreation facilities, wind energy conversion systems, solar farms, mineral/soil/gravel extraction, junk yards, salvage yards, and any other use that, in the opinion of the Township Board, includes outdoor facilities, equipment, storage, or activities.
1. All outdoor equipment, structures, or stored material must be removed from the site, including, but not limited to, wind energy conversion systems, solar panels, wireless communication towers, equipment, vehicles, and any remaining items within an outdoor storage area. The removal shall be at the expense of the owner of the equipment, structures, or stored material (meaning, in the case of a solar farm, wind energy conversion system, or wireless telecommunications facility, the owner of the solar farm, wind energy conversion system, or wireless telecommunications facility). The Township Board may approve specific fences or accessory structures to remain in place. However, in the absence of such approval, fences and accessory structures must be removed.
 2. The removal process must begin within 3 months of the cessation of operations at the site, and must be completed within 12 months, unless a time extension is approved by the Township Board.
 3. The Township Board shall require a performance bond to guarantee all required equipment, structures, and/or stored materials are removed. At the time of the Special Use application, the applicant shall submit two third-party contractor bids for removal of all panels and related equipment, and the bond shall be the higher of the two bids. The Township shall review the bond every two years, including submission of two updated third-party contractor removal bids by the owner of the special use (meaning, in the case of a solar farm, wind energy conversion system, or wireless telecommunications facility, the owner of the solar farm, wind energy conversion system, or wireless telecommunications facility), and shall require an additional deposit if the amount is no longer sufficient to cover removal costs.

4. A copy of the relevant documents (including the signed lease, deed, license, or land contract) which allows the installation of the special use, and which requires the special use applicant to remove all equipment, structures, and/or stored materials upon cessation of operations shall be submitted at the time of application. In the event that any equipment, structures, and/or stored materials are not removed within the twelve (12) months of the cessation of operations at a site, the panels and facilities shall be removed by the Township and the costs of removal assessed against the real property.

B. Setback Alteration. The required setbacks for any Special Use may be increased or decreased by the Township Board during the Special Use approval process, based on the following criteria. If the Township Board alters a setback requirement, the alteration shall be listed as one of the conditions of approval.

1. **Setback Increase.** The Township Board may increase a required setback to up to 200% of the minimum (meaning the minimum times 2), upon determining that one or more of the following criteria are met. The Township Board shall not be permitted to increase the setbacks to the point where the lot in question would become unusable for the Special Use in question, based on the other requirements of this Ordinance and the operational needs of the Special Use.
 - a) The minimum required setback is insufficient to protect a specific parcel from the negative impacts of the proposed Special Use, including, but not limited to, noise, glare, water runoff/drainage, and /or restricting the ability of the non-participating parcel to be used for a use permitted in the Zoning District.
 - b) Applying the setbacks as written would cause a residential home to be completely surrounded by the proposed Special Use on all sides, with insufficient setback to mitigate the negative impacts of the complete surrounding, in the opinion of the Township Board.
 - c) Additional setbacks are required to protect a natural feature or wildlife corridor.
2. **Setback Decrease.** The Township Board may decrease a required setback to no less than 50% of the minimum (meaning the minimum divided by 2), upon determining that the setback, when applied to the Special Use in question, is not necessary to protect an adjacent parcel from negative impacts, including, but not limited to, noise, glare, water runoff/drainage, and /or restricting the ability of the non-participating parcel to be used for a use permitted in the Zoning District, in the opinion of the Township Board. In addition, at least one of the following criteria must also be met.
 - a) The required setbacks render a parcel unusable for the Special Use in question.
 - b) Topography, natural features, or other physical aspects of the parcel in question, render the setback impractical.
 - c) Imposing the setback creates a negative impact on agricultural production on the parcel in question.

C. Compliant Resolution. The purpose of this section is to provide the public with a mechanism to file a complaint with the Zoning Administrator regarding a Special Use, and receive a timely response regarding alleged ordinance violations or violations of the Conditions of Approval.

1. Upon receiving a complaint of an alleged Ordinance violation, the Zoning Administrator shall notify the owner and operator of the Special Use (meaning, in the case of a solar farm, wind energy conversion system, or wireless telecommunications facility, the owner of the solar farm, wind energy conversion system, or wireless telecommunications facility), and, if they are separate entities, the owner of the lot in question.

2. Upon notification by the Zoning Administrator, the Special Use owner and operator shall have 60 days to investigate the complaint, and respond with either a mitigation plan or a statement requesting that the matter be reviewed by the Zoning Board of Appeals. If the Special use owner and operator believes that the Special Use is not in violation, it shall request a review by the Zoning Board of Appeals.
 - a) If the Special Use owner and operator does not respond within 60 days, the Zoning Administrator shall notice a public hearing at the Planning Commission (as described in Section 20.03.C) for the purpose of discussing a revocation of the Special Land Use Permit. The Special Use owner and operator shall be notified of the hearing. If the Special Use owner and operator responds to the complaint prior to the hearing date, the hearing shall be cancelled.
 - b) If the Special Use owner and operator submits a mitigation plan, the Zoning Administrator shall review it and determine if it is satisfactory to mitigate the complaint.
 - (1) The Zoning Administrator may consult outside experts, the Township Attorney, or the Township Planner, in making a determination.
 - (2) If the mitigation plan is determined to be satisfactory, the Special Use owner and operator must implement the mitigation within 60 days. The Zoning Administrator may extend the deadline upon determining that is not practical for the mitigation to be accomplished in 60 days due to circumstances beyond the applicant's control.
 - (3) If the Special Use owner and operator fails to implement the mitigation plan, the Zoning Administrator shall notice a public hearing at the Planning Commission (as described in Section 20.03.C) for the purpose of discussing a revocation of the Special Land Use Permit. The Special Use owner and operator shall be notified of the hearing. If the Special Use owner and operator implements the mitigation plan prior to the hearing date, the hearing shall be cancelled.
 - c) If the Special Use owner and operator requests that the Zoning Board of Appeals review the matter, the Zoning Board of Appeals shall hold a public hearing (as described in Section 20.03.C), and shall hear evidence from both the complainant, and the Special Use owner and operator. Following the public hearing, the Zoning Board of Appeals shall make one of the following determinations:
 - (1) The Special Use is in compliance with the Ordinance and all Conditions of Approval, and no further action is needed.
 - (2) The Special Use is out of compliance with either the Ordinance, or the Conditions of Approval, or both, and the Special Use owner and operator must submit a mitigation plan to the Zoning Administrator within 60 days. If no mitigation plan is submitted, the Zoning Administrator shall notice a public hearing of the Planning Commission for the purpose of revoking the Special Use Permit. If the Special Use permit is revoked, the abandonment process described in Section 20.06.A shall begin.

[Amended: 6/3/2021]

Chapter 21.

Condominiums

Section 21.01 Intent

The intent of this chapter is to provide regulations and standards governing the development of condominiums within Ovid Township, Branch County, Michigan. These provisions apply to residential, commercial, and industrial uses on individual building sites and planned unit developments.

Section 21.02 Initial Information.

Concurrently with notice required to be given to Ovid Township pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium project shall provide the following information:

- A.** The name, address, and telephone number of the following parties:
 - 1. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - 2. All engineers, attorneys, architects, planners, or registered land surveyor associated with the project.
 - 3. The developer or proprietor of the condominium development.
- B.** The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
- C.** The acreage content of the land on which the condominium development will be developed.
- D.** The purpose of the development (for example, residential, commercial, industrial, etc.)
- E.** Approximate number of condominium units to be developed on the subject parcel.

Section 21.03 Information to be Kept Current

The information shall be furnished to Ovid Township and the Branch County Building Inspector and shall be kept updated until such time as a Certificate of Occupancy has been issued.

Section 21.04 Site Plans for New Projects

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Chapter 19 of the Ovid Township, Zoning Ordinance. In addition, appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy shall be submitted to the County.

Section 21.05 Site Plans for Expandable or Convertible Projects

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Chapter 19 of the Ovid Township, Zoning Ordinance. Any anticipated convertible area must be indicated as such on the original condominium site plan. All Convertible and Expandable Condominiums must also satisfy the requirements of the State Condominium Act in terms of the condominium documents and the condominium site plan. If the condominium is a site condominium, the expansion or conversion shall also satisfy the standards and procedures of Section 21.09 below.

Section 21.06 Master Deed, Restrictive Covenants, and “As-Built” Survey to be Furnished

The condominium development developer or proprietor shall furnish the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as-built survey". The "as-built survey" shall be reviewed for compliance with the Ovid Township Zoning Ordinance. Fees for this review shall be established by resolution of the Ovid Township. Draft versions of the Master Deed and Restrictive Covenants shall be reviewed during the approval process.

Section 21.07 Monuments Required

- A.** The following requirements shall apply to monuments on all condominium projects.
1. All condominium projects shall be marked at their boundaries with monuments consisting of iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch (1/2") in diameter, or other approved markers.
 2. All condominium developments shall comply with federal and state statutes and local ordinances.
- B.** All condominium developments which consist in whole or in part of condominium units which are residential, commercial, or industrial building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
1. All monuments used shall be made of solid iron or steel bars at least one-half inch (2") in diameter and thirty-six inches (36") long and completely encased in concrete at least four inches (4") in diameter.

2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
3. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plans and referenced to the true point.
4. If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch (2") in diameter, shall be drilled and grouted into solid rock to a depth of a least eight inches (8").
5. All required monuments shall be placed flush with the ground where practicable.
6. All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch (2") in diameter, or other approved markers.
7. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit to Ovid Township, whichever the proprietor selects in an amount to be established by the Township Board, by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 21.08 Occupancy

A certificate of occupancy of the condominium development may be granted before all improvements required by this Ordinance are installed with the approval of the Zoning Administrators provided that cost, certified check, or an irrevocable bank letter of credit is submitted to the Township sufficient in amount and type to provide for the installation of improvements without expense to the Township.

Section 21.09 Site Condominiums

- A. Review Procedures.** Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Township Board following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board, the Planning Commission shall consult with all applicable offices or agencies (Zoning Administrator, Planning Consultant, Engineering Consultant, Attorney, etc.) regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and the Ovid Township Zoning Ordinance. The review process shall consist of two steps:

1. **Preliminary Plan Review.** In the preliminary plan review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Zoning Ordinance and Master Plan. Plans submitted for preliminary review shall include information specified in items 1 - 4 of the Submission Requirements as set forth below.
 - a) The Planning Commission shall hold a public hearing to discuss the preliminary plan. Notice of the hearing shall be published in accordance with the requirements of Section 20.03.C. [Amended: 3/10/2008; Ord. #26]
 - b) Subsequent to the public hearing, the Planning Commission shall review the preliminary plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies, and any public comments. The Planning Commission shall then provide a recommendation to the Township Board.
 - c) The Planning Commission shall transmit its recommendation, together with reports and public hearing findings, to the Township Board for final action on the preliminary plan. The Township Board may postpone consideration of the applications, deny, approve, or approve with conditions.
 - d) Preliminary Plan approval shall last for two years at which time the applicant will need to start the process over again. The Planning Commission may grant a one-year extension if circumstances warrant.
 2. **Final Plan Review.** Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final review by the Planning Commission. Final plans shall include information as required by items 1 - 8 of the Submission Requirements as set forth below. The Zoning Administrator shall review such plans, as well as the Township's Attorney and Planning and Engineering Consultant as needed. Further, such plans shall be submitted for review and comments to all applicable local, county, and state agencies as may be appropriate, and as determined by the Planning Commission.
 - a) The Planning Commission shall make the final determination whether to deny, approve, or approve with conditions the site condominium based on the following criteria:
 - (1) Consistency with the preliminary plan.
 - (2) Compliance with any conditions of preliminary plan approval.
 - (3) Proof of receipt of all applicable County, State, and Federal permits and approvals.
 - (4) Compliance with local and county engineering and road design standards.
 - b) If there are significant changes to the plan between preliminary and final review, the Planning Commission shall make a determination whether or not the Township Board should review the final plan.
- B. Submission Requirements.** In addition to the requirements of Section 66 of the Condominium Act, Public Act 59 of 1978 as amended, and the requirements for site plans contained in Chapter 19 of the Ovid Township Zoning Ordinance, all plans for site condominium projects presented for approval shall contain the following information:
1. Survey of the condominium subdivision site.

2. A survey or drawing delineating all natural features on the site including, but not limited to: ponds, streams, lakes, drains, flood plains, wetlands, and woodland area.
 3. The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
 4. A generalized plan for the provision of utilities and drainage systems.
 5. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
 6. A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to utility companies or the Township for repair and maintenance of all utilities.
 7. A street construction and maintenance plan for all streets within the proposed condominium subdivision.
 8. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities.
- C. Zoning Standards.** A site condominium development, whether intended for residential, commercial, or industrial use shall be subject to all of the requirements and standards of the applicable Zoning District in which the development is located.
- D. Engineering Standards.** The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by the Zoning Ordinance. All newly created streets, regardless of whether they are to be in public or private ownership, shall conform to all minimum requirements of the general specifications and typical cross sections of the Branch County Road Commission.
- E. Roads.** All roads within site condominium developments shall satisfy the standards at the Branch County Road Commission and this zoning ordinance, including Section 14.24 - Roadway Design Standards.
1. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 2. Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be, determined with due consideration to the minimum distance required for approach grades to future grade separation.
 3. All streets in the site condominium development shall be dedicated to the public unless otherwise permitted in this Ordinance. In the event that some streets are not dedicated those streets shall be property maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to insure that streets will be properly maintained. [Amended: 3/10/2008; Ord. #26]
- F. Easements.** The following requirements apply to easements located within site condominiums.
1. Location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve feet (12') wide and six feet (6') from each proposed condominium unit site.

2. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
3. Easements six feet (6') in width, three feet (3') from condominium unit site shall be provided where needed alongside condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company).
4. Drainage easements shall be provided, which conform substantially to the lines of any natural watercourse, drainage ditch, channel, or stream. Such easements shall be of adequate width for the particular conditions of the site.

G. Condominium Units. Condominium units within site condominium developments shall conform to the following standards.

1. The condominium unit size, width, depth, and shape in any site condominium shall meet the approval of the Planning Commission and shall be appropriate for the location and type of development contemplated. Condominium units shall be of such size as to permit a variety of housing types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.
2. Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of the Ovid Township Zoning Ordinance for the District in which the site condominium is proposed.
3. Condominium units situated on corner lots in residential condominium subdivisions shall have sufficient width to satisfy the front yard setback standards along both street frontages.
4. Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
5. Condominium units intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setback, and other requirements in accordance with the Ovid Township Zoning Ordinance.
6. Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed in Chapter 13 of the Ovid Township Zoning Ordinance, "Schedule of Regulations".
7. Side condominium unit lines shall be at right angles or radial to the street lines.
8. Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.
9. Condominium units shall have a front-to-front relationship across all streets where possible.
10. Where condominium units border upon bodies of water, the front yard shall be designated as the water front side of such condominium unit and the building envelope shall provide sufficient depth.

- H. Natural Resources.** The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor, and the provision of adequate barriers, where appropriate, shall be required.
- I. Sidewalks.** Sidewalks shall be installed in all single-family detached site condominium developments. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Sidewalks shall conform to the following requirements:
1. All sidewalks must be a minimum of five feet (5') in width.
 2. Sidewalks must be made of concrete.
 3. Sidewalks must be located on both sides of all streets, unless the Planning Commission determines that this is unnecessary based on the character of the development.
 4. Sidewalks and curb ramps must be ADA compliant.
- J. Utilities and Improvements.** Utilities and improvements installed or proposed in site condominium developments shall conform to the following standards.
1. **Storm Drainage.** An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the Township or their consultant, shall be required in all developments. Adequate provision shall be made for proper drainage or storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Planning Commission may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the County when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the Township.
 2. **Sewage Disposal.** Each unit in the site condominium shall be provided with adequate sanitary sewage disposal capabilities. Where possible the development shall be tied into the Ovid Township Sanitary Sewer System, and it shall be constructed in such a manner so as to adequately serve all condominium units shown on the condominium subdivision plan. If the development is not close enough to tie into the Sewer System, then private systems or septic systems shall be installed. These systems must be approved by the Branch County Public Health Department prior to Fund Development Plan approval. All sewer mains and appurtenances should be located in general common elements or easements where possible.
 3. **Water Supply.** Each unit in the development shall be provided with a well for water consumption. All wells must be approved by the Branch County Public Health Department prior to Final Development Plan approval.
 4. **Curbs and gutters.** Roll or batter curbs shall be constructed on all streets shown on the plat in accordance with standards and specifications of the Branch County Road Commission.

5. **Telephone lines, Electric lines, Television lines, etc.** The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Overhead lines may be permitted upon written recommendation of the Township Engineer and the approval of the Planning Commission at time of preliminary plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations that traverse privately held property should be protected by easements granted by the proprietor.

K. Revision of Condominium Site Plans and Amendments to Condominium Documents.

1. Minor revisions and amendments to approved final development plans for site condominiums may be approved administratively by the Zoning Administrator. Minor revisions would not alter the approved site design, uses, intent, or conditions of the originally approved site condominium. The following shall be considered minor revisions:
 - a) Changes in residential floor area of not more than five percent (5%) provided that there is no increase in the number of units.
 - b) The relocation of building footprints by not more than three (3) feet.
 - c) An increase in area for portions of the site designated as “not to be disturbed.”
 - d) The substitution of plant materials by similar types of landscaping on a 1-to-1 basis.
 - e) Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography, which are not significant to the layout of the development and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare. However, the Zoning Administrator always has the right to consider any modification a major modification.
2. All other revisions and modifications shall be considered major revisions and amendments to approved final development plans for site condominiums and shall return to the Planning Commission for Final Plan Review per the procedures and requirements of Section 21.09.A.2 above.
3. Any revision to the condominium documents or development agreement that affect the approved final condominium site plan shall be reviewed and approved by the Township Attorney or Planning Consultant as well as the Township Board.

Chapter 22.

Administration

Section 22.01 Purpose

The Township Supervisor, or his/her duly authorized representative as specified in this Chapter, is hereby charged with the duty of enforcing the provisions of this Ordinance. Furthermore, administrative responsibilities are vested in the following Township entities: Township Board, Planning Commission, Zoning Board of Appeals, and Zoning Enforcement Officials, which shall include the Township Supervisor and his/her duly authorized assistants or representatives. The purpose of this article is to set forth the scope of authority of these entities.

Section 22.02 Township Board

The Township Board shall have the following responsibilities and authority pursuant to this Ordinance.

- A. Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, any amendments to this Ordinance which have been previously considered by the Planning Commission or at a hearing, or as decreed by a court of competent jurisdiction. [Amended: 3/10/2008; Ord. #26]
- B. Setting of Fees.** The Township Board shall, by resolution, have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the Township Supervisor shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- C. Approval of Planning Commission Members.** In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. [Amended: 3/10/2008; Ord. #26 / Amended: 4/13/2009; Ord. #27]
- D. Approval of ZBA Members.** The Township Board shall also approve the appointments of all Zoning Board of Appeals members made by the Township Supervisor.
- E. Site Plan and Special Use Approvals.** The Township Board shall have the authority to grant special use permits as set forth in this Ordinance. [Amended: 3/10/2008; Ord. #26]

Section 22.03 Township Planning Commission

The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

- A. Creation.** The Township Planning Commission is created pursuant to the Michigan Planning Enabling Act (MPEA), Public Act 33 of 2008, as amended. In accordance with Section 83 of the MPEA and Section 301 of the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, as amended, all powers and duties assigned to zoning commissions shall be transferred to the Planning Commission. [Amended: 3/10/2008; Ord. #26 / Amended: 4/13/2009; Ord. #27]
- B. Composition and Appointments.** Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with the MPEA, Act 33 of 2008, as amended, and Township Ordinances. All appointed members of the Commission may be compensated at a rate to be determined by resolution of the Township Board. [Amended: 4/13/2009; Ord. #27]
- C. Organization, Meetings, Records and Rules.** The Planning Commission shall elect a Chair, Vice-Chair and Secretary from among the appointed members, and may create and fill such other offices as it may determine necessary. The term of the officers shall be one (1) year, with eligibility for re-election.

In accordance with Section 21 of the MPEA, the Planning Commission shall, by resolution, determine the time and place of meetings. The PC shall hold at least four meetings per year. A special meeting may be called by the chairperson or by two (2) members upon written request to the Secretary. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

[Amended: 4/13/2009; Ord. #27]

- D. Powers and Duties.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:
- 1. Formulation of Zoning Ordinance and Amendments.** The Planning Commission shall be responsible for formulation of this Zoning Ordinance, review of amendments to this Ordinance, and reporting its findings and recommendations concerning this Ordinance or amendments to the Township Board of Trustees.
 - 2. Site Plan Review.** The Planning Commission shall be responsible for approval of applications for site plan approval in accordance with Chapter 19 (Site Plan Review and Approval Procedures). As provided for in Chapter 19, the Planning Commission shall be responsible to grant approval, approval subject to revisions, or denial of site plan review applications. [Amended: 3/10/2008; Ord. #26]
 - 3. Special Land Use Permit Review.** The Planning Commission shall be responsible for review of all applications for special land use permit approval in accordance with Chapter 20 (Special Land Use Permit Review and Approval). As provided for in Chapter 20, the Planning Commission shall be responsible for making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of approval.

4. **Planned Unit Development Review.** The Planning Commission shall be responsible for review of all applications for planned development in accordance with Chapter 18 (Planned Unit Developments). The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Unit Development proposal.
5. **Formulation of a Master Plan.** The Planning Commission shall be responsible for formulation and adoption of a Master Plan (i.e., the Ovid Township Master Plan) as a guide for the development of the Township, in accordance with Michigan Public Act 33 of 2008, as amended. [Amended: 4/13/2009; Ord. #27]
6. **Review of Matters Referred by the Township Board.** The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.
7. **Report on Operation of the Zoning Ordinance.** In accordance with Section 13 of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall annually prepare for the Township Board of Trustees a report on the operations, enforcement, and administration of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance. [Amended: 3/10/2008; Ord. #26]

Section 22.04 Zoning Board of Appeals

- A. Purpose.** There is hereby established a Zoning Board of Appeals (herein referred to as the “ZBA”), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. [Amended: 3/10/2008; Ord. #26]
- B. Membership.**
1. The ZBA shall set upon questions arising under this Ordinance. In this capacity, it shall perform its duties and exercise its power as provided in Section 603 of P.A. 110 of 2006, as amended.
 2. The ZBA shall consist of three (3) members who shall be appointed by the Township Board to three (3) year terms in accordance with Section 601 of Michigan Public Act 110 of 2006, as amended, as follows:
 - a) One (1) member shall be a member of the Planning Commission.
 - b) One (1) member shall be a member of the Township Board. This member shall not serve as chairperson of the ZBA.
 - c) The remaining member shall be an elector of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.
 3. No employee or contractor of the Township may be a member or employee of the ZBA. No elected officer of the Township may serve as chairman of the ZBA.
 4. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Public Act 110 of 2006, as amended. The ZBA shall not conduct business unless a majority of the members of the Board are present. [Amended: 4/13/2009; Ord. #27]

5. Up to two (2) alternates to the ZBA shall be appointed for the same term as regular members. An alternate member may be called to serve in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings or has declared a conflict of interest. The alternate member shall have the same voting rights as the permanent member and shall serve in a case until a final decision is made.
6. A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to identify a conflict of interest shall constitute malfeasance in office.

[Amended: 3/10/2008; Ord. #26]

C. General Rules and Procedures. All meetings shall be held at the call of the chairman and at such times as such body may determine.

1. All hearings conducted shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member in question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions in the office of the Clerk, and shall be a public record.
2. Notices for public hearings shall be distributed in accordance with the standards in 20.03.C.
3. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present. The concurring vote of a majority of the full membership of Zoning Board of Appeals shall be necessary to reverse an order, requirements, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance.
4. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the product of books, papers files, and other evidence pertinent to the matters before it.
5. The Board shall elect a Chair, Vice-Chair and Secretary from its membership.
6. The ZBA may distribute the application materials to the Zoning Administrator or other designated Township consultants to review the application and provide a report to the ZBA that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan. [Amended: 3/10/2008; Ord. #26]
7. A member of the ZBA who is also a member of the Township Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or Board. However, the member may consider and vote on other unrelated matters involving the same property. [Amended: 4/13/2009; Ord. #27]

D. Powers.

1. **Variances.** The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from dimensional requirements of the Zoning Ordinance regulations would result in practical difficulties to the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose of the Zoning Ordinance.

2. Variances shall be granted only in accordance with the Township Zoning Act, Public Act 110 of 2006, as amended (MCLA 125.3601 et seq.), and the provisions of this Article. The ZBA shall state the grounds upon which it justifies the granting or denying of a variance.
3. The ZBA may grant a requested variance only upon finding that practical difficulties exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist the ZBA shall consider the following factors:
 - a) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonable prevent the owner from using the property for a permitted purpose or will render the Ordinance conformity unnecessarily burdensome.
 - b) Allowing the variance will result in substantial justice being done; considering the public benefits intended to be secured by this article, the individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
 - c) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
 - d) The alleged practical difficulties, which will result from a failure to grant the variance, include substantially more than mere inconvenience or inability to attain a higher financial return.
 - e) The proposed and resulted need for the variance has not been self-created by the applicant.
 - f) The variance is the minimum necessary to permit a reasonable use of the land, building, or structure and does not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. [Amended: 3/10/2008; Ord. #26]
4. **Prohibited Variances.** The following variances shall be prohibited
 - a) No variance shall be granted to release an applicant from a condition or any part of a condition attached to a special use approved by the Township.
 - b) Use variances shall be prohibited.
5. **Appeals of Administrative Decisions.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the Board by the person, firm or corporation aggrieved, or by an officer, department, board, or bureau of the State or Township affected by the order, requirement, decision or determination, provided that a notice of appeal application is filed with the Township within a reasonable time of the order, requirement, decision or determination, not to exceed 21 days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Zoning Administrator certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

The Zoning Board of Appeals shall reverse an administrative decision only after finding that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance. [Amended: 3/10/2008; Ord. #26]

6. Interpretations.

- a) **Zoning Map.** Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intent and purposes of the Ovid Township Zoning Ordinance and Master Plan.
- b) **Zoning Ordinance Provisions.** The Board shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance and the Master Plan.

E. Application. Applications to the Zoning Board of Appeals shall be filed with the Township, and a fee established by Township Board of Trustees shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

1. Applicant's name, address, telephone and facsimile numbers.
2. The address, location and tax identification number for each parcel involved in the request.
3. Zoning classification of the subject parcel(s) and all abutting parcels.
4. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
5. A stamped survey of the property, completed by a certified professional in the State of Michigan including building location, drawn to scale, and indicating dimensions of the property. The Township may waive this requirement at any time.
6. A letter from the applicant summarizing the request, and stating the reasons for the request and a response to the criteria listed in paragraph D.1 as to why the variance is necessary.
7. Any additional information deemed necessary by the Zoning Board of Appeals to make a determination on the issue in question.

F. Public Hearing and Notice Requirements.

1. **Notice.** The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice of the hearing in accordance with the requirements of Public Act 110 of 2006, as amended, no less than 15 days prior to the public hearing. See Section 20.03.C for specific public hearing notice requirements. The Board shall decide the appeal within a reasonable time. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. [Amended: 3/10/2008; Ord. #26 / Amended: 4/13/2009; Ord. #27]
2. **Fees.** The Township Board may from time-to-time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeal proceedings. At the time an application is filed, said fee shall be paid to the Township Clerk.

G. Conditions. The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeals, interpretation, or variance request. The conditions may include requirements necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable or 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 ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

1. Be designed to protect natural resources, the health, safety, welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents or landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of police power, and purposes that are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

H. Rehearing.

1. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to circuit court. The appeal must be filed within 30 days of ZBA issuing its decision in writing signed by the Chairperson or by all of the other members of the ZBA, or within 21 days of the ZBA approving the minutes of the meeting at which the decision being appealed was made. [Amended: 4/13/2009; Ord. #27]
2. The Zoning Board of Appeals is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances which actuated the decision have so changed as to vitiate or materially affect the reason, which produced and supported it, and no vested rights have intervened. [Amended: 3/10/2008; Ord. #26]

Section 22.05 Zoning Administrator

A. Zoning Administrator. There is hereby established the position of Ovid Township Zoning Administrator, herein referenced as the Zoning Administrator. The Zoning Administrator shall be appointed by resolution of, and shall serve at the pleasure of the Township Board, or shall be appointed by and serve under the terms of a contract with the Township Board. The Township Board hereby delegates to the Zoning Administrator the following responsibilities and authority:

1. To exercise any and all authority specifically granted, or necessarily implied, to the Zoning Administrator in accordance with State law;
2. To review and decide upon requests for Zoning Permits in accordance with the provisions of this Chapter;

3. To review and decide upon requests for Zoning Certifications in accordance with the provisions of this Chapter;
4. To investigate and report upon violations of this Ordinance, regardless of whether or not a citizen or resident of the Township has made or filed a complaint;
5. To order, in writing, the remedying of any violation of this Ordinance within a reasonable time limit;
6. To distribute applications at a time and place of general convenience, and to accept the filing of completed applications at a time and place of general convenience, in accordance with the provisions of this Ordinance, and in accordance with any rules, requirements or procedures that may, from time to time, be established by the Township Board;
7. To institute legal proceedings to enforce compliance with this Ordinance, in accordance with the provisions of this Chapter;
8. To exercise any other authority or rights specifically provided for in this Ordinance;
9. To exercise any and all administrative responsibilities that are specifically required or necessarily implied and that are not otherwise delegated to the Township Board, the Planning Commission, or to the Zoning Board of Appeals;
10. To assure that all of his or her deliberations and that all of his or her decisions shall not be contrary to the spirit and intent of this Ordinance and shall not be injurious to the surrounding neighborhood.
11. The Zoning Administrator shall be generally informed of the provisions of this Ordinance and be in good health and physically capable of fulfilling the duties of the position; and
12. The Zoning Administrator shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility, or device entering into or used in connection with building construction.

B. Responsibilities of the Zoning Administrator. The Zoning Administrator shall be appointed by the Township Board and shall serve under the direction of the Township Supervisor. The Township Zoning Administrator shall have, at minimum, the following responsibilities:

1. Provide citizens and public officials with information relative to this Ordinance and related matters.
2. Assist applicants in determining the appropriate forms and procedures related to site plan review, zoning, and other zoning matters.
3. Review all applications for site plan review, special land use review, planned development proposals, and take any action required as outlined in this ordinance.
4. Forward to the Planning Commission, Zoning Board of Appeals, and Township Board, all applications, materials related to applications, recommendations if necessary, and other information required for that bodies' review.
5. Maintain up-to-date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and other documents in an orderly fashion.
6. Maintain a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses or structures changes.

7. Place all notices of meetings of Planning Commission, Zoning Board of Appeals, hearing and etc. in display case in front of Ovid Township Hall and in the Daily Reporter, as required. [Amended: 3/10/2008; Ord. #26]
8. Attend every Township Meeting every 2nd Monday of each month and be prepared to give information that they might require.
9. When someone is out of compliance with Zoning Ordinance and upon request of Township Board, send NOTICE OF VIOLATION OF OVID TOWNSHIP ZONING ORDINANCE. Violators shall be issued a maximum of three (3) notices, distributed (10) days apart from each other.

Section 22.06 Zoning Permits

A. Permit Required.

1. The following actions shall not commence until a zoning permit has been issued by the Township Zoning Administrator:
 - a) The excavation, alteration, or filling of land.
 - b) The new use or change in use of land, except for the conduct of agricultural activity.
 - c) The new use or change in use of an existing building or structure.
 - d) Construction or expansion of a structure, including accessory structures and parking lots.
 - e) Any increase of building lot coverage or surface lot coverage on a site in the WR district.
2. Except upon a written order of the Township Zoning Board of Appeals, no zoning permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
3. No building permit shall be issued until the Zoning Administrator has determined that the building, structure, or use of land, if constructed or used as planned and proposed, will conform to the provisions of this Ordinance, as evidenced by issuance of a zoning permit.
4. Accessory buildings being constructed, expanded, or otherwise modified in a manner requiring a zoning permit at the same time as the principal structure or other accessory buildings shall require separate zoning permits if they are detached and separate accessory buildings. However, where applicable, required documentation can be combined.

- B. Application Requirements.** Application for a zoning permit shall be submitted at least 10 days prior to a contemplated new use or change of use of a building or land. Application for a zoning permit shall be made in writing to the Zoning Administrator, signed by the person, firm, co-partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership or corporation. For those uses requiring a site plan, the Zoning Administrator shall not issue a zoning permit until the provisions of Chapter 19, have been satisfied.

For those uses not requiring a site plan, there shall be submitted to the Zoning Administrator with all applications for zoning permits, two (2) copies of a plot plan, drawn to scale showing:

1. The location, shape, area and dimensions for the lot, lots, or acreage.

2. The location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected, along with existing structures (including all accessory structures), wells, and disposal systems. All wells and sanitary septic systems must have Branch County Health Department approval.
 3. The dimensions, height, bulk of all structures and accessory structures, and setback lines and a finished building grade drawing of all existing and proposed structures and accessory structures.
 4. The nature of the proposed construction, alteration, or repair and the intended uses.
 5. The present use being made of any existing structure or accessory structure affected and any proposed change in the use thereof.
 6. The approximate boundary of any water body or Michigan Department of Natural Resources (MDNR) regulated wetland. An MDNR permit shall be required for activities in a regulated wetland or an inland lake or stream. A copy of any required MDNR permits shall be submitted with the zoning permit application.
 7. Any other information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance and to provide for its enforcement.
- C. Evidence of Ownership.** All applicants for zoning permits shall have available for the Zoning Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Zoning Administrator.
- D. Contents and Voiding of Permit.** Any zoning permit issued by the Zoning Administrator shall state that the proposed use and any structure or building embraced in the use shall conform to the provisions of this Ordinance and shall further state any special limiting conditions of such use. Any zoning permit granted under this section shall be null and void unless the development proposed shall have its first zoning inspection within one (1) year from the date of the granting of the permit. Permits may be renewed for an additional year upon review of the facts and conditions of delay and payment of one half the original permit fee. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated in said permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other Ordinances or regulations of the Township. The permit may also be revoked in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance.
- E. Application Fee.** A fee in accordance with the duly adopted schedule of fees shall be paid to the Zoning Administrator at the time of filing the application for zoning permit. The purpose of the fee is to cover any necessary administrative and inspection costs incurred in connection with the application.
- F. Inspections.**
1. The construction or usage covered by any zoning permit shall be subject to the inspection by the Zoning Administrator to ensure compliance with the provisions of this Ordinance and the approved plot or site plan.
 2. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction or usage is ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed or occupancy may be permitted.

3. Inspections shall be made by the Zoning Administrator at the following intervals:
 - a) When the building foundation forms are in place and/or poles are set. The Administrator shall also inspect the staking of lot corners at this time.
 - b) Upon completion of the work authorized by the permit.
 - c) Where applicable and when practical, inspections made by the Zoning Administrator may be made concurrently with inspections made by the Building Official.
 - d) A temporary zoning permit compliance permit may be issued for a portion of a building, structure or site prior to occupancy of the entire building, structure or site, provided that such portion of the building, structure, or site is in conformity with the provisions of this Ordinance and the Building Code, and provided further that no threat to public safety exists. The Zoning Administrator may require that a performance guarantee be provided in accordance with Section 14.05 as a condition of obtaining a temporary permit. The date of expiration shall be indicated on the temporary permit; failure to obtain a final permit within the specified time shall constitute a violation of this Ordinance, subject to the penalties set forth in Chapter 23.
- G. Availability of Record.** The Zoning Administrator shall keep a record of land use permits on file in the Township Office.
- H. Issuance of a Permit.** Within 10 days after the receipt of any application, the Zoning Administrator shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case the permit or the written reason(s) or causes(s) for denial shall be transmitted to the owner or his agent.

Chapter 23.

Enforcement, Penalties, and Other Remedies

Section 23.01 Enforcement

The Zoning Administrator shall be primarily responsible for the enforcement of the provisions of this Ordinance. However, the Township Board, the Planning Commission and the Zoning Board of Appeals, in addition to the Zoning Administrator, may institute the legal remedies provided for in this Section to bring about compliance with this Ordinance.

Section 23.02 Public Nuisance

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

Section 23.03 Penalties

- A. Fines, compliance and nuisance abatement.** The violation of any provision of this Zoning Ordinance by any firm, corporation, person, or persons, or anyone acting on behalf of said person, persons, firm, or corporation, is a municipal civil infraction that shall result in the assessment of a fine of not less than \$100.00 and not more than \$500.00 per infraction, plus costs and other sanctions ordered by the court. Each day that a violation is permitted to exist shall constitute a separate offense.
- B.** The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- C.** The owner of any building, structure, or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

Section 23.04 Procedures for Addressing Violations

The following procedures shall be followed in addressing potential violations. The Township Board, the Zoning Board of Appeals, Township Attorney, Branch County Prosecuting Attorney, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance: [Amended: 3/10/2008; Ord. #26]

- A. Report of Violation.** Any and all buildings or land use activities considered possible violations shall be reported to the Zoning Administrator or his/her Township appointed delegate.
- B. Investigation.** The Zoning Administrator shall inspect each alleged violation. If a violation has occurred, the Zoning Administrator shall issue an order to correct the violation to the offender within 10 days of the inspection. A maximum of three (3) notices may be distributed; 10 days apart.
- C. Remedial Plan.** All violation notices shall be responded to by submitting a remedial plan and timetable for correction of the violation to the Zoning Administrator within 10 days after the notice is issued. If the Zoning Administrator rejects the remedial plan or the timetable, revisions must be submitted to the Zoning Administrator within five (5) days of notification of the rejection.
- D. Prosecution.** A remedial plan and timetable not approved or not submitted within the required timetable shall be reported to the Township Board, who may initiate prosecution proceedings.
- E. Special Use Complaint Resolution Process in Section 20.06.C.** A resident or property owner may file a complaint with the Zoning Administrator that an approved and operating Special Use is in violation of the Ordinance or the Special Use Conditions of Approval. In the event of such a complaint, the process described in Section 20.06.C shall be followed.

Section 23.05 Authority to Pursue Court Action

The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain and to prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board in such a suit to abate the violation.

Section 23.06 Other Remedies

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceeding in an appropriate court of law to restrain or prevent any non-compliance with any provisions of this Ordinance, or to correct, remedy, or abate such noncompliance.

Section 23.07 Rights and Remedies Preserved

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or prevent any further prosecution of violations of this Ordinance.

Section 23.08 Records of Violations and Remedies

The Township Zoning Administrator shall keep accurate records of all decisions and actions relative to identified violations and corresponding actions and remedies.

Chapter 24.

Amendments to the Zoning Ordinance and Map

Section 24.01 Purpose

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the Township, this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the Township generally, to rezone an area, to extend the boundary of an existing District, or to change the regulations and restrictions thereof. Any person, firm, or corporation may initiate such amendment to this Ordinance by filing an application with the Zoning Administrator, by motion of the Township Board, or by the Planning Commission requesting the Zoning Administrator to initiate an amendment procedure. The procedures for amending this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended. [Amended: 3/10/2008; Ord. #26]

Section 24.02 Amendment Procedure

- A. Application.** Application for an Amendment to the Zoning Ordinance shall be made to the Planning Commission by filing of not less than 10 copies of an application form with the Township Zoning Administrator. Fees are required to be paid in accordance with the fee schedule in effect as established by the Township Board at the time the application is made. The information required below shall be considered a minimum and the Zoning Administrator, in consultation with the Chairman of the Planning Commission, may require additional information that they deem necessary in order for the Planning Commission to make a fully informed decision on the application. The application shall include the following information:
1. The applicant's name, address, and phone number.
 2. If the amendment is initiated by a party other than the Township Board or Planning Commission, then the application shall include the address, parcel number and current zoning district classification of the subject property; it shall be executed by the owner(s) of the property; and it shall grant a right of entry onto the subject property to the Zoning Administrator, members of the Planning Commission, and representatives and designees of the Township for the purpose of inspecting the property and reviewing the application.
 3. A narrative description of the nature and effect of the proposed amendment.

4. If the proposed amendment would require a change in the Zoning Districts Map, a complete legal description of the entire land area effected, the present zoning classification of the land, the names and addresses of the owners of all land and the legal descriptions of their land within the area. The Planning Commission may require a current survey of the subject property.
 5. In any case where a requested change in zoning district classification is for only a portion of a lot, the Planning Commission may require that a current survey be submitted and that the boundary line between all zoning district classifications on the subject property be indicated and be physically monumented in the field by the setting of an iron pipe or a concrete marker.
 6. If the proposed amendment will correct an alleged error, a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same.
 7. If the proposed amendment is in response to changed or changing conditions in the area or in the Township, then the application shall describe those changed or changing conditions that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 8. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- B. Technical Review.** The application shall be filed with the Zoning Administrator, who shall review the application within 15 days of its receipt. In reviewing the application for completeness, the Zoning Administrator may consult with the Chairman of the Planning Commission, the Township Supervisor, the Township Engineer, and any other parties whose input the Zoning Administrator deems necessary for the proper review of the application. If the Zoning Administrator finds that the application is not complete, he shall return the application with a written explanation of the additional information that is required. Once the application is found to be complete, the Zoning Administrator shall forward the application to the Secretary of the Planning Commission who shall schedule the application for a Public Hearing at a regular meeting of the Planning Commission. [Amended: 3/10/2008; Ord. #26]
- C. Public Hearing.** Upon receipt of a complete application, the Secretary of the Planning Commission shall schedule a public hearing on the request. Notice of the public hearing for an amendment to this Ordinance shall be given by publishing said notice in accordance with the provisions in Section 20.03.C. If the request is for a zoning map amendment of 11 or more parcels, the parcels need not be individually identified, and the adjacent property owners and occupants are not required to be notified. All other noticing requirements provided in Section 20.03.C apply. [Amended: 3/10/2008; Ord. #26 / Amended: 4/13/2009; Ord. #27]
- D. Planning Commission consideration of the proposed amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the Township Board.
- E. Township Board action on the proposed amendment.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall consider the proposed amendment. If determined to be necessary, the Township Board may refer the amendment back to the Planning Commission for further consideration.

- F. The Township Board may also hold a public hearing if it is considered necessary. Such a hearing shall be noticed in the same manner as described in paragraph C above. In addition, a public hearing shall be granted by the Township Board if requested by an interested property owner by certified mail to the Clerk. Notice for this hearing need only be given to the interested property owner requesting the hearing.
- G. After all proceedings are complete, the Township Board shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section. [Amended: 4/13/2009, Ord. #27]
- H. **Effective Date.** No amendment approved by the Township Board shall become effective until seven (7) days after the Notice of Ordinance Adoption is published in accordance with Section 401 of Public Act 110 of 2006, as amended, being MCL 125.3401, as amended. The Notice of Adoption shall be published in a newspaper of general circulation in the Township within 15 days of Ordinance adoption. [Amended: 3/10/2008; Ord. #26 / Amended: 4/13/2009; Ord. #27]
- I. **Protests.** Upon the filing of a notice of intent to request a referendum, the effective date of an amendment shall be either 30 days after publication, if a petition is not filed or the petition lacks adequate signatures, or after approval by the electors if an adequate petition is filed, in accordance with Section 402 of Public Act 110 of 2006, as amended, being MCL Section 125.3402. [Amended: 3/10/2008; Ord. #26]
- J. Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

Section 24.03 Criteria for Amendment of Zoning Map.

In considering any petition for an amendment to the official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations, and decision:

- A. The consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
- B. The compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
- D. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. The capacity of Township's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.

- H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- I. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- J. Other factors deemed appropriate by the Planning Commission and Township Board.

Section 24.04 Comprehensive Review of Ordinance

The Planning Commission shall annually examine the provisions of this Ordinance and the location of district boundary lines and shall submit a report to Township Board recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare based on the administration and enforcement of the Ordinance.

[Amended: 3/10/2008; Ord. #26]

Chapter 25.

Miscellaneous Provisions

Section 25.01 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 25.02 Repeal of Prior Ordinance

The previous Zoning Ordinance adopted by the Ovid Township Board on the 25th day of September, 1990 and most recently revised on the 12th day of April, 2002, also known as the Ovid Township Zoning Ordinance, is hereby repealed and replaced by this Ordinance, as amended, along with all amendments thereof and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance.

[Amended: 3/10/2008; Ord. #26]

Section 25.03 Administrative Liability

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

Section 25.04 Severability

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

Section 25.05 Effective Date

This Ordinance was approved by the Township Board on March 10, 2008 and is ordered to take effect seven days after publication. [Amended: 3/10/2008; Ord. #26]

Township Supervisor / Date

Township Clerk / Date

Chapter 26.

Conditional Rezoning

Section 26.01 Conditional Rezoning Amendments

The Township recognizes that, under certain instances, it may be to the Township's and the landowner's advantage to consider rezoning of certain lands if the application is accompanied by a site plan and subject to certain conditions. Accordingly, it is the intent of this Section to provide a conditional rezoning option to landowners in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

This option is intended to accomplish the objectives of the Zoning Ordinance through a rezoning review process that applies site planning criteria to achieve integration of the development project and the surrounding area. Conditional rezoning represents a legislative amendment to the Zoning Ordinance. Such actions shall be consistent with Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the following:

- A. Eligibility.** A landowner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. To be eligible for review as a conditional rezoning, the landowner shall, as part of an application for rezoning of land to a new zoning district classification, voluntarily offer certain site-specific regulations or conditions that are equally or more restrictive than the regulations of this Ordinance for the proposed zoning district.
- B. Pre-Application Meeting.** Prior to submitting a conditional rezoning application, the applicant may meet with the Township Zoning Administrator and other appropriate Township personnel that may include the Township Planner and Township Engineer for preliminary review of the proposal and the review process. The applicant shall pay the expenses incurred by the Township for this meeting.
- C. Application Requirements** A conditional rezoning amendment shall be initiated by submission of a complete application and site plan to the Township, along with the required fee established by Township Board. Conditional rezoning applications shall be subject to the following requirements:
 - 1. **Timing of Application.** A landowner may submit an application for conditional rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The applicant may, through written notice to the Township, amend the conditional rezoning application at any point during the review process.
 - 2. **General Information.** In the case of any amendment to the official Zoning Map, the following information shall accompany the application and fee:
 - a) A legal description and street address of the subject land, together with a survey and location map identifying the subject land in relation to surrounding properties.

- b) The name and address of the landowner, and a statement of the applicant's interest in the subject land, if not the owner in fee simple title.
 - c) The existing and proposed zoning district designation of the subject land and surrounding properties.
 - d) A written description of how the requested amendment meets the criteria stated in this Section.
3. **Additional Information for a Conditional Rezoning Application.** The conditional rezoning application shall include the following additional information:
- a) **Conditional Rezoning Plan.** The applicant shall provide a conditional rezoning plan, with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section. The conditional rezoning plan shall not replace the requirements for site plan, subdivision or condominium approval under this Ordinance.
 - b) **Rezoning Conditions.** The applicant, subject to the following, shall propose rezoning conditions in writing
 - (1) **Permitted conditions.** Rezoning conditions may include some or all of the following:
 - (i) The location, size, height, and setbacks of buildings, structures, and improvements.
 - (ii) The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).
 - (iii) Measures to preserve natural resources or features.
 - (iv) Facilities to address stormwater drainage and water quality using best management practices.
 - (v) Facilities to address traffic issues, such as through road paving or other road improvements.
 - (vi) Farmland or open space preservation provisions.
 - (vii) Minimum landscaping, buffering and screening provisions.
 - (viii) Enhanced screening, beyond that required by this Ordinance.
 - (ix) Building design, materials, lighting and sign criteria.
 - (x) Permissible and prohibited uses of the land.
 - (xi) Measures to protect the rural viewshed, which is an undeveloped area adjacent to the road right-of-way having a minimum undisturbed depth of 300 feet, where existing wetlands, woodlands, farmlands or scenic vistas are preserved.
 - (xii) Reclamation and reuse of land, where previous use of land causes severe development difficulties or blight.
 - (xiii) Other conditions as deemed important to the development by the applicant.
 - (2) **Prohibited conditions.** Such rezoning conditions shall not:

- (i) Authorize uses or development of greater intensity or density than are permitted in the district proposed by the rezoning.
- (ii) Authorize uses or development expressly or implicitly prohibited in the district proposed by the rezoning.

D. Review and Approval Procedures. After the completed application and all required supporting materials have been received and fees paid, the proposed conditional rezoning amendment and application materials shall be reviewed in accordance with the following procedures:

1. **Technical review.** Prior to Planning Commission consideration, the proposed conditional rezoning amendment and application materials shall be distributed to appropriate Township officials and Township consultants for review and comment.
 2. **Public hearing.** A public hearing shall be held for the proposed conditional rezoning amendment in accordance with Section 20.03C, Public Hearing Procedures.
 3. **Planning Commission Review and Recommendation.** Subsequent to the public hearing, the Planning Commission shall review the proposed conditional rezoning amendment, together with any reports and recommendations from staff, the Township Planner, other Township consultants, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation in writing to the Township Board.
 4. **County Planning Commission Review.** The Zoning Administrator shall forward a copy of the proposed conditional rezoning amendment and the report and recommendation from the Township Planning Commission to the Branch County Planning Commission for review and comment.
 5. **Township Board Action on the Conditional Rezoning Amendment.** A copy of the proposed conditional rezoning amendment, the report and recommendation from the Township Planning Commission, and any recommendation from the County Planning Commission shall be forward to the Township Board for consideration and final action:
 - a) **Additional Hearings.** The Township Board may, at its discretion, hold an additional public hearing on the proposed conditional rezoning amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the Township not less than 15 days before the hearing date.
 - b) **Rejection.** The Township Board may reject the proposed conditional rezoning amendment.
 - c) **Adoption.** If the Township Board determines that it may adopt the conditional rezoning, then the Township Board shall direct the Township Attorney to review conditional rezoning agreement, per Section 26.01E, Conditional Rezoning Agreements. Upon completion of the conditional rezoning agreement, the Township Board may adopt or reject the conditional rezoning amendment, including any conditional rezoning plan and conditional rezoning agreement.
- E. Conditional Rezoning Agreement.** As directed by the Township Board, the applicant or designee shall prepare a proposed conditional rezoning agreement. The proposed agreement shall incorporate the conditional rezoning plan proposed by the applicant, and shall set forth the rezoning conditions and any other terms mutually agreed upon by the parties relative to the land subject to the proposed conditional rezoning.
1. **Contents and Terms.** A conditional rezoning agreement shall include the following terms:

- a) Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the conditional rezoning agreement.
 - b) Agreement and acknowledgement that the conditions and conditional rezoning agreement are authorized by all applicable state and federal laws and constitution, and that the conditional rezoning agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.
 - c) Agreement and understanding that the land in question shall not be developed or used in a manner that is inconsistent with the conditional rezoning plan and conditional rezoning agreement
 - d) Agreement and understanding that the approval and conditional rezoning agreement shall be binding and upon and inure to the benefit of the landowner and the Township, and their respective heirs, successors, assigns, and transferees.
 - e) Agreement and understanding that, if a conditional zoning becomes void in the manner provided in this Section, no development shall be undertaken or permits for development issued until the underlying zoning district classification of the land has been re-established by resolution of the Board of Trustees.
 - f) Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.
2. **Effective Date and Recording of Conditional Rezoning Agreement.** A conditional rezoning shall become effective following both publication in the manner provided by law and recording of the conditional rezoning agreement with the Branch County Register of Deeds office by the applicant with proof of recording given to the Clerk's Office.
 3. **Amendment of Conditional Rezoning Agreement.** Amendment of a conditional rezoning agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.
 4. **Expiration of conditional rezoning agreement.** The conditional rezoning approval shall expire following a period of two (2) years from the effective date of the rezoning unless:
 - a) Approved development of the land commences within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion; or
 - b) The rezoning is extended for good cause by the Township Board as provided for in Section 26.01J, Extension of Conditional Rezoning Approval.
- F. Approval Criteria.** The applicant shall have the burden of demonstrating that the following requirements and standards are met by the conditional rezoning plan, rezoning conditions, and conditional rezoning agreement:
1. **Enhancement of the project area.** The Township Board shall determine that approval of the conditional rezoning shall:

- a) Accomplish the integration of the proposed land development project with the characteristics of the project area; and
 - b) Result in an enhancement of the project area that would be unlikely to be achieved or would not be assured without the use of conditional rezoning.
2. **In the Public Interest.** The Township Board shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the conditional rezoning plan and conditional rezoning agreement so that the public interest would be served by granting the conditional rezoning.
3. In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof; taking into consideration reasonably accepted planning, engineering, environmental and other principles and factors.
4. **Other Amendment Considerations.** In considering a conditional rezoning amendment, the Planning Commission and Township Board shall also consider the following factors:
- a) Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 - b) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with the site's physical, geological, hydrological, and other environmental features
 - c) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with surrounding uses, densities, and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 - d) Capacity of available utilities and public services to accommodate all potential uses allowed in the zoning district(s) under the proposed conditional rezoning without compromising the health, safety, and welfare of Township residents or burdening the Township or Branch County with unplanned capital improvement costs or other unplanned public expenses.
 - e) Capability of the road system to safely and efficiently accommodate the expected traffic generated by all potential uses allowed in the zoning district(s) under the proposed conditional rezoning.
 - f) The apparent demand for the types of potential uses allowed in the zoning district(s) under the proposed conditional rezoning in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
 - g) The boundaries of the proposed zoning district(s) in relationship to the surrounding area and the scale of future development on the site.
 - h) The requested conditional rezoning will not create an isolated or incompatible zone in the area.
 - i) Other factors deemed appropriate by the Township Board.
- G. Zoning District Designation.** If approved, the zoning classification of the rezoned land shall consist of the district to which the land has been rezoned accompanied by a reference to "CR" (Conditional Rezoning). For example, the Official Zoning Map designation for a conditional rezoning to the L-I Light Industrial District would be "L-I/CR."

- H. Re-Application.** Whenever a conditional rezoning application has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Administrator determines that one or more of the following conditions has been met:
1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
 2. New or additional information is available that was not available at the time of the review.
 3. The new application is materially different from the prior application.
- I. Development Subject to Conditional Rezoning Requirements.** The use and future development of land subject to an approved conditional rezoning shall conform to all regulations governing development and use in the zoning district to which the land has been rezoned, and the more restrictive requirements specified on the approved conditional rezoning plan and in the conditional rezoning agreement.
1. No other development or use shall be permitted, and the requirements of the approved conditional rezoning site plan and conditional rezoning agreement shall supersede all inconsistent regulations otherwise applicable under this Ordinance.
- J. Extension of Conditional Rezoning Approval.** In the event that a bona fide development has not commenced within two (2) years from the effective date of the rezoning, the conditional rezoning and conditional rezoning agreement shall be void and of no effect.
1. The Township Board may approve one (1) extension of up to 365 calendar days, upon written request by the landowner received by the Township Clerk before the two (2) year time limit expires.
 2. The landowner shall show good cause why the extension should be granted.
- K. Revert to Former Zoning.** If the conditional zoning becomes void and of no effect, then by automatic reverter set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the land shall revert to its former zoning classification, which shall be confirmed by resolution of the Township Board.
- L. Violations of the Conditional Rezoning Agreement.** If development or actions are undertaken on or with respect to the land that are in violation of the conditional rezoning agreement, such development or actions shall constitute a nuisance per se.
1. In such case, the Township may issue a stop work order relative to the land and seek any other lawful remedies.
 2. Until curative action is taken to bring the land into compliance with the conditional rezoning agreement, the Township may withhold or, following notice and an opportunity to be heard, revoke permits and certificates; in addition to or in lieu of such other lawful action to achieve compliance.