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TOWNSHIP OF NEWTON

ZONING ORDINANCE

ORDINANCE NUMBER _____ OF 2001

AN ORDINANCE TO DIVIDE THE TOWNSHIP INTO ZONING DISTRICTS AND TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND IN SAID DISTRICTS, AND TO AMEND THE EXISTING NEWTON TOWNSHIP ZONING ORDINANCE ADOPTED 05/25/71.

THE TOWNSHIP OF NEWTON ORDAINS:

**ARTICLE 1
TITLE, PURPOSES AND LEGAL CLAUSES**

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as the 2001 Zoning Ordinance of Newton Township.

SECTION 1.02 AMENDMENT OF ORDINANCE

The Newton Township existing Zoning Ordinance adopted on May 25, 1971 and all amendments thereto are hereby amended effective coincident with the effective date of this Ordinance.

SECTION 1.03 PURPOSES

- a. Promoting and protecting the public health, safety and general welfare.
- b. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the Township and promoting the orderly and beneficial development of such areas.
- c. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- d. Lessening and avoiding congestion on the public highways and streets.
- e. Providing for the needs of agriculture, recreation, residence, commercial and other land uses in future growth.
- f. Fixing reasonable standards to which buildings and structures shall conform.

Effective 5/21/2001

ARTICLE 1
TITLE, PURPOSE AND LEGAL CLAUSES

- g. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- h. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- i. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, radiation, toxic chemicals, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- j. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- k. Conserving the taxable value of land, buildings and structures throughout the Township.
- l. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- m. Creating a Board of Appeals and defining the powers and duties thereof.
- n. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- o. Providing for the payment of fees for building permits.
- p. Providing penalties for the violation of this Ordinance.

SECTION 1.04 VALIDITY AND SEVERALTY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not effect the application of said provisions to any other land, parcel, lot, district, use, building or structure not specifically Included in said ruling.

SECTION 1.05 CONFLICT WITH OTHER LAWS

- a. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, the Provision which is more restrictive or which imposes a higher standard or requirement shall govern.

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- b. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive, or imposes a higher standard or requirement, that such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

SECTION 1.06 PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 1.07 EFFECTIVE DATE

This Ordinance or subsequent amendments to this Ordinance or a summary of the regulatory effect thereof, shall be published in a newspaper of general circulation within fifteen (15) days after adoption by the Township Board and shall take effect upon the expiration of seven days after publication—(*Amended 6/7/07*)

SECTION 1.08 ELIMINATION OF SPECIFIC EXCEPTIONS AND EXEMPTIONS

Notwithstanding any other provision of this ordinance, all exemptions and/or exceptions from this ordinance for public utility transmission facilities are hereby declared null and void from this date forward.

SECTION 1.09 SAVINGS CLAUSE

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance amended by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance amended by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been amended.

Effective 5/21/2001

ARTICLE 1
TITLE, PURPOSE AND LEGAL CLAUSES

**ARTICLE 2
ADMINISTRATION AND ENFORCEMENT**

SECTION 2.01 PURPOSE

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violations and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 2.02 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan, Planning Act, Act 168 of the Public Acts of 1959 as amended, and the Michigan Zoning Enabling Act, 206 PA 110, as amended. (*Amended 6/7/07*)

The Township Board shall employ a Zoning Administrator to act as its officer to effect proper administration and enforcement of this Ordinance. [MCL 125.3407] The individual selected, the terms of employment, and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the powers of a police officer. In the absence of the Zoning Administrator, the Township Clerk or other township officer as designated by the Township Board shall assume all the powers and duties of the Zoning Administrator. (*Amended 6/7/07*)

SECTION 2.03 DUTIES OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall:

- a. Review all applications for building permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
- b. Receive all applications for conditional use permits; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant, in writing, of any decision of the Planning Commission.
- c. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.
- d. Receive all applications for amendments to this Ordinance, conduct field inspections, survey and investigation, prepare maps , charts and other pictorial materials when necessary or

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desirable, and otherwise process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.

- e. Be responsible to update the Township Zoning Map and keep it current in cooperation with the Planning Commission.
- f. Maintain written records of all actions taken by the Zoning Administrator.
- g. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, Township Board, or Zoning Board of Appeals as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

SECTION 2.04 BUILDING PERMIT

- a. **Building Permit Requirements:** A building permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Building Inspector or his/her agent by the owner or his/her agent for the following conditions:
 - 1. The construction, enlargement, alteration or moving of any dwelling, building, or structure or any part thereof, being used or to be used for agricultural, residential, commercial or industrial purposes.
 - 2. Agricultural buildings and structures to insure proper Placement on a lot or parcel of land.
 - 3. Accessory buildings valued at less than \$500 and portable structures necessary to an agricultural operation shall not require a building permit as long as the placement of said buildings conform to the setback and height requirements of the district in which they are located.
 - 4. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a building permit.
- b. **Application for a Building Permit:** Application for a building permit shall be made in writing upon a blank form furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered, or moved. There shall be submitted with all applications for building permits two copies of a site layout or plot plan, showing:
 - 1. The location, shape, area and dimensions for the lot, lots or acreage.
 - 2. The location of the proposed construction, upon the lot, lots or acreage affected.

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3. The dimensions, height and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard open area and parking space dimensions, if applicable.
8. The proposed design and construction standards of parking spaces, if applicable.
9. The number of loading and unloading spaces provided, if applicable.
10. Any other information deemed necessary by the Building Inspector to determine and provide for the enforcement of the applicable construction code adopted by the Township Board.

If the information shown on the site layout is in compliance with the above requirements and all other provisions of this Ordinance, the Building Inspector shall issue a building permit upon payment of the required building permit fee.

- c. Voiding of Permit: Any building permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within ninety (90) days from the date of the granting permit. The Building Inspector shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Building Inspector may suspend or revoke a permit issued in error or on the basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the township.
- d. Fees, Charges and Expenses: The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure, for building permits, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit, certificate, conditional use ~~on~~ approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, until preliminary charges and fees have been paid in full.
- e. Inspection: The construction or usage affected by any building permit shall be subject to the following inspections:
 1. At time of staking out of building foundation
 2. Upon completion of the work authorized by the permit.

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It shall be the duty of the holder of every permit to notify the Building Inspector when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Building Inspector shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard set-backs and other requirements noted on the site plan submitted with the building permit application. The Building Inspector shall issue his/her written approval at the time of inspection if the building or proposed construction meets the requirements of the applicable construction code adopted by the Township Board.

Should the Building Inspector determine that the building or structure is not located according to the site and construction plans file or any other applicable law he/she shall so notify the holder of the permit, or his/her agent and the Zoning Administrator. Further construction shall be stayed until correction of the defect set forth has been accomplished and approved by the Building Inspector and/or the Zoning Administrator.

Should a building permit holder fail to comply with the requirements of the Building Inspector at any inspection stage, the Building Inspector shall make report in writing of such failure to the Township Clerk and shall cancel the permit. The Building Inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction. Such posting shall be considered as service upon and notice to the permit holder, of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of the applicable construction code adopted by the Township Board have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

SECTION 2.05 VIOLATIONS

Any building or structure including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se.

SECTION 2.06 PENALTIES

A person who violates any provision of this ordinance is responsible for a Class C Municipal Civil Infraction and shall be subject to such civil fines and penalties as provided in The Newton Township Municipal Civil Infraction Ordinance, being Ordinance Number 2009-0714-1, plus costs and other sanctions for each infraction. Each day on which any violation of this ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. Repeat offenses shall be subject to increased fines as provided by Section 10 of the Newton Township Civil Infraction Ordinance. *(Amended 2009)*

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ARTICLE 2
ADMINISTRATION AND ENFORCEMENT

**ARTICLE 3
ZONING BOARD OF APPEALS**

SECTION 3.01 BOARD OF APPEALS ESTABLISHED

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Section 603 of the Michigan Zoning Enabling Act, 206 PA 110, as amended, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured and substantial justice done. *(Amended 6/7/07)*

SECTION 3.02 MEMBERSHIP, TERMS OF OFFICE

The Board of Appeals shall consist of three members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, for the terms of his/her office; the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years. One member may be selected from the Township Board. An employee or contractor for the township may not serve. The members selected shall be representative of the population distribution and of the various interests present in the township. The Township Board may appoint not more than 2 alternate members for the same term as regular members. An alternate member may be called in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member has the same voting rights as a regular member. *(Amended 6/7/07)*

SECTION 3.03 RULES OF PROCEDURE, MAJORITY VOTE

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

SECTION 3.04 MEETINGS

Meetings of the Board of Appeals shall be held at the call of the Chairperson, and at such other times as the Board in its rules of procedure may specify.

SECTION 3.05 PUBLIC MEETINGS AND MINUTES

All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered together with vote and signature of each member and the final disposition of each case. The grounds of every determination shall be stated and such determination from which the appeal is taken. Such minutes

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shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk may act as secretary to the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in an advisory capacity.

SECTION 3.06 POWERS AND DUTIES

The Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provision of this Ordinance.

SECTION 3.07 VARIANCE

A variance from the term of this Ordinance shall not be granted by the Board of Appeals unless and until:

- a. A written application for a variance is submitted, demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, structure or building in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 4. That no non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- b. Following receipt of a written request concerning a request for variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as follows:
 1. Publish notice of the request in a newspaper of general circulation in the Township;
 2. Also send notice by mail or personal delivery to the owners of property for which approval is being considered. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township;

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ARTICLE 3
ZONING BOARD OF APPEALS

3. Notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following:

- a. Describe the nature of the request;
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - c. State when and where the request will be considered;
 - d. Indicate when and where written comments will be received concerning the request.
- d. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - e. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - f. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under SECTION 2.06 of this Ordinance.
 - g. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in said district.
(Amended 6/7/07)

SECTION 3.08 VOIDING OF AND RE-APPLICATION FOR VARIANCE

The following provisions shall apply:

- a. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of such variance and pursued diligently to completion.

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ZONING BOARD OF APPEALS

- b. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 3.09 PROCEDURE FOR APPEALING TO THE BOARD OF APPEALS

The following provisions shall apply:

- a. Appeals, How Taken - Appeals from the ruling of the Zoning Administrator may be made to the Board of Appeals in the following manner:
 - 1. Any person, firm or agent making an appeal shall file with the officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal.
 - 2. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- b. Who May Appeal - Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the Township, County or State.
- c. Fee For Appeal - A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- d. Effect Of Appeal; Restraining Order - An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- e. Hearing by the Board of Appeals; Request; Notice; Hearing
Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation no less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300

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feet of the boundary of the property in question. If the tenants name is not known, the term “occupant” may be used.

- f. Representation at Hearing - Upon the hearing, any party or parties may appear in person or by agent or by attorney.

- g. Decisions of the Board of Appeals and Appeals to the Circuit Court - The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case and the signatures of each member of the Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact, however, an appeal must be taken, if at all, within twenty one (21) days from delivery of the decision of the Board of Appeals.
(Amended 6/7/07)

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ARTICLE 3
ZONING BOARD OF APPEALS

**ARTICLE 4
AMENDMENT PROCEDURE**

SECTION 4.01 INITIATING AMENDMENTS AND FEES

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay a fee as set forth by the Township Board, no part of which shall be returnable to the petitioner.

SECTION 4.02 AMENDMENT PROCEDURE

The procedure for making amendments to this Ordinance shall be as follows:

- a. Each Petition for amendment initiated by one or more owners of property shall be submitted to the Township Board who shall refer it for recommended action to the Planning Commission.
- b. Before deliberations on any proposal, the Township Planning Commission shall conduct at least one public hearing, notice of which shall be given in the following manner:

1. If an individual property or 10 or fewer adjacent properties are proposed for re-zoning, the Planning Commission shall give notice of the proposed re-zoning by:

- a. publishing notice of the request in a newspaper of general circulation in the Township;

- b. notice shall also be sent by mail or personal delivery to the owners of the property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the boundary of the property regardless of whether the property or occupant is located in the zoning jurisdiction;

- c. notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

1. Describe the nature of the request;

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AMENDMENT PROCEDURE

2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.

3. State when and where the request will be considered;

4. Indicate when and where written comments will be received concerning the request.

2. If 11 or more adjacent properties are proposed for re-zoning, the Planning Commission shall give notice of the proposed re-zoning in the same manner as required under (1) above, except for the requirement of (1)(b) and except that no individual addresses of properties are required to be listed under section (1)(c)(2).

3. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas and pipeline public utility company, each telecommunication s service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the clerk of the Township for purpose of receiving the notice of public hearing.

4. A notice under this section shall include the places and times at which the proposed text and any maps of the proposed Zoning Ordinance may be examined.

c. Upon completion of the public hearings provided above, the proposed amendment or supplement shall be submitted to the Calhoun County Metropolitan Planning Commission for review and recommendation. The Petitioner shall then be returned to the Township Board by the Calhoun County Metropolitan Planning Commission for action in accordance with Section 307, 206 PA 110.

d. After receiving the proposed amendment, the Township Board may adopt the amendment without changes in accordance with the provisions and procedures of 206 PA 110 or refer recommended changes back to the Planning Commission.

e. All provisions of this Article shall be subject to the provisions of the Michigan Zoning Enabling Act, as the same may be from time to time amended, which Act is incorporated herein by reference.

(Amended 6/7/07)

SECTION 4.03 CONFORMANCES TO COURT DECREE

Any amendment for the purpose of conforming to a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

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ARTICLE 4
AMENDMENT PROCEDURE

**ARTICLE 5
GENERAL PROVISION**

SECTION 5.01 ESTABLISHMENT OF DISTRICTS

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance:

- AA - Agricultural District
- MDA – Medium Density Agricultural District
- RA – Low Density Residential District
- RB – Medium Density Residential District
- RL - Residential Lake District
- HDR – High Density Residential District
- NS - Neighborhood Service Commercial District
- HS - Highway Service Commercial District
- LI - Light Industrial District
- HI - Heavy Industrial District

SECTION 5.02 PROVISION FOR OFFICIAL ZONING MAP

These Districts, so established, are bounded and defined as shown on the map entitled:

“ZONING DISTRICT MAP OF NEWTON TOWNSHIP”

Adopted by the Township Board, and which, with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the Districts shown thereon were fully set forth by metes and bounds herein.

SECTION 5.03 CHANGES TO OFFICIAL ZONING MAP

If, in accordance with the procedures of this Ordinance and of 2006 PA 110, as amended, a change is made in a zoning district boundary, such change shall be made by Zoning Administrator promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board. No change of any other nature shall be made unless authorized by the Zoning Board of Appeals. *(Amended 6/7/07)*

SECTION 5.04 AUTHORITY OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the township.

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SECTION 5.05 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new official zoning map which shall supersede the prior Official Zoning Map.

The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

“This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Newton Township”, adopted on the _____, which replaces and supersedes the Official Zoning Map which was adopted on the 25th day of May, 1971.

SECTION 5.06 INTERPRETATION OF ZONING DISTRICTS

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- a. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- b. A boundary indicated as approximately following a recorded lot line, and bounding a parcel, section line, quarter-section line, or other survey line shall be construed as following such line.
- c. A boundary indicated as approximately following the corporate boundary line of a city, village or township shall be construed as following such line.
- d. A boundary indicated, as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- e. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- f. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs a. through e. above shall be so construed.
- g. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

SECTION 5.07 APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare and shall be

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ARTICLE 5
GENERAL PROVISIONS

uniform for each class of land or building, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

**ARTICLE 6
SUPPLEMENTAL REGULATIONS**

SECTION 6.01 PURPOSE

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

SECTION 6.02 ACCESSORY BUILDING

- a. Where an accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining required yard dimensions, but if such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it may be considered a detached accessory building for purposes of determining required rear yard dimensions.
- b. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than fifteen (15) feet to any side lot line.
- c. No detached accessory building shall be located nearer than fifteen (15) feet to a rear lot line except when the rear lot line is located on a public road. When the rear lot line is located on a public road the setback shall be the same as the front yard setback for the district that the property is located in.
- d. No detached accessory building shall project into any front yard setback. In any residential zoned district no accessory building shall be located nearer to the front lot line than any portion of the principal building.
- e. No accessory building shall project into any front yard setback.
- f. No accessory building shall occupy more than thirty (30%) per cent of the area of any rear yard.
- g. Where a corner lot adjoins a side boundary of a lot in any residential zoned district, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

SECTION 6.03 LOT-BUILDING RELATIONSHIP

Hereafter, every building erected, altered or moved shall be located on a lot as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located, on each lot.

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ARTICLE 6
SUPPLEMENTAL REGULATIONS

SECTION 6.04 ACCESSORY BUILDING AS DWELLING

No building on the same lot as a principal building shall be used for dwelling purposes.

SECTION 6.05 BASEMENT AS DWELLING

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

SECTION 6.06 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

In addition to the requirements established by the Calhoun County Health Department, the following site development and use requirement shall apply:

- a. No structure for human occupancy or use shall hereafter be erected, altered or moved unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes.
- b. No drain field or septic system discharge shall be located nearer than one hundred fifty (150) feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.

SECTION 6.07 GREENBELT BUFFER

Prior to the commencement of construction of any structure or building intended for multi-family use, single family high density use, commercial or industrial use or an accessory building related thereto where such property abuts, adjoins or is adjacent to a residential one or two family zone, a greenbelt shall be established. Said greenbelt shall have a minimum width of twenty feet (20') and shall be completed within one (1) year from the date of certificate of occupancy and shall thereafter be maintained with permanent plant materials. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. Plant materials, tree species, size, spacing and type along with required fences; walls or berms are subject to the Site Plan approval process as contained in Article 23 of this ordinance.

SECTION 6.08 ACCESS TO A STREET

Any lot created prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. In case such easement or other right-of-way serves more than two (2) dwelling units or more than one (1) commercial or industrial activity, such easement or right-of-way shall be constructed to the Calhoun County Road Commission "Public Road" standard for gravel surface roads and cleared to a height of fifteen (15) feet. The required easement or right-of-way shall be sixty-six (66) feet. The Planning Commission may require a hard surface roadway under Article 23, Site Plan Review.

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SECTION 6.09 VISIBILITY AT INTERSECTIONS

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines.

SECTION 6.10 STREET CLOSURES

Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all areas included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

SECTION 6.11 HEIGHT REGULATIONS

The height requirements established by this ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility power distribution poles, utility power distribution lines, radio and television, broadcasting and receiving antennae, silos, parapets, and other necessary mechanical appurtenances provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

SECTION 6.12 FENCES, WALLS AND SCREENS

Within the limits of a side or front yard space of a lot within any residential zoned district, no fence, wall or other screening structure, other than a necessary retaining wall, shall be higher than four (4) feet. No such fence or wall located within a rear yard shall exceed six (6) feet in height. All fences are located outside of the road right of way.

SECTION 6.13 SHORELINE EXCAVATION AND DREDGING

No persons shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the following:

- a. As provided in Part 301 of the Environmental Protection Act, 1994 PA 451, as amended and in accordance with the regulations adopted by the Michigan Department of Natural Resources and/or the Michigan Department of Environmental Quality.
- b. If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission all data, exhibits and information as required by the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality.

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SECTION 6.14 ESSENTIAL SERVICES

For purposes of this ordinance the following provisions shall apply:

1. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
2. Essential services shall be exempt from lot area requirements in the Agricultural, Industrial and Open-Space Waterbody Conservation Districts

SECTION 6.15 SWIMMING POOLS

All swimming pools shall conform to the applicable building code adopted by the Newton Township Board. Swimming pools to be constructed or which are already constructed shall be enclosed by a fence, wall or other structure that meets the requirements within the adopted building code. No swimming pool shall be located within a front yard or nearer than 15 (fifteen) feet to any property line or dwelling.

SECTION 6.16 STANDARDS FOR CONDITIONAL REZONE

This section should not be construed as to allow a rezone inconsistent with the Future Land Use Plan.

- a. An owner of land may voluntarily offer in writing, and the township may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.
- b. In approving the conditions under subsection (a), the township may establish a time period during which the conditions apply to the land. Except for an extension under subsection (d), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.
- c. The township shall not add to or alter the conditions approved under subsection (a) during the time period specified under subsection (b) of this section.
- d. The time period specified under subsection (b) may be extended upon the application of the landowner and approval of the township.
- e. The township shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (a) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.
- f. A conditional rezone request shall follow the requirements of Article 4, Effective 5/21/2001

Amendment Procedure.
(Added 6/7/07)

SECTION 6.17 CONTINUED CONFORMANCE WITH REGULATIONS

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this ordinance shall be a continuing obligation of the owner of such building of, property on which such building or use is located.

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**ARTICLE 7
NONCONFORMING BUILDINGS AND USES**

SECTION 7.01 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased in any manner, nor moved in whole or in part to any other portions of the lot or parcel occupied at the effective date of adoption or amendment of this Ordinance.
- b. Any nonconforming use of land abandoned for a period of more than ninety (90) days shall subsequently conform to the requirements of this Ordinance.

SECTION 7.02 NONCONFORMING USES OF BUILDINGS

Where a lawful building exists at the effective date of this Ordinance, or amendment thereto, that could not be built under this Ordinance by reason of its location on the lot, lot coverage, height, yard or other characteristics, such structure may be continued, subject to the following:

- a. Any structure existing at the effective date of this Ordinance, devoted to a use not permitted by this Ordinance in the district in which it is located shall not be altered, enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. When a nonconforming use of a building is vacated or abandoned for six (6) consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

SECTION 7.03 NONCONFORMING BUILDINGS AND LOTS

Where a lawful structure exists at the effective date of adoption or amending of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity, except that buildings and structures in existence prior to the effective date of this ordinance shall be deemed legal non-conforming structures. *(Amended 2009)*
- b. All lots of record at the effective date of this Ordinance shall be treated as though it is conforming as long as the size remains as it was at the date of this Ordinance. *(Amended 2009)*
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- d. A structure or use damaged by the elements, public enemy, or other casualty may be rebuilt or restored to its size prior to such damage and its use resumed.

SECTION 7.04 ILLEGAL NONCONFORMING USES AND BUILDINGS

Those alleged nonconforming uses of land, uses of buildings and buildings which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, nonconforming uses of buildings and nonconforming buildings and shall be discontinued upon written notification from the Zoning Administrator.

**ARTICLE 8
SIGN REGULATIONS**

SECTION 8.01 GENERAL SIGN REGULATIONS

No sign shall be erected at any location, where by reason of the position, size, shape, color, movement or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area.

SECTION 8.02 PERMITTED SIGNS IN “AA”, “MDA” AND “OC” ZONED DISTRICTS

In the “AA” – Agricultural and “MDA” - Medium Density Agricultural only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- a. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the road right of way than one-half the required front yard setback.
- b. Non-illuminated safety, directional, caution or announcement signs each not exceeding two (2) square feet in area.
- c. A non-illuminated sign announcing a home occupation, service or produce offered on the premises, provided that such a sign shall not exceed twelve (12) square feet in area; and shall be located no closer to the road right of way than one-half the required front yard setback.
- d. A sign or bulletin board identifying a church, school, park or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line or the road right of way. Such sign may be illuminated by a non-flashing, reflective light and the source of illumination shall not be visible.

SECTION 8.03 PERMITTED SIGNS IN RESIDENTIAL ZONED DISTRICTS

In any residential zoned district only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- a. A non-illuminated sign advertising the sale or rental of the building or property not to exceed six (6) square feet in area and placed no nearer to the road right of way than one-half of the required front yard setback.
- b. A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such sign shall not exceed two (2) square feet in area and shall be attached flat against a building wall.
- c. One sign advertising a recorded subdivision or development not to exceed eighteen (18)

square feet in area and placed no closer to any road right of way than one-third the minimum front yard setback.

- d. One sign identifying a multiple-family building or development, not having commercial connotations, not to exceed eighteen (18) square feet in area and placed no closer to any road right of way line than one-third the front yard setback.
- e. A sign or bulletin board identifying a church, school or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line or road right of way. Such sign may be illuminated by a non-flashing-reflected light and the source of illumination shall not be visible.

SECTION 8.04 PERMITTED SIGNS IN COMMERCIAL AND INDUSTRIAL ZONED DISTRICTS

A sign in any Commercial or Industrial zoned District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building setback and height requirements, except for, and in addition to, the requirements provided below:

- a. In any Commercial or Industrial zoned District a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which it is affixed.
- b. One freestanding identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, nor be closer to the road right of way or front, side or rear property line than one third (1/3) the distance of the required building setback. Setback shall be measured from the closest portion of the sign to right of way or property line.
- c. One freestanding identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, except in the "NS" Neighborhood Service Commercial District. Such sign shall not exceed thirty six (36) square feet in area, nor be closer to the road right of way, front, side or rear property line, than one third (1/3) the distance of the required building setback. Setback shall be measured from the closest portion of the sign to right of way or property line.
- d. All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

SECTION 8.05 OUTDOOR ADVERTISING SIGNS

Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- a. Outdoor advertising signs (billboards) are permitted only in the Commercial and Industrial Districts.
- b. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the district in which they are situated.
- c. Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- d. The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed two hundred (200) square feet.
- e. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
- f. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- g. Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area.
- h. Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

SECTION 8.06 SIGNS FOR GASOLINE SERVICE STATIONS

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each road frontage located no closer than one-third (1/3) the required setback for any building located within its district, as measured from the closest portion of the sign to the road right of way. The sign will be installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies as long as the signage meets the front yard setback.

SECTION 8.07 ELIMINATION OF NONCONFORMING SIGNS

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ARTICLE 8
SIGN REGULATIONS

All signs and billboards erected after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments. Any existing sign or billboard not conforming shall be deemed a nonconforming use, and shall either be made to conform or shall be removed by the owner within three (3) years from the effective date of this Ordinance. If the owner of said sign fails to remove such nonconforming sign or billboard it shall be deemed a violation and the property owner shall be charged with a violation and subject to the provisions of this Zoning Ordinance.

**ARTICLE 9
PARKING AND LOADING REQUIREMENTS**

SECTION 9.01 OFF-STREET PARKING

In all districts, in connection with industrial, business, institutional, agricultural, recreational, residential or other use, there shall be provided at the time any building is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

- a. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the Zoning Administrator for review at the time of application for a building permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single family and two family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- b. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- c. Parking of motor vehicles, in residential zones, shall be limited to passenger vehicles, one (1) non residential type recreational vehicle per dwelling unit, and not more than one commercial vehicle of the light delivery type, not to exceed three fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, or bus except for those parked on school or church property, is prohibited in a residential zoned district. Parking spaces for all types of uses may be provided either in garage or parking-areas conforming with the provisions of this Ordinance.
- d. Each off-street parking space for automobile shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:
 1. For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
 2. For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.
 3. For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in

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width.

- e. Off-street parking facilities, required for churches may be reduced by fifty (50) percent where churches are located in nonresidential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- f. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
 - 1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
 - 2. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 - 3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
 - 4. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence or wall, fence or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 - 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
 - 6. Combined parking facilities are allowed when two or more uses occur on one property or when a building(s) on one property contain two or more uses provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- g. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in Article 8.
- h. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.
- i. For the purposes of determining off-street parking requirements the following units of

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measurement shall apply:

1. **FLOOR AREA:** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service storage installations of mechanical equipment, penthouse, housing ventilators and heating systems, and similar uses.
2. **PLACES OF ASSEMBLY:** In stadium, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
3. **FRACTIONS:** When units of measurement determining the number of required parking spaces result in requirement of a fractional space. Any fraction up to and including one half (1/2) shall require one (1) parking space.
4. The minimum required off-street parking spaces shall be set forth as follows:

USE

PARKING SPACE REQUIREMENTS

Automobile or Machinery Sales
and Service Garages -

One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees on the maximum shift.

Banks, Business and Professional
Offices -

Two (2) spaces for each two hundred (200) square feet of floor area plus one (1) parking space for each employee working within the building.

Barber Shops & Beauty Parlors -

Two (2) spaces for each chair plus one (1) space for each employee.

Boarding & Lodging Houses,
Fraternities -

Two (2) spaces for each three (3) beds.

Bowling Alleys -

Five (5) spaces for each alley plus one (1) space for each employee per shift.

Churches, Auditoriums, Stadiums,
Sports Arenas, Theaters, Dance
Halls, Assembly Halls other than Schools -

One (1) space for each four (4) seats, or for each four (4) persons permitted in such edifice as stated by the Fire Marshall

Clinics -

Four (4) spaces for each doctor plus one (1) space for each employee per shift

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USE

Convalescent Home, Orphanage or Similar Use -

Drive-in Banks, Cleaners and sidewalk Similar Businesses -

Drive-in Eating Establishments -

Dwellings (Single & Two Family) -

Dwellings (Multiple Family) -

Funeral Homes & Mortuaries -

Furniture, Appliance Stores
Household Equipment & Furniture
Repair Shops -

Gasoline Filling & Service Stations -

General Office Building -

Home Occupation -

Hospitals -

Hotels, Motels, Lodging Houses,
& Tourist Homes -

Libraries, Museums, Post Offices -

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PARKING SPACE REQUIREMENTS

One (1) space for each four (4) beds plus one (1) space for each two (2) employees, including nurses, per shift.

Storage space for five (5) cars between the area and the service window and one (1) parking space for each two (2) employees.

Ten (10) spaces, plus one (1) space for each twenty (20) square feet of floor area.

Two (2) spaces for each family dwelling unit.

Two (2) spaces for each family dwelling unit.

Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of floor area, whichever is greater, plus one (1) space for each fleet vehicle.

One (1) space for each four hundred (400) square feet of floor area.

One (1) parking space for each repair and service stall, plus one (1) space for each employee per shift.

One (1) parking space for each four hundred (400) square feet of gross floor area excluding auto parking within or on the building plus one (1) parking space per two (2) employees per shift

Five (5) spaces. (*Added 6/7/07*)

One (1) space for each bed plus one (1) space for each two (2) employees.

One (1) space for each living unit plus one (1) space for each two (2) employees per shift.

One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each two (2) employees per shift.

USE

Livestock Auction -

Manufacturing, Fabricating
Processing & Bottling Plants,
Research & Testing Laboratories

Restaurants, Beer Parlors, Taverns,
Night Clubs & Private Clubs -

Retail Stores, Except as Otherwise
Specified Herein -

Roadside Stands -

Schools, Private or Public
Elementary & Junior High Schools -

Senior High School & Institutions of Higher
Learning, Public or Private -

Self-Service Laundry or Dry-Cleaning Stores -

Supermarket, Self-Service Food and Discount
Stores -

Wholesale Establishments and Warehouses -

5. Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

SECTION 9.02 LOADING - UNLOADING REQUIREMENTS

In connection with every building or part thereof hereafter erected, except single and two-family

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PARKING SPACE REQUIREMENTS

Two (2) square feet of parking area for each one (1) square foot of building pens, and all enclosed area on the premises of the auction facility.

One (1) space for each two (2) employees on maximum shift.

One (1) space for each four (4) patron seats, plus one (1) parking space for each two (2) employees per shift.

One (1) space for each one hundred fifty (150) square feet of floor area excluding auto-parking spaces within or on the building.

Five (5) spaces plus one (1) space for each twenty-five (25) square feet of floor area.

One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.

One (1) parking space for each employee (including teachers and administrators) plus one (1) for each ten (10) students in addition to the requirement of the auditorium

One (1) space for each two (2) washing and/or dry-cleaning machines.

Two (2) spaces for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees per shift.

One (1) space for each four-hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

dwelling unit structures, there shall be on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- a. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
- b. Each off-street loading/unloading space shall not be less than the following:
 1. In a residential zoned district a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and if a roofed space, not less than fourteen (14) feet in height.
 2. In any Commercial or Industrial District a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space not less than fifteen (15) feet in height.
- c. Subject to the limitations of the next paragraph, a loading/unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- d. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
- e. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.
- f. All off-street loading/unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- g. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate number of wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.
- h. Off-street loading/unloading requirements for residential (excluding single-family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading/unloading space, the size of such loading/unloading space subject to the provisions of this Ordinance.
- i. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

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**ARTICLE 10
CONDITIONAL USES**

SECTION 10.01 PURPOSE

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into districts, each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses that may be necessary or desirable to allow in certain locations in certain districts but because of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, because of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 10.02 AUTHORITY TO GRANT PERMITS

The Township Board with recommendations from the Township Planning Commission shall have the authority to review and approve conditional use permits and may deny, approve, or approve with conditions a request for conditional land use approval. The decision on a conditional land use application shall be incorporated in a statement of findings and conclusions relative to the conditional land use which specifies the basis for the decision and any conditions imposed. The township Board's authority to grant conditional use permits shall be subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance. *(Amended 6/7/07)*

SECTION 10.03 APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this ordinance shall be made to the Township Board by completion of the official conditional use permit application form, submitting required data, exhibits and information, and depositing a fee as set forth by the Township Board, except as stated herein, with the Township Clerk.

SECTION 10.04 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATIONS

An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, an accurate survey drawing of said property, showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance

SECTION 10.05 PUBLIC HEARING

The Township Planning Commission, upon receipt of an application for a conditional use permit, shall publish a notice of the request in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning district. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

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

The notice shall indicate that a public hearing on the conditional land use request ~~may~~ will be held and indicate the date and time. (*Amended 6/7/07*)

SECTION 10.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

- a. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- b. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- c. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public cost for public facilities and services.
- f. Will not involve uses, activities, processes, materials, facilities and/or equipment and conditions of operation that will be hazardous to any person, livestock, or other property or to the general welfare by reason of unreasonable traffic, noise, smoke, fumes, glare, radiation, toxic chemicals or odors.
- g. Will incorporate procedures, operations, remedial measures, structures, designs and/or facilities to mitigate the effects of permitted levels of traffic, noise, smoke, fumes, glare, radiation, toxic chemicals or odors.

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SECTION 10.07 JUNKYARDS AND INOPERATIVE VEHICLE STORAGE FACILITIES

In addition to and as an integral part of development, the following provisions shall apply:

- a. Junkyards shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- b. It is recognized that the location in the open of materials included in this Ordinance's definition of "Junk Yard", will cause the reduction of the value of adjoining property. To that end the character of the district shall be maintained and property values conserved, an opaque fence or wall at least seven (7) feet in height and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid material. All materials contained in the definition of "Junk Yard" shall be located within an opaque fenced or solid wall area.
 1. In addition to the foregoing requirements, the Planning Commission may require a greenbelt in accordance with the provisions of ARTICLE 6.
- c. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- d. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots and loading and unloading areas within any yard shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind borne dust.
- e. Any other conditions as deemed appropriate by the Planning Commission or Township Board.

SECTION 10.08 GASOLINE SERVICE STATIONS

Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.

- a. Frontage and Area: Every gasoline service station shall have a minimum frontage of one hundred and twenty (120) feet and a minimum area of twelve thousand (12,000) square feet.
- b. Setbacks: Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of thirty-five (35) feet and a minimum setback from all property lines of twenty-five (25) feet.
- c. Construction Standards: All vehicle service areas shall be constructed to conform to the following standards:
 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street by a curb at least six (6) inches high.

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2. The entire area used for vehicle service shall be paved, except for such unpaved area, as is landscaped and protected from vehicle use by a low barrier.
3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting may be carried out within the premises.
4. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.
5. Minimum angle driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.
6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
7. The minimum distance between curb cuts shall be no less than forty (40) feet.

d. Lighting:

All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent properties.

SECTION 10.09 SANITARY LANDFILL

- a. Provided that such use shall be permitted as a conditional use only in the AA-Agricultural and the HI-Heavy Industrial districts shall conform to all State of Michigan and County Health Department regulations of such use; and the permit for such use shall be subject to annual renewal.

SECTION 10.10 DEVELOPMENT OF NATURAL RESOURCES

Including extraction of sand, gravel, fill dirt, topsoil, gas and oil; provided that such activity shall be permitted as a conditional use only in the AA-Agricultural district, RA-Low Density Residential district, HI-Industrial district and the OC-Open Space and Water Body Conservation district and shall comply with the following provisions:

- a. Commercial pits and quarries, where deemed necessary, shall be completely enclosed by a fence four (4) or more feet in height for the safety of the general public and shall be placed no closer than ten (10) feet to the outside perimeter of the pit or quarry. Said fence shall conform with the minimum setback requirements of the district in which it is located.
- b. No slope shall exceed an angle with the horizontal of more than thirty (30) degrees for the first twelve feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than forty-five (45) degrees.

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- c. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural ground. All slopes and banks shall be reasonably graded to prevent excessive erosion.
- d. The Planning Commission shall establish routes of ingress and egress for truck movement in order to minimize the wear on public roads and to prevent hazards to traffic.
- e. The Planning Commission, when deemed necessary, shall require the applicant to post a bond for compliance with the township clerk; the amount of said bond to be determined by the Township Planning Commission to insure that all provisions of this ordinance are complied with.

SECTION 10.11 CAMPS AND LODGES

Including private and semi-private camps and lodges for active and passive recreation uses, provided that such activity shall be permitted as a conditional use only in the AA-Agricultural District, RA-Single Family Residential District and the OC-Open Space and Water Body Conservation District and shall comply with the following provisions:

- a. No commercial activity shall be conducted on the premises, except as an accessory use.
- b. Such use shall be located on a site of not less than one (1) acre in size.
- c. Building shall not exceed thirty (30) feet in height, and shall be located no nearer to any property line than forty (40) feet. Yards may be utilized for parking provided that such parking shall not be closer than ten (10) feet to any side or rear property line, nor twenty (20) feet to any street or highway right-of-way line.
- d. Parking areas located adjacent to any residential or institutional use shall be screened from such use by an approved fence, or masonry wall of not less than four (4) nor greater than eight (8) feet in height. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four (4) feet.

SECTION 10.12 PLANNED-UNIT RESIDENTIAL DEVELOPMENTS

The owner or owners of any tract of land in the RA or RB districts comprising an area of not less than five (5) acres may submit to the Township Planning Commission a site plan for the use and development of the tract of land as Planned-Unit Residential Development (PURD).

- a. Required standards for approval:
 - 1. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PURD site is located. Net development area is determined

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by subtracting water, muck and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area.

2. The proposed development will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, refuse disposal; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. Public water and sewer systems shall serve the development whenever deemed feasible by the Township.
 3. The proposed unit is of such size, composition and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.
 4. The common open space, any other common properties, individual properties, and all other elements of the planned unit residential development are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site and surrounding land.
 5. In view of the “conditional use” nature of the PURD amendment procedure, deed restrictions and covenants entered into, or proposed to be contracted for, by the developer become an appropriate consideration of the Township Planning Commission. The Planning Commission shall consider the manner in which the lawful contractual techniques can augment lawful zoning techniques in attaining the objectives of the PURD amendment and may make its recommendations conditional upon these contractual relations between private parties, or may recommend procedures whereby the Township becomes a party to such contractual relations.
- b. Required Provision in Site Plan: The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location and density of residential units, accessory uses, thereto, and public facilities as may be necessary for the welfare of the Planned Unit Residential Development and not inconsistent with the best interests of the entire Township.

The applicant may be required to dedicate land for street or park purposes and by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development as authorized shall be subject to all conditions of this ordinance only to the extent specified in the authorization.

- c. Tentative Township Board Approval: The Township Board, upon the receipt of the Planning Commission’s report on the proposed plan, may then give tentative approval to such plans, incorporating with the approval such conditions as the Board deems appropriate and in harmony with the general spirit of this ordinance to promote the public health, safety, morals, convenience and general welfare.

The applicant shall then review his application and plan in final approved form and sign a statement that the Planned Unit Residential Development Plan in its final form shall be binding

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on the applicant, his heirs, successors and assignees.

When the Township Board gives final approval, conditional use permit shall be issued for the PURD even though the size of lots, the depth of yards and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

SECTION 10.13 PLANNED NEIGHBORHOOD SHOPPING CENTERS

Such centers shall be permitted as a conditional use in the NS and HS districts and shall comply with the following provisions:

- a. Uses Permitted: Any use permitted in the NS District.
- b. Site Development:
 1. Such development shall occupy a site of not less than three (3) acres with not less than three hundred (300) feet of street frontage.
 2. No building shall be located nearer to any non-commercial property line of the neighborhood center than a distance equal to twice the height of said building.
 3. No building shall exceed the height limitation specified in the zoning district in which it is located.
- c. Screening: When such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church, or other public institution or open space, an approved fence or masonry wall of not less than four (4) feet nor greater than six (6) feet in height shall be erected and maintained along all property lines abutting such District or use. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four (4) feet.
- d. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- e. Vehicular Approach: Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each not to exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such driveways shall be located as far from street intersections as practicable, but in no case less than fifty (50) feet.
- f. Parking and Circulation: There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center. On site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets. All areas accessible to traffic shall be paved and maintained so as to provide a

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smooth, dustless, and well-drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

SECTION 10.14 PLANNED COMMUNITY AND REGIONAL SHOPPING CENTERS

Such centers shall be permitted as a conditional use in the HS District only and shall comply with the following provisions:

- a. Uses Permitted: Any use permitted in the NS and HS Districts, with the addition of the following:
 1. Temporary exhibitions and special civic events, provided that they shall be conducted in spaces designed for such purposes, and that they shall not be operated for profit.
 2. Recreational facilities incidental to the principal operation of the center and of a nature normally out-of-doors, provided that there shall be no admission charge for such activities.
- b. Site Development:
 1. Such development shall occupy a site of not less than ten (10) acres with a minimum street frontage of one thousand (1,000) feet.
 2. No building shall be located nearer to any property line of the center than a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right-of-way line than fifty (50) feet.
- c. Screening and Transition: When such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church or other public institution or open space a landscaped strip of land not less than two hundred (200) feet in width shall be provided and maintained on all sides of the site. This strip shall serve as a transition between the shopping center, except that no more than one hundred (100) feet of said strip width on the interior side of the shopping center property may be used for parking. Such strip shall be occupied by plant materials and/or approved fences or masonry walls not exceeding six (6) feet in height. The plans and specifications for the development shall include the proposed design of said transition strip.
- d. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- e. Signs: All signs shall conform to the provisions of ARTICLE 8 with the addition of one (1) sign located on each street frontage and not exceeding one hundred (100) square feet in area identifying the shopping center. Such sign may be illuminated but not by an intermittent source.
- f. Vehicular Approach: Driveways and approaches shall be so designed and located as to create

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minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each, not to exceed thirty feet (30) in width at the property line shall be permitted on each street frontage of the property. Such access shall be provided from major streets and highways that are fully capable of accommodating the maximum traffic anticipated to be generated by the center without undue interference with through traffic on such streets or highways. Driveways shall be located as far from street intersections as practicable, but in no case less than one hundred (100) feet.

g. **Parking and Circulation:**

1. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center.
2. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.
3. Automobile and truck service traffic shall be separated from one another to the fullest possible extent.
4. On-site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets.
5. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless, and well-drained surface.
6. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

SECTION 10.15 ESSENTIAL SERVICE BUILDINGS AND UTILITY DISTRIBUTION FACILITIES

In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction: transformer substations, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function. In every zoning district, the following essential services structures shall be required to have a conditional use permit prior to their construction: utility distribution facilities, except for (a) those directly providing service to a permitted use, if (b) they are not listed in the preceding sentence of this section.

No essential service building shall be used for human occupancy. An opaque fence or screening material may be required by the Township when deemed necessary.

SECTION 10.16 AGRI-BUSINESS

An agri-business shall be buildings, structures, lots, parcels or parts thereof which provide services,

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goods, storage, transportation or other activities directly related to the production of agricultural commodities. An agri-business may include, but is not limited to:

1. Farm machinery, sales, service, rental and repair.
2. Grain elevators for storage, drying and sales
3. Bulk feed and fertilizer outlets and distribution centers
4. Seed dealership outlets and distribution centers
5. Grain and livestock truck and cartage facilities
6. Auctions for livestock
7. Dairy products production and processing operations

SECTION 10.17 TEMPORARY BUILDING OR TRAILER OFFICE

It is recognized that there is a need for temporary shelter either during construction of a new building or repair of damaged dwelling or commercial/industrial business building. It is the intent of this section to allow for short-term shelter, subject to the following;

1. The temporary building or trailer office shall be connected to water supply and sanitary sewerage facilities prior to occupancy.
2. A letter from the Calhoun County Health Department shall be filed with the Township Clerk contemporaneous with the filing of the application for conditional use permit indicating that the water and sewer connections have been inspected and approved.
3. The temporary building or trailer office shall be removed from the premises within one hundred eighty (180) days from the date of approval of the Conditional Use Permit by the Township Board.
4. Any fees for processing and payment of the Conditional Use Permit and/or Building permit shall have been paid.
5. Evidence of issuance of a driveway permit by the Calhoun County Road Commission shall be filed with the Township Clerk prior to the public hearing on the application for conditional use permit.
6. Any applicable permits required by the Department of Environmental Quality, Department of Natural Resources or Calhoun County Community Development shall be filed with the Township Clerk prior to the public hearing on the application for conditional use permit.

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7. Up to three (3) Ninety (90) day extensions may be granted by the Township Board upon recommendation by the Planning Commission

SECTION 10.18 COMMERCIAL KENNEL

The purpose of the following is to allow for the construction and maintenance of commercial kennels within the Township in such a manner as to protect the general health, safety, and welfare of residents and property owners and so as to preclude any harmful effects from such land use in any zoning district where such use may be permitted.

1. Regulations: The building, heating, water supply, electricity and sanitary facilities shall meet the requirements of the codes and ordinances of the Township. In addition, all kennels shall be regulated by the rules of the County Animal Shelter and Dog Pound and the Dog Law of 1919, 1919 PA. 339, as amended.
2. Inside Enclosures: The minimum size of the enclosures within the required kennel building shall be not less than three (3) feet by three (3) feet square and four (4) feet high. There shall be a door or gate to each enclosure, which allows easy access for inserting or removing the dogs. All enclosures shall have a sloped concrete floor to facilitate cleaning and drainage. There shall be a minimum of one (1) enclosure for any dog over eighteen (18) inches long or over fourteen (14) inches high.
3. Outside Runs: The exterior runs shall be a minimum of three (3) feet wide and ten (10) feet long and have direct access to the kennel building. The opening into the required kennel building shall have a sliding or other type of closable door. Dogs shall be kept in the kennel building from 10PM to 9AM. All exterior runs shall be constructed of a suitable material with a slope to facilitate drainage.
4. Enclosure Fences: The outside enclosures such as runs, etc., shall have fencing a minimum of six (6) feet high, of commercial cyclone quality or woven type of equal quality. The gates to these enclosures shall be self-latching and each shall be equipped with a lock. The gate shall be locked at all times when not being used.
5. Noise and View Fence: The dog runs, exercise yards and any places where the dogs are kept either full or part time must be enclosed with a view obstruction noise barrier such as an earth berm or sound fence. This fence shall allow air to pass through and may be constructed of masonry with sound baffles, or may be of a wood louver or other similar type. The fence and /or earth berm shall also be no less than six (6) feet or more than eight (8) feet and no closer than three (3) feet to any of the runs, exercise areas, places where the dogs are kept or any exterior property lines.
6. Off Street Parking: See Article 9.
7. Enforcement: The determination of whether any violation of this Ordinance has been committed shall be made by the Township Zoning Administrator.

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SECTION 10.19 GROUP DAY-CARE HOMES

It is recognized that there may be a need to serve the community with Group Day-Care homes. Because of the nature of these homes, the community must be assured that certain restrictions placed on the home will ensure that no saturation will be allowed.

- A. The home shall not be located not closer than 1500 feet from any of the following:
 - 1. Another licensed group daycare home;
 - 2. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 P A 218, MCL 400.701 - 400.737;
 - 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article VI of the Public Health Code, 1978 PA 368, MCL 333.6101 - 333.6523;
 - 4. A community corrections center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections;
- B. The home shall have appropriate fencing for the safety of the children in the group daycare home as determined by the Township;
- C. Maintain the property consistent with visible characteristics of the neighborhood;
- D. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group daycare home between the hours of 10 p.m. and 6 a.m.;
- E. Meets regulations, if any, governing signs used by group daycare home to identify itself;
- F. Meets regulations, if any, requiring a group daycare home operator to provide off-street parking accommodations for his or her employees.

(Added 6/7/07)

SECTION 10.20 SPECIFIC CONDITIONS AND REQUIREMENTS – TELECOMMUNICATION TOWERS

a. Purpose: Regulation of commercial wireless communication service towers and antennas is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of the ordinance is to minimize adverse visual effects of towers and avoid damage to adjacent properties while adequately serving the community.

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b. Towers Permitted in Zoning Districts: Towers and alternative design mounting structures that support antennas are conditional uses in the AA Agricultural, & MDA Medium Density Residential Districts. All towers shall be subject to the following conditions:

1. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a freestanding monopole guyed (lattice) tower shall be set back:
 - a) From any existing property line as measured from the tower base, a setback no less than two hundred (200) feet or one hundred ten percent (110%) of the tower height, whichever is greater.
 - b) From any street, public property or private property line the setback shall be equal to the height of the tower. The setback distance shall be measured from the base of the tower to the lot line. Guy wire anchors shall be set back fifty (50) feet from all property lines and shall be located on the same parcel as the tower.
 - c) If the proposed tower will be located on a parcel of land surrounded on all four sides by agriculturally zoned property, the Planning Commission may approve a site plan with a reduction of the minimum sideline setback requirements of this section upon evidence that a satisfactory fall zone for the tower will be less than the required setback. The evidence submitted shall be prepared by registered/licensed engineer.
 - d) For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this ordinance.
2. The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence topped with three (3) strands of barbwire or an eight foot tall chain link fence. Operation and maintenance of the tower shall adhere to ANSI (American National Standards Institute) standards or other federal or state standards which guide the industry.
3. A six (6) foot tall landscaped screen may be required to screen around the exterior perimeter of the fenced area.
4. The maximum tower height shall be three hundred fifty (350) feet as measured from the tower base. This maximum height shall include the tower and any attachments.

c. Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. If lighting is required, a dual lighting system shall be employed to minimize the impact at night.

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d. Signs: The use of any portion of a tower for signs other than warning or equipment information is prohibited.

e. Application Requirements: Application must be made for a building permit, and the following information must be submitted:

1. Site plan of the proposed tower location showing all existing and proposed features of the site, including maintenance buildings or pads constructed to support future carrier needs. The site plan shall also identify all buildings on the subject property and within the setback requirements identified under sub-section (b.)(1.)(a.) of this section. Any structure utilized for the purpose of supporting an antenna in excess of fifty feet (50) in height shall be subject to the provisions for site plan review. The applicant must present with the site plan a diagram identifying how this antenna will fit into the grid within the carrier's overall network. Lands owned by Newton Township shall be investigated for suitability and a finding presented for the site plan review process under Article 23 of this Ordinance. If such a structure has an approved site plan and has identified the location of future antenna, the applicant shall be subject to only a building application process.
2. Elevation(s) of the proposed tower height above grade, and any other improvements or characteristics of the site or tower, including a description of the color and appearance of the tower. The applicant must seek ways to reduce the visual impact of the tower through camouflage, screening or site selection. The purpose is to provide compatibility of the tower and support structures with adjoining properties
3. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The township may request that any information submitted be certified by an independent, licensed professional engineer, with the cost of this review borne by the applicant.
4. Proof of liability insurance shall be submitted to the township clerk

f. Location/Separation Requirements: All commercial wireless telecommunications towers erected, constructed or located within Newton Township shall comply with the following requirements:

1. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure within the township or within one mile of its boundary. The applicant shall provide documentation on their investigation, and the rationale for not being able to co-locate on any existing towers or structures. The applicant must present a plan for how and where such network and/or grid will be developed in the Township and the surrounding area.

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2. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant’s equipment and that of at least two other users. One tower location shall be reserved for public safety purposes.
3. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, as established by the site plan for the proposed tower. The separation distances are as follows:

TABLE 1

Existing Towers — Types

	Lattice	Guyed	Monopole 75 ft. in Height or Greater	Monopole Less Than 75 ft. in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft. In Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 ft. in Height	750	750	750	750

g. Abandonment or Unused Towers or Portions of Towers: Abandoned or unused towers or portions of towers and associated facilities shall be removed within twelve months of the cessation of operations at the site unless a time extension is approved by Newton Township Board, after recommendation by the Planning Commission. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within twelve months of the cessation of operations at a site, the tower and associated facilities shall be removed by the Township, with the costs of removal, including any administrative fees, assessed against the real property.

h. Antennas or towers may be located on property owned, leased, or otherwise controlled by Newton Township provided a license or lease authorizing such antenna or tower has been approved by the Township.

i. The tower owner or operator must inform the Township Clerk of any change in status regarding the number of antennas located on the tower in order to define the potential for co-location by other applicants.

(Section Added 6/09)

Effective 5/21/2001

SECTION 10.21 MINI-STORAGE FACILITIES

- A. The entire area used for parking/loading or unloading shall be paved and shall meet the requirement of thirty (30) foot access drives. Where vehicle parking is allowed for office, requirements for banks, business and professional offices, Article 9, Parking and Loading Requirements shall apply.
- B. There shall be no outside storage permitted.
- C. There shall be no type of retail business operated from the building(s) constructed for storage.
- D. Adequate lighting must be installed in a manner as to provide security and no illumination source shall cause nuisance to adjacent properties.
- E. All fences constructed shall be in accordance with approved site plan under Article 23.
- F. The maximum length of any self-storage building shall be one hundred fifty (150) feet.
- G. No storage of combustible or flammable liquids, explosive materials, or toxic materials shall be permitted within the mini-storage building or upon the premises.
- H. It will be considered desirable to construct buildings perpendicular to the roadway.
(Section Added 2009)

SECTION 10.22 ADULT ENTERTAINMENT

The intent of this section is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of township residents. The provisions are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent to legitimize activities which are prohibited by Township ordinance, state or federal law. If any portion of this section relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.

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STANDARDS AND ADDITIONAL REQUIREMENTS

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- B. No sexually oriented business shall be located in any principal or accessory structure already containing a sexually oriented business.
- C. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned agricultural or residential.
- D. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any single or multiple family residence, public park, school, child care facility, church or place of worship. The distance between a proposed sexually oriented business and any single or multiple family residence, public park, school, child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the single or multiple family residence, public park, school, child care facility, church or place of worship.
- E. The proposed use shall conform to all standards of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises", and 3) "No Gambling shall be allowed in any such facility".
- I. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday.
- K. All off-street parking areas shall comply with all other requirements of the Zoning Ordinance and shall be illuminated during all hours of operation of the sexually oriented business, and until one (1) hour after the business closes. All Parking areas shall be posted stating that no

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loitering or congregation of patrons or others outside of the facility shall be allowed by the proprietor of the business.

- L. Signage shall adhere to the Township sign regulations and no advertisement shall be visible from the exterior of the facility related to the display or description of materials defined as “Specified Sexual Activities” or “Specified Anatomical Areas” or any language considered slang providing for the same description.
- M. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of “Specified Anatomical Areas” or “Specified Sexual Activities”:
 - 1. Is handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2. Is unobstructed by any door/lock or other entrance and exit control device;
 - 3. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4. Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
 - 5. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

EXEMPT USES

Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, message or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, and where those services are therapeutic and non-sexual in nature, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section

(Section Added 2009)

SECTION 10.23 CONTINUED VALIDITY OF PERMIT: REVOCATION

- a. The issuance of a Conditional Use Permit by the Township Board shall entitle the owner to continue to operate the conditional use so long as the owner remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the Conditional Use Permit. A conditional use permit shall expressly grant to the Township the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the Conditional Use Permit.

- b. In the event the owner or occupant of the property for which a Conditional Use Permit
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has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguard contained in the Conditional Use Permit, the Conditional Use Permit shall be deemed revoked and the owner or occupant determined to be in violation of this Ordinance and the Township may proceed to enforce the provisions in this Ordinance and the terms, conditions, limitations, and safeguards of the Conditional Use Permit as provided in this Ordinance. In addition to all other remedies provided herein, in the event that such Conditional Use Permit shall be deemed revoked any compliance bond posted by the owner under the provisions of this Ordinance shall be forfeited.

- c. In the event the owner or occupant of the property for which a Conditional Use Permit has been issued, shall cease to use the land for the use the permit has been granted for a period of ninety (90) consecutive days or more, or shall cease to use the building(s) for the use the permit has been granted for a period of six (6) consecutive months or more, a revocation hearing shall be scheduled.
1. **Revocation Hearing under Section 10.19(c)**
The Zoning Administrator shall notify the owner or occupant of the property by certified letter or personal service of the intent of the Township to revoke a Conditional Use Permit. Service shall be made at least ten (10) days prior to the hearing. The Planning Commission shall accept oral or written testimony from any interested party. If it is the determination of the Planning Commission that the permit be revoked, a recommendation shall be made to the Township Board.
2. **Township Board Action under Section 10.19 (c)(1)**
The Township Board shall review the recommendation of the Planning Commission and, if satisfied that the conditional use has been discontinued for the period referred to, may revoke the Conditional Use Permit.

ARTICLE 11
AA - AGRICULTURAL DISTRICT

SECTION 11.01 PURPOSE

The purpose of this article is to provide for a district which will allow extensive areas of the township to be retained in agricultural use, prevent scattered non-farm growth, preserve woodlands and wildlife areas and 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 agricultural resources, environment and economy, including the tax base. It is essential that development in areas, which are predominantly agricultural, be based on sound principles, which realize the importance of such activities to the economy and welfare of the Township.

SECTION 11.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots and buildings and structures are permitted in this district:

- a. General and specialized agricultural and incidental agricultural related uses, including a riding academy or stable.
- b. One and two family dwellings including farmsteads provided that only two (2) dwellings are permitted per quarter of a quarter section area except as provided in Section 11.04(h).
- c. Agricultural buildings.
- d. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- e. A parcel may be used for the raising or growing of plants, trees, shrubs, and nursery stock and any building or structure may be located thereon and used for such raising or growing and for the storage of equipment and materials necessary for such raising or growing.
- f. A parcel may be used and a building or structure located thereon for the raising or keeping of poultry, rabbits and other similar fur-bearing animals whether for profit or pleasure.
- g. A parcel may be used for the growing, stripping and removal therefrom of sod provided that said lot or portion thereof shall be seeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion by water or wind.
- h. Home Occupations
- i. No outdoor storage or overnight parking for more than two (2) commercial use vehicles over one (1) ton rate capacity. All such vehicles shall be parked within a side or rear yard, except for those vehicles used in an agricultural operation.

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- j. A sign, only in accordance with the regulations specified in ARTICLE 8.
- k. An accessory use, building or structure.
- l. Essential service structures except as provided in Section 10.15.
- m. Roadside stand.
- n. Kennel. private or commercial

SECTION 11.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE 10.

- a. Development of Natural Resources as prescribed in Section 10.10.
- b. Public and private park camping grounds, golf course, golf driving range, clubs, hunting lodge.
- c. Community and governmental buildings.
- d. Airport.
- e. Sanitary landfill site.
- f. Public and private nursery, primary and secondary schools, business school and college or university.
- g. Agri-business.
- h. A church, synagogue, cathedral, mosque, temple or other building used for public worship or cemetery.
- i. Temporary building or trailer office.
- j. Veterinarian, animal clinic and the facilities for the care of animals.
- k. Commercial radio, television stations, transmitters or telecommunication towers. (*Amended 2009*)
- l. Public and private recreation areas such as forest preserve, game refuge, recreation park and reservation, and similar public and private use of low intensity use.
- m. Utility transmission facilities.

SECTION 11.04 REGULATIONS

- a. Lot Area: No building or structure shall be established on any lot less than one (1) acre in area, Effective 5/21/2001

except for kennels and the raising or keeping of cattle, hogs, horses, ponies, goats and similar livestock whether for profit or pleasure, the minimum lot area requirement shall be five (5) acres and a width of not less than three hundred (300) feet.

- b. Lot Width and Depth: The minimum lot width shall be not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than one hundred seventy-five (175) feet.
- c. Lot Coverage: The maximum lot coverage shall not exceed fifteen (15) percent.
- d. Minimum First Floor Area: The minimum first floor area for a one (1) story dwelling is nine hundred sixty (960) square feet. *(Amended 2009)*

The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.

- e. Yard and Setback Requirements:
 - 1. Front Yard: not less than fifty (50) feet.
 - 2. Side Yards: least width of either yard shall not be less than fifty (50) feet.
 - 3. Rear Yard: not less than fifty (50) feet.
 - 4. The above requirements shall apply to every lot, building or structure.
- f. Height: The following height requirements shall apply in this district
 - 1. For dwelling and non-farm buildings and structures: No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.
- g. Required Off-Street Parking: As required in Article 9.
- h. Density Regulations for Dwellings
 - 1. Permitted lots: Not more than two (2) dwellings per quarter of a quarter section area shall be permitted except that additional dwellings may be allowed subject to the provisions stated in this section. The density regulations shall apply only to those quarter of a quarter section area.
 - 2. Desired Density: It is the intent of this section that the total dwellings per quarter of a quarter section area shall not exceed two (2) except as follows: *(Modified 9/06)*
 - a. Lots of record (as defined in Article 20, Section 20.02(52)(a) on the date of adoption of this ordinance shall be considered buildable provided all other applicable ordinances are met; *(Added 9/06)*

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- b. Lots to which development rights have been transferred pursuant to subsection 11.04(h)(3) and (4). *(Added 9/06)*
3. Transfer of Development Rights to a Contiguous Quarter-Quarter Section Area: Upon filing of a dated, notarized and signed document the owner of contiguous quarter-quarter sections under single ownership may transfer development rights of the “permitted lots” allowed in (11.04 (h)(1). Documents must be filed with the Township Supervisor with a copy to the Planning Commission Secretary. The number of lots on any one quarter-quarter section shall be limited to four (4).
4. Transfer of Development Rights to Contiguous Parcels. Upon filing of a dated, notarized and signed document, the owner of a full quarter-quarter section area may transfer development rights of the “permitted lots” allowed in (11.04 (h)(1) to a contiguous parcel of less than 40 acres, provided the quarter-quarter section area and contiguous parcel are under single ownership and further provided that the contiguous parcel to which development rights are to be transferred has existing public road frontage. Documents must be filed with the Township Supervisor with a copy to the Planning Commission Secretary. *(Added 9/06)*

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ARTICLE 11
AA- AGRICULTURAL DISTRICT

ARTICLE 12
MDA - MEDIUM DENSITY AGRICULTURAL DISTRICT

SECTION 12.01 PURPOSE

It is the purpose of this district to maintain the agricultural personality of the district but to allow for controlled development. This district will be a transitional district between the Agricultural District and the Low Density Residential and Medium Density Residential Districts of the Township.

SECTION 12.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots and buildings and structures are permitted in this district:

- a. General and specialized agricultural and incidental agricultural related uses, including a riding academy or stable.
- b. One and two family dwellings and agricultural buildings.
- c. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- d. A parcel may be used for the raising or growing of plants, trees, shrubs, and nursery stock and any building or structure may be located thereon and used for such raising or growing and for the storage of equipment and materials necessary for such raising or growing.
- e. A parcel and a building or structure located thereon may be used for the raising or keeping of poultry, rabbits and other similar fur-bearing animals whether for profit or pleasure.
- f. A parcel may be used for the growing, stripping and removal therefrom of sod provided that said lot or portion thereof shall be seeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion by water or wind.
- g. Home Occupations
- h. No outdoor storage or overnight parking for more than two (2) commercial use vehicles over one (1) ton rate capacity. All such vehicles shall be parked within a side or rear yard except for those vehicles used in an agricultural operation.
- i. A sign, only in accordance with the regulations specified in ARTICLE 8.
- j. An accessory use, building or structure.
- k. Essential service structures except as provided in Section 10.15.

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- l. Roadside stand.
- m. Kennel, private or commercial.

SECTION 12.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE 10.

- a. Development of Natural Resources as prescribed in Section 10.10.
- b. Public and private park camping grounds, golf course, golf driving range, clubs, hunting lodge.
- c. Community and governmental buildings.
- d. Airport.
- e. Public and private nursery, primary and secondary schools, business school and college or university.
- f. Agri-business.
- g. A church, synagogue, cathedral, mosque, temple or other building used for public worship or cemetery.
- h. Temporary building or trailer office.
- i. Veterinarian, animal clinic and the facilities for the care of animals.
- j. Commercial radio, television stations, transmitters or telecommunication towers. ~~occupying a site of no less than ten (10) acres.~~
- k. Public and private recreation areas such as forest preserve, game refuge, recreation park and reservation, and similar public and private use of low intensity use.
- n. Utility transmission facilities.

SECTION 12.04 REGULATIONS

- a. Lot Area: No building or structure shall be established on any lot less than two (2) acres in area, except that for kennels and the raising or keeping of cattle, hogs, horses, ponies, goats and similar livestock whether for profit or pleasure, the minimum lot area requirement shall be five (5) acres and a width of not less than three hundred (300) feet.
- b. Lot width and Depth: The minimum lot width shall be not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than one hundred seventy-five

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(175) feet.

- c. Lot Coverage: The maximum lot coverage shall not exceed fifteen (15) percent.
- d. Minimum First Floor Area: The minimum first floor area for a one (1) story dwelling is ~~seven hundred twenty (720)~~ **nine hundred sixty (960)** square feet.

The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.
- e. Yard and setback requirements:
 - 1. Front Yard: not less than fifty (50) feet from the right-of-way.
 - 2. Side Yards: least width of either yard shall not be less than fifty (50) feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than fifty (50) feet from the right-of-way.
 - 3. Rear Yard: not less than fifty (50) feet.
 - 4. The above requirements shall apply to every lot, building or structure.
- f. Height: The following height requirements shall apply in this district:
 - 1. For Dwelling and Non-farm Buildings and Structures: No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.
- g. Required Off-Street Parking: As required in Article 9.

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ARTICLE 13
RA - LOW DENSITY RESIDENTIAL DISTRICT

SECTION 13.01 PURPOSE

The purpose of this district is to provide areas for outlying residential development on lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid waste water disposal, since the areas will likely remain unserved by public water or sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

SECTION 13.02 PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- a. One or two family dwellings.
- b. General and specialized farming and agricultural activities including the raising or growing of crops and other farm products and foodstuffs but not including the raising of any livestock, poultry or other farm animals, unless the following conditions are satisfied:
 1. The lot or parcel of land upon which these activities are conducted is no less than ten (10) acres in area and a minimum of 330 feet in width.
 2. No storage of manure or other odor or dust producing materials or activities shall be permitted.
 3. All farm buildings other than dwellings shall be located a minimum of ninety (90) feet from an adjacent property line.
- c. A lot may be used for the raising or growing of plants, trees, shrubs and nursery stock.
- d. A sign, only in accordance with the regulations specified in ARTICLE 8.
- e. Essential Service Structures except as provided in SECTION 10.15.
- f. Home Occupations.
- g. Roadside Stand.
- h. Private kennel, provided the minimum lot area be five (5) acres and a width of not less than three hundred (300) feet.

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ARTICLE 13
RA- LOW DENSITY RESIDENTIAL

- i. State licensed residential facility and family daycare homes excluding adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional facilities and group day-care homes. (*Added 6/7/07*)

SECTION 13.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE 10.

- a. Golf courses, which may include a golf driving range, country club, public swimming pool, swimming and recreation club, public and private park and playground.
- b. Churches and public buildings.
- c. Public and private nursery, primary and secondary school.
- d. Temporary buildings or trailer offices.
- e. A planned unit residential development only in accordance with the procedures and regulations specified in ARTICLE 10.12
- f. A parcel and a building or structure thereon for a riding academy or stable or commercial kennel whether for profit or pleasure upon a lot having not less than ten (10) acres and a width not less than three hundred thirty (330) feet.
- g. Group day-care homes (*Added 6/7/07*)

SECTION 13.04 REGULATIONS

The following regulations shall apply in all RA-Low Density Residential Districts:

- a. No building or structure shall be established in this district on any lot less than thirty-thousand (30,000) square feet.
- b. The minimum lot width shall be one hundred-fifty (150) feet.
- c. The maximum lot coverage shall not exceed twenty (20) percent.
- d. Yard and setback requirements:
 1. Front Yard - not less than fifty (50) feet from the right-of-way line.
 2. Side Yard - least width of either yard shall not be less than thirty (30) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than fifty (50) feet. from the nearest road right-of-way.
 3. Rear Yard - not less than fifty (50) feet.

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4. The above requirements shall apply to every lot, building or structure.

e. Height:

1. For buildings and structures: No building or structure shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

2. For detached accessory buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.

f. Required off-street parking: As required in ARTICLE 9.

g. Minimum First Floor Area: The minimum first floor area for a one story dwelling shall be nine hundred sixty (960) square feet. (*Amended 2009*)

The minimum first floor area for a two or more story dwelling shall be five hundred-fifty (550) square feet.

ARTICLE 14
RB - MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 14.01 PURPOSE

The purpose of this district is to provide a stable environment for medium to high-density residential areas with suitable open space. This district shall generally be located on the fringe of urban-type development. The district allows flexibility of lot size dependent upon the availability of public sewer and water services.

SECTION 14.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Single-family dwelling and any use, building or structure accessory thereto.
- b. Two-family dwelling and any use, building or structure accessory thereto.
- c. A sign, only in accordance with the regulations specified in ARTICLE 8.
- d. Essential service structures except as provided in SECTION 10.10.
- e. Home Occupation
- f. Private kennel, provided the minimum lot area be five (5) acres and a width of not less than three hundred (300) feet.
- g. State licensed residential facility and family daycare homes excluding adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional facilities and group day-care homes (*Added 6/7/07*)

SECTION 14.03 CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 10.

- a. Golf course
- b. Country Club, Public swimming pool, recreation club, private and public park and playground.
- c. Church and Public buildings.
- d. Public and private nursery, primary and secondary school.
- e. A planned unit residential development, only in accordance with the procedures and regulations specified in ARTICLE 10.12.

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- f. Temporary building or trailer office.
- g. Group day-care homes. (*Added 6/7/07*)

SECTION 14.04 REGULATIONS

The following regulations shall apply in all RB - Medium High Density Residential Districts:

- a. Lot Area - Where a lot is served with a public water supply system and a central sanitary sewerage system there shall be provided a minimum of ten thousand (10,000) square feet of lot area for each single-family dwelling unit and fifteen thousand (15,000) square feet of lot area for each two-family dwelling unit. Where a lot is not so served, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each single-family dwelling unit and thirty thousand (30,000) square feet of lot area for each two-family dwelling unit. The minimum lot area for all other buildings and structures shall be two (2) acres.
- b. Lot Width - The minimum lot width shall be one hundred (100) feet.
- c. Lot Coverage - The maximum lot coverage shall not exceed thirty (30) percent.
- d. Yard and setback requirements -
 - 1. Front Yard - Not less than twenty-five (25) feet from the right-of-way line.
 - 2. Side Yards - Least width of either yard shall not be less than fifteen (15) feet, except in the case where the side yard on the road or street side shall not be less than twenty-five (25) feet.
 - 3. Rear Yard - Not less than thirty (30) feet.
 - 4. The above requirements shall apply to every lot, building or structure.
- e. Height - The following height requirements shall apply in this district:
 - 1. For Buildings and Structures - No building and no structure shall exceed a height of two and one-half (2 1/2) stories, but not exceeding thirty-five (35) feet.
 - 2. For Detached Accessory Buildings - No detached accessory building shall exceed a height of twenty-five (25) feet.
- f. Required Off-Street Parking - As required in ARTICLE 9.
- g. Minimum First Floor Area: The minimum first floor area for a one-story dwelling shall be nine hundred sixty (960) square feet. (*Amended 2009*)

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Minimum first floor area for a two or more story dwelling shall be five hundred-fifty (550) square feet.

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ARTICLE 14
RB – MEDIUM DENSITY RESIDENTIAL

ARTICLE 15
RL – RESIDENTIAL LAKE DISTRICT

SECTION 15.01 - PURPOSE

The purpose of this district is to provide reasonable regulations for residential development that has already established its essential characteristics. It is also the purpose of this district to accommodate the safe and healthful on site water supply and liquid waste water disposal since the areas will likely remain unserved by public water - sewer services for extended periods of time. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environment and family life in this district.

SECTION 15.02 - PERMITTED USE

The following buildings and structures and use of parcels, lots, buildings and structures are permitted in this district:

- a. One family dwelling.
- b. A sign, only in accordance with the regulations specified in ARTICLE 8.
- c. Essential Service Structures except as provided in SECTION 10.17.
- d. Home Occupations
- e. Roadside Stand.
- f. State licensed residential facility and family daycare homes excluding adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional facilities and group day-care homes (*Added 6/7/07*)

SECTION 15.03 - CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE 10:

- a. Swimming and recreation club, public and private park and playground.
- b. Churches and public buildings.
- c. Temporary buildings, as described in Section 10.21
- d. A planned unit residential development only in accordance with the procedures and regulations specified in ARTICLE 10.
- e. Group day-care homes. (*Added 6/7/07*)

SECTION 15.04 - REGULATIONS

The following regulations shall apply in all RL-Residential Lake Districts:

- a. No building or structure shall be established in this district on any lot less than thirty-thousand (30,000) square feet.
- b. The minimum lot width shall be one hundred fifty (150) feet.
- c. The maximum lot coverage shall not exceed twenty (20) percent.
- d. Yard and setback requirements: (Lots bordering on the lake, the established water or shore line shall be designated as the front yard)
 1. Front Yard - not less than fifty (50) feet.

For riparian land, the ordinary high water mark may be used when calculating the required setback, except for platted lots separated from the water by specifically dedicated rights-of-way. For platted lots separated from the water by specifically dedicated rights-of-way, the lot line as noted on the plat map shall be used for calculating setback. In no case shall there be any construction, enlargement, extension, removal or placement of a structure upon "bottom land" as that term is defined under the Natural Resources Environmental Protection Act, 1994 PA 451, MCL 34.30101, as amended, unless a permit under that Act is first obtained.
(added 9/06)
 2. Side Yard - least width of either yard shall not be less than twelve (12) feet.
 3. Rear Yard - not less than twenty-five (25) feet.
 4. The above requirements shall apply to every lot, building or structure.
- e. Height:
 1. For buildings and structures: No building or structure shall exceed a height of two and one-half (2-1/2) stories or thirty-five (35) feet.
 2. For detached accessory buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.
- f. Required off-street parking: As required in ARTICLE 9.
- g. Minimum First Floor Area: The minimum first floor area for a one story dwelling shall be nine hundred sixty (960) square feet. *(Amended 2009)*

The minimum first floor area for a two or more story dwelling shall be five hundred fifty (550) square feet.

ARTICLE 16
HDR - HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 16.01 PURPOSE

The purpose of this District is to provide for various types of multiple family residential uses, dwellings and group developments of a high density, but under specific density control. The requirements of this District are intended to recognize that various forms of site developments are desirable in order to provide a wide range of choices of living environments, but at the same time to regulate such development in order to prevent congestion of the public streets, reduce hazards to life and property, provide desirable light and air, and to provide for adequate open spaces and basic amenities. These districts will generally be located in areas of concentrated urban development, on or near major streets, urban facilities and services, and particularly fire protection systems. Provisions are made to accommodate multiple dwellings in areas of transitional development on larger lots than is required where public sewer facilities are not presently available. It would be anticipated that these transitional areas would be provided with the public facilities in the near future. There is no intent to promote by these regulations, a district of lower quality of desirability than any other residential district, although a greater variety of dwelling types are permitted herein.

SECTION 16.02 PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this District:

- a. Dwelling, multiple family.
- b. Two-family dwellings.
- c. Manufactured Housing Community
- d. Public and private parks, playgrounds and play fields.
- e. Accessory use, buildings or structures.
- f. Essential service buildings, except as provided in ARTICLE 10.15.
- g. State licensed residential facility and family daycare homes excluding adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional facilities and group day-care homes. (*Added 6/7/07*)

SECTION 16.03 CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a Conditional Use Permit as provided in ARTICLE 10.

- a. A planned unit residential development which complies with the terms and provisions of ARTICLE 10.12.

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- b. Church and public buildings.
- c. Public and private nursery, primary and secondary school.
- d. Temporary building or trailer office.
- e. Group day-care home. (*Added 6/7/07*)

SECTION 16.04 HEIGHT AND AREA REGULATIONS

The following regulations shall apply in the HDR - High Density Residential Districts.

- a. Lot Area- Where a lot is served with a public water supply system and a central sanitary sewerage system there shall be provided a minimum of 30,000 square feet of lot area. Where a lot is not so served, there shall be a minimum of one (1) acre.
- b. Lot Width- The minimum lot width for lots served with a central water supply system and central sanitary sewerage system shall be one hundred (100) feet. Where a lot is no so served, the minimum lot width shall be two hundred (200) feet.
- c. Lot Coverage- The maximum lot coverage shall not exceed thirty-five (35) percent.
- d. Yard and setback requirements-
 - 1. Front Yard – Not less than twenty (20) feet from right-of-way line.
 - 2. Side Yard – Not less than fifteen (15) feet, except in the case where the side yard on the road or street side shall not be less than twenty (20) feet.
 - 3. Rear Yard – Not less than twenty (20) feet.
- e. Height- The following height requirements shall apply in this district.
 - 1. For Buildings and Structures- No building or structure shall exceed a height of two and one-half (2 ½) stories, but not exceeding thirty-five (35) feet.
 - 2. For Detached Accessory Buildings – No detached accessory building shall exceed a height of twenty-five (25) feet.
- f. Required Off-Street Parking – As required in ARTICLE 9.
- g. In the HDR - High Density Residential District every multiple dwelling or group of buildings within a group housing development hereafter constructed or structurally altered shall be located on lots of no less area than specified as follows, unless otherwise provided herein.
 - 1. One acre for the first dwelling unit of each multiple family dwelling structure.

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2. Three thousand (3,000) square feet for each additional dwelling unit containing two (2) or more bedrooms.
3. Two thousand (2,000) square feet for each additional dwelling unit containing less than two (2) bedrooms.

SECTION 16.05 MINIMUM INTERIOR LIVING SPACE

The minimum square footage of interior living space, exclusive of any area contained within attached garages, porches, balconies, or common hallways, required for each family shall be as specified in the following schedule:

- a. Two-Family Dwellings: Requirements set forth in Article 22, definition of , Dwelling, Two-Family shall apply. *(Amended 2009)*
- b. Multiple-Family Dwellings of three or more dwelling units: The minimum square footage of living space shall include the following, in addition to a bath, utility room, storage space, and other general space requirements and exclusive of closets, halls and offset entrances:

<u>Number of Bedrooms</u>	<u>Square Feet of Floor Area</u>
0 Bedroom	350 square feet
1 Bedroom	450 square feet
2 Bedrooms	600 square feet
3 Bedrooms	800 square feet
4 Bedrooms	1,000 square feet

ARTICLE 17
NS - NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT

SECTION 17.01 PURPOSE

It is the purpose of this district to provide for convenient retail and personal service establishments, which cater to the day-to-day needs of families residing within immediately accessible neighborhoods. To this end, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded. It is the basic intent of this district to encourage future commercial development within planned centers rather than in scattered locations throughout the residential areas, but also to provide for those necessary services which are most appropriately and conveniently located in close proximity to residential neighborhoods.

SECTION 17.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Clothing and Apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.
- b. Food service including grocery, meat market, bakery, restaurant, delicatessen and fruit market, ice-o-mats and similar self-serve units but not including any business of a drive-in nature.
- c. Personal services, including barber shop and beauty salon, medical and dental clinics, music studios, banks and savings and loan associations.
- d. Retail services, including drug stores, hardware, gift shop and dry goods and notions store.
- e. A sign, only in accordance with the regulations specified in ARTICLE S.
- f. An accessory use, building or structure.
- g. Essential service structures except as provided in SECTION 10.15.

SECTION 17.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 10.

- a. Animal hospital or clinic.
- b. Drive-in, retail and service establishments excluding drive-in amusement establishments.
- c. Gasoline service stations.

- d. Planned neighborhood shopping centers.
- e. Temporary buildings or trailer offices.
- f. Adult Entertainment (*Added 2009*)

SECTION 17.04 REGULATIONS

The following regulations shall apply in all NS Neighborhood Service Commercial Districts:

- a. Lot Area - No building or structure shall be established on any lot less than one (1) acre in area.
- b. Lot Width - The minimum lot width shall be one hundred and fifty (150) feet.
- c. Lot Coverage - The maximum lot coverage shall not exceed twenty-five (25) percent.
- d. Yard and Setback Requirements -
 - 1. Front Yard - not less than fifty (50) feet from right-of-way.
 - 2. Side Yards - Least width of either yards shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than fifty (50) feet.
 - 3. Rear Yard - not less than thirty-five (35) feet.
 - 4. The above yard requirements shall apply to every lot, building or structure.
- e. Height - no building or structure shall exceed a height of thirty-five (35) feet.
- f. Transition Strips -
 - 1. On every lot in this district which abuts a lot in a residential district there shall be provided a transition strip. Such transition strip shall be not less than fifteen (15) feet in width, shall be provided along every lot line, except at front lot lines, which abuts a lot in a residential district, shall not be included as part of the yard required around a building or structure, and shall be improved when said lot in this district is improved, with an opaque fence, wall or hedge not less than five (5) feet in height, maintained in good condition.
 - 2. A use or structure on any lot in this district fronting a public road, street or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.
- g. Required Off-Street Parking - As required in ARTICLE 9.

ARTICLE 18
HS - HIGHWAY SERVICE COMMERCIAL DISTRICT

SECTION 18.01 PURPOSE

This district is composed of those areas of the Township whose principal use is or ought to be retail and service business activities, which serve or are meant to serve the motoring public. This district has been located at major regional highways or intersections of highways and expressways, to permit the development of these business activities, to protect adjacent agricultural, residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on and serve the persons traveling on major through highways. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

SECTION 18.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Souvenir and gift shop, public information booth.
- b. Gasoline service station, including minor repair service, provided that all the requirements of ARTICLE 10 are met.
- c. Motel, hotel,
- d. Drive-in retail and service establishments excluding drive-in amusement establishments.
- e. A sign, only in accordance with the regulations specified in ARTICLE 8.
- f. Accessory use, building or structure.
- g. Essential service structures and buildings except as provided in SECTION 10.15

SECTION 18.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 10.

- a. Any sporting goods sales and service.
- b. New and used automobile sales and services.
- c. Places of amusement, entertainment or recreation such as dance hall, bowling alley, establishments serving alcoholic beverages, miniature golf, commercial swimming pool, and drive-in theater.

- d. Temporary building or trailer office.
- e. Adult Entertainment (*Added 2009*)

SECTION 18.04 REGULATIONS

The following regulations shall apply in all HS - Highway Commercial Districts:

- a. Lot Area - No building or structure shall be established on any lot less than one (1) acre in area.
- b. Lot Width - The minimum lot width shall be one hundred and fifty (150) feet.
- c. Lot Coverage - The maximum lot coverage shall not exceed twenty-five (25) percent.
- d. Yard and setback requirements
 - 1. Front Yard - not less than fifty (50) feet from right-of-way.
 - 2. Side Yards - Least width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than fifty (50) feet.
 - 3. Rear Yard - not less than thirty-five (35) feet.
- e. Transition Strip - (see transition strip in NS - District).
- f. Height - No building or structure shall exceed a height of forty-five (45) feet.
- g. Required Off-Street Parking - as required in ARTICLE 9.

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ARTICLE 18
HS – HIGHWAY SERVICE COMMERCIAL
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ARTICLE 19
LI - LIGHT INDUSTRIAL DISTRICT

SECTION 19.01 PURPOSE

This district is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses and to lessen congestion on public streets and highways. To these ends, certain uses, which would function more effectively in other districts and would interfere the operation of these industrial activities and the purpose of this district, have been excluded.

SECTION 19.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Research oriented and light industrial park uses.
- b. The manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.
- c. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- d. Packaging of previously prepared materials, but not including the balling of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
- e. Printing, lithographic, blueprinting and similar uses.
- f. Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- g. Light manufacturing industrial use, which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials. drugs, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic products, printed matter, baked and dairy products, advertising displays, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products and luggage but not including tanning products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell or yarn.
- h. Research and testing facilities.

- i. An accessory use, building or structure.
- j. A sign, only in accordance with the regulations in ARTICLE 8.
- k. Essential Service structures and buildings.

SECTION 19.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 10.

- a. Restaurants and cafeteria facilities for employees.
- b. Bus, truck, taxi and rail terminals.
- c. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic tired two and four-wheeled utility trailers, such as household equipment, pneumatic tired cement mixers, wheelbarrows, rollers and similar products or equipment.
- d. Airport.
- e. Gasoline service station.
- f. Banks.
- g. Temporary building or trailer office.
- h. Utility transmission facilities.

SECTION 19.04 REGULATIONS

The following regulations shall apply in all LI - Light Industrial Districts:

- a. Lot Area - No building or structure shall be established on any lot less than one (1) acre in area.
- b. Lot Width - The minimum lot width shall be one hundred and fifty (150) feet.
- c. Lot Coverage - The maximum lot coverage shall not exceed twenty-five (25) percent.
- d. Yard and setback requirements
 - 1. Front Yard - Not less than eighty-five (85) feet from right-of-way.
 - 2. Side Yards - Least width of either yard shall not be less than twenty (20) feet, except in

the case of a corner lot or parcel where the side yard on the road or street shall not be less than eighty-five (85) feet.

3. Rear Yard - Not less than thirty-five (35) feet.
 4. The above requirements shall apply to every lot, building or structure.
- e. Height - Except as is otherwise provided in this ordinance, no building or structure should exceed a height of forty-five (45) feet.
 - f. Required Off-Street Parking As required in ARTICLE 9.

ARTICLE 20
HI - HEAVY INDUSTRIAL DISTRICT

SECTION 20.01 PURPOSE

This district is designed to provide the location and space for all manner of industrial uses, wholesale commercial and industrial storage facilities. It is the purpose of these regulations to permit the development of certain functions, to protect the abutting residential and commercial properties from incompatible industrial activities, to restrict the intrusion of non-related uses such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the district which are nonconforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this district.

SECTION 20.02 PERMITTED USES

The following building, structure and uses of parcels, lots, buildings and structures are permitted in this district:

- a. All permitted uses allowed in LI- Light Industrial Districts as provided in Section 19.02 of this ordinance.
- b. Contractor's establishment.
- c. Manufacturing.
- d. Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- e. Manufacturing product warehousing, exchange and storage centers and yards.
- f. Open Industrial uses or industrial product or materials storage, provided that any activity in which products or materials being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits, such use shall be provided with an opaque permanently maintained wall or fence, no lower than the subject use of storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line, if a wall is provided, its foundations likewise shall extend below the frost line.
- g. Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.
- h. Auctions for livestock.
- i. An accessory use, building or structure.

SECTION 20.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots buildings and structures are permitted subject to obtaining conditional use permit as provided in Article 10.

- a. Public or private dumps, incinerators, and sanitary landfills, junk yards, inoperative vehicle storage.
- b. Quarries and sand and gravel pits.
- c. Plating shops.
- d. Rendering plants.
- e. Slaughter houses.
- f. Heat treating processors.
- g. Tanneries.
- h. Other similar uses.
- i. Temporary building or trailer office.
- j. Utility transmission facilities.

SECTION 20.04 REGULATIONS

The following regulations shall apply in all HI - Heavy Industrial Districts:

- a. Lot Area - No building or structure shall be established on any lot less than five (5) acres in area.
- b. Lot Width - The minimum lot width shall be two hundred (200) feet.
- c. Lot Coverage - The maximum lot coverage shall not exceed twenty-five (25) percent.
- d. Yard and setback requirements -
 1. Front Yard - Not less than eighty-five (85) feet from right-of-way.
 2. Side Yards - Least width of either yard shall not be less than fifty (50) feet, except in the case of a corner lot, where the side yard or the road or street shall not be less than eighty-five (85) feet.
 3. Rear Yard - Not less than fifty (50) feet.
- e. Height – No building shall exceed a height of fifty (50) feet.

- f. Required Off-Street Parking - As required in Article 9.

**ARTICLE 21
WETLANDS CONSERVATION OVERLAY
DISTRICT**

SECTION 21.01 PURPOSE

The Wetland Conservation Overlay District is hereby determined to be those areas identified or delineated as poorly drained or very poorly drained soils. It is the specific intent of this District to prevent or limit development of buildings and land use on naturally occurring wetlands located within the “Water Hazard Soils” and those areas identified in the FEMA Flood Insurance Maps as floodplain areas. Development within these areas may contribute to pollution of surface and ground water. To prevent the destruction of natural wetlands which provide flood protection, recharge of ground water supplies, retention of sediments, attenuation of nutrients, augmentation of stream flow during dry periods, and important wildlife areas. To prevent unnecessary or excessive expenses to the Township to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands. To protect water supplies, aquifers and aquifer recharge areas.

SECTION 21.02 PERMITTED USES

The following uses are permitted within this overlay district except that no structures shall be allowed within the boundaries of water hazard soils or designated floodplain areas, as defined within this article and shown on corresponding wetlands conservation overlay district maps. The permitted uses are subject to Site Plan Review under Article 23 of this Ordinance and submission of an approved soil erosion and sedimentation control permit if the use lies within five hundred (500) feet of a lake, river or stream. Under MCL 324.9115, a person engaged in the logging industry, the mining industry, or the plowing or tilling of land for the purpose of crop production or the harvesting of crops is not required to obtain a soil erosion and sedimentation permit, however all earth changes associated with the activities listed in MCL 324.9115 shall conform to the same standards as if they required a permit. Such uses exempted from obtaining a soil erosion and sedimentation permit under the above referenced Michigan Compiled Law shall not be required to acquire site plan review approval under Article 23 of this ordinance. See Appendix A of this ordinance for the complete wording of MCL 324.9115.

1. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
2. General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs.
3. Raising or growing of plants, trees, shrubs and nursery stock.
4. Public or private forest preserve or game refuge.
5. The growing, stripping and removal of sod, provided that said lot or portion thereof will be seeded after stripping by fall of the same year in which it was stripped.

6. Golf course fairways.

Structures existing within the Wetlands Conservation Overlay District at the time of adoption of this article, used for residential or agricultural purposes may be enlarged by fifteen (15%) of the existing total floor area of the structure to be enlarged, or to a maximum of four hundred (400) square feet. Enlargements are limited to a maximum of four hundred (400) square feet for a principle building after enactment of this section. New residential attached garages, detached accessory buildings or agricultural accessory buildings are limited to five hundred seventy-six (576) square feet or less.

SECTION 21.03 WATER HAZARD SOILS

The following soils mapped and classified by the Soil Survey of Calhoun County, Michigan shall be designated as Water Hazard Soils for purpose of this Ordinance;

<u>Soil Name with Map Symbol</u>		<u>Soil Name with Map Symbol</u>	
#2	Houghton	#4	Adrian
#7	Houghton	#8	Edwards
#9	Martisco	#61	Alganssee
#62	Granby	#83	Pits
#84	Histosols/Aquents	#85	Histosols/Fluvaquents
#87	Hapludalfs/Udipsamments	#87	Histosols

SECTION 21.04 APPEALS

Any person aggrieved by the determination of the Zoning Administrator that an area proposed for development falls within the boundaries of the soils named as “Water Hazard Soils” may appeal to the Zoning Board of Appeals. The applicant must furnish the following information to the Zoning Board of Appeals for their consideration;

A hydro geologic investigation of a “Water Hazard Soil” must be completed by a trained professional in soil science. These professionals may include: soil scientists, geologist, engineers, etc. The professional should investigate an area and depth large enough to determine the hydro geologic and soil characteristics of materials within 75 feet of the proposed leach bed. Hydro geologic investigation of an area consisting of a “Water Hazard Soil” will consist of field work, data analyses, and reporting sufficient for the professional to make one of the following statements:

1. The soil type identified by the hydro geologic investigation is not properly represented in the Soil Survey in the area investigated. The characteristic of _____ was determined, by investigation, to actually consist of _____, thereby causing this identified “Water Hazard Soil” to be considered a soil suitable for improvement. Further, it is the opinion of _____ that the proposed proper construction, installation, and use of a septic system on the identified property will not be affected by the soils and characteristics encountered.
2. The soil type identified by the hydro geologic investigation is properly represented in the Soil Survey.

A site plan showing location of the proposed structure(s), well and septic system with locations of the soil borings or other hydro geologic investigations indicated. An environmental impact study if requested by the Zoning Board of Appeals.

If the soil borings/hydro geologic investigations indicate a soil not classified as “Water Hazard Soils” within this Article, the site shall be determined build able unless it fails to meet other restrictions for the district it is located in.

Zoning Board of Appeals shall transmit a copy of the minutes of the determination hearing to the Zoning Administrator and Building Inspector.

**ARTICLE 22
CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

SECTION 22.01 RULES APPLYING TO TEXT

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

- a. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- b. Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- c. The word “building” includes the word “structure”.
- d. The word “building” or “structure” includes any part thereof.
- e. The word “person” includes a corporation as well as an individual.
- f. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- g. Any work or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 22.02 DEFINITIONS

For the purpose of this Ordinance, the following terms and words are defined as follows:

1. **Accessory Building** - A subordinate building, the use of which is clearly incidental to that of the principal building or to the use of the land.
2. **Accessory Use** - A use, subordinate to the principal use on a lot and used for the purpose clearly incidental to those of the main use.
3. **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 anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of “Specified Sexual Activities” or “Specified Anatomical Areas”. (*Added 2009*)

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4. **Adult Bookstore Adult Novelty or Adult Video Store** - A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration anyone or more of the following:
 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe “Specified Sexual Activities” or “Specified Anatomical Areas”; or
 2. Instruments, devices, or paraphernalia that are designed for use in connection with “Specified Sexual Activities”.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified in paragraphs 1 and 2, above, and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment. *(Added 2009)*
5. **Adult Cabaret or Adult Night Club** - A nightclub, bar restaurant, or similar commercial establishment that regularly features:
 1. Persons who appear in a state of nudity;
 2. Live performances that are characterized by the exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”;
 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or .visual media that are characterized by the depiction or description of “Specified Sexual Activities” or ‘Specified Anatomical Areas”;
 4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers. *(Added 2009)*
6. **Adult Motel or Adult Lodging** - A hotel, motel or similar commercial establishment that:
 1. Offers accommodation to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas” and has a sign visible from the public right of way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours. *(Added 2009)*
7. **Adult Motion Picture Theater** - A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas”. *(Added 2009)*

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8. **Adult Theater** - A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”. (*Added 2009*)
9. **Agricultural** - Includes purposes related to agriculture, farming, dairying, pasturage, horticulture, viticulture and animal and poultry husbandry and forestry management.
10. **Agri-Business** – Retail or wholesale of animals or products related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture and animal or poultry husbandry.
11. **Alley** - A public or legally established private thoroughfare, other than a street, which affords a secondary means of access to abutting property, and not more than twenty (20) feet wide.
12. **Alterations** - Any change, addition or modification in construction, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.
13. **Animated Signs** - Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
14. **Apartment** - (See dwelling, multiple family).
15. **Area, Net Site** - The total area within the property lines of a project excluding external streets.
16. **Automobile or Trailer Sales Area** - Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.
17. **Automobile Repair** - General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.
18. **Basement** - That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the surrounding ground elevation at all points.
19. **Billboard** - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin used to display official court or public office notices.
20. **Building** - A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.
21. **Building Coverage** - That percentage of the plot or lot area covered by the building area.

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22. **Building Height** - The vertical distance measured from the established sidewalk grade to the highest point of the roof surface.
23. **Building Permit** - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.
24. **Campground** – A parcel or tract of land on which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the temporary use by five (5) or more recreational vehicles or tents.
25. **Camping Vehicle** - Mobile units principally designed for recreation pastime such as motor homes, camper trailers, pick up campers, pop-up campers, pop-up tent trailers, and similar camping type vehicles or trailers.
26. **Church** - A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purposes.
27. **Club or Lodge, Private** - A non-profit association of persons who are bonafide members paying annual dues, which owns, hires or leases a building or portion therein, the use of such premises being restricted to members and their guests. The affairs and management of such “private club or lodge” are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and meat on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of alcoholic beverage is in compliance with the applicable Federal, State and Municipal laws.
28. **Commercial Use Vehicle** – Commercial use vehicle means every device in, upon or by which any person or property is or may be transported or drawn. Commercial use vehicle shall include any vehicle over one (1) ton capacity used in a for profit business.
29. **Conditional Use** - A use, which is subject to conditional approval by the Planning Commission. A conditional use may be granted when specified by this Ordinance and for those uses not specifically mentioned. A permitted conditional use is not considered to be a non-conforming use.
30. **Contiguous** – The term contiguous shall mean touching at a single point or along a boundary. *(added 9/06)*
31. **Court** - An unoccupied open space, other than a yard, on the same lot with a building that is bounded on two or more sides by the walls of such building.

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32. **Court, Outer** - A court enclosed on not more than three sides by exterior walls of a building or by external walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
33. **Distribution** - When distribution is used to refer to the transport of power and/or electric utility facilities, it refers to the transport of power at voltages less than 120,000 volts. When it is used to refer to gas, water or other fluids, it refers to the transport of such gas or fluids for retail sale within the Township or retail sale within a contiguous township, city or village.
34. **District** - A portion of the incorporated part of the township within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.
35. **Drive-In/Drive-Thru** – An establishment of the “drive-in/drive-thru” type is one which accommodates the patrons’ automobile in the off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which may be used or consumed in the vehicle on the same premises.
36. **Dwelling Unit** - A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
37. **Dwelling**

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

- a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- b. There shall be a minimum depth of the dwelling unit of twenty-four (24) feet for a width of at least forty (40) feet. The dwelling shall comply in all respects with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the building code adopted by the township, then and in that event such federal or state standard or regulation shall apply.
- c. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code adopted by the township and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for one-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer’s set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

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- d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and axles removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- e. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department -
- f. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, in an attached garage, or in a separate structure, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling or 100 square feet, whichever shall be less.

Two Family - A building designed exclusively for two dwelling units, meeting the requirements of a one family dwelling as outlined in (a) through (f) above.

Multiple Family - A building, or portion thereof, designed exclusively for occupancy of three (3) or more families living independently of each other meeting the requirements of Article 16 of this Ordinance.

- 38. **Escort** – A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. *(Added 2009)*
- 39. **Escort Agency** - A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. *(Added 2009)*
- 40. **Essential Services** — The phrase “essential services” means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, telecommunications, steam, or water transmission or distribution systems, electrical distribution systems, collection, communication, supply or disposal systems, including distribution towers, distribution poles, distribution wires, mains, drains, sewers, pipes, distribution conduits, distribution cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service within the Township or adjoining townships, villages, or cities by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. “Essential services” does not include utility transmission lines, towers, or other utility transmission facilities.
- 41. **Family** — One person, or group of two or more persons living together who may or may not be inter-related by bonds of consanguinity marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuitous

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guests and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.

42. **Family Daycare Home** - means a private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 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. Family Daycare Home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. (*Added 6/7/07*)
43. **Farm** - A tract of land, ten acres or more in area, and producing in excess of \$2,500 annual value of agriculture products and used for agricultural activities such as the production of cash crops, livestock or poultry. Such farm may include a dwelling and accessory buildings and structures necessary to the operation of the farm.
44. **Flood Plain** - That portion of land adjacent to a water body or watercourse which is subject to periodic inundation.
45. **Floor Area** - 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. The "floor area" of a building shall include the area of any floor when more than one-half (1/2) of the room height is above the established curb level, or above the finished lot grade level when curb levels have not been established. "Floor Area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven (7) feet, six (6) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area".
46. **Frontage** - All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street, which it intercepts.
47. **Garage, Commercial** - Any garage, structure other than a private garage available to the public, operated for gain or profit, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting of automobiles or other motor vehicles.
48. **Garage, Private** - An accessory building used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
49. **Gasoline Service Station** - Any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuel, oils, or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

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50. **Grade** – The ground elevation established for the purposes of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
51. **Group Daycare Home** - means a private home in which more than six but fewer than twelve minor children are given care and supervision for periods of less than 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. Group Daycare Home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. *(Added 6/7/07)*
52. **Group Housing** - Two or more multiple dwellings on a parcel of land under single ownership.
53. **Highway** - (see “Street, Major”).
54. **Home Occupation** - An occupation that is carried on in the home including but not limited to instruction in a craft or fine art, provided:
- a. The non-residential use shall be only incidental to the primary residential use of the property.
 - b. The home occupation shall be limited to the dwelling only and utilize no more than thirty (30) percent of the total floor area.
 - c. There shall be no more than one (1) employee whether full or part-time, other than members of the immediate family residing on the premises.
 - d. There shall be no external evidence of such occupation except a small announcement sign as specified in Article 8, Sign Regulations.
 - e. No home occupation shall be permitted which is injurious to the general character of the district in which it is located in or which creates a hazardous or unhealthy condition.
 - f. For the purpose of this provision, principal and accessory farm operations shall not be considered home occupations.
 - g. No additions shall be permitted in order to accommodate a home occupation.
 - h. Parking shall be in accordance with ARTICLE 9.
(Amended 6/7/07)
55. **Hospital** - An institution providing health services primarily for in-patient and medical or surgical care of the sick or injured, including as an integral part of the institution, such related

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facilities, central services facilities and staff offices.

56. **Hotel, Motel** - A building containing primarily rooming units with the number of dwelling units being not greater than ten (10) per cent of the total number of rooming units, and with the exception of the unit occupied by the management staff, used for the accommodation of transients.
57. **Industrial Park** - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
58. **Junk Yard** - Any land or building where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, 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 fifty (50) feet square for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
59. **Kenel, Commercial** – Any land, building, or structure where four (4) or more dogs are boarded, housed or bred, commercially, for profit.
60. **Kenel, Private** – Any land, building, or structure where four (4) or more dogs are boarded, housed or bred, non-commercially, not for profit.
61. **Living Space** - That area within a structure intended, designed, erected or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for occupancy, measured from the interior faces of the exterior walls excluding open porches, garages, open breezeways.
62. **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 and unloading merchandise or materials.
63. **Lot** - A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, and providing the open spaces, parking and loading spaces required by this Ordinance. Said parcel of land may consist of one or more lots of record, but for the purpose of this Ordinance shall be deemed one parcel or lot if title to the property is held under one deed.
 - (a) **Lot of Record** - A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purposes of this Ordinance land contracts and purchase options not recorded in the County Register of Deeds Office but dated and executed prior to the effective date of this Ordinance shall also constitute a lot of record.
64. **Lot Area** - The total horizontal area within the lot lines of a lot.

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65. **Lot, Corner** - A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve or the straight street line extended from an interior angle of less than one hundred thirty-five (135) degrees.
66. **Lot, Interior** - Any lot other than a corner lot.
67. **Lot Lines** - The lines bounding lot as defined herein.

Front Lot Line – In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is used as the front street. In the case of lots bordering on a lake, river or canal, the established water or shoreline shall be designated as the front of such lots.

Rear Lot Lines – The lot line opposite the front lot line. In the case of the lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (1) feet long lying farthest from the front lot line and wholly within the lot.

Side Lot Lines – Any lot lines other than the front lot lines or the rear lot lines.

68. **Lot Coverage** – That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
69. **Lot Depth** – The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
70. **Lot Width** - The horizontal distance between the side lot lines, measured at the two points where the building line or setback intersects the side lot lines.
71. **Manufactured Housing Community** - Any property that is occupied or designated for occupancy by more than one (1) manufactured home and which conforms to the provisions of 1976 PA 419, the Mobile Home Commission Act and all administrative rules adopted pursuant thereto, as may be amended from time to time.
72. **Master Plan** – The statement of policy by the Township Planning Commission relative to the agreed upon desirable physical pattern of future community development. Consists of a series of maps, charts and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring the very best community living conditions.
73. **Mini-Storage** - Groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer goods or wares.

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74. **Mobile Home** – A vehicular, potable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is or is intended to be, attached to the ground, or other structure, or to the utility system on the same premises for more than thirty (30) consecutive days.
75. **Modular Housing Unit** - A unit constructed solely within the factory in various sized modules, which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations to form single family dwellings which are either attached (in rows or clusters) stacked or detached.
76. **Non-Conforming Building** - A building or portion thereof existing at the effective date of this Ordinance, or amendments thereto and which does not conform to the provisions of the Ordinance nor to the use regulations of the district in which it is located.
77. **Non-Conforming Use** - A use which lawfully occupies a building or land at the time of this Ordinance or amendments thereto become effective, and which does not conform to the use regulations of the district in which it is located.
78. **Nude Model Studio** - Any place where a person who displays “Specified Anatomical Areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan. *(Added 2009)*
79. **Nudity or a State of Nudity** - Means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in section 2 of Act No 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws. *(Added 2009)*
80. **Nursing or Convalescent Home** - A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
81. **Off-Street Parking Lot** - A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

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82. **Open Space** - Any space suitable for recreation, gardens or household service activities such as clothes drying. Such space must be at least seventy-five (75) percent open to the sky, free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is required.
83. **Parking Space** - A land area of not less than ten (10) by twenty (20) feet exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.
84. **Planned Unit Development** - This is a tract of land which includes two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding area, and where the specific requirements of a given district may be modified and where the minimum area is fixed. Such development shall be based on a plan that allows for flexibility of design not available under normal zoning district requirements.
85. **Principal Use** - The main use to which the premises are devoted and the main purpose for which the premises exist.
86. **Public Park** - Any park, playground, beach, out door swimming pool, parkway; within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.
87. **Public Place** - Any real property or an appurtenance to the real property which is owned. by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element, a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. (*Added 2009*)
88. **Public Sewer System** - A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures, Including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulator devices, and out fall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.
89. **Public Utility** - Any person, firm, or corporation, municipal department, board or commission

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duly authorized to furnish and, furnishing under state or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

90. **Recreation Area, Private** - All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to provide for outdoor recreational activities.
91. **Retail & Retail Store** - Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
92. **Right-of-Way** - A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
93. **Roadside Stand** – A temporary or permanent structure which is used seasonally for the sale of produce or nursery stock along with other agricultural products that are raised on the premises where the stand is situated or on property within the township owned by the operator of the stand. The use of a roadside stand shall not constitute a commercial district. Roadside stands shall conform to requirement of Article 9, Parking and Loading Requirements.
94. **Rooming House or Bed & Breakfast** - A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
95. **Rooming Unit** - Any room, or group of rooms forming a single habitable unit used for living and sleeping, at which does not contain cooking or eating facilities.
96. **Row House, (Townhouse)** - An attached house in a row or group, each house containing not more than two dwelling units and each house separated from adjoining houses in the same row or group by common fire walls or fire separations.
97. **Sanitary Landfill** - A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of suitable cover at the conclusion of each days operation or at more frequent intervals as necessary; and maintained in accordance with the provisions of Part 115 of 1994 PA 451; MCL 324.11501 *et seq.*, MSA 13A.11501 *et seq.*
98. **School** - A building used for the purpose of elementary or secondary education, which meets all requirements of compulsory education laws of the State of Michigan, and not providing residential accommodations.
99. **Setback** - The minimum required horizontal distance between the road right of way, rear or sidelines of the lot and the front, rear or sidelines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.

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100. **Sexual Encounter Center** - A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity. *(Added 2009)*
101. **Sexually Oriented Business** - A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult Cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center. *(Added 2009)*
102. **Shopping Center** - A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area, which the unit serves.
103. **Signs** - Any words, numbers, figures, devices, designs, or trademarks by which anything is made known, other than billboards, such as are used to show an individual, firm, professional business, and are visible from the exterior of the structure.
104. **Site Plan** - shall include the documents and drawings required by this Ordinance to ensure that a proposed land use or activity is in compliance with this Ordinance and state and federal statutes. *(Added 6/7/07)*
105. **Specified Anatomical Areas** - are defined as:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered. *(Added 2009)*
106. **Specified Sexual Activities** - means and includes any of the following:
1. The fondling or other erotic touching of human genitals, pubic region, buttock, anus and female breasts; or
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
 3. Masturbation, actual or simulated; or
 4. Excretory functions as part of or in connection with any of the activities set forth in (1) one through (3) three above. *(Added 2009)*
107. **State Licensed Residential Facility** - means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 P A 116, MCL 722.111 to 722.128, and provides residential services for six or fewer persons under 24-hour supervision or care. *(Added 6/7/07)*

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108. **Story** - That part of a building, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
109. **Street** - A thoroughfare which affords the principal means of access to abutting property.
110. **Street, Major** - A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.
111. **Street, Minor** - A public way, the principal use of which is to give access to abutting properties.
112. **Structure** - Anything constructed or erected the use of which required location on the ground or attachment to something having location on the ground.
113. **Structural Alteration** - The erection, strengthening, removal or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.
114. **Subdivision** - Any division of land must adhere to the requirements of the Land Division Act, 1967 PA 288, as amended by 1996 PA 591 and 1997 PA 87, as may be amended from time to time.
115. **Transmission** - With respect to electricity means the transport of power at voltages of or greater than 120,000 volts.
116. **Undevelopable Land** - Land which has soil types or a high water table condition which present severe limitations on septic tank and tile fields.
117. **Usable Floor Area** - The area for the purpose of computing parking and off-street loading and unloading space, is that area used for or intended to be used for the sale or merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or utilities shall be excluded from this computation of "usable floor area." Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
118. **Use** - The purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is occupied or maintained, let or leased.
119. **Utility Facilities** - Means towers, poles, lines, cables, pipelines, foundations, buildings, substations, structures roadways, and other constructions associated with the collection, supply, and/or transport of power, telecommunications, or fluids.
120. **Variance** - A modification of the literal provisions of this ordinance or dimensional requirements (not use requirements) which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to

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circumstances unique to the individual property on which the variance is sought.

121. **Vehicle** – Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

122. **Yard** - An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

Front Yard - A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Rear Yard – A yard 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 line of the main building.

Side Yard – A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line, to the nearest point of the main building.

123. **Zoning Administrator** – The person designated by the Township Board as responsible for administration of this Ordinance.

124. **Zoning District** – (See District)

**ARTICLE 23
SITE PLAN REVIEW**

SECTION 23.01 – PURPOSE

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings used both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission and approval by the Township Board for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, on adjacent land usage, and on the character of future urban development.

SECTION 23.02 – BUILDING, STRUCTURES AND USES REQUIRING SITE PLAN APPROVAL

The Building Inspector shall not issue a building permit for the construction of the following buildings and structures in any zoning district, unless a detailed site plan has been reviewed by the Planning Commission and approved by the Township Board.

1. A multiple-family building or project containing three (3) or more dwelling units.
2. Any commercial or industrial use building over five-hundred (500) square feet including additions and renovations over \$ 100,000.00 which may increase employment, traffic etc.
3. A high density single family residential use.
4. Any building, structure or use permitted under Article 21 of this ordinance.
5. Conditional Uses

SECTION 23.03 – REVIEW AND RECOMMENDATION

The Planning Commission shall review the site plan and determine if it meets the criterion outlined in this article and other articles within this Ordinance. Upon satisfactory review, the Planning Commission shall submit for approval to the Township Board. The Planning Commission may request the assistance, with the consent of the Township Supervisor, of surveyors, architects, planners and engineers to assist the Commission with review. Actual cost of services of such surveyors, attorneys, architects, planners and engineers shall be paid by the applicants.

1. The Township Zoning Administrator shall transmit the site plan to the Planning Commission.
2. The applicant will receive a written notice stating the date, time and place that the site plan will be reviewed by the Planning Commission.

3. Approval or disapproval of the site plan shall be issued by the Township Board after review and recommendation by the Planning Commission, however, within sixty (60) days of receipt of the application.
4. Site plan approval shall be valid for one (1) year from and after the date of approval.

SECTION 23.04 – SUBMISSION AND CONTENT OF SITE PLAN

1. Site plans shall be submitted to the Township Zoning Administrator.
2. The Site Plan Review Committee or the Township Planning Commission may require, in addition to a site plan, statements which address the environmental, economic fiscal, or social impact of a development upon the systems or services of the community.
3. Each submission for site plan review shall be accompanied by one application and six (6) copies of the site plan & landscape plan. The application shall at a minimum, include the following information:
 - a. Applicant's name, address, and phone number.
 - b. Proof of property ownership, and whether there are any options or liens against it.
 - c. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
 - d. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
 - e. The address or parcel number of the property.
 - f. Project title.
 - g. Project description, including the total number of structures, units, bedrooms, offices, square feet, parking spaces, employees, amount of recreation and open space, and related information as pertinent or otherwise required by the Ordinance.
 - h. Name and address of the developer (if different from the applicant).
 - i. Name and address of engineer, architect and/or land surveyor.
 - j. A vicinity map drawn at a scale of 1" = 200' with north point indicated.
 - k. The gross and net acreage of all parcels in the project.

- l. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
- m. Location of all other utilities of the site including but not limited to natural gas, electric, cable TV, telephone and steam.
- n. Proposed location of common open spaces and common facilities if applicable.
- o. Location, size and specifications of all signs and advertising features with cross sections.
- p. Location and specification for all fences, walls, and other screening features with cross sections.
- q. Location and specifications for all proposed perimeter and internal landscaping and the buffering features. For each landscape material the proposed size at the time of planting and of all vegetation to be retained on the site must be indicated.
- r. Location and specifications for all solid waste disposal facilities.
- s. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
- t. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

SECTION 23.05 – DEVELOPMENT REQUIREMENTS

All site plans shall be consistent with development standards as specified in the Newton Township Zoning Ordinance.

A performance bond may be required by the conditions of the site plan in order to insure completion of the plan.

SECTION 23.06 – CONFORMITY TO APPROVED SITE PLAN

When an applicant receives site plan approval, he/she must develop the subject property in complete conformity with the approved plan. If a building permit has not been issued and the site development actually begun within one (1) year of the date of approval, the site plan approval shall become void and the developer shall make a new application for approval before proceeding.

SECTION 23.07 – AMENDMENT TO SITE PLAN

A proposed amendment or modification to a previously approved site plan shall be submitted for review in accordance with the procedures of this section and may be approved by the Planning

Commission and recommended to the Township Board, subject to its conformance with all applicable requirements of this Ordinance.

SECTION 23.08 – ENFORCEMENT OF SITE PLAN

The Township Building Inspector shall be responsible for the enforcement of all provisions of approved site plans.

ARTICLE 24
OPEN SPACE COMMUNITIES

SECTION 24.01 STATEMENT OF INTENT

The purpose of this Section of the Zoning Ordinance is to allow and encourage alternative subdivision designs which preserve Newton Township's character and environmentally sensitive elements, while providing housing communities that are desired by the community and the general public.

Open Space Communities shall promote the following objectives:

- Maintain the rural character of the Township.
- Maintain an image of open space within the Township.
- Preserve open space within the Township.
- Preserve natural resources within the Township.
- Preserve agriculture and farming within the Township.
- Achieve a balance between farming, open space and residential growth within the Township.

SECTION 24.02 SITE CRITERIA

1. Location of Open Space Communities. An open space community may be located in MDA Medium Density Agricultural, RA Low Density Residential, RB Medium Density Residential, RL Residential Lake and HDR High Density Residential districts.
2. Access. The open space community shall have direct access to an approved public roadway.
3. Open Space Criteria. In all open space communities, at least two (2) of the following items must be present:
4. Preservation of Natural Amenities - Sites preserving a significant quantity of any of the following:
 - a. Organic Amenities: Significant views and vistas, mature woodlands, wetlands or lowland areas, prairie, bodies of open water (such as ponds, streams, natural drainage ways), wildlife habitat or corridors, and significant size trees (six to eight inches or more, measured five feet above the grade).
 - b. Nonorganic Amenities: Farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), buildings or foundations of historical value.

- Provisions for Recreational Facilities - The submittal should include both passive and/or active recreation areas for residents within the open space community. Passive recreation areas shall include areas such as pathway systems, common green areas of a substantial size, and open/preserves natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children play sets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.
- Creation of Natural Amenities - These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain “non manicured,” allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), or other areas consistent in nature.
- Preservation of Agriculture - Land uses, such as orchards, horse stables, active farms, or other similar agriculture uses, shall be preserved, where feasible or viable. In no way shall an intensive animal raising, slaughterhouse, or similar use be allowed within an open space community. A buffer shall be maintained between the agricultural use and the residential units.

All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland.

Under the open space community provision, **the net density shall be no greater than that normally permitted within that zoning district.** The maximum “density” shall be the maximum number of lots permitted by the approved Parallel Plan. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots which can be platted on the subject parcel.

SECTION 24.03 SUBMISSION REQUIREMENTS

1. Parallel Plan. A “parallel” or “yield plan” shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all State, County and Township Subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by Federal, State, County or local agencies.

The Planning Commission must determine that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the Open Space Community be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning

Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the yield plan shall be revised and resubmitted, minus that number of lots. Detailed Engineering is not required at this stage.

2. **Site Analysis.** A site Analysis Plan shall be submitted, showing the following site features:
 - a. Wetlands, as determined by the Michigan Department of Environmental Quality
 - b. Water areas, such as streams and ponds
 - c. Woodlands and farmlands
 - d. Soils and topography
 - e. Drainage patterns and County drains
 - f. Historic and cultural features
 - g. Wildlife habitat corridors
 - h. View sheds and view corridors
 - i. Existing easements of record
 - j. Existing and proposed rights-of-way
 - k. Existing infrastructure
 - l. Adjacent development within three hundred (300) feet.

3. **Conservation Areas Plan.** The combination of the site analysis elements noted above shall be used to outline the primary and secondary conservation areas. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be taken to minimize adverse impacts.
 - Primary Conservation Areas - floodplains, regulated wetlands, drainage ways, easements, 150 foot exterior road buffer, or other exceptional elements.
 - Secondary Conservation Areas - farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, etc.
 - Buildable Areas - areas that are not dedicated to primary conservation areas may be treated as buildable areas. Housing sites should be located so as to complement the conservation areas.

4. **Open Space Plan.** An Open Space Plan, with the proposed housing layout shall not exceed the maximum number of housing units determined by the parallel/yield plan. The roads shall also be shown to provide interior access to all homes. At this stage, the drawings need not be engineered, only drawn to scale.

SECTION 24.04 THE REVIEW PROCESS

1. The Planning Commission shall determine that the yield plan submitted meets all applicable regulations of the Land Division Act, the Township Subdivision Regulations and Condominium Regulations, if any.
2. The Planning Commission shall confirm the accuracy and feasibility of the open space plan.
3. Planning Commission Determination.
 - a. Upon approval, the proprietor may undertake the process for Subdivision or Condominium approval, or Land Division per State Law and Township Ordinance.
 - b. Upon denial, the proprietor may either submit the yield plan or parallel plan for approval under the Subdivision or Condominium review process, or submit a new application for an open space community.

SECTION 24.05 SITE DESIGN REQUIREMENTS

1. Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply.
2. Minimum Lot Size - Lot sizes shall be determined by the State and County Health Departments' regulations or standards.
3. Minimum Yard Setbacks - To be determined on a development by development basis.
4. Development Layout - The development is encouraged to include roads that are single loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space or farmland.
5. Minimum Exterior Road Buffer - The developer shall preserve a minimum of a 150 foot buffer from the proposed right-of-way along any County Road or State Highway servicing the open space development.
6. Minimum Open Space - A minimum of fifty (50%) percent of the gross land area shall be set aside for common open space uses.
 - a. Open Space shall be defined as follows: All area within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyable of the residents of the entire development for any

of the following uses: recreation, forestry and/or open space conservation, community gardens, or agricultural uses. Land uses such as golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot shall not meet the open space requirements, or land area dedicated as limited commons.

7. Maximum Amount of Unbuildable Land Used as Open Space - A maximum of fifty (50%) percent of the total open space allotment may be unbuildable land. Unbuildable land is considered to be land that is regulated by Michigan Department of Environmental Quality, or the Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body which has jurisdiction over land which cannot be used for the construction of housing.
8. Houses Abutting the Open Space - A minimum of fifty (50%) percent of all dwelling units within the development shall abut or overlook the dedicated open space.
9. Access to Open Space - Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
10. General Lot Character - Flag lots or panhandle lots shall not be permitted within an open space community.
11. Natural Area - An undisturbed greenbelt shall be required around any natural features or farmland preserved within the common open space areas.
12. Pedestrian Circulation - Adequate pedestrian circulation shall be provided by the applicant for on-site circulation. Adequate access shall be provided to all open space recreational spaces from the residential areas. "Natural paths or bike paths" are encouraged within the development. Paths provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission.
13. Garages - Garages that face the roadway shall not extend beyond the front plane of the house and are encouraged to be recessed at least five (5') feet from the front plane of the house.
14. Overall Architectural Character - A diversity of single-family housing styles, colors, and configurations are encouraged throughout the development.

SECTION 24.06 DEDICATION OF OPEN SPACE

The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

1. A Conservation Easement, as established by the State of Michigan Conservation and Historic Preservation act, Public act 197 of 1980, as amended (M.C.L.399.251).
2. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
3. Distributed, gift or sale of the development rights to all property owners within the Open Space Community.

The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payment and collection.

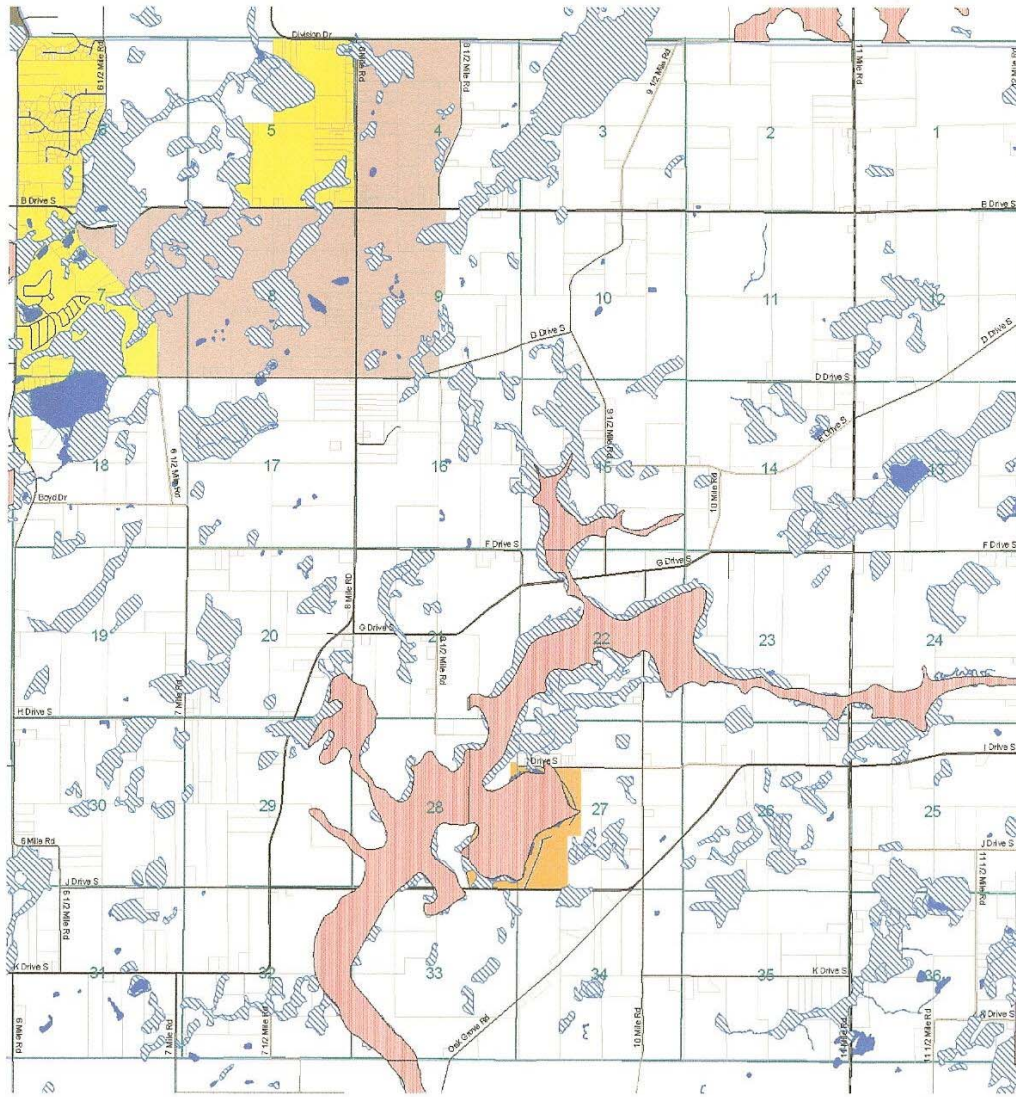
SECTION 24.07 SUBDIVISION PLAT, CONDOMINIUMS OR LOT DIVISIONS

After, or in conjunction with, the Open space or farmland Community Approval noted in the previous sections, the petitioner must follow the regulations and procedures set forth in the Newton Township Subdivision Regulations, Condominium Regulations or Land Division Ordinance.

SECTION 24.08 DEVELOPER COST

The Planning Commission may request the assistance, with the consent of the Township Supervisor, of surveyors, architects, planners and engineers to assist the Commission with review. Actual cost of services of such surveyors, attorneys, architects, planners and engineers shall be paid by the developer.

Newton Township Zoning Map



- Alley
- City Road Paved
- Class "A" Road
- County Primary
- County Road Double Seal
- County Road Paved
- County Road Unpaved
- I-94 Business Loop
- Interstate Highway
- Michigan State Highway
- Residential Road Dirt
- Residential Road Paved
- Residential Road Unpaved
- Agricultural
- Low Density Residential
- Medium Density Agricultural
- Residential Lake
- Parcels
- Sections
- Township Boundaries
- Cities and Villages
- Lakes, Ponds, and Rivers
- Floodplain
- Type 3 Soils

Calhoun County, MI

