

CALVIN TOWNSHIP ZONING ORDINANCE

CASS COUNTY, MICHIGAN

ADOPT: April 10, 2018

EFFECTIVE: April 20, 2018

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Title

An Ordinance enacted under Act 110, Public Acts of 2006, as amended, governing the unincorporated portions of the Township of Calvin, Cass County, Michigan, to provide for the establishment of Zoning Districts within which the proper use of land and natural resources may be encouraged and regulated; to provide for the location, the size of, and the type of uses that may be made of the minimum open spaces; to provide for sanitary, safety, light, and other protective measures; to provide for the maximum number of families that may be housed in dwellings, buildings, and structures, including mobile homes, to provide for the administration and amendment of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; to provide for conditional rezoning; and to provide for penalties for the violations of said Ordinance.

Preamble

Pursuant to the authority conferred by Act 110 of 2006 and Act 33 of 2008 of the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social economic stability of the residential, commercial, industrial and other use area; by securing the most appropriate use of land, preventing overcrowding the land and undue congestion of population, providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan, now therefore:

Enacting Clause

The Township of Calvin, County of Cass, State of Michigan, ordains:

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ARTICLE I

SHORT TITLE, PURPOSE

SECTION 101 Short Title: This Ordinance shall be known as the “Calvin Township Zoning Ordinance”.

SECTION 102 Purpose: This Ordinance has been established for the purposes of:

- 102.1 Promoting and protecting the public health, safety, and general welfare;
- 102.2 Protecting the character and the stability of the agricultural, residential, and commercial areas within the unincorporated portions of Calvin Township and promoting the orderly and beneficial development of such areas;
- 102.3 Providing adequate light, air, privacy and convenience of access to property;
- 102.4 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 and to protect the public health;
- 102.5 Lessening and avoiding congestion in the public highways and streets;
- 102.6 Providing for the needs of agriculture, residence, and commerce in future growth;
- 102.7 Promoting healthful surroundings for family life in residential and rural areas;
- 102.8 Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- 102.9 Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- 102.10 Enhancing social and economic stability in the Township;

- 102.11 Conserving the taxable value of land, buildings and structures in the Township;
- 102.12 Enhancing the aesthetic desirability of the environment throughout the Township; and
- 102.13 Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.

ARTICLE II
DEFINITIONS

SECTION 201 USAGE

- 201.1 For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.

- 201.2 Unless the context clearly indicated to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the “Ordinance” shall mean all text, tables and maps included herein, as enacted or subsequently amended.

- 201.3 A “person” includes a corporation, a partnership, and an unincorporated association of persons such as a club; “shall” is always mandatory; a "building site” includes a plot, lot or parcel, a “building” includes a structure; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used for occupancy”.

- 201.4 The “Township” is the Calvin Township in the County of Cass, State of Michigan; and “Township Board”, “Board of Appeals”, and “Planning Commission” are respectively the Township Board, Zoning Board of Appeals, and Planning Commission of the Calvin Township.

- 201.5 Any words not defined in this ordinance shall be construed as defined in the Housing Law of Michigan, Act 167, Public Acts of 1917, as amended.

- 201.6 Where in this Ordinance reference is made to the “Township Zoning Act” and has not been changed by official amendment to this Ordinance, the reference shall be to the Zoning Enabling Act, being P.A. 110 of 2006, as amended. Where, in this Ordinance, reference is made to the “TZA” meaning “The Township Zoning Act” (PA 184 of 1943 repealed by the Zoning Enabling Act effective July 1, 2006), that reference shall be to the Zoning Enabling Act. The acronym “ZEA” as it may be utilized throughout this Ordinance shall mean the Zoning Enabling Act, being P.A. 110 of 2006, as amended.

SECTION 202

TERMS AND WORDS DEFINED

202.1 Access Property

Property, parcel, building site, or lot abutting a natural lake or pond and used or intended to be used for providing access to a lake or pond by pedestrian or vehicular traffic to and from off-shore land regardless of whether said access to the water is gained by easement, common fee, ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

202.2 Accessory Building

A detached building or structure on the same premises with a main building, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to that use at the main building or premises. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building, including a private garage, attached accessory building, carport, covered porch or other roofed structure. An attached accessory building shall not exceed the ground floor area of a principal building.

202.3 Accessory Use

A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When “accessory” is used in this text, it shall have the same meaning as accessory use.

An accessory use to a residential principal use includes, but is not limited to the following:

- A. Swimming pools for the use of the occupants of a residence, or their guests.
- B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- C. Home occupations as defined herein.

An accessory use to a nonresidential principal use includes, but is not limited to the following:

- A. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- B. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- C. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- D. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- E. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

202.4 Adult Entertainment: shall mean any adult book store, adult motion picture theater, massage parlor or commercial establishment which for a fee or incidentally to another service, presents material or exhibition distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined below for observation by patrons therein.

- A. Specified sexual activities: shall mean: 1) human genitals in a state of sexual stimulation or arousal, 2) acts of human masturbation, sexual intercourse or sodomy, and 3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- B. Specified anatomical areas: shall mean less than completely opaquely covered: 1) human genitals, pubic region, 2) buttock, 3) female breast below a point immediately above the top of the areola, 4) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- C. Massage Parlor: shall mean any commercial establishment which for a fee provides for the manipulation, or rubbing of body parts excepting manipulation of body parts for remedial purposes performed by state licensed practitioners with the minimal qualifications of a physical therapist.

202.5 Adult Foster Care Facility:

An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged, nor a nursing home licensed under Public Act 448 of 2014, as amended.

- A. Family Home: An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.
- B. Group Home: An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

202.6 Alley

A strip of land over which there is a right-of-way, public or private, on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties.

202.7 Alterations

Any change, addition, or modification in construction of type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed”.

202.8 Animal

Animal shall mean dog, cat, bird, reptile, mammal, fish or any other living, non-human creature.

202.9 Animal Unit

Animal Unit shall be defined as a unit of measurement of any animal feeding operation calculated by adding the following numbers: the number of cattle and horses multiplied by 1.0, plus the number of swine, sheep and goats, by .50, plus the number of poultry and fowl by .02, plus

the number of turkeys and ducks by .04, plus other livestock multiplied by 1.0 per 1,000 pounds of mature body weight. These animal unit measurements are also subject to the provisions of the Generally Accepted Agricultural Management Practices (GAAMPS) as adopted by the Michigan Commission of Agriculture.

202.10 Assisted Living Facilities

Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips.

202.11 Automobile Repair- Major

Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicle rustproofing.

202.12 Automobile Repair- Minor

Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and/or applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

202.13 Automobile or Trailer Sales Area

An area used for the display, sale or rental of new and used motor vehicles, boats or trailers, recreation vehicles (including mobile homes) in operable conditions and where no repair work is done.

202.14 Automobile Wash Establishment

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

- 202.15 Base Flood
- Means the flood having one percent chance of being equaled or exceeded in any given year.
- 202.16 Basement or Cellar
- A portion of a building having more than one-half (1/2) of its height below grade.
- 202.17 Bed and Breakfast Facility
- A bed and breakfast facility is a building, other than a hotel, where lodgings and continental breakfasts for persons, other than family, are regularly served for compensation.
- 202.18 Bedroom
- The term bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.
- 202.19 Block
- The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or boundary lines of Calvin Township.
- 202.20 Board of Zoning Appeals (Zoning Board of Appeals)
- The Calvin Township Zoning Board of Appeals, the members of which have been duly appointed by the Township Board and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with Section 602 of this Ordinance.
- 202.21 Building
- A building is an edifice, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose. Building in this sense includes a board fence or similar structure, trailer, tent, or vehicle used as a dwelling.

202.22 Building, Existing

An “existing” building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance: Provided, that the construction of any such building continues uninterruptedly and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

202.23 Building Height

Building height is the vertical distance from the average elevation of the adjoining grade paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is the mansard type; or the mean height level between the eaves and the ridge if the roof is gable, hip or gambrel type.

202.24 Building Inspector

The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

202.25 Building Line

A line parallel to the front lot line, and which marks the location of the building.

202.26 Building Permit

A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Calvin Township.

202.27 Building Site

A lot, or a two dimensional condominium unit or land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

202.28 Church

A church is a building used principally for religious worship, but the word “church” shall not include or mean an undertaker’s chapel or funeral building.

202.29 Clinic

A building or group of buildings where human patients are admitted (not lodged overnight) for examination and treatment by one (1) or more professionals, such as a physician, dentist or the like.

202.30 Club

An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like but not for profit and open only to members and not the general public.

202.31 Commercial Use

A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted on residential premises are hereby deemed a commercial use, if such sales are conducted on more than two (2) occasions during any consecutive twelve (12) month period or if either of said two sales lasts for more than six (6) days.

202.32 Commercial Vehicle

Any motor vehicle other than a motorcycle or passenger automobile designed or used primarily for transportation of persons or property.

202.33 Commercial Wireless Telecommunications Services

Licensed commercial wireless telecommunication service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public.

202.34 Common Elements

Portions of the condominium project other than the condominium unit.

202.35 Concentrated Animal Feeding Operations

A farm which has animals stabled or confined other than in grazing areas and fed for a total of forty-five (45) days or more in any twelve (12) month period and which contain more than the following numbers and types of confined animals:

- 300 slaughter or feeder cattle, or
- 300 mature dairy cattle (milked or dry), or
- 600 swine each weighing more than 25 kilograms (approximately 55 pounds), or
- 300 horses, or
- 3,000 sheep or lambs, or
- 16,500 turkeys, or
- 20,000 laying hens and/or broilers
- 1,500 ducks, or
- 300 animal units

202.36 Condominium Unit

That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the Michigan Department of Commerce.

202.37 Construction

The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

202.38 Convalescent or Nursing Home

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

202.39 Curb Level (Grade)

Curb level or grade is the mean level of the established curb in front of the building. Where no curb has been established the Township shall establish such curb level for the purpose of these regulations.

202.40 Day Care Facility

- A. Day Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.
- B. Day Care, Family Home: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) 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 day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- C. Day Care, Group Home: A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

202.41 Deck

An open horizontal structure attached or unattached to the principal building utilized for recreational and leisure activities; decks shall be installed in accordance with the Michigan Residential Code, Michigan Rehabilitation Code, as amended and are considered to be part of the principal structure and subject to appropriate setbacks as contained in this Ordinance.

202.42 Development

Means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

202.43 Dwelling

A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

In case of mixed occupancy where a building is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

- A. Dwelling, Multiple: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.
- B. Dwelling, One-Family: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only. Every one family dwelling hereafter shall have a minimum continuous width or depth of twenty (20) feet for at least twenty (20) feet of the length of the dwelling measured between the exterior part of the walls having the greatest length. The dwelling shall include but not limited to erected house, modular house, or mobile home.
- C. Dwelling, Two-Family: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
- D. Dwelling Unit: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family, or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be

deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

- E. Efficiency Unit: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and thirty (330) square feet of floor area.
- F. Original Principal Farm Residence: A dwelling or group of buildings or structures that have been located on the Agricultural Farm Parcel for a minimum of 40 years when considered for Personal Farm Land Division as defined in Section 305.5

202.44 Erected

The word “erected” includes built, constructed, reconstructed, moved upon; and “erecting” includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

202.45 Essential Services

The erection, construction, alteration or maintenance by public utilities or Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate service by such public utilities or Township departments or commissions, or for the public health, safety or general welfare. This definition does not include towers or other buildings or structures intended specifically to service commercial wireless telecommunications such as cellular, personal communications services, specialized mobilized radio, enhanced specialized mobile radio, paging and similar services.

202.46 Excavation

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

202.47 Family

- A. Domestic Family: One or more persons living together and related by the bonds of consanguinity, marriage, or adoption together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in the dwelling.

- B. Functional Family: Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforced by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

202.48 Farm

A plot of land, under one description, used for the raising of livestock and/or poultry, dairying, horticulture, sod, farm forestry, truck gardening and similar bona fide agricultural enterprises or uses of land and structures but not including farms operated wholly or in part for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughter houses.

202.49 Fence

A permanent or temporary partition or structure erected as a divider, barrier or enclosure and not part of a structure requiring a building permit. A reference to the term "solid fence" refers to a fence which is made out of solid substance.

202.50 First Story

A first story is the lowest story of a building the ceiling of which is more than six (6) feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls.

202.51 Flood or Flooding

Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

202.52 Floor Area

- A. One-Family Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- B. Multiple-Family Residential: For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.
- C. Usable: That area used for or intended to be used for the sale of merchandise or services, or used 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, hallways or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

D. Floor Area, Gross: 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 center line of walls separating two (2) buildings. The “floor area” of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in “floor area”. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

202.53 Frontage

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

202.54 Garage, Automotive Commercial

Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

202.55 Garage, Private

A private garage is a building or other structure designed for the housing of automobiles and having capacity for not more than four (4) automobiles.

202.56 Garage, Public

A public garage is any building or premises, other than a gasoline filling station, used for the housing or care of more than three automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire, or sale.

202.57 Gasoline Filling Station

A gasoline filling station is a space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicle washing or lubricating; or customary facilities for the installation of such commodities in or on such motor vehicles, including special facilities for minor repair or similar servicing thereof.

202.58 Hazardous Materials

Any materials that have been declared to be hazardous to any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

202.59 Home Occupation

An occupation or profession conducted on the same lot as an occupied dwelling, accessory to and incidental to the principal residential use of the premises and is conducted entirely within the dwelling, including an attached garage.

202.60 Institutional Uses

Churches, schools, hospitals, and other similar public or semipublic uses. This excludes nursing homes, convalescent homes, adult foster care facilities.

202.61 Junk Yard

Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

202.62 Kennel

Any lot or premises on which four (4) or more common house pets are kept permanently or temporarily boarded outside of the principal dwelling.

202.63 Laboratory

A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which manufacturing of product or products, except prototypes for testing market, is not performed.

202.64 Land Use Plan, Official

The plan so designated by the Planning Commission.

202.65 Limited Common Elements

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

202.66 Livestock

Any animal which is raised for the production of food for human consumption or for the production of fiber.

202.67 Loading Berth

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

202.68 Lodging House

A lodging house is a building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for hire, more or less transiently, and with or without provision for meals.

202.69 Lot

A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public street or road either dedicated to the public or designated on a recorded subdivision.

202.70 Lot, Corner

A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

202.71 Lot, Zoning

A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area,

size, dimensions, and frontage as required in the district in which the zoning lot is located.

202.72 Lot Area

Area of a lot bounded by lot lines.

202.73 Lot Coverage

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type or fully roofed but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

202.74 Lot Line

A boundary line of a lot.

202.75 Lot Line, Front

The exterior line or right-of-way of a road on which a lot fronts or abuts.

202.76 Lot Line, Rear

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

202.77 Lot Line, Side

Any lot line not a front or rear lot line.

202.78 Lot of Record

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

202.79 Lot Width

The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.

202.80 Mezzanine

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

202.81 Mini-Warehouses

Mini-warehouse buildings are 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 customers goods or wares.

202.82 Mobile Home

A structure transportable in one (1) or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle, travel trailer or camper. All mobile homes must conform to the U.S. Department of Housing and Urban Development's code for mobile homes. Mobile homes include a double-wide unit.

202.83 Mobile Home Park

A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 96 of 1987, as amended).

202.84 Modular Home

A structure which meets the requirements of the Michigan Residential Code, Michigan Building Code, and/or Michigan Rehabilitation Code and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems. The structure is established on a foundation as approved by the building code.

202.85 Motel, or Motor Hotel

A building or a series of attached, semi-detached, or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Township Board with the exception of units for use of the Manager and/or Caretaker.

202.86 New Construction

Means structures for which the “start of construction” commenced on or after the effective date of this Ordinance.

202.87 Non-Conforming Lot of Record (Substandard Lot)

A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

202.88 Non-Conforming Structure

A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback and/or other requirements of the zoning district in which it is located.

202.89 Non-Conforming Use

A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

202.90 Nuisance

The word “nuisance” shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, seweraged, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal. Examples of nuisances are uses which generate excessive noise, smoke, odor, fumes, dust, heat, vibration, flashes or radiation.

202.91 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 three (3) vehicles.

202.92 Open Air Business

Shall be defined to include the following:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Sidewalk cafes.
- C. Retail sale of fruits and vegetables.
- D. Tennis courts, archery court, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- E. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.
- F. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

202.93 Open Front Store

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

202.94 Ordinary High Water Mark

Means the line between upland and lake or stream bottom land which persists through successive changes in water levels, and below which the presence and action of the water is so common or recurrent as to mark upon the soil a character, distinct from that which occurs on the upland.

202.95 Parcel

A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory

building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on a public or private street.

202.96 Parking Space

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. Perpendicular and angle parking spaces shall have a minimum dimension of nine by eighteen (9 x 18) feet. Parallel parking shall be a minimum of eight by twenty (8 x 20) feet in dimension.

202.97 Personal Farm Land Division.

A Personal Farm Land Division is the land division or land split of a portion of land from the Agricultural Production District as defined in Section 305 of this Ordinance. Such land division for this purpose is for the allowance of a one-time separation of the principal farm dwelling and all accessory buildings and structures from the farmed portion of the parcel.

202.98 Planning Commission

The “Planning Commission” shall mean the Calvin Township Planning Commission and shall have all powers granted under authority of Act 33 of the Public Acts of 2008, as amended, and as provided in this Ordinance.

202.98.1 Ex-Officio Member

In reference to a planning commission, means a member, with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that office.

202.99 Porch, enclosed

A covered entrance to a building or structure which is totally enclosed, projects out from the main wall of the building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch is considered to be part of the principal structure and shall observe all applicable setback requirements.

202.100 Porch, open

A covered entrance to a building or structure which is enclosed except for columns supporting the porch roof, and projects out from the main wall of

said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An open porch is considered to be part of the principal structure and shall observe all applicable setback requirements.

202.101 Public Utility

A public utility is any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.

202.102 Recreation Vehicles

A vehicle primarily designed as temporary living quarters or recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

202.103 Repairs

Repairs are the rebuilding or renewal of a part of an existing building for the purpose of maintaining its original type and classification.

202.104 Research and Development Facility

A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

202.105 Restaurant

A. Drive-in Restaurant: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes either or both of the following characteristics:

1. Foods, frozen desserts, or beverages are served directly to the customer in motor vehicles either by a carhop or by

other means which eliminates the need for the customer to exit the motor vehicle.

2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

B. Fast-Food Restaurant: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

C. Carry-Out Restaurants: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

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

D. Standard Restaurant: A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages (alcoholic and nonalcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic and nonalcoholic) generally are consumed within the restaurant building.

E. Bar/Lounge/Tavern: A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

202.106 Road, Local

A road of limited continuity used primarily for access to abutting residential properties, and classified as such by the Cass County Road Commission.

202.107 Road or Street, Private

A private right-of-way reserved for the use of the occupants of the abutting structures and which may or may not meet the design criteria of the Cass County Highway Department. Any existing road which is located in a plat, subdivision which has been documented, but may or may not be developed shall be recognized as a road which is not being maintained by the Cass County Road Commission. See Section 404.7.

202.108 Road or Street, Public

A public right-of-way of sixty-six (66) feet or more in width which has been dedicated for the purposes of providing access to abutting private lots of land including the space for pavement and sidewalks.

202.109 Setback

The minimum horizontal distance a foundation or wall of a building or structure or any portion thereof is required to be located from the boundaries of a lot, parcel, or building site of land upon which the same is situated.

202.110 Shed

A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one

(1) story structure attached to, or auxiliary to another building and intended for storage only.

202.111 Shopping Center

A retail commercial establishment or a group of retail establishments which is 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.

202.112 Sign

For the purpose of this Ordinance, the term “Sign” means a device, structure, paintings, fixture or placard using color, graphics, symbols, and/or written copy designed and/or utilized for the purposes of advertising or identifying any event, establishment, product, good, service or displaying or depicting other information.

The following definitions relate to signs:

1. Abandoned sign means a sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product or activity and/or for which no legal owner can be found.
2. Accessory sign means a sign relating in subject matter to the main or principal use of the premises.
3. Animated sign means a sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.
4. Awning, canopy or marquee means a permanent retractable or fixed shelter constructed of non-rigid material on a supporting framework that projects from the exterior wall of a building.
5. Awning, canopy or marquee sign means letters, numerals or other drawings painted on, printed on or attached to the surface of an awning, canopy or marquee.
6. Banner sign means a temporary sign intended to be hung either with or without frames, possessing letters, characters, illustrations or ornamentation applied to paper, plastic, or fabric of any kind.
7. Beacon means any light with one or more beams directed into the atmosphere or directed at one or more point not on the same lot as the light source; also, any light with one or more beams that rotate or move.
8. Billboard: See off-premise sign.

9. Building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material and attached to the structure.
10. Commercial message means any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
11. Construction sign means a sign which displays the name or names of principal contractors, architects, lending institutions, and/or others responsible for construction on the site where the sign is located.
12. Copy means the wording on a sign surface in either permanent form, manual changeable copy form or electronic changeable form.
13. Copy, electronic changeable means the wording on a sign that contains letters, symbols, figures, depictions, and/or numbers that can be electronically or digitally changed or that do change electronically or digitally. Such signs can utilize digital, LED or electronic technology.
14. Copy, manual changeable means the wording on a sign that contains, letters, symbols, figures, depictions and/or numbers that can be manually removed and replaced.
15. Copy, permanent means the wording on a sign that contains letters, depictions and/or numbers that is permanent in nature.
16. Development sign/building identification sign means a sign that identifies a development or building by its recognized name, not including a product or service.
17. Digital sign/digital billboard means a digital sign or digital billboard which usually consists of (or has a portion comprised of) a computer or playback device connected to a large, bright digital screen such as an LCD, LED, computer, plasma or similar display. Such signs can utilize electronic changeable copy.
18. Directional sign means a sign that gives directions, instructions or facility information for the use on the lot on which the sign is located. A directional sign shall not contain advertising display copy and shall be located on the property where the development is located.
19. Directory sign means a sign that displays only the names and locations of occupants or the uses of a building, but without advertising display copy.
20. Façade means the entire building front including the parapet.

21. Face of sign (sign face) means the area of a sign on which the copy or display is placed.
22. Farm business sign means a sign advertising the location of a farm or business associated with that farm, such as a farmer's market, road side stand or the farm name.
23. Festoons means a string of ribbons, tinsel, flags, pennants or pinwheels.
24. Flag means any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government or political subdivision.
25. Freestanding sign means a sign structurally separated from a building.
26. Gateway sign means a sign erected by a non-profit entity or a service organization identifying a community, a community organization and/or community activity
27. Gas or air filled balloon sign means a sign that is made of a nonporous bag of tough, light material filled with gas or air used to convey advertising copy or announce a special event on a temporary basis.
28. Government sign means a sign erected by Calvin Township, Cass County, the state of Michigan, any other municipal entity and/or the federal government.
29. Ground sign/monument sign means a freestanding sign supported by a base that rests directly on the ground. The width of the base shall be at least 50 percent of the sign in order to be a ground sign.
30. Home occupation sign means a sign that identifies a home occupation that is operating on a residential property and is classified as a home occupation per the requirements of this Ordinance and has received all necessary approvals for such use.
31. Illuminated sign means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
32. Industrial park sign/business park sign means a freestanding sign that identifies the name of an industrial park, business park or other similar land use, but does not contain advertising copy of any business located within that park.
33. LCD means liquid crystal display.
34. LED means light emitting diode.
35. Mansard means a sloped roof or roof-like façade architecturally comparable to a building wall.

36. Mobile home park identification sign means a ground or monument sign identifying or recognizing a mobile home park development.
37. Nameplate means a non-electric on premise sign giving only the name, address, and/or occupation of an occupant or group of occupants, which does not contain graphics of any kind.
38. Negative space means the open space surrounding words, numbers or other text on a sign.
39. Neon sign means an illuminated sign constructed from fluorescent lights in the form of bent glass tubes; the different colors being obtained by adding different gases to the neon.
40. Non-conforming sign means a sign was lawfully erected prior to this Ordinance, or amendment thereto, but that does not conform to this Ordinance or other applicable Township ordinances. Also known as a lawful non-conforming sign.
41. Noncommercial message means any sign wording, logo or other representation that is not a commercial message.
42. Off premise directional sign means a sign, not to exceed 100 square feet in area, the sole purpose of which is to direct the public to a place of business located off the premises from where the sign is located.
43. Off premise sign means a sign which advertises or designates an establishment , service, merchandise, use, entertainment, activity, produce or message which is not conducted, sold, produced, manufactured or furnished upon the parcel or lot where the sign is located (e.g. billboards, off premise directional sign).
44. Parapet means a wall-like barrier at the edge of a roof or structure.
45. Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
46. Permanent sign means a sign which is permanently affixed into the ground or a building and meets the requirements of a structure under the Michigan Building Code or its successor code.
47. Point of sale sign means a sign that carries only the name of the firm, major enterprise or products offered for sale on the premises.
48. Pole or pylon sign means a sign which is erected upon or supported by the ground on one (1) or more poles, uprights or braces.
49. Portable freestanding sign means a reusable and movable sign not permanently affixed in the ground or to a structure or building,

typically containing changeable copy. Except as otherwise expressly provided for in this Ordinance, such sign shall only advertise, reference, identify or promote a product, service, business or event occurring on the lot or parcel where the sign is located.

50. Political sign means a temporary sign used in connection with a noncommercial message or an official Township, school district, county, state or federal election or referendum.
51. Projecting sign means a sign that is attached to and projects from a wall or other structure not specifically designed to support the sign.
52. Real estate sign means a temporary sign advertising the real estate upon which the sign is located as being for sale, lease or rent.
53. Roofline means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or minor projections.
54. Roof sign means a sign which is erected or constructed wholly upon or above the roof of a building and supported on the roof structure.
55. Sidewalk sign means a sign placed on a sidewalk adjacent to a business that advertises daily or weekly specials. Examples of a sidewalk sign include A-frame signs and sandwich board signs.
56. Sign owner means a person who owns a sign. The owner of the premises upon which a sign is located is presumed to be the sign owner, unless facts showing someone else to be the sign owner are submitted to the Zoning Administrator and the Zoning Administrator makes a decision that the sign belongs to someone other than the owner of the premises.
57. Snipe sign means any sign of any size, made of any material, which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects and the advertising matter appearing thereon is not applicable to the premises upon which the sign is located.
58. Street banner sign means a sign that is stretched across and hung over a street or road right-of-way or easement.
59. Subdivision or site condominium advertising sign means a sign advertising available lots and/or units within a subdivision or condominium development, including residential, commercial or industrial developments.
60. Subdivision or site condominium identification sign means a ground or monument sign identifying or recognizing a subdivision

or condominium development, including residential, commercial or industrial developments.

61. Vehicle sign means a sign containing a commercial message that is painted on, incorporated in, or attached directly to any mode of transportation, including, but not limited to automobiles, trucks, boats, trailers, or airplanes. A sign painted on a vehicle identifying the business owning or using the vehicle, or a sign depicting the name of the owner of the vehicle is not considered a vehicle sign.
62. Wall sign or building sign means a sign, including painted, individual letters, and cabinet signs, and signs on a mansard that are attached parallel to and extending not more than fifteen (15) inches from the wall of a building.
63. Wayfinding sign means signs, maps and other graphic methods used to convey location and direction to travelers.
64. Window sign means a sign placed inside or upon a window facing the outside which is intended to be seen from the street or road right-of-way or the outdoors.

202.113 Site Condominium Project

A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

202.114 Special Use

A use permitted only where specified facts and conditions, detailed in this ordinance, are found to exist. The facts and conditions set forth in this Ordinance for a Special Use must be met without modification or alteration, unless a Variance, as hereinafter defined, is obtained.

202.115 Structural Changes or Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

202.116 Structure

Means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.

202.117 Substantial Improvement

Means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the

structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

202.118 Swimming Pool

Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

202.119 Temporary Building or Use

A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) consecutive extension periods of six (6) months each are allowed.

202.120 Tower

Any ground or roof mounted pole, spire, structure or combination thereof taller than fifteen feet, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar device above grade.

202.121 Townhouses

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling. Townhouse shall not be used as a synonym for the term “condominium” which refers to how property or space is owned rather than a particular housing style.

202.122 Trailer

The term “trailer” includes any trailer coach, motor home, tent camper, demountable camper, or unit designed as a vacation unit for short-term seasonal occupancy, which measures nine (9) feet or less in width, and

thirty-five (35) feet or less in length, which is designed to be operated on highways, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles. This term does not include a utility trailer which is used for hauling of goods and debris.

202.123 Use

The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

202.124 Wall, Obscuring

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

202.125 Variance

A varying or relaxation of the standards of the zoning ordinance by the Zoning Board of Appeals; and where such variances will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulty.

202.126 Yard

A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

A "required yard" is that portion of any lot on which the erection of a main building is prohibited.

A "front yard" is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line the other side lot line.

A "rear yard" is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line. For any parcel that abuts a lake, pond, river or stream, the front yard is considered to be the area between the dwelling and the body of water. The rear yard is considered to be the area between the dwelling and the roadway.

A "side yard" is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

ARTICLE III

ZONING DISTRICTS AND MAP

SECTION 300 DISTRICTS ESTABLISHED: For the purposes of this Ordinance, the Township of Calvin is hereby divided into the following districts:

- 305 A-1 Agricultural Production District
- 306 A-2 Agricultural Residential District (Low-density)
- 307 R Residential District (Mid-density)
- 308 B Business (Commercial)
- 309 PUD Planned Unit Development

SECTION 301 DISTRICT BOUNDARIES: The boundaries of these districts are hereby established as shown on the zoning map of this Ordinance, Township of Calvin Zoning Ordinance. Which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

SECTION 302 DISTRICT BOUNDARIES INTERPRETED: Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- 302.1 Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such center lines;
- 302.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 302.3 Boundaries indicated as approximately following Township limits shall be construed as following Township limits;
- 302.4 Boundaries indicated as following railroad lines shall be construed to the midway between the main tracks;
- 302.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- 302.6 Boundaries indicated as parallel to or extension of features indicated in Subsections 1 through 5 above shall be so construed. Distance not specifically indicated on the Official Zoning Map.

302.7 Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Board of Appeals shall interpret the district boundaries.

SECTION 303 DISTRICT REQUIREMENTS: All buildings and uses in any District shall be subject to the provisions of Article IV "General Provisions".

SECTION 304 USES NOT PERMITTED IN ANY DISTRICT: The following uses are not permitted in any district, subject to conditions imposed herein:

304.1 Any use not included as a use permitted by right or a use permitted by a special land use permit.

304.2 No condition shall be allowed to exist which will constitute a hazard to health, safety or welfare, is inconsistent with the accepted appearance of the zoning district, or in any way creates a nuisance or damages adjoining property.

SECTION 305 A-1 DISTRICT: AGRICULTURAL PRODUCTION DISTRICT

305.1 Purpose: It is the purpose of the Agricultural Production District to preserve prime soils for agricultural enterprises. It is to be applied to areas which have soils well suited to agricultural activities. The district is designed to preserve these areas by prohibiting the intrusion of non-agricultural areas and uses. The district is intended to create large contiguous blocks of agricultural land, both by original designation or by future annexation of smaller holdings, to existing blocks. It is also the intent of this district to help maintain land values at levels which farm activities can support and to avoid property value increases through speculation for higher density uses, which force prime farm land into non-agricultural uses.

305.2 Uses Permitted by Right:

A. Single family residential dwelling meeting the minimum swelling size contained in Section 305.4G on parcels meeting or exceeding the minimum lot size. The parcel shall have only one principal dwelling.

B. Farming as defined in Article II of this Ordinance.

C. Public or private conservation area.

D. Accessory uses including:

1. Barn, silos, sheds, equipment storage, and similar structures and uses customarily incidental to the permitted principal uses and structures.
 2. Temporary portable roadside stand for agricultural products produced or raised on the property during the period April 1 – November 1 of each calendar year.
 3. Home occupation.
- E. Concentrated Animal Feeding Operations (CAFO's) subject to the Generally Accepted Agricultural Management Practice Standards (GAAMPS) as promulgated by and under the direction of the Michigan Department of Agriculture.
- F. State licensed family home day care and foster care family home facilities.
- G. Essential services.
- H. Public facilities owned by Calvin Township including, but not limited to, township offices, fire stations, police offices and jails, cemeteries, and parks.
- I. Original principal farm residence split from agriculturally productive land in accordance with Section 305.5 of this Ordinance.

305.3 Uses Permitted by Special Land Use Permits: The following uses are permitted in this district subject to obtaining a special land use permit as provided for in Article V and provisions of Article IV.

- A. Agricultural service establishments.
- B. Extraction services.
- C. State licensed group home day care and foster care group home facilities.
- D. Veterinarian clinics.
- E. Wireless communication facilities.
- F. Central sewage treatment facility in accordance with State of Michigan and Van Buren/Cass County Health Department standards.

- G. A maximum of two large farm animals (e.g., horses, cows, pigs, llamas) may be kept on a parcel of not less than two (2) acres in size.
- H. Bed and breakfast facilities subject to Section 504.1, subsection L.
- I. Original principal farm residence split from agriculturally productive land in accordance with Section 305.5 of this Ordinance.

305.4 Regulations and Standards: The following maximum and minimum standards shall apply to all uses and structures in the "A-1" Agricultural Production District Zoning Classification.

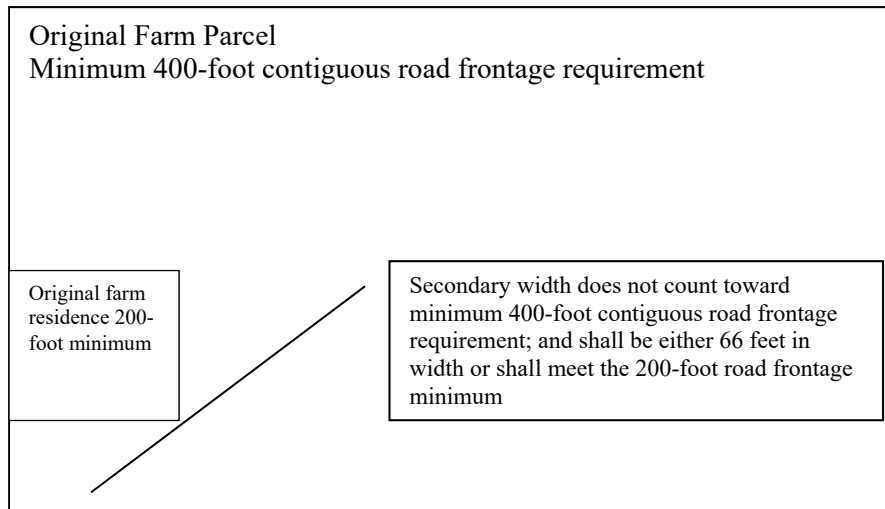
- A. Minimum Lot or Parcel Area: The minimum parcel size is 40 acres for productive agricultural land. There shall not be more than one dwelling unit upon each lot or parcel unless part of an approved site condominium project.
- B. Minimum Building Site or Parcel Width: The minimum building site or parcel width shall be four hundred (400) feet along a public street.
- C. Maximum Building Site or Parcel Coverage: The maximum building site or parcel coverage shall not exceed ten (10) percent.
- D. Setback Requirements:
 - 1. Front Setback: Seventy-five (75) feet from right-of-way line for U.S. or State Highway; Sixty (60) feet from right-of-way line from county roads; and thirty (30) feet from the right-of-way line for private roads.
 - 2. Side Setback: Thirty (30) feet except in case of a corner lot where the side yard on the street side shall not be less than the setback required for the front setbacks.
 - 3. Rear Setback: Thirty-five (35) feet.
 - 4. Animal Housing Facilities Setback: In any case, no permanent or temporary structure housing livestock, or for storage of feed or manure, shall be located any closer than one hundred (100) feet to a dwelling or parcel line.

- E. Maximum Height Requirements for Buildings and Structures:
 - 1. For dwelling and non-farm structures, height shall not exceed thirty-five (35) feet.
 - 2. For general and specialized farm buildings and structures, building height shall not exceed one hundred (100) feet.
 - 3. Building Height is measured in accordance with Section 202.23 of this Ordinance.
- F. Minimum Building Floor Area: No residential dwelling unit shall have less than one thousand (1,000) square feet of floor area exclusive of garages or basements.
- G. Minimum Dwelling Size: Every one-family dwelling in this zoning district shall have a minimum continuous width or depth of fourteen (14) feet for at least twenty (20) feet of the length of the dwelling measured between the exterior part of the walls having the greatest length.

305.5 Split of Original Principal Farm Residence from Agriculturally Productive Land.

- 1. Procedure. Only the original and principal farm dwelling may be sold as a non-farm residence and separated from the original farmstead in accordance with this subsection. A property split or division obtained under this Section shall require the submission of an application to the Zoning Administrator and review by the Zoning Administrator establishing adherence to the criteria contained in subsection 2 below. The Zoning Administrator shall submit the application and his or her review for adherence thereto to the Township Board for final approval. The Township Board's approval shall be conditioned on the provision of a "notice of municipal conditions" to be recorded with the Cass County Register of Deeds. Proof of this recording shall be submitted to the Township Assessor prior to the Assessor's approval of the non-farm residence land division under the Township's Land Division Ordinance.
- 2. Standards for Approval of Split of Original Farm Residence from Agriculturally Productive Land. The following standards and conditions apply to this section.
 - A. Only the original farm residence may be split from agriculturally-productive land.

- B. The non-farm residence shall be situated on a parcel of not less than two (2) acres in area.
- C. The minimum building site or parcel width shall be a contiguous two hundred (200) feet along a public/private street/road. The minimum contiguous road frontage in the district four hundred (400) feet. The minimum contiguous road frontage for the divided farm residence is two hundred (200) feet. In order to authorize the division, each parcel must meet the required minimum contiguous road frontage for the use, regardless of whether there is a “secondary width” which is not contiguous (IE the original parcel surrounds the split parcel). The parcel shall not be divided if either parcel cannot meet the minimum resulting contiguous road frontage. Any non-contiguous road frontage or “secondary width” shall either meet the minimum 200-foot contiguous road frontage or shall be sixty six (66) feet in width to allow for access/future public/private road. The following diagram is offered to explain this subsection.



- D. The maximum building site or parcel coverage by buildings shall not exceed fifteen (15) percent.
- E. Setback requirements set forth in Section 305.4D shall be complied with.
- F. Maximum Building Height requirements shall not exceed those provided in Section 305.4E of this

Ordinance. Building height shall be measured in accordance with Section 202.23 of this Ordinance.

- G. Minimum building floor area shall comply with Section 305.4F of this Ordinance.
- H. If a condition or conditions cannot be met, the applicant shall be referred to the Zoning Board of Appeals for variance or interpretive relief.

SECTION 306

A-2 DISTRICT: AGRICULTURAL RESIDENTIAL DISTRICT- (LOW DENSITY)

306.1 Purpose: It is the purpose of the Agricultural Residential-Low density District to preserve the rural, countryside atmosphere of Calvin Township and to provide for lower densities in an agricultural setting without substantially changing the essential character of these areas.

306.2 Uses Permitted by Right:

- A. Single family residential dwelling meeting the minimum dwelling size contained in Section 306.4G.
- B. Home Occupations.
- C. Accessory uses on same parcel with single family residential structures, such as garages, shed for yard tools, play houses, etc. Reference Section 202.3.
- D. Duplex or two family residential dwelling on a building site or parcel having at least two (2) acres.
- E. State licensed family home day care and foster care family home facilities.
- F. Essential services.
- G. Public facilities owned by Calvin Township including, but not limited to, township offices, fire stations, police offices and jails, cemeteries, and parks.

306.3 Uses Permitted by Special Land Use Permit: The following uses are permitted in this district subject to obtaining a special land use permit as provided in Article V and provisions of Article IV.

- A. Public facilities owned by other than Calvin Township not otherwise addressed in the uses permitted by right listed above.
- B. Schools, churches, libraries, museums and other institutions and semi-public facilities not otherwise addressed above.
- C. Utility substations, utility service yards, and similar uses.
- D. Livestock on parcels of not less than five acres with main residential use. A maximum of two large farm animals (e.g., horses, cows, pigs, llamas) may be kept on a parcel of not less than five (5) acres in size.
- E. Extraction operations.
- F. Public and private facilities dedicated principally to outdoor non-motorized recreation including parks, boat liveries, campgrounds, golf courses and country clubs.
- G. Assisted living facilities, nursing homes and convalescent homes.
- H. State licensed group home day care and foster care group home facilities.
- I. Agricultural service establishments.
- J. Bed and Breakfast.
- K. Day care centers.
- L. Kennels.
- M. Radio and televisions communication towers.
- N. Resorts and conference centers.
- O. Retail and wholesale sales of trees, shrubs, flowers and other plant material.
- P. Stable, large.
- Q. Veterinarian clinics.
- R. Wireless communication facilities.
- S. Multiple family dwelling.

306.4 Regulations and Standards: The following maximum and minimum standards shall apply to all uses and structures in the "A-2" Agricultural Residential-low density District:

- A. Minimum Building Site or Parcel Area: No building or structure shall be established on any site or parcel less than two (2) acres.

- B. Minimum Building Site or Parcel Width: The minimum building site or parcel width shall be two hundred (200) feet along a public street.
- C. Maximum Building Site or Parcel Coverage: The maximum building site or parcel coverage shall not exceed twenty-five (25) percent.
- D. Yard and Setback Requirements:
1. Front Setback: Seventy-five (75) feet from right-of-way line for U.S. or State Highway; Sixty (60) feet from right-of-way line from county roads; and thirty (30) feet from the right-of-way line for private roads.
 2. Side Setback: Twenty (20) feet except in case of a corner lot where the side yard on the street side shall not be less than the setback required for the front setbacks.
 3. Rear Setback: Thirty-five (35) feet.
 4. Animal Housing Facilities Setback: In any case, no permanent or temporary structure housing livestock, or for storage of feed or manure shall be located any closer than one hundred (100) feet to a building site or parcel line.
- E. Maximum Building Height Requirements: For dwellings and non-farm structures, building height shall not exceed thirty-five (35) feet measured in accordance with Section 202.23 of this Ordinance.
- F. Minimum Building Floor Area: No residential dwelling unit shall have less than one thousand (1,000) square feet of floor area exclusive of garages or basements.
- G. Minimum Dwelling Size: Every one-family dwelling in this zoning district shall have a minimum continuous width or depth of fourteen (14) feet for at least twenty (20) feet of the length of the dwelling measured between the exterior part of the walls having the greatest length.

SECTION 307

R- DISTRICT: RESIDENTIAL DISTRICT- (MEDIUM DENSITY)

307.1 Purpose: It is the purpose of the Residential District to provide for medium density variety of housing types - single family, duplex, apartments, and townhouses. This housing is intended to provide a medium density living environment. However, it must be recognized that without sanitary sewage treatment facilities, allowable densities for such housing must respect the limitations of septic systems. Therefore, while the designation of this district is medium density, the interpretation of that term is relative to other allowable densities within the Township.

307.2 Uses Permitted by Right:

- A. Single family residential dwelling.
- B. Duplex or two family residential dwelling.
- C. State licensed family home day care and foster care family home facilities.
- D. Public facilities owned by Calvin Township including, but not limited to, township offices, fire stations, police offices and jails, cemeteries, and parks.

307.3 Uses Permitted by Special Land Use Permit:

The following uses are permitted in this District subject to obtaining a special land use permit as provided in Article V and provisions of Article IV.

- A. Marinas.
- B. State licensed group home day care and foster care group home facilities.
- C. Resorts and conference centers.
- D. Retail sales of fishing bait and other fishing supplies and equipment provided the gross floor area of all sales, display and storage areas shall not exceed one thousand (1,000) sq. ft.
- E. Restaurants (non-drive-through or non-drive-in) provided the gross floor area of the restaurant shall not exceed one thousand (1,000) sq. ft.
- F. Public facilities owned by other than Calvin Township not otherwise stated above.

G. Utility substations, utility service yards, and similar uses.

307.4 Regulations and Standards: The following maximum and minimum standards shall apply to all uses and structures in the "R" District:

A. Minimum Building Site or Parcel Area:

No building or structure shall be established on any building site or parcel less than ten thousand (10,000) square feet in area and sanitary sewer, otherwise minimum lot area is one (1) acre without sanitary sewer.

B. Minimum Building Site or Parcel Width:

The minimum building site or parcel width shall be seventy feet (70) feet with sanitary sewer and one hundred (100) feet without sanitary sewer along a public street.

C. Maximum Building Site or Parcel Coverage:

The maximum building site or parcel coverage shall not exceed twenty-five (25) percent.

D. Yard and Setback Requirements:

1. Front Setback: Seventy-five (75) feet from right-of-way line for U.S. or State Highway; Sixty (60) feet from right-of-way line for county roads; and thirty (30) feet from the right-of-way line for private roads.

2. Side Setback: Fifteen (15) feet except in the case of a corner where the side yard on the street side shall not be less than the setback required for the front setback

3. Rear Setback: Thirty-five (35) feet. Rear setback shall be increased by five (5) additional feet for each unit over one (1) on the parcel or building site.

4. Waterfront Setback: Where a building site or parcel has lake or river frontage, the setback shall not be less than the average of the two (2) adjacent principal buildings on the adjacent lots. If there are not principal building(s) on the adjacent lots the setback will be a minimum of fifty (50) feet on a lake and seventy-five (75) feet on a river.

- E. Maximum Height Requirements: Thirty-five (35) feet or two (2) stories measured from the average finish grade at the front setback line. The requirements for structures containing more than three (3) dwelling units shall be thirty (30) feet or two and one-half (2 ½) stories. Building height shall be measured in accordance with Section 202.23 of this Ordinance.
- F. Minimum Building Floor Area:
 - 1. Single family and two-family dwellings shall contain a minimum of one thousand (1,000) square feet of floor area for each family exclusive of garages and basements.
 - 2. Multiple family dwelling units shall be as follows exclusive of garages and basements:
 - a. Efficiencies: 400 sq. ft. of heated living space
 - b. One bedroom units: 750 sq. ft. of heated living space
 - c. Two bedroom units: 850 sq. ft. of heated living space
 - d. Three bedroom units: 950 sq. ft. of heated living space
 - e. Four or more bedroom units: 1,050 sq. ft. of heated living space, plus 100 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom

SECTION 308

B-DISTRICT: BUSINESS/COMMERCIAL DISTRICT

308.1 Purpose: The Business/Commercial District is primarily intended to develop small commercial and service businesses wherein retail trade, office and service outlets can be located in order to satisfy the day-to-day needs of the residents of the Township and surrounding areas.

308.2 Uses Permitted by Right:

- A. Dwelling units when located entirely on a second and/or third story above a business.
- B. Generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to foods, pharmaceuticals, furniture, clothing, dry

goods, notions, books, flowers, jewelry, domestic pets, or hardware.

- C. Office establishments which perform services on the premises including but not limited to financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, attorneys, engineers, banks, architects, and similar office uses.
- D. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, dry cleaners, and self-service laundries.
- E. Medical and dental clinics.
- F. Veterinarian clinics.
- G. Public facilities owned by Calvin Township including, but not limited to, township offices, fire stations, police facilities, cemeteries, and parks..

308.3 Uses Permitted by Special Land Use Permit:

- A. Miniature golf.
- B. Building material sales yard, including retail lumber yards and incidental millwork, and storage facilities for building materials including sand, stone, lumber, and contractor's equipment.
- C. Contractor's yard.
- D. Day care center.
- E. Funeral homes and mortuaries, including a dwelling occupied by the facility owner or manager.
- F. Health clubs and spas.
- G. Hospitals.
- H. Hotels and motels including conference centers.
- I. Indoor commercial recreation such as theaters, bowling alleys, skating rinks, indoor shooting ranges, and similar uses.
- J. Landscaping services.
- K. Sawmills.
- L. Mini-storage.
- M. Offices and showrooms of plumbers, electricians, decorators, and similar trades where more than twenty-five (25) percent of the building floor area occupied by said establishment is used for

making, assembling, remodeling, repairing, altering, finishing or refinishing its products.

- N. Restaurants.
- O. Sale and rental of new or used cars, boats, mobile homes, farm machinery, and other vehicles and items intended for tow.
- P. Service stations.
- Q. Taverns.
- R. Vehicle/carwash facility.
- S. Vehicle service and repair shop.
- T. Wireless communication facilities.
- U. Assembly of electrical appliances, electronic instruments and devices, including the manufacture of computer components.
- V. Junkyards and salvage yards.
- W. Printing and publishing.
- X. Tool and die manufacturing.
- Y. Public facilities owned by other than Calvin Township not otherwise stated above.
- Z. Schools, churches, libraries, museums and other institutions and semi-public facilities not otherwise stated above.
- AA. Utility substations, utility service yards, and similar use.

308.4 Regulations and Standards: The following maximum and minimum standards shall apply to all uses and structures in the “B” Business/Commercial District:

- A. Minimum Lot Area: Two (2) acres.
- B. Minimum Lot Frontage and Width: Three hundred (300) feet along a public street.
- C. Setback Requirements:
 - 1. Front Setback: Seventy-five (75) feet from right-of-way line for U.S. or State Highway; Sixty (60) feet from right-of-way line for county roads; and thirty (30) feet from the right-of-way line for private roads.
 - 2. Side Setback: Twenty (20) feet, except in the case where a side yard abuts a Residential or Agricultural Zoning District, in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where

the side yard on the street side shall be a minimum of sixty (60) feet.

3. Rear Setback: Twenty (20) feet, except in the case where a rear yard abuts a Residential or Agricultural Zoning District, in which case the minimum required rear yard shall be one hundred (100) feet.

D. Maximum Lot Coverage: Fifty (50) percent.

E. Maximum Building Height Requirements: Thirty-five (35) feet measured from the average finished grade. Building height shall be measured in accordance with Section 202.23 of this Ordinance.

F. Reference the regulations on parking, lighting, fencing, landscaping and signs in the appropriate sections of this Zoning Ordinance.”

SECTION 309

PLANNED UNIT DEVELOPMENT

309.1 Objectives for Planned Unit Developments: It shall be the policy of Calvin Township to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

- A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- D. A more efficient use of land than is generally achieved through conventional development.
- E. A development pattern in harmony with land use density, transportation facilities, and community facilities. And that such pattern promotes or encourages the objectives of the Township’s Land Use Plan.

The Township is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

309.2 Provisions Governing Planned Unit Developments: Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other articles of this Ordinance, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Ordinance.

309.3 Application and Procedure: Upon approval by the Planning Commission and the Township Board, a planned unit development district may be applied to any existing residential district. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "PUD". Planned unit development districts shall be approved by the Planning Commission and the Township Board in the manner provided in this Ordinance. The Township Zoning Board of Appeals shall have no authority to hear, decide, or act on applications for Planned Unit Developments. Planned Unit Development decisions made pursuant to this Section are not reviewable by the Zoning Board of Appeals. See the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended, codified at MCL 125.3603.

309.4 Uses Permitted: Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential districts shall apply except as modified in this ordinance.

The amount of land devoted to commercial use in a residential-commercial development shall be determined by the Planning Commission and approved by the Township Board.

309.5 Minimum Project Area: The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of forty (40) acres. Smaller parcels may be considered, provided that they meet the requirements of Section 309.1 of this Article. Provisions for smaller parcels are also contained in this ordinance.

When the planned unit development proposes a mixture of residential uses with commercial uses, the Planning Commission may limit the development to not more than eight (8) percent of the tract to commercial uses.

309.6 Project Ownership: The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

309.7 Common Open Space: A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in this Ordinance.

309.8 Disposition of Open Space: The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape and location.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

309.9 Utility Requirements: Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

309.10 Building Site Area Per Single Family Dwelling:

A. In platted area or site condominium projects, the building site area per dwelling unit may be reduced by not more than forty (40) percent of the minimum building site area required in the Schedule of Regulations.

B. Building site widths may be varied to allow for a variety of structural designs.

C. Densities may not exceed one hundred-fifty (150) percent of that which is permitted in the existing zoning district.

- 309.11 Building Sites to Abut Upon Common Open Space: Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight (8) townhouse units in any contiguous group.
- 309.12 Procedure For Approval of PUD District: Planned unit development districts shall be approved in accordance with the procedures in Sections 309.13 - 309.21.
- 309.13 Pre-Application Meeting: The developer shall meet with the Township Supervisor and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the policies contained in the Townships Land Use Plan.
- 309.14 Final Development Plan: After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include a registered land surveyor, registered civil engineer, and registered landscape architect.
- 309.15 Contents of Application For Approval of Final Development: An application for approval of the final development plan shall be filed with the Township Clerk by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and correctness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:
- A. Name, address, and phone of applicant. If applicant is a corporation, partnership, or LLC, the names and addresses of all shareholders, members, or partners.
 - B. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
 - C. All information required on the preliminary development plan; the location and sizes of lots, location and proposed density of

dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties.

- D. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development.
 - E. Engineering feasibility studies and plans showing, as necessary, water, waste disposal, drainage, electricity, telephone, and natural gas installations; street improvements, and nature and extent of earth work required for site preparation and development.
 - F. Site plan, showing building(s), various functional use areas, circulation, and their relationship.
 - G. Preliminary building plans, including floor plans and exterior elevations.
 - H. Landscaping plans.
 - I. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- 309.16 A. Notice of Application: Upon receipt of an application for a planned unit development the Calvin Township Planning Commission shall provide notice of the same as required by the Zoning Enabling Act, being Act 110 of 2006 as amended.
- B. Public Hearing By Planning Commission: Within thirty (30) days after submission of the final development plan, the Planning Commission shall hold a public hearing pursuant to the Zoning Enabling Act, being Act 110 of 2006, as amended. Said public hearing shall be noticed in accordance with Article IV, Section 413 of this Ordinance.

309.17 Recommendation By Planning Commission: Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Township Board.

309.18 Criteria For Recommendations By Planning Commission: Before making its recommendation as required in Section 309.17, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- A. The proposed development can be initiated within two (2) years of the date of approval.
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- D. Any proposed commercial development can be justified at the locations proposed.
- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Township Board.
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- G. The planned unit development is in general conformance with the land use plan of the Township.
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

- 309.19 Action By Township Board: Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the Township Board shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Township Board shall direct building permits to be issued only in accordance with the approved final development plan and the supplementary conditions attached thereto.
- 309.20 Supplementary Conditions and Safeguards: In approving any planned unit development district, the Township Board may prescribe appropriate conditions and safeguards such as performance bonds or escrow accounts in conformity with this Ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this ordinance.
- 309.21 Expiration and Extension of Approval Period: The approval of a final development plan for a planned unit development district shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

ARTICLE IV

GENERAL PROVISIONS

SECTION 400 SUPPLEMENTARY REGULATIONS

401.1 Effects of Zoning

Zoning affects every structure and use. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, enlarged, or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located.

In any case any building or part thereof is issued, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

If construction on a building has lawfully begun prior to adoption of this Ordinance or is in existence at the time of the adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

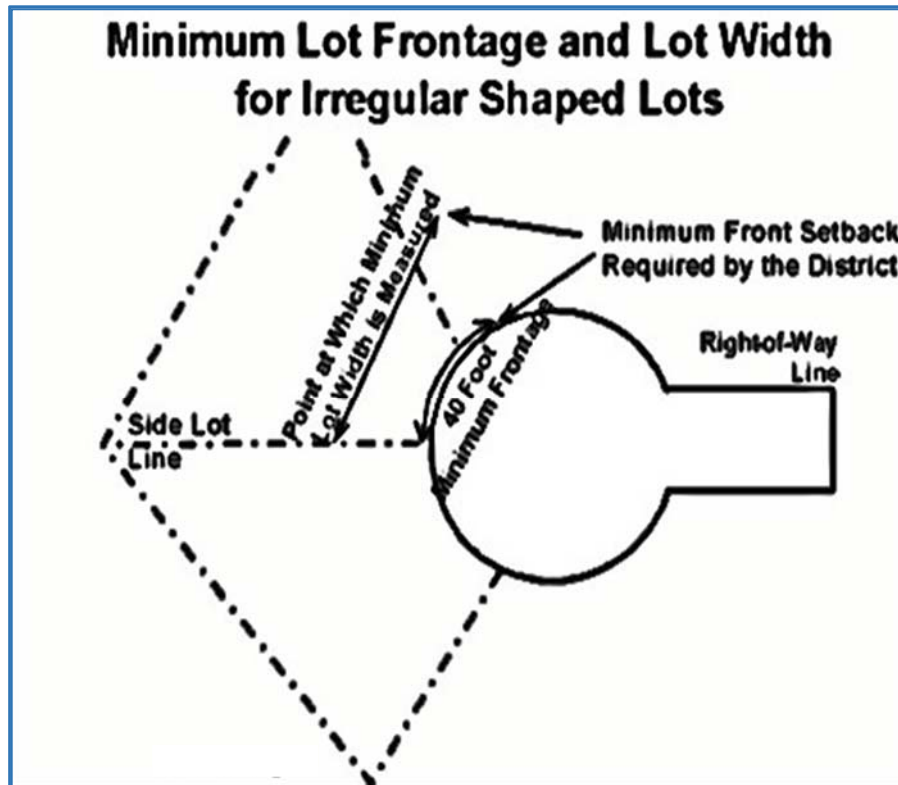
401.2 Application of Regulations

The regulations set by this ordinance throughout the township and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

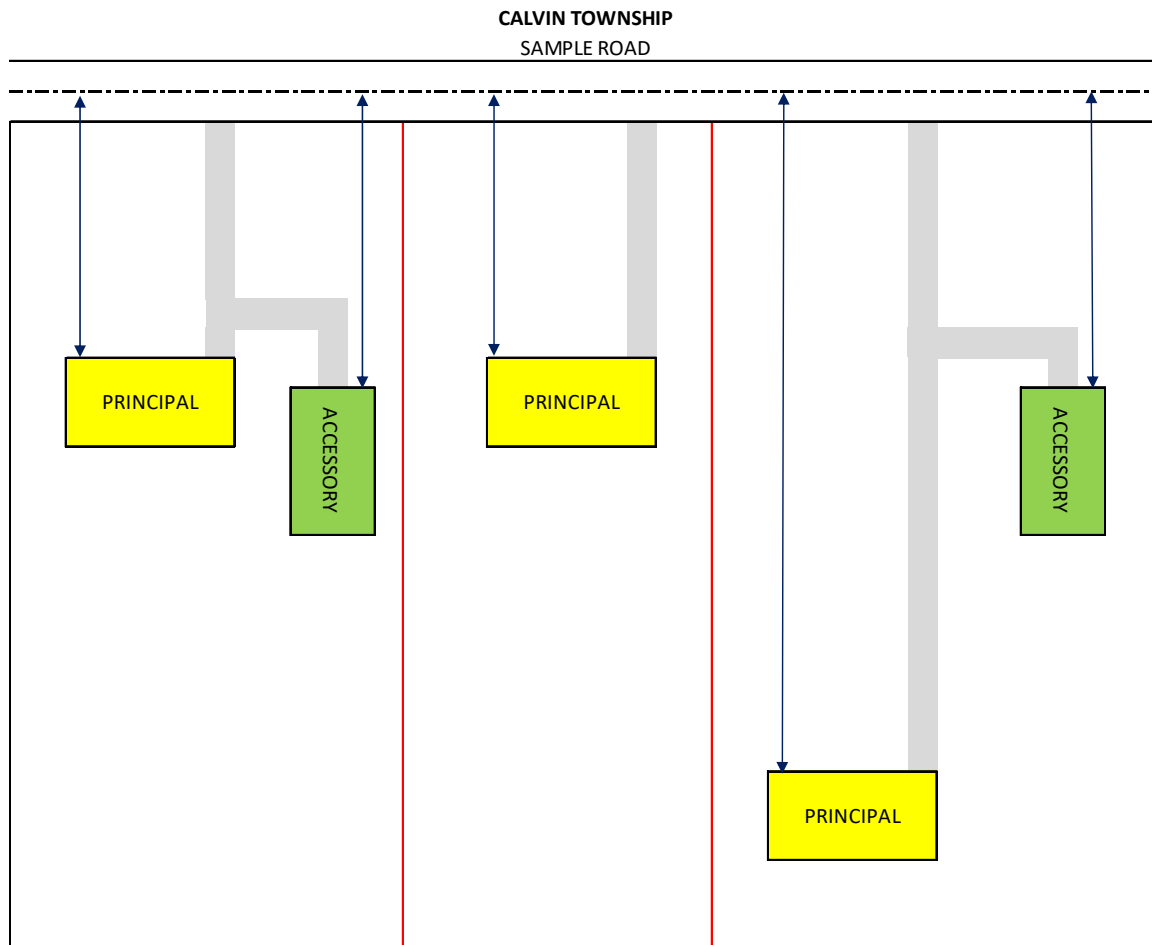
- A. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be altered;
 - 1. To accommodate or house a greater number of persons or families than permitted by the Zoning District.

2. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
- C. No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance

401.3 Minimum Lot Width for Irregular Shaped Lots



401.4 Road Relationship to Principal and Accessory Structures.



SECTION 402

FLOODPLAIN (OVERLAY) DISTRICT

402.1 Intent: It is the intent of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in Calvin Township, and to comply with the provisions of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of the program by the Federal Emergency Management Agency. The specific intent in establishing this overlay district is:

- A. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
- B. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods, commercial and industrial areas;
- C. The prevention of private and public economic loss and social disruption as a result of flood conditions;
- D. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
- E. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and
- F. To preserve the ability of floodplains to carry and discharge a one hundred-ten (110)-year (base) flood.

402.2 Delineation of Flood Hazard (Overlay) Zoning District

- A. Boundary Designated on Zoning Map. The flood hazard area shall overlay existing zoning districts delineated on the *Official Zoning Map* of Calvin Township. The boundaries of the flood hazard zone shall coincide with the boundaries of the area of special flood hazard (Zone A), designated on the Flood Insurance Rate Map and Flood Hazard Boundary Map for Calvin Township when published by the Federal Emergency Quality Administration. In the interim period until these maps are issued, the floodplain shall be defined by the U.S.G.S. topographic survey subject to revision by the Michigan Department of Environmental Quality.

- B. Final Determination of Flood Hazard Boundary Line. It shall be the responsibility of any property owner or any other person with a dispute as to the exact location of the flood hazard area zone boundary on a specific property to determine the exact location of the boundary through application for a determination of a flood hazard boundary with the Michigan Department of Environmental Quality.

- C. Suspension of Township Action Until Final Determination is Made. The Township shall suspend and hold in abeyance the processing of any application for zoning or building permit until a final determination is made by the Michigan Department of Environmental Quality and such documentation is filed with the Zoning Administrator.

- D. Application of Other Laws and Requirements. In addition to other requirements of this Ordinance, applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all developments occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this Ordinance or any other State or Federal law or regulation shall be resolved in favor of the most stringent requirements and the most stringent regulation shall apply.

402.3 MDEQ Permit Required Prior to Issuance of Township Building Permit. Development, including the erection of structures of any type within a flood hazard area shall not occur except upon issuance of a building permit in accordance with the requirements of this Ordinance and the Township Building Code and only upon presentation of a permit issued by the Michigan Department of Environmental Quality (MDEQ).

- A. Applicable Standards. All construction shall meet the following standards:
 1. The requirement of this Section;
 2. The requirements of the underlying zoning districts and applicable general and special provision of this Ordinance; and
 3. All applicable state and federal laws and regulations.

- B. Certificate of Compliance. Compliance with the standards of this Section shall be certified by a Michigan Licensed Professional Civil Engineer of which a copy of said certification shall be

furnished to the Zoning Administrator prior to the issuance of a building permit.

C. Construction Standards. Any new construction and any alteration to existing building, structures and infrastructure connections servicing any building and structure shall conform to the following standards:

1. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage;
3. Be constructed by methods and practices that minimize flood damage;
4. New and replacement water and sewer systems shall minimize or eliminate infiltration of flood waters into the system and on-site waste disposal systems shall be located to avoid impairment to the system due to flooding;
5. The flood carrying capacity of any water course or floodway shall be maintained unless such construction is permitted by the Michigan Department of Environmental Quality subject to adequate volume compensation as required by the Michigan Department of Environmental Quality.
6. The first habitable floor (including basements) is no less than one (1) foot higher than the based flood elevation as determined by the Michigan Department of Environmental Quality.

402.4 Land Division Requirements. Land shall not be divided in any manner by any means creating lot or parcel which cannot be used in conformance with the requirements of this Section.

402.5 Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study as administered by the Michigan Department of Environmental Quality. Flood heights may increase by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Section shall not be considered a guarantee or warranty of the safety from flood damage.

This Ordinance does not imply that areas outside the flood hazard are will be free from flood damage. This Ordinance does not create liability on the part of Calvin Township or any officer or employee thereof for any flood damage which results from reliance on this Ordinance or any administrative decision lawfully made there under.

SECTION 403

GENERAL REGULATIONS

403.1 Building Permit Required - Conformance to Zoning

No building shall hereafter except as otherwise provided by other Township codes and ordinances be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued.

403.2 Certificate of Occupancy Required

No new principal building or dwelling subject to the provisions of this Ordinance shall be occupied, inhabited or used until a Certificate of Occupancy is issued by the Building Inspector.

403.3 Structures

- A. Restoring Unsafe Buildings: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or the County Health Department. A building or structure condemned by the building official may be restored to a safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is equal to or in excess of its State Equalized value, the structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
- B. Structure to Have Street/Road Access: Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection and required off-street parking.
- C. One Single-Family Structure Per Building Site: No single family detached residential structure shall be erected upon a lot with another single family detached residential structure, unless part of

an approved site condominium project. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a building site as herein defined.

D. Accessory Buildings:

1. No accessory building which is not attached and made structurally a part of the principal building shall be closer than ten (10) feet to any other building or lot line.
2. Where the accessory building is structurally attached to a principal building, it must be either constructed with similar quality workmanship as the original building, be constructed in accordance with the Township Building Code, or, where attached to a mobile home, conform to the "Mobile Home Construction and Safety Standards" as promulgated by the U.S. Department of Housing and Urban Development, being 24 CFR 3280, and as the same may, from time to time, be amended.
3. No accessory building shall project into any front yard in the A-1, A-2, R, or B Zoning Classifications.
4. All accessory buildings must meet the setback requirements as stated in the individual District Zoning Classification.
5. The total square footage of all accessory buildings, including private garages (whether attached or detached) shall not exceed the ground floor area of the principal building and/or dwelling in A-1, A-2, R, or B Zoning Classification.
6. No detached accessory building in the in A-1, A-2, R, or B Zoning Classification shall exceed thirty-five (35) feet in building height measured in accordance with the provisions of Section 202.23 of this Ordinance. Accessory buildings may be permitted to exceed the foregoing maximum limitations (measured in accordance with Section 202.23 of this Ordinance) only under a variance approved by the Township Zoning Board of Appeals.
7. No detached accessory building in the in A-1, A-2, R, or B Zoning Classification shall be built on a parcel unless there is a residential structure on the lot. An accessory building can only be constructed on a vacant lot, provided the vacant parcel is adjacent to or directly across the street from a

parcel with a residence owned by the applicant if the parcels have been combined together.

- E. Exceptions to Height Regulation: The height limitations contained in the Ordinance do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

403.4 Lots

- A. New Lots to be Buildable: All newly created lots shall meet the minimum lot size requirements and have buildable area.
- B. Corner Lots: On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard.
- C. Existing Platted Lots: Any residential lot laid out on an approved plat or existing at the time of adoption of this Ordinance, that fails to comply with the minimum requirements of this Ordinance may be used for single-family dwelling, provided said lot can meet the setback requirements of the respective zoning district.

403.5 Off-Street Parking and Loading

All buildings located in the Township shall provide off-street parking adequate for the use intended.

The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 (Parallel Parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30 to 53 (diagonal)	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54 to 74 (diagonal)	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75 to 90 (diagonal)	25 ft.	9 ft.	18 ft.	43 ft.	61 ft.

- A. Residential Off-Street Parking: Parking in residential zones is only permitted as an accessory use or as a transitional use and in no case is it intended that parking or access drives to parking be permitted as a principal use of any residentially zoned lot.
- B. Non-Residential Off-Street Parking: Except in parking exempt areas, provisions shall be made for off-street parking for all non-residential buildings or additions to such buildings in all districts. The conversion of an existing residence to any other use shall be deemed to be a new use which must meet all provisions of this Ordinance.
- C. Mixed Occupancies and Uses Not Specified: In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. In cases where there is shared usage by owners of adjacent businesses, off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used where adequate arrangements are made to assure that the space is available for each function. The Planning Commission is empowered to determine whether adequate parking is available during the site plan review process for these types of uses and may require that the occupant execute cross-access agreements to authorize the same.
- D. Location of Off-Street Parking Facilities: Off-street parking facilities shall be located as hereafter specified; where a distance is specified it shall be the distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve, as follows:
1. For all residential buildings and for all non-residential buildings in residential zones, required parking shall be provided on the same lot with the building.
 2. For business/commercial and all non-residential uses in business/commercial zones, required parking shall be provided within three hundred (300) feet.
 3. For industrial uses, required parking shall be provided within three hundred (300) feet.
- E. Parking Areas in Business/Commercial Districts: Every parcel of land hereafter established as a public or private parking area in any business/commercial district or hereafter enlarged or altered shall

be developed and maintained in accordance with the following requirements:

1. Off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential zone district or institutional premises, by a screening or evergreen hedge or other material approved by the Planning Commission. Screening provisions in this ordinance shall control.
2. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residential building zones and streets. Lighting provisions of this Ordinance shall control.
3. The off-street parking area shall be subject to the approval of the Planning Commission to insure its adequacy in relation to traffic safety, lighting and protection of the adjacent property.

F. Parking Lots in Residential Zones: Any person desiring to establish a parking area as an accessory use in a residential zone shall submit plans to the Planning Commission showing the location, size, shape, design, landscape, driveways, curb cuts, and other features of the parking lot. The establishment and operation of a parking area accessory to a business/commercial or industrial use in such parts of any residential district that abut either directly or across the street or alley from a business/commercial district is not permitted. All such parking areas and parking areas required for new multiple family dwellings and non-residential buildings in all residential zones may then be authorized, subject to the following conditions:

1. All parking areas shall be landscaped, screened, and drained as provided in this Ordinance.
2. No part of such parking areas shall extend into the required front yard more than one-half (1/2) of the yard required for a residential building, and where the lot or a portion of the lot lies between two (2) privately owned residential properties, the full front yard set-back shall be observed. In either case, the front yard area not occupied by the access drive shall be landscaped.
3. All such parking areas shall be at least forty (40) feet in width.

4. Such parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lot. No sign, other than entrance, exit, and condition of use signs, shall be maintained, and the aggregate area of all such signs shall not exceed twelve (12) square feet.
 5. Each entrance to and exit from such parking lot shall be at least twenty (20) feet in distance from any adjacent property located in any residential zone, and the location and design of entrances, exit, surfacing, landscaping, marking, and lighting shall be subject to the approval of the Planning Commission to insure adequate relation to traffic safety, lighting and protection of the adjacent residential area.
 6. The Building Inspector shall thereafter issue a permit, which may be revoked at any time that the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this Ordinance or fixed to such permit, shall be deemed in violation of this Ordinance and shall be subject to the penalties prescribed in this Ordinance.
- G. Parking and Storage of Unlicensed Vehicles: Automotive vehicles of any kind or type without current license plates shall be in accordance with the Township's ordinance on unlicensed cars.

H. Table of Parking Requirements: The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
1. <u>Residential</u>	
a. Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
b. Residential, Multiple-Family	Two (2) for each dwelling unit for developments of 1-24 units. One point seven five (1.75) space for each dwelling unit for developments of 24+ units.
c. Mobile Home Park	Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile home court.
d. Boarding and Rooming House and Bed and Breakfast Facility	One (1) for each sleeping room.
e. Senior Citizen Apartments	One (1) space for each unit when public transit is not provided within six hundred (600) feet of the property line.
2. <u>Institutional</u>	
a. Churches, Temples or Synagogues	One (1) for each three (3) seats, maximum seating capacity in the main unit of worship; or one (1) space for each thirty-five (35) sq. ft. of gross floor area whichever is greater.

- b. Hospitals One (1) per six hundred (600) sq. ft. of gross floor area.
- c. Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes One (1) per six hundred (600) feet of gross floor area.
- d. Adult Foster Care Facilities One space per every two (2) beds based on maximum capacity.
- e. Public or Private Elementary and Junior High Schools One (1) for each classroom plus one (1) space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of seating area where there are no fixed seats.
- f. Senior High Schools One (1) space for each classroom and each other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditorium. (See k)
- g. Private Clubs or Lodge Halls One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, County, or State fire, building, or health codes.
- h. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or racquetball clubs One (1) for each two (2) member families or individuals.
- i. Golf Course open to the general public, except miniature or "par 3" courses Six (6) for each one (1) golf hole and one (1) for each one (1) employee on premises at one time.
- j. Stadium, Sport Arena, or similar place of outdoor assembly One (1) for each three (3) seats or ten (10) feet of bench.
- k. Theatres and Auditoriums (Indoor) One (1) for each four (4) seats plus one (1) for each two (2) employees
- l. Libraries, Museums, and One (1) for each two hundred and

Non-commercial Art Galleries	fifty (250) sq. ft. of gross floor area.
m. Day-care, Pre-school and Nursery Schools	One (1) space for each staff member plus one (1) space for every five (5) children or one (1) space for every ten (10) children if adequate drop-off facilities are provided.
n. Jails	One (1) space for each staff member plus one (1) space for every five (5) cells, in addition to off street loading spaces for delivery and transport vehicles.
3. <u>Business and Commercial</u>	
a. Automobile Service Stations, Gasoline Stations, Convenience Stores in conjunction with service or gas stations	Two (2) for each lubrication stall, rack, pit or pump, plus one (1) for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee on premises.
b. Auto Wash, Auto Reconditioning, Auto Cleaning (interior/exterior)	One (1) for each one (1) employee, plus one (1) for each two hundred fifty (250) sq. ft. of gross floor area devoted to reconditioning or cleaning.
c. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
d. Bowling Alleys	Five (5) for each one (1) bowling lane.
e. Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls and Assembly Halls without fixed seats	One (1) for each three (3) seats or one (1) for each one hundred (100) sq. ft. of gross floor area whichever is greater.
f. Drive-in Establishments	One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
g. Establishments for Sale and	One (1) for every six (6) seats

Consumption on the Premises of Beverages, Food or Refreshments	or eighty (80) sq. ft. whichever requires the greater amount of parking.
h. Furniture and Appliance, Household Equipment, Repair Shop, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses	One (1) for each eight hundred (800) sq. ft. of floor area, occupied in processing or manufacturing.
i. Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
j. Miniature Golf Courses	Three (3) for each one (1) hole plus plus one (1) for each one (1) employee.
k. Mortuary Establishments	One (1) for each one hundred (100) sq. ft. of gross floor area.
l. Motel, Hotel or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon maximum occupancy load.
m. Motor Vehicles Sales and Service Establishments, Trailer Sales and Rentals, Boat Showrooms	One (1) for each four hundred (400) sq. ft. of gross floor area of sales room.
n. Open Air Business	One (1) for each six hundred (600) sq. ft. of lot area.
o. Restaurant, Carry-Out	One (1) for each one hundred (100) sq. ft. of gross floor area.
p. Retail Stores, Except as otherwise specified herein	One (1) for each three hundred (300) sq. ft. of gross floor area.
q. Shopping Center or Clustered Commercial	One (1) for each three hundred (300) sq. ft. of gross floor area.

- r. Auto Body Shop One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee.
 - s. Auto/Truck Sales One (1) space for each five hundred (500) sq. ft. of gross floor area for automobile sales.
 - t. Cocktail Lounges and Taverns One (1) space for each seventy-five (75) feet of gross floor area.
 - u. Health Spas, Gymnasiums, and Health Clubs Ten (10) plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1,000) gross sq. ft.
 - v. Heavy equipment, farm machinery, farm field irrigation systems, lawn and garden equipment, sales and service establishments. One (1) space for each four hundred (400) sq. ft. of gross floor area of salesroom.
4. Offices
- a. Banks, Savings and Loan Offices One (1) for each two hundred (200) sq. ft. of gross floor area.
 - b. Business Offices or Professional Offices One (1) for each four hundred (400) sq. ft. of gross floor area, except as indicated in the following item (c) but including courthouses and governmental office.
 - c. Medical or Dental Clinics, Professional Offices of Doctors, Dentists or Similar Professions One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area.
5. Industrial
- a. General Manufacturing Establishments One (1) space for every six hundred and fifty (650) square feet of gross floor area, plus one (1) space per each three-hundred fifty (350) square of office space.

- b. Light and limited Industrial Manufacturing One (1) space for every five hundred (500) sq. ft. of gross floor devoted to manufacturing plus one (1) space per Each three hundred fifty (350) sq. ft. of office, sales or similar space.

- c. Research and Development One (1) space for every three hundred fifty (350) sq. ft. of gross floor area plus one (1) space per each three hundred fifty (350) sq. ft. of office sales or similar space.

- d. Warehousing One (1) space for every two thousand (2,000) sq. ft. of gross floor area.

- e. Required Off-Street Loading Berths: In all districts every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such buildings, off-street loading spaces in relation to floor area as follows:
 - 5,000 to 20,000 square feet..... 1 space
 - 20,000 to 50,000 square feet..... 2 spaces
 - 50,000 to 100,000 square feet..... 3 spaces
 - 1 additional space for each additional 100,000 square feet or part thereof; provided that:
 - i. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
 - ii. Such space may occupy all or any part of any required yard or court space, except the front yard.

- f. Increased Parking: When the floor area, dwelling units or other unit of measure employed to determine off-street parking requirements shall be increased, it shall be the duty and obligation of the owner and occupant of such residence, business or other use to provide additional off-street parking space of sufficient area. Such parking space may be on the same lot or lots, with the main building or within a maximum distance of three-hundred fifty (350) feet from any such lot, whichever may have been originally required under this Ordinance.

- 403.6 Animals, Bees, Livestock & Fowl- Use, Shelter & Storage. All farm animals, bees or exotic animals shall be sheltered outside of the principal structure.
- 403.7 Non-Commercial Antennas and Satellite Receiving Stations. Antennas and satellite receiving stations, when not utilized for commercial broadcasting, are permitted as accessory uses in all zoning districts.
- 403.8 Accessory Use - Swimming Pools: It shall be unlawful to construct a swimming pool within Calvin Township unless the required permits shall have been first obtained from the Building Inspector. In applying for permits, plans showing size and cost is required before issuing the Preliminary Zoning, Building and Electrical Permits.
- A. Swimming Pool: Swimming Pool as used herein is any artificially constructed area, either above or below ground, capable of containing water and of being used for swimming, wading or bathing, having a water depth as regulated by the standards of the International Property Maintenance Code and/or the International Swimming Pool and Spa Code and shall be considered a "building" or "structure" for the purpose of this Ordinance.
- B. Setback: Swimming pools shall conform to setbacks as required for accessory structures as set forth in Section 403.3D.
- C. Construction and Safety Precautions: During the period in which a swimming pool is being constructed, the swimming pool shall be enclosed by a temporary fence, and until such time as the permanent fence is installed, which is not to exceed thirty (30) days from start of construction.
- D. Fencing: Except as otherwise provided for in this Section, every swimming pool shall be enclosed by a fence which shall be:
1. Permanent
 2. Of solid or vertical wood piece construction, or chain link fence with mesh not exceeding two and one-fourth (2-1/4) inches, not readily climbable by children.
 3. At least four (4) feet but not more than eight (8) feet above the highest point of the terrain.
 4. The side of a building at least four (4) feet in height may serve as part of an enclosure of a swimming pool in lieu of such fence.

5. At least three (3) feet from each side of the swimming pool.
6. Of such construction as to be approved by Building Inspector.
7. All above ground swimming pools with wooden decking, privacy fence on top of the pool and entrance ladder: that portion of decking the ladder is attached to shall be enclosed by four (4) foot wide wire fence with a mesh of two by four (2 x 4) inches (maximum required) using either steel or wooden posts and having a self-closing gate and a safety latch to secure the gate upon closing.
8. All other above ground pools without decking and privacy fence shall be enclosed with four (4) foot wire fencing with a mesh of two by four (2 x 4) inches (maximum required) using either wooden or steel posts and a self-closing gate and a safety latch to secure the gate on closing.

E. Water Supply: Pool construction shall be that:

1. Swimming pools shall be provided with a potable water supply.
2. The water by the pool shall be protected against back flow of water means of a fixed air gap of six (6) inches or more above the highest possible level, or by an approved vacuum breaker installed in the approved manner. All pipes shall be located so as to prevent hazards to bathers.
3. Provisions shall be such that all scum, splash and deck water shall not return to the pool except through an adequate recirculation and filtering system.

F. Electrical:

1. All electrical wiring used on, in or about the premises upon which the pool is located shall conform with the State Electrical Code, (NEC 2002 edition as adopted and promulgated by the Michigan Department of Consumer and Industry Services to be known and cited as the "Michigan Electrical Code" in accordance with 408.30801, as amended). All metal parts shall constitute a continuous ground, terminating at the main distribution panel ground.
2. All lighting shall be so shielded, arranged and operated so as to prevent annoyance to neighboring premises.

404.1

General Lighting, Screening Requirements, and Fences

- A. Lighting All private lights used for the illumination of dwellings or business/commercial establishments or for the illumination of business/commercial buildings or areas surrounding them, or the illumination or display of merchandise or products of business/commercial establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business property. Lighting which is designed to illuminate the premises shall be installed in a manner which will not cast direct illuminations on adjacent properties.

- B. Non-Residential Uses Abutting Residentially Zoned Lots. Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial or industrial purposes shall be screened from abutting residential districts, unless waived by the Planning Commission as being unnecessary. Screening shall be any of the following and shall apply to side yard and rear yards:
 - 1. A natural buffer planted with evergreens or shrubbery which maintains their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.
 - 2. A wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
 - 3. An earth berm not less than four (4) feet in height and planted.
 - 4. For side yard screening, no such wall plant material or fence shall impair safe site distances. Such evaluation shall be made by the Planning Commission.

- C. Fences
 - 1. Retaining walls and fences not more than three (3) feet in height measured from the original ground level are

permitted in the required yards of all districts, except waterfront parcels or lot of records, provided said fences are not more than twenty-five (25) percent solid. Walls and solid fences of not more than six (6) feet in height measured from the surface of the ground are permitted only in side or rear yards in any district. When installed, the decorative side of the fence or wall shall face the abutting property. In waterfront parcels or lot of records fences of up to three (3) feet in height are permitted from the front of the house (waterfront) to the waterfront level.

2. In all districts, the frontages for corner lots shall comply with the provisions for residential front yard fencing. In addition, no fence, structure or planting over thirty (30) inches in height above the curb line except deciduous trees shall be erected or maintained within twenty (20) feet of intersecting street right-of-way lines so as to interfere with traffic visibility across the corner.

3. In the event of any controversy to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Board of Zoning Appeals shall have the right and is hereby given the authority to interpret and determine the screening and lighting provisions and the purpose herein sought to be accomplished.

4. Clear Vision Zone

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of three (3) and ten (10) feet above road elevation on any corner lot, within thirty (30) feet of the intersecting road right-of-way.

404.2 State Licensed Family Home Day Care and Foster Care Family Home and State Licensed Group Home Day Care and Foster Care Group Home Facilities

A. Day Care Centers

1. Day care center buildings authorized in Agricultural or Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and

structural elements, shall be maintained in a manner that is consistent with the character of the area.

2. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

B. Day Care Facility, Group Home

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along road frontage maintained by the Cass County Road Commission:
 - a. Another group home day care facility licensed by the State of Michigan.
 - b. An adult foster care group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended.
3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area. No play equipment shall be located in the front yard.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the dwelling. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the

dwelling and the parking normally required for the residence.

5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
6. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

C. Foster Care Facility, Group Home

1. Any outdoor children's play area shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
3. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for employees.
4. The facility shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility.
5. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

404.3 Communication and Other Towers

- A. Intent To Provide for Wireless Communication Services. It is the intent of this ordinance to allow communication and other similar towers to serve the ever changing technology in the field of personal and business communications for wireless communications as defined in the Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed. The term tower shall include all communication towers, other antenna support structures,

antennas, buildings/facilities and any similar structures necessary for the provision of wireless communication services.

- B. Policy of Collocation of Antenna and Antenna Arrays on Existing Structures. It is the policy of the Township to encourage the collocation of antenna and antenna arrays on existing structures including existing water towers, communications towers before consideration for the location of any new tower. Location of an antenna /antenna array and related equipment shall be permitted as a special use pursuant to the provisions of this ordinance. A proposal for the location of a new tower or communication structure for the purpose of collocation of wireless communication antenna/antenna arrays and which meets the locational requirements and construction standards set forth in paragraph 4, below, may be permitted as a special use issued by the Planning Commission as prescribed in the following subsections.
- C. Restriction Upon the Location of New Towers Unless Standards Are Met. It is a policy of the Township to prohibit the location of any additional towers or other communication support structures within Township limits unless the applicant can demonstrate to the reasonable satisfaction of the Planning Commission and the Township Board that the following conditions exist and the location of the proposed tower or other communication support structure meets the locational requirements and construction standards as set forth in paragraph four (4), below:
1. There is no existing tower or other communication support structure located within the Township limits for which the applicant's proposed antenna or antenna array can be attached which meets the applicant's engineering requirements.
 2. There is no existing tower or other support structure located within the Township having sufficient height to meet the applicant's engineering requirements.
 3. There is no existing tower or other support structure located within the Township having sufficient structural strength to support the applicant's proposed antenna or antenna array.
- D. Location Requirements, Construction Standards and Other Conditions. All newly constructed towers, communication support structures and any related equipment shall conform to the following locational requirements, construction standards and other conditions as follows:

1. Towers shall be allowed as a special use only, in all zoning districts, except residential districts.
2. The minimum lot size, frontage and configuration will be as approved by the planning commission during review and approval of the special use request. Such a leased parcel shall be exempt from lot size requirements for the zone.
3. The base of the tower or other communication structure shall be of the self-supporting pole type and not be of the construction which require cable support of any type.
4. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township Engineer that the structural integrity of the tower will withstand the maximum high wind velocity for the area, as reported by a nationally recognized weather service or Building Code specifications, and associated impacts, and the likelihood of a tower failure is minimal.
5. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than forty (40) feet.
6. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
7. All other requirements of the zoning district in which the tower is located shall be enforced.
8. Security to prevent unauthorized access shall be provided for all fence and building enclosures. A written agreement with the Fire Department concerning access for fire safety shall be provided to the Township before prior approval of the special use.
9. Engineering plans and specification for the tower, prepared by a State of Michigan Registered Engineer specializing in structural engineering, shall be provided with the requirements and construction standards set forth in paragraph 4, below, may be permitted as a special use issued by the Planning Commission as prescribed in the following subsections.

10. Engineering plans and specifications for the tower mounting foundation and the foundation for any structure shall be prepared by a State of Michigan Registered Engineer. These shall accompany the application for the special use. Engineering plans shall include soil boring information for the site of the tower mounting foundation and any other foundation in excess of four (4) feet in depth. Soil conditions must be determined suitable for the tower mount foundation by the Township Engineer.
11. The applicant shall provide inspection and verification that the installation of the tower, mount and foundation have been installed in compliance with the plans and specification and all applicable codes and standards. Inspections and verification procedures shall be subject to approval of the Building Inspector.
12. All towers shall meet the standards of the Federal Aviation Administration, Federal Communications Commission and any other applicable regulatory State of Michigan or Federal agency.
13. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public or private airport or helipad.
14. No part of any tower shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the tower will be located. In no case shall a tower be located within forty (40) feet of a property line.
15. Metal towers shall be constructed of, or treated with, corrosive resistant material acceptable to the Township.
16. Towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
17. All attachments to any tower shall be designed to withstand a the maximum uniform wind loading as prescribed in the Building Code.
18. All signals and remote control conductors extending substantially horizontally above the ground between the

tower and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

19. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant, including fire safety equipment.
20. The base of the tower shall occupy no more than five hundred (500) square feet of area.
21. Minimum spacing between tower locations shall be one-half ($\frac{1}{2}$) mile in order to prevent a concentration of towers in one area.
22. Height of the tower shall not exceed three hundred (300) feet and no tower located within five hundred (500) feet of any residential area shall exceed one hundred seventy five (175) feet in height from grade.
23. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
24. Existing on-site vegetation shall be preserved to the maximum extent possible.
25. There shall not be displayed advertising or identification of any kind intended to be visible from the ground mounted on the tower or other structures, except for emergency purposes.
26. Any attachments to the tower shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the tower as determined by the Building Inspector.
27. All structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the tower shall be made to conform to the extent required by such standards or the special use approval will be subject to revocation by the Township Board of Trustees. Costs for testing and verification of compliance shall be borne by the owner of the tower.

28. There shall be no employees located on the site on a permanent basis to service or maintain the tower or attachments, unless specifically approved as part of the special use approval. Occasional or temporary repair and service activities are excluded from this restriction.
29. All parking and drive areas must be paved with material meeting the standards of the Township.
30. At the discretion of the planning commission, a six-foot tall obscuring screen of evergreens and shrubs shall be established to screen the tower base and associated accessory buildings from any residential district or public property located within five hundred (500) feet of the tower. Further, at the discretion of the planning commission, the base and screening may be required near the road frontage or the property line.
 - a. The tower shall be removed by the property owner or property lessee within six (6) months of being abandoned.

Notice of the abandonment of the tower shall be provided to the Township ninety (90) days prior to abandonment.
 - b. The applicant shall incur all cost associated with the Township review of the application for the special use.

404.4 Adult Entertainment Facilities

Adult entertainment businesses, meeting the definition of adult entertainment business as set forth in Section 202.4 or those similar in character, shall be permitted only upon approval of a special land use permit issued by the Township Planning Commission, subject to the following standards:

- A. No business shall be located within one thousand (1,000) feet, measured from the perimeter of the building to the lot line of zoning lot containing a residential, commercial or public building.
- B. All business shall be conducted in an enclosed building having an occupancy of less than fifty (50) persons, as determined by the Fire Chief or based on nationally recognized occupancy standards established by the National Fire Insurance Board or equivalent

nationally recognized professional building or fire protection standard organization.

- C. Any building used may have not more than forty (40) percent of the floor area devoted to storage purposes incidental to such primary use.

404.5 Air, Water, Waste, Light and Noise Pollution

No residential or business operation or activity shall discharge, or cause to be discharged, air, liquid or solid waste or storm waters in violation of state and federal law and regulation. No residential or business operation or activity shall cause any site lighting to emanate beyond the boundary of the zoning lot. No residential or business operation or activity shall cause any discernable sound to emanate beyond the boundary of the zoning lot during the period of sunset to 7:00 a.m.

404.6 Temporary Offices or Storage of Tools and Material

The use of trailers or containers, as temporary offices, or storage of tools and material, may be allowed while an open valid building permit is in effect. Requests for such use should be presented to the Township Zoning Enforcement Officer for Approval. The Zoning Enforcement Officer may stipulate the number and location of trailers or containers.

404.7 Road Access, Private Roads And Other Private Means of Access

A. Road access.

Any lot created after the effective date of this Ordinance shall have frontage upon and shall take access from a public road under the jurisdiction of the Cass County Road Commission or the Michigan Department of Transportation, or from an approved private road, back lot access private drive or shared driveway meeting the requirements of this Section.

B. General regulations applying to all private roads, back lot access private drives and shared driveways.

1. Definitions. See Figure 1 for examples. For the purposes of this Section, the following shall apply:

- a. As used in this Section, the term “road” also includes “street,” “avenue,” “drive,” “place,” “way,” “lane,” “boulevard,” “court,” “highway,” or other thoroughfare, except an alley.

- b. Public road: A public thoroughfare located within a public road right-of way and dedicated to public use, which affords traffic circulation and provides access to abutting property.
- c. Back lot access private drive. A private access drive that meets the following conditions:
 - 1. The drive initially provides access to one (1) but no more than two (2) lots, split from a parent parcel, that are not otherwise contiguous to a public or private road (commonly referred to as “back lots”).
 - 2. Since the drive passes through, but does not provide access to the parent parcel, the drive may provide access to additional lots split from the parent parcel in the future.
- d. Shared driveway: A driveway that provides the primary access from a public road to two (2) contiguous lots which, because of their zoning, configuration, or other element related to the land, cannot be or are unlikely to be split into future additional lots.
- e. Private road: A privately owned and maintained thoroughfare, located within a private road right-of-way easement, that is not a public road and that provides or has the potential to provide access to three (3), but not more than twenty (20), lots.
- f. Lot: A tract of land that can be legally described with certainty and is capable of being located by survey. This definition also includes “parcel” or “site condominium unit.”
- g. Safe and unimpeded route of travel: A road surface of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicles.

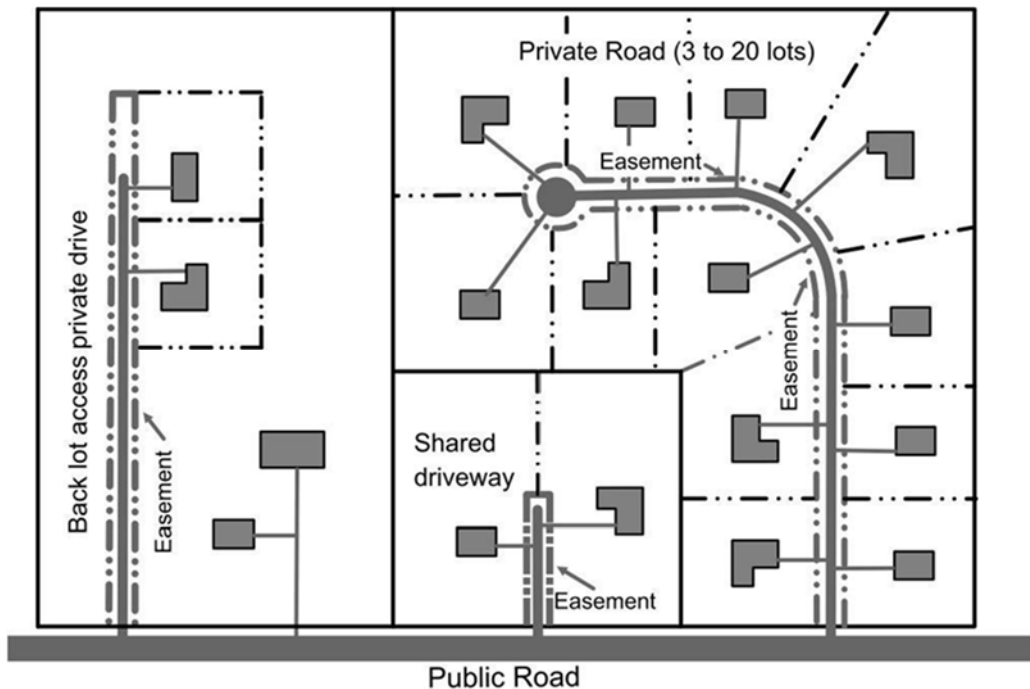


Figure 1: Examples of private means of access (Not to scale; see text for road widths and easement dimensions)

2. Scope.

The Township recognizes that, as large tracts of land are divided, sold, transferred and developed, private roads, back lot access private drives and shared driveways are being created to provide access to the newly divided properties. The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private roads and other private means of access. Private roads, back lot access private drives and shared driveways shall meet the requirements of this Ordinance. These regulations shall be enforced to ensure that:

- a. Private roads, back lot access private drives and shared driveways shall be designed and located to be consistent with the Zoning Ordinance and long term development policies of Calvin Township.
- b. Private roads, back lot access private drives and shared driveways and other private means of access shall be designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles.

- c. Private roads, back lot access private drives and shared driveways shall be constructed and maintained to be passable in all weather conditions and shall readily afford emergency access to the dwellings, buildings or other structures serviced by the private road.
- d. Private roads, back lot access private drives and shared driveways shall be constructed of suitable materials to ensure minimal maintenance and safe passage.
- e. Private roads, back lot access private drives and shared driveways shall be constructed to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands, and other significant natural features of the Township.

3. Permit Required.

No individual, association, corporation or entity, either public or private, shall construct or extend a private road, back lot access private drive or shared driveway without first having obtained a permit from the Township.

4. Lots with multiple frontage.

A lot that has frontage on both a public road and a private road or shared driveway shall take its access from the private road or shared driveway if the lot has rights to the easement; however, the Township may approve access from the public road if the property does not have rights to the easement or it can be shown that access to the public road provides a safer or more efficient means of access, and the access has been approved by the appropriate road jurisdiction.

5. Jurisdiction.

For any proposed private road, back lot access private drive or shared driveway that intersects a public road or State trunk highway, permits from the appropriate agency shall be submitted. If the private road, back lot access private drive or shared driveway intersects an existing private road, written permission from the owners, private road association or other entity that owns the private road shall be submitted.

6. Lot area, width and setback requirements.

All setbacks required by this Ordinance shall be measured from the easement right-of-way line. Minimum lot area and lot width requirements shall exclude any private road easements.

7. Land divisions, subdivisions and site condominiums.

No land division, subdivision or site condominium that creates lots accessed by a private road, back lot access private drive or shared driveway shall be approved or recorded unless and until the private means of access has been approved according to this Section.

8. Legal documentation requirements.

Any application for a private road, back lot access private drive or a shared driveway shall be accompanied by a private easement and maintenance agreement, in recordable form, that meets the following minimum standards:

- a. The private easement and maintenance agreement shall require the property owner(s) served by the private road, back lot access private drive or shared driveway to be responsible for the ownership and maintenance of the private road, back lot access private drive or shared driveway.
- b. The agreement shall contain the method for apportioning costs of construction, maintenance and repair of the private road, back lot access private drive, or shared driveway among all of the benefitting property owners. The agreement shall also include provisions for a performance guarantee, if required.
- c. The agreement shall contain a detailed legal description of the private road, back lot access private drive or shared driveway easement.
- d. The agreement shall bind all of the benefitting lots and owners to the required maintenance of the private road, back lot access private drive or shared driveway, including all succeeding owners.

- e. The agreement shall contain a clause stating that the applicant(s)/owner(s) of the private road, back lot access private drive or shared driveway agree that by applying for or securing a permit to construct the private means of access that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private road, back lot access private drive or shared driveway or of the failure to properly construct, maintain, use, repair, and replace the private road, back lot access private drive or shared driveway.
- f. A private easement and maintenance agreement for a private road serving three (3) to twenty (20) lots shall contain a provision to permit the Township Board to authorize the repair of any private road that is not being maintained adequately to permit safe and unimpeded route of travel by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the benefitting owners of the Agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers.
- g. The Township shall review the private easement and maintenance agreement for the private road, back lot access private drive or shared driveway, as submitted by the applicant, as part of the review and approval process to determine if Township requirements are met.
- h. After final approval of the private road, back lot access private drive or shared driveway, the applicant shall record the private easement and maintenance agreement with the Cass County Register of Deeds. After recording the private easement and maintenance agreement, a copy of the recorded documents shall be submitted to the Township Clerk.

9. Application.

- a. All applications for a private road, back lot access private drive or shared driveway permit shall be on a form or forms established by the Township and shall include any required fees, the required plans, the private easement and maintenance agreement and any other submittals as outlined below.
- b. The Zoning Administrator shall determine the number of plan sets required to accompany the application.
- c. Application fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner, or other professional review the private road plans, specifications, and maintenance agreements, and to do the necessary inspections. Any funds remaining in escrow after the project has been inspected and approved shall be returned to the applicant.

10. Approval Process.

- a. Shared driveway. A shared driveway shall be reviewed and approved by the Zoning Administrator. If an application does not meet the requirements of this Section and is not approved, the Zoning Administrator shall provide a written explanation of the denial.
- b. Back lot access private drive. A back lot private access drive shall be reviewed by the Planning Commission, who shall make a recommendation to the Township Board, according to Subsection E.3, below.
- c. Private road. A private road shall be reviewed by the Planning Commission, who shall make a recommendation to the Township Board, according to Subsection E.3, below.

- d. In making a recommendation and/or a decision, the Zoning Administrator, or the Planning Commission and Township Board, as applicable, may impose such conditions necessary to ensure compliance with this Section and ensure protection of the public health, safety and welfare.

11. Occupancy permits.

No occupancy permit for a structure on a lot accessed by a private road, back lot access private drive, or shared driveway shall be approved until the road, drive or driveway has been approved and inspected according to this Section.

C. Specific requirements: shared driveway.

1. Design and construction requirements.

- a. The shared driveway shall be located within an easement with a minimum width of forty (40) feet.
- b. The shared driveway shall have a minimum width of ten (10) feet of travelled surface; however, any shared driveway that exceeds four hundred (400) feet in length shall provide a passing lane that is sixty (60) feet long by twenty (20) feet wide to permit passage by emergency vehicles. An additional passing lane shall be provided for each additional four hundred (400) feet of length. The location of the passing lane(s) shall be determined by the Zoning Administrator. The passing lanes shall be compacted, but need not be paved, and if unpaved shall be planted with turf and kept mowed.
- c. The road surface may be paved with a hard surface or may be aggregate (gravel).

2. Extension of shared driveway or increase in the number of lots served. A shared driveway may not be extended, nor may land accessed by the Shared Driveway be divided by any means, so that more than two (2) lots are served by the shared driveway, unless the shared driveway is upgraded as required for private roads serving three (3) to twenty (20) lots and is approved according to the requirements for a private road, or is dedicated to the public, meets the

requirements for a public road and is accepted by the applicable road jurisdiction.

3. Application and approval. A shared driveway may be approved by the Zoning Administrator upon review of an application accompanied by the following:
 - a. The required private easement and maintenance agreement;
 - b. A plan drawn and sealed by a surveyor and/or civil engineer licensed by the State of Michigan, showing:
 1. all lots to be served, with dimensions and lot area;
 2. the location and width of the private road easement;
 3. the width of the proposed pavement;
 4. the materials to be used for pavement;
 5. the frontage and width of all lots served by the private road; and
 6. any drainage or utility structures to be located in the easement.

D. Specific requirements: back lot access private drive

1. Easement. A back lot access private drive shall be located within an easement that is sixty-six (66) feet wide.
2. Required improvements. A back lot access private drive shall, at minimum, be improved in the same manner as a shared driveway (see subsection C.1, above);
3. Maximum of two (2) lots served. A back lot access private drive may serve one (1), but not more than two (2), lots. A back lot access drive may not serve more than two (2) lots unless plans for the road are reviewed and approved in the manner required for private roads serving three (3) to twenty (20) lots as outlined by Subsection E, below, or shall be dedicated to the public, meet the requirements for a public road and be accepted by the applicable road jurisdiction.

4. Application and approval.

- a. The application for a back lot access private drive shall include:
 - 1. The required private easement and maintenance agreement;
 - 2. A plan drawn and sealed by a surveyor licensed by the State of Michigan, showing:
 - a. The back lot or lots served by the private drive, with dimensions and lot area of the parent parcel and the back lot(s);
 - b. the location and width of the private road easement;
 - c. the width of the proposed pavement; and
 - d. the materials to be used for the pavement.
- b. Approval process. An application for a back lot access private drive shall be reviewed by the Planning Commission and approved by the Township Board according to the process outlined for private roads in subsection E.3, below.

E. Specific requirements: private roads

1. Design requirements.

- a. A private road, or any combination of interconnected private roads, shall not provide access to more than twenty (20) lots. Roads providing access to more than twenty (20) lots must be dedicated as a public road, meet the requirements for a public road and be accepted by the applicable road jurisdiction.
- b. A private road with only one (1) access to a public road shall not exceed two thousand five hundred (2,500) feet in length, as measured along the centerline of the private road. Any private road

exceeding this length shall provide for at least one (1) additional access to a public road.

- c. The specifications for surface and base materials, longitudinal grade, drainage, method of construction, and signs shall conform to the Cass County Road Commission standards for local paved or gravel roads, as applicable.
- d. The private road pavement shall have a minimum width of fourteen (14) feet if serving three (3) lots and twenty-four (24) feet if serving four (4) to twenty (20) lots.
- e. Right-of-way/easement width: All private roads constructed after the effective date of this Ordinance shall have a recorded permanent right-of-way and easement with a minimum width of sixty-six (66) feet. The right-of-way shall expressly permit public or private utilities to be installed within the right-of-way.
- f. The private road shall terminate at a dead-end that is extendable into adjacent, undeveloped lots, designed to allow emergency or maintenance vehicles to turn around safely, or a cul-de-sac with a right-of-way radius that meets the road development standards of the Cass Road Commission (one hundred twenty-four (124) feet in diameter). The Road Commission and the Fire Department shall review and comment on the design of an extendable dead-end.

2. Application. An application for a private road shall include the following:

- a. Completed application form, provided by the Township, along with any fees and escrow established for review.
- b. The required private easement and maintenance agreement.
- c. A detailed written description of the development to be served by the private road, including a description of the private road association or other party to be responsible for the ownership, operation and maintenance of the private road.

- d. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
- e. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way. Copies of the instruments describing and granting such easements shall be submitted with the application.
- f. The location of any lakes, streams, wetlands and drains within the proposed right-of-way or within one hundred (100) feet thereof.
- g. The location of any other buildings and structures located within one hundred (100) feet of the private road right-of-way.
- h. An approved Soil Erosion and Sedimentation Permit.
- i. A narrative (shown on the site plan or submitted separately) describing in general terms the overall description of the proposal and the proposed method of providing sanitary sewer, water service, storm sewers and surface water drainage facilities, as well as other public and private utilities, including details of structures, light fixtures, etc.
- j. The Planning Commission may require that the plans be reviewed and commented upon by the Cass County Drain Commissioner, Cass County Road Commission, the Fire Department or any other agency deemed affected by the proposed private road.
- k. All private roads shall be named on the site plan and the name(s) shall be approved by the Cass County Land Resource Centre. Road identification signs meeting the requirements of the Cass County Road Commission shall be shown to be installed at intersections, to be paid for by the applicant.

3. Approval process.

- a. The following process applies to both private roads and back lot access private drives.
- b. Planning Commission Review. The Planning Commission shall review the application and plans

and shall make a recommendation to the Township Board. In making its recommendation, the Planning Commission shall find that the proposed private road (or back lot access private drive, if applicable):

1. Will not be detrimental to the public health, safety or general welfare.
 2. Will not adversely affect the use of land.
 3. Will be constructed to assure a safe and unimpeded route of travel for motor vehicles, pedestrians and emergency vehicles in all weather conditions.
 4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands and the natural environment of the Township.
 5. Will be in conformance with the Master Plan.
 6. Will be in conformance with special conditions, as deemed necessary by the Planning Commission, such as greenbelts, landscaping, road lighting and other items, which have a reasonable relationship to the health, safety and general welfare of the Township.
- c. On a case-by-case basis, the Planning Commission may waive certain review requirements, as site conditions warrant.
- d. Township Board Action. Upon receipt of the recommendation by the Planning Commission, the Township Board shall approve, approve with conditions, or deny the application. The record shall include the basis of the Township Board's decision.

4. Performance guarantee.

The Township shall require, as a condition of the permit for a private road serving three (3) to twenty (20) lots, that the applicant provide a performance guarantee in accordance with Section 601.5 of this Ordinance. The performance guarantee shall be released upon inspection and approval of the completed private road.

5. “As-built” drawings.

After approval, the applicant, at the applicant's expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit and the Road Commission.

F. Inspections/Certificate of Compliance

1. Inspection required. Upon completion of construction of the private road, back lot access private drive or shared driveway, the Township shall inspect the completed construction to determine if it complies with the approved plans, specifications, permit, and this Ordinance. A Certificate of Compliance shall be issued if all requirements are met.
2. Failure of inspection. If the completed private road, back lot access private drive or shared driveway does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall constitute a violation of this Ordinance.

G. Maintenance and Repairs

1. Maintenance required. Private roads, back lot access private drives and shared driveways shall be maintained in a manner that complies with the provisions of this Section.
2. Safe and unimpeded route assured. All private roads, back lot access private drives and shared driveways shall be continuously maintained at the proper widths and be clear of brush or trees and branches to a height of fourteen (14) feet to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
3. Responsibility. All costs for maintenance and repair of the private road, back lot access private drive or shared driveway shall be the responsibility of the benefitting property owners or any property owners association.

H. Existing nonconforming private roads, back lot access private drives or shared driveways:

1. Nonconforming use may continue. A nonconforming private road, back lot access private drive or shared driveway existing on the effective date of this Ordinance may continue and be maintained and used, even though it may not comply with the provisions of this Section. Any such private means of access shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
2. Extension. As of the date of this Ordinance, an existing private road, back lot access private drive or shared driveway that is nonconforming may not be extended to include additional lands and/or additional lots, unless the entire private means of access is upgraded to meet the requirements of this Section.
3. Existing vacant lots. A structure may be constructed upon an existing vacant lot of record that takes its primary access from an existing nonconforming private road, back lot access private drive or shared driveway, provided that the structure and all other development thereon meets the requirements of this Ordinance.
4. Inadequate easement width. Existing private roads, back lot access private drives or shared driveways that are nonconforming due to inadequate easement width may be improved without requiring the existing easement to be made conforming to the width requirements, provided that the pavement and any other improvements meet the requirements of this Section, and that the width of the easement is not further reduced.
5. Plans for improvement; process. Plans to improve an existing nonconforming private road, back lot access private drive or shared driveway shall be reviewed and approved in the same manner as a new private road, back lot access private drive or shared driveway.

404.8 Home Occupation

A. Definition.

For the purpose of this Section and Ordinance the following definition shall apply: An occupation or profession conducted on the same lot as an occupied dwelling, accessory to and incidental to the principal residential use of the premises and is conducted entirely within the dwelling, including an attached garage, and complies with the provisions of this Section.

B. Authorization.

The operating or conducting of a home occupation is permitted according to the regulations and standards of this Section. A Home Occupation is permitted as an accessory use to the principal residential use of a lot upon the issuance of a zoning permit, and shall comply with subsection (c) below.

C. Standards. Home occupations shall comply with the following standards:

- a. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted in Section 408.
- b. The occupation shall not produce any noise, odors, vibration, vapors, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which created electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
- c. A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
- d. The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature. Refuse generated

by a home occupation shall be safely and properly disposed of.

- e. A home occupation shall not occupy an area greater than twenty-five (25) percent of the gross floor area of the dwelling.
- f. No more than one (1) employee shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling.
- g. All traffic to and from a home occupation shall not result in more than ten (10) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors.
- h. No portion of a home occupation shall be located outdoors including the storage of equipment and materials.

404.9 Essential Services.

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, substations and similar above-ground structures and uses associated with such essential services.

404.10 Mobile Home Regulations.

- A. Purpose. The purpose of this Section is to provide for the use and description of mobile home regulations. Mobile homes are allowed if they meet the Township Zoning Ordinance.
- B. General Requirements. The mobile home shall meet the following zoning regulations in addition to the zoning district regulations in which the mobile home is placed:
 - 1. A minimum of one thousand (1,000) square feet is required.
 - 2. A foundation is required, full slab with frost-free footings (forty-two (42) inches in the ground and a full slab foundation four (4) inches thick).

3. Skirting is required.
4. A Certificate of Occupancy shall be in place before moving into the mobile home (see Calvin Township Building Inspector for Certificate of Occupancy).
5. Must have residency prior to accessory buildings, (a garage cannot be built before the mobile home is in place) see Section 403.3D.
6. The mobile home must have a pitched roof from the manufacturer.
7. All used mobile homes must meet current HUD Standards and be inspected by the Calvin Township Building Inspector before transporting mobile home into Calvin Township.

SECTION 405

NON-CONFORMITIES

405.1 Continuance of Non-Conforming Uses and Structures

Lawful non-conforming uses or structures in existence at the time of passage of this Ordinance or amendments thereof, may be continued, but shall not be extended, added to or altered unless each such extension, alteration or addition is in conformity with the provisions of this Ordinance.

405.2 Discontinuance of Non-Conforming Uses

If the non-conforming use of any land shall terminate for a continuous period of over twelve (12) months or more, such use shall not be re-established and any future use of such land or structure shall be in conformity with this Ordinance.

405.3 Restoration and Repair

- A. Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made.
- B. In the event any non-conforming use of structure shall be damaged by fire, wind or an Act of God or Act of War, or by natural decay or lack of routine maintenance, it may be rebuilt or restored provided the cost of restoration thereof shall not equal or exceed the Assessed Value of such building or structure. Such

determination shall be made by either the Building Inspector or Township Assessor.

- C. Non-conforming buildings or structures may be restored, provided it does not exceed the floor area size, height, and placement of the original building or structure, or as provided in Section 405.3D. Building height shall be measured in accordance with Section 202.23 of this Ordinance.
- D. Restoration of any non-conforming building or structure pursuant to paragraph B or C above shall first be approved by the building inspector and zoning administrator pursuant to Section 602. Approval of any such application for restoration shall be in compliance with the following standards:
 - 1. The restoration shall not enlarge or create an additional non-conforming condition to expand the non-conformity, which was present prior to the need for restoration.
 - 2. The restoration does not create conditions which impede fire/safety accessibility to the building or structure.
 - 3. The restoration does not create a public or private nuisance to abutting properties.

405.4 Change of Use or Structure

A non-conforming use may be changed to another non-conforming use if the Board of Zoning Appeals find that such a new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a non-conforming use to a prior non-conforming use, nor to waive the other provisions of this Ordinance.

405.5 Non-Conforming Due to Reclassification

The foregoing provisions of this Ordinance shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification or districts or any subsequent change in the regulations of this Ordinance.

SECTION 406 TEMPORARY PERMIT

Temporary Permits may be authorized by the Board of Zoning Appeals after a hearing, for a period not to exceed one (1) year, for non-conforming uses incidental to construction projects on the same premises

and including such uses as storage of building supplies and machinery, signs and the assembly of building materials. In addition, the Board, after a hearing, may authorize a certificate for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

- 406.1 The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
- 406.2 No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
- 406.3 Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

SECTION 407

MINIMUM LANDSCAPE AND SCREENING REQUIREMENTS

- 407.1 For multiple family and nonresidential uses in the A-2-Agricultural Residential and R-Residential Districts, thirty (30) percent of the site under development shall be in landscaped open space. The open space shall be landscaped with one (1) evergreen tree or shrub for every one thousand (1,000) square feet or portion thereof plus one (1) small or large deciduous tree for every one thousand five hundred (1,500) square feet or portion thereof. (Plant materials existing on the site prior to development may be included as part of the requirement). Twenty-five (25) percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have forty (40) percent of the required open space between the building and the street.
- 407.2 For permitted and special uses in the B- Business/Commercial Districts, fifteen (15) per cent of the site shall be in landscaped open space with a minimum of one (1) evergreen tree or shrub for every two thousand (2,000) square feet of building area (ground floor) or portion thereof, plus a minimum of one (1) small or large deciduous tree for every four thousand (4,000) square feet of building area (ground floor); or portion thereof. (Plant materials existing on the site prior to development may be included as part of the requirement). Thirty (30) percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have sixty (60) per cent of the required open space between the building and the roadway. Whenever feasible, a portion of the landscaping shall be placed adjacent to the building(s).

- 407.3 All areas shall be landscaped and shall meet the following standards:
- A. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
 - B. Berms, whenever utilized shall be designed and landscaped to minimize erosion. Berms adjacent to public rights-of-way shall have a slope no greater than 3:1, unless designed as part of a retaining wall.
 - C. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease. Non-nursery derived stock shall not be used to satisfy these requirements.
 - D. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.
 - E. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.
 - F. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed twenty-five (25) percent of the required landscape area. All such ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.
 - G. Maintenance shall include all reasonable and regular irrigation, weeding, fertilizing and pruning. Plant materials which show signs of insect pests, diseases and/or damage shall be appropriately treated. Dead plant materials shall be replaced immediately or as soon as practical under the seasonal conditions existing and according to the approved site plan. The developer and subsequent owner(s) shall be responsible for maintaining all on-site landscaping.
 - H. Landscaping plans may be submitted to the Building Inspector for technical review and to the Planning Commission for approval within ninety (90) days after final approval of the site plan. Plans may be submitted as an amendment to the site plan, thereby not requiring an additional review fee. On projects in excess of two

(2) acres, the developer may file a phased plan for completing the landscaping pursuant to these standards.

SECTION 408

SIGN REGULATIONS

- 408.1 Purpose. These regulations are intended to balance public and private interests by permitting signs and other displays that are needed for the purposes of identification or advertising, subject to the following objectives:
- A. Public Safety. By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead motorized or non-motorized traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
 - B. Community Aesthetics. Signs should enhance the aesthetic appeal of the Township (including the preservation of its historic and cultural resources, scenic areas and viewsheds, and the dark night sky). Thus, these regulations are intended to: 1) regulate oversized signs that are out-of-scale with surrounding buildings and structures, 2) prevent an excessive accumulation of signs which cause visual clutter, and 3) prevent blight.
 - C. Community Character and Property Values. The placement and design of signs should further the land use planning objectives of the Township. Signs should be compatible with neighborhood character and protect the value of surrounding properties.
 - D. Free Speech. These regulations are intended to ensure that the constitutionally guaranteed right of free speech is protected and allow signs as a means of communication.
 - E. Effective Communication. These regulations are intended to encourage the appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader.
- 408.2 Scope of Requirements. It shall be unlawful for any person, firm or corporation to erect, construct, or alter any signs in the Township of Calvin except in conformance with the provisions of this Article, subject to issuance of a permit, except as otherwise provided herein.
- 408.3 Intent and Purpose. This section is intended to regulate the use, construction, reconstruction, placement and design of signs in order to protect the Township's public health, safety and welfare. This section is intended to establish reasonable regulations regarding the size, placement

ARTICLE V

SPECIAL LAND USE PERMITS

SECTION 501

APPLICATION AND DETERMINATIONS

501.1 Purpose. It is recognized that certain uses may not be totally compatible with the uses permitted in any district without careful attention to design features, location, and the public health, safety, and welfare of adjacent uses, as well as that of the entire community. For this reason, certain uses shall be required to obtain special land use permits prior to their establishment in the appropriate zoning district. The alternative would be to establish special limited zoning districts for each use, which reduces flexibility for both the public and the private property owner, and which is therefore less desirable.

Therefore, the special land use permit it created in order to provide for a more detailed consideration of certain specified activities as they may relate to proposed conditions of: location, design size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.

501.2 Procedures for Making Applications.

- A. Application. Application shall be submitted through the Township Clerk to the Township Planning Commission on a special form for that purpose: each application shall be accompanied with the duly adopted "schedule of fees" to cover cost of processing the application. No part of any fee shall be refundable.
- B. Data Required in Application. Every application shall be accompanied by the following information and data:
 - 1. Special form supplied by the Township Clerk filled out in full by the applicant.
 - 2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.

3. Preliminary plans and outline specifications of the proposed development.
 4. A statement with supporting evidence regarding the required findings specified in Section 501.3.
- C. The Planning Commission shall review the proposed development, prior to submitting its recommendations for action to the Township Board, in terms of the standards set forth in this Ordinance. The Township Zoning Board of Appeals shall have no authority to hear, decide or act on applications for special land uses.
- D. Upon receipt of an application for a special land use the Chairperson of the Township Planning Commission or his or her designee shall provide notice of the request as required under subsection three (3). The notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the property being considered for a special land use regardless of whether the property or occupant is located in the zoning jurisdiction.
1. At the initiative of the Planning Commission, Township Zoning Administrator, Township Building Official, Township Board or upon the request of the applicant, a real property owner whose real property is assessed within three hundred (300) feet of the property, or the occupant of a structure located within three hundred (300) feet of the property, a public hearing shall be held by the Planning Commission on the Special Land Use request.
 2. The Township Planning Commission may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed thereon.
 3. Notice Provisions and Requirements for Special Land Uses.
 - a. Publication. Publish a notice of the special land use request in a newspaper of general circulation in the local unit of government not less than fifteen (15) days prior to the meeting at which the special land use request will be considered.

- b. Mailed Notice. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered and to persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located within Calvin Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- c. Timing of Notice of Special Land Use. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval.
- d. Notice, contents. The notice shall do all of the following:
 - 1. Describe the nature of the request.
 - 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.
 - 5. Indicate that a public hearing may be held on the request at the initiative of the party entitled to notice under this provision, or by the individuals identified in paragraph 501.2.D.1.
- E. Upon conclusion of meeting, the Planning Commission shall recommend action to the Township Board including any time limit or specific requirements desired. Following a favorable action by the Township Board, the Clerk or his or her designee shall issue a Special Land Use Permit with all conditions clearly specified in writing. Special Land Use decisions made pursuant to this Section

are not reviewable by the Zoning Board of Appeals. See the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended, codified at MCL 125.3603 et seq..

501.3 General Standards for Making Determinations. The Planning Commission in making recommendations to the Township Board shall establish the facts and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan of current adoption.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- C. Will not be hazardous or disturbing to existing or future neighboring uses.
- D. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- E. Will be adequately served, be essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. Will be consistent with the intent and purposes of this Ordinance.

501.4 Time Periods. Special land use permits may be issued for time periods as determined by the Township Board. In any case, if work has not proceeded to at least fifty (50) percent of completion within one hundred-eighty (180) days of issuance of the special land use permit, said permit will become null and void.

Special land use permits may be renewed in the same manner as originally applied for. The Township Board shall review all issued special land use permits for compliance to original guidelines. This review shall be done at least once yearly.

501.5 Financial Guarantee. In authorizing a special land use permit, the Township Board may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Township Board may authorize a proportional rebate of the financial guarantee upon completion of significant phases of improvements.

501.6 Specific Requirements. The foregoing general standards are basic to all special land uses. The specific requirements accompanying the following Sections relating to particular uses are in addition and shall be required in all applicable situations.

SECTION 502 NON-RESIDENTIAL STRUCTURES AND LAND USES IN RESIDENTIAL DISTRICTS

502.1 Uses Requiring Special Land Use Permit. The following uses are permitted in one or more residential districts:

- A. The removal of soil, sand, gravel and other materials.
- B. Public and private parks, camps, golf courses, clubs, garden nurseries, greenhouses, and commercial stables.
- C. Public and private hospitals, schools, cemeteries, churches, nursing homes and elderly care facilities, and government buildings.
- D. Public utility structures and substations.
- E. Veterinarians, commercial kennels, and animal clinics.

502.2 General Standards. In as much as the non-residential uses permitted in residential district may have an adverse affect on residential properties if not properly located and designed, the following general standards must be met prior to development of such uses:

- A. Hazardous areas must be adequately fenced to avoid accidents, such areas include:
 - 1. Sand or gravel operations.
 - 2. Airports.
 - 3. Public utility substations.

- B. A permitted non-residential structure should preferably be located at the edge of a residential district, abutting a business/commercial district, or a public open space.
- C. All means shall be utilized to face any permitted non-residential use on a major street (minor arterial or collector).
- D. Motor vehicle entrance and exit should be made on a major street to avoid the impact of traffic generated by the non-residential use upon the residential area.
- E. Site locations should be chosen which offer natural or man-made barriers that would lessen the effect of the intrusion of a non-residential use into a residential area.
- F. Non-residential uses should not be located so as to cause costly public improvements.

502.3 Removal of Soil, Sand, Gravel, and Other Materials.

- A. The soil erosion control standards of Cass County shall be followed.
- B. All areas shall be rehabilitated as work progresses to a condition reasonably safe, and to blend in with the surrounding area. A bond for compliance may be required in an amount to be determined by the Township Board.
- C. All installation shall be maintained in a neat orderly condition so as to prevent injury to any property, individual, or the community in general.
- D. Traffic. The Township shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to prevent hazards and damage to properties and to avoid densely populated residential areas.

502.4 Public Utility Structures and Substations. Adequate planting materials to screen exposed facilities from view shall be required. Evergreens are recommended, however, selected deciduous trees may be used when appropriate.

502.5 Commercial Kennels and Stables.

- A. Shall be located and constructed so as to minimize the potentially adverse effect of noise on adjacent properties.

- B. Shall be located and constructed so as to minimize the potentially adverse effects of odors on adjacent properties.
- C. No structure shall be located closer than one hundred fifty (150) feet to any property boundary.

SECTION 503

MULTIPLE HOUSING DEVELOPMENTS

503.1 Uses Requiring Special Land Use Permit. Any structure containing three (3) or more living units.

503.2 Additional Information Required.

- A. The developer shall submit his plans to the following agencies for comments in writing to be delivered to the Township:
 - 1. Cass County Road Commission.
 - 2. Cass County Drain Commission.
 - 3. Van Buren/Cass County District Health Department.
 - 4. The Board of Education of the district in which the project is located.
- B. The developer shall submit a report including:
 - 1. Number, size, and dimensions of buildings.
 - 2. Number and size of living units.
 - 3. Number, size and type of parking areas.
 - 4. Basis of calculations for determining required parking and density.
 - 5. Description of utility (sewer, water, storm drainage) systems planned.

503.3 Standards.

- A. No building shall be closer than fifty (50) feet to another, except when abutting walls contain no windows, in which case the distance may be reduced to twenty-five (25) feet.
- B. No building shall be longer than one hundred fifty (150) feet in any direction.

- C. Motor vehicle entrance and exit shall be only from a major street (minor arterial or collector) to avoid the impact of traffic generated on neighboring residential uses.
- D. A pedestrian and non-motorized vehicular pathway system shall be provided in such a way to minimize conflict points with motorized vehicles.
- E. Recreational facilities for the residents shall be provided in easily accessible areas, including play equipment for children as well as adult recreation areas.
- F. Plantings. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and, additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen objectionable features. The landscaping plan shall be submitted in conjunction with the site plan with the application and shall be in conformance with Section 407.
- G. Land Use Pattern. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be in favorable relationship to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.
- H. Community buildings shall be of sound construction, attractively designed, and located in convenient proximity to the greatest possible number of residential living units.

SECTION 504

MISCELLANEOUS SPECIAL LAND USES

504.1 Uses Requiring Special Land Use Permit.

- A. Outdoor motor vehicle, boat, mobile home sales, rental, repair, and display or storage provided that when such activities occur within a building such use shall be permitted by right.
- B. Hotels, motels, and motor hotels.
- C. Bowling alleys, pool halls, and mechanical amusement centers.
- D. Outdoor theaters.

- E. Car washes, automatic and self-service.
- F. Transient amusement enterprises such as carnivals, circuses and tent shows.
- G. Commercial beaches.
- H. Warehousing, storage, and truck terminals.
- I. Manufacturing and processing.
- J. Permanent contractor's storage yard.
- K. Indoor storage facilities for boats, campers, and recreational vehicles provided that:
 - 1. The minimum site size shall be one (1) acre.
 - 2. There shall be no outdoor storage.
 - 3. There shall be no repair of any boat or recreational vehicle on site.
 - 4. The site shall be screened on all sides abutting residentially used property.
 - 5. Outdoor advertising shall be in conformance with Section 408.
- L. Bed and Breakfast Facilities provided that:
 - 1. The minimum lot size shall be two (2) acres with a minimum frontage of two hundred (200) feet on a public road.
 - 2. The minimum size of a rental room shall be one hundred and twenty (120) sq. ft.
 - 3. The minimum size of the manager/owner living quarters shall be four hundred and fifty (450) sq. ft.
 - 4. Bathrooms must be furnished for guestrooms at a ratio of not less than one (1) bathroom per two (2) rental rooms.
 - 5. A smoke alarm shall be installed in each guestroom.

6. The premises (including corner lots) may be permitted one (1) advertising sign not exceeding six (6) sq. ft.
7. Approval of the Van Buren/Cass District County Health Department is required if other than a continental breakfast is served.
8. The maximum stay at the facility shall be ten (10) continuous days.
9. A carbon monoxide detector shall be installed in each guest room heated by a heater that may produce carbon monoxide.

504.2 General Standards: In as much as certain commercial/industrial uses may have a substantial impact on land use, traffic patterns, aesthetics, the environment, and the general welfare of the Township, the following standards must be met by such uses:

- A. Whenever possible entrance and exit shall be made on a major street (minor arterial or collector).
- B. Whenever possible existing trees on the site shall be preserved. In addition, new landscaping shall be added to enhance the beauty of the development.
- C. Screening shall be provided for uses which exhibit a cluttered appearance due to outdoor operations, which generate unusual noises, or require lighting which may shine onto adjacent properties. Such uses shall include, but not necessarily be limited to the following:
 1. Outdoor motor vehicle, boat, mobile home sales, display or storage.
 2. Car washes.
 3. Truck terminals and certain warehouses.
 4. Permanent contractor's storage yard.
- D. Operators of transient amusement enterprises and commercial beaches shall have insurance in an amount determined by the Township to be reasonable and appropriate to the scope of the operation proposed.

504.3 Industrial Use Standards.

- A. Activities shall be carried on in completely enclosed buildings. Storage may be permitted outdoors but shall be effectively screened by solid, uniformly finished wall or fence with solid entrance and exit gates. Such walls or fences may exceed the usual six (6) foot limit if approved by the Township.
- B. Industries which emit odorous gases, smoke, dust, heat, vibrations, or radiation which are humanly perceptible at the property boundaries shall be required to submit a plan for the control of dangerous or objectionable emissions to the Township Board as a condition of approval.
- C. Industries may not engage in the production or storage of materials designed for uses as an explosive.

SECTION 505

OTHER SPECIAL LAND USES

- 505.1 Purpose and Scope. Land and structure uses that are not specified in any other Section of this Ordinance may be considered for special land use permit providing that they will not seriously injure surrounding properties by depreciative quality and value of such property and will not be generally injurious to the community as a whole.
- 505.2 Standards. All standards expressed elsewhere in this Ordinance are applicable to uses permitted by this Section as well as any specific, reasonable standards which the Township wishes to apply to consideration of the proposed uses.

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

SECTION 601 ENFORCEMENT

601.1 Responsibility: The administration and enforcement of this Ordinance shall be the responsibility of the Township Supervisor. The Supervisor shall have the right to delegate said responsibility to appropriate Township officers, employees or their agents. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Officer.

601.2 Certificates of Zoning Compliance: A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary certificate of zoning compliance has been issued thereof. Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarge in its use or structure until a final certificate of zoning compliance shall have been issued therefore by the Zoning Officer. The certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.

The Zoning Officer shall maintain a record of all certificates of zoning compliance and said record shall be open for public inspection. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under Section 605 herein.

It shall not be necessary for a legal non-conformity existing on the effective date of this Ordinance to obtain certificates of zoning compliance in order to maintain its legal, non-conforming status. However, no non-conforming building, structure, or use shall be renewed, changed, or extended until a preliminary certificate of zoning compliance shall have been issued by the Zoning Officer. The certificate shall state specifically wherein the non-conforming building, structure, or use differs from the provisions of this Ordinance.

The applicant for a final certificate of zoning compliance shall notify the Zoning Officer when final inspection is desired. The final certificate of zoning compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said certificate cannot be issued. Such notice shall be sent to the applicant not later than

fifteen (15) days after the Zoning Officer is notified that the building, structure, or premises is ready for inspection.

601.3 Certificates of Occupancy: No new principal building or dwelling may be occupied, inhabited or used until a Certificate of Occupancy has been issued. The Certificate of Occupancy shall state that the building or dwelling is in compliance with all applicable codes and ordinances.

601.4 Fees: The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted on public display in the office of the Zoning Officer, and may be changed only by the Township Board. No certificates shall be issued unless such fees have been paid in full.

601.5 Performance Guarantees:

- A. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, or other suitable negotiable security, equal to the estimated cost of improvements associated with the project subject to the guarantee.
- B. The performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If the improvements are not completed the security shall be forfeited, either in whole or in part.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the requirement improvements. The balance in any shall be returned to the depositor.

SECTION 602

ZONING BOARD OF APPEALS

602.1 Zoning Board of Appeals. A Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended. The Board shall consist of five (5) regular members who shall

serve three (3) year terms: one (1) of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission; one (1) of the regular or alternate members of the Zoning Board of Appeals may be a member of the Township Board. Such a member shall not serve as a chairperson of the Zoning Board of Appeals. Regular members of the Zoning Board of Appeals shall be selected by the Township Supervisor and approved by the Township Board from the electors residing in the unincorporated areas of the Township. The term of office of the member of the Township Board shall not exceed the member's term of office on the Township Board. Members may be reappointed. No elected officer of the Township or any employee of the Township may serve simultaneously as such officer or employee as the third, fourth, or fifth member of the Zoning Board of Appeals.

602.2 Alternate Membership. The Township Board may appoint two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve in the absence of a regular member if the regular member is absent from or unable to attend two (2) or more consecutive meetings or are absent from or be unable to attend meetings for a period of more than thirty (30) consecutive days. In addition, should a regular member be involved in a case in which he or she must abstain, then the alternate may also serve and continue to serve until a final decision is made on that particular case.

602.3 Procedures of the Board. Every year after the Township Supervisor's Board appointments, the Zoning Board of Appeals (ZBA) shall elect a chairperson and secretary for a term of one (1) year. A separate nomination, second and roll call shall be conducted for each board position.

This information shall be recorded in the ZBA minutes. The ZBA shall adopt rules and regulations to govern its procedures. The concurring vote of a majority of the members of the ZBA shall be necessary to revise any order, requirements, decisions or interpretation of the Zoning Administrator; or to decide in favor of an applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and such other times as the Board in its rules of procedures may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be files in the office of the Township Clerk.

602.4 Procedures for the Zoning Board of Appeals.

- A. Appeals, who may take. Appeals may be taken to the Zoning Board of Appeals by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. The Zoning Board of Appeals shall state the grounds of any determination made by the Board.
- B. Appeals, Stay of Proceedings. An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a circuit court.
- C. Variance Request, hearing date set. Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in Section 602.4.G.
- D. Interpretation, procedures. Upon receipt of a written request seeking an interpretation of the zoning ordinance the Zoning Board of Appeals shall set the matter for a hearing and shall give notice as provided in Section 602.4.F.
- E. Hearing, appearance. At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- F. Notice of request for interpretation or appeal of administrative determination. For interpretations and appeals from an administrative determination made under this Ordinance, 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 variance not less than fifteen (15) days before the hearing on the request. If the requested appeal of an administrative decision or interpretation request involves a specific parcel, written notice stating the nature of the request and the time, date, and place of the hearing on the request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the

boundary of the property in question, regardless of whether the property is located within Calvin Township. If a tenant's name is not known, the term "occupant" may be used.

- G. Notice of variance request, requirements. The Zoning Board of Appeals shall provide notice of a variance request to the general public by publication of the hearing notice in a newspaper of general circulation within the township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered; to all persons to whom real property is assessed within three hundred (300) feet of the property; and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (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.

602.5 Duties and Powers. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide ONLY those matters which it is specifically authorized to hear and decide as provided herein; administrative review, variance and expansion of non-conforming buildings and structures.

The Zoning Board of Appeals shall not have the power to alter or change the Zoning District Classification of any property, not make any changes in the terms or intent of this Ordinance, but does have power to act on

those matters for which this Ordinance provides an administrative review, interpretation variance or exception.

- A. Review. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Officer.
- B. Interpretation. The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Officer.
 - 3. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
 - 4. Determine the parking space requirements of any use not specifically mentioned in Section 403.5 either by classifying it with one of the groups listed in that Section by an analysis of the specific need.
- C. The Zoning Board of Appeals shall have no authority to hear or act on applications or appeals for Special Land Uses (see Sections 501.2C and 501.2E of this Ordinance); nor shall it have the authority to hear or act on applications or appeals for Planned Unit Developments (See Section 309.3 of this Ordinance.)

602.6 Variance. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty. A variance shall not be granted by the Zoning Board of Appeals unless and until the following conditions are met:

- 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 involved and which are not applicable to other lands, structures, or buildings 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 the special conditions and circumstances do not result from the actions of the applicant.
 4. 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.
- B. Any non-conforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
 - C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
 - D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of land, building or structure.
 - E. The Zoning Board of Appeals shall further find 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 interest.
 - F. In granting any variance, the Zoning 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 605 herein.
 - G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
 - H. In exercising the above-mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly or may

modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.

602.7 Voiding of and Reapplication for Variance. The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1. The construction authorized by such variance or permit has proceeded to at least fifty (50) percent of completion within three hundred and sixty-five (365) days after the granting of such variance and pursued diligently to completion.
- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions presented to the Chairperson of the Zoning Board of Appeals to be valid. No fee shall be required if the request is presented at the next regular scheduled meeting of the Zoning Boards of Appeals.

602.8 Appeals: How Taken.

- A. Appeals to the Zoning Board of Appeals concerning interpretation and administration of this Ordinance may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Officer. Appeals shall be taken within a reasonable time, not to exceed ten (10) days following action by the Zoning Officer or Township Board, by filing with the Zoning Officer or Township Board, by filing with the Zoning Officer and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Zoning Board of appeals copies of all papers constituting the record upon which the action appealed from was taken.
- B. A fee shall be paid to the Township Treasurer, at the time of filing the notice of appeal and shall be deposited in the Township's general fund. The appeal fee shall be established by the Township Board.

602.9 Duties on Matters of Appeal. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Officer. Such questions shall be presented to the Zoning Board of Appeals only on

appeal from the decisions of the Zoning Officer. Recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law.

SECTION 603

PLANNING COMMISSION

- 603.1 Commission Duties. It shall be the duty of the Township Planning Commission to advise the Township Board on matters of planning and zoning in accordance with the provisions of Act 110 of 2006, as amended, and the Michigan Planning Enabling Act, Act 33 of 2008, as amended.
- 603.2 Established Membership. The Township Planning Commission shall consist of five, seven or nine (5, 7, or 9) members. One (1) member of the Township Board shall be appointed to the Planning Commission as an ex-officio member. Members of a Planning Commission other than the ex-officio member shall be appointed for three (3)-year terms. However, of the members of the Planning Commission, other than ex-officio members, first appointed, a number shall be appointed to one (1)-year or two (2)-year terms such that, as nearly as possible, the terms of one-third (1/3) of all of the Planning Commission members will expire each year. If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as if an original appointment. A member shall hold office until his or her successor is appointed. Members may be reappointed. The term of an ex-officio member of a Planning Commission shall expire with his or her term on the Township Board.
- 603.3 Planning Commission Elections. The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex-officio member of the Planning Commission is not eligible to serve as chairperson. The term of each officer shall be one (1) year. The Planning Commission may appoint advisory committees whose members are not members of the planning commission.
- 603.4 Meeting Requirements. The Planning Commission shall hold not less than four (4) regular meetings each year, and by resolution, shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson, or by two (2) other members, upon written request to the secretary.
- Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to the Planning Commission members not less than forty-eight (48) hours before the meeting.
- 603.5 Record Keeping. Minutes shall be kept of each meeting and the commission shall record into the minutes all findings, conditions, facts,

and other relevant factors, including the vote of each member upon each question.

603.6 Duties On Matters Sent by the Township Planning Commission to the County Planning Commission for Review. The Planning Commission Chairperson shall whenever possible be in attendance when the County Planning Commission reviews the matter.

603.7 Other Related Planning Commission Matters. Creation, organization, power and duties, see Michigan Planning Enabling Act, Act 33 of 2008.

SECTION 604 CHANGES AND AMENDMENTS

604.1 Initiation of Amendments. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

604.2 Procedure. The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended. A petition, together with the completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form, and when it is approved, transmit the same to the Township Planning Commission for review and report. The Clerk shall, at the same time, establish a date for the public hearing on the petition for the Planning Commission and shall give proper notice for the hearing as provided in Act 110 of 2006, as amended.

After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission, if received within thirty (30) days of receipt of the Township Planning Commission's submittal of its recommendations to the County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within the time specified by the Township Board. Thereafter, the Township Board may adopt the amendment, with or without changes. Such action shall be by ordinance, requiring a majority vote of the Township Board.

The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified letter from the property owner to the Township Clerk. All hearings subject

to this subsection shall comply with the notice requirements of Section 413 of this Ordinance.

604.3 Notice of Hearing. A notice of the proposed text amendment shall be published in a newspaper of general circulation within the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered; to all persons to whom real property is assessed within three hundred (300) feet of the property; and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in Calvin Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

The notice shall be given not less than fifteen (15) days before the date of the hearing on the proposed text amendment. The notice shall do all of the following:

- a. Describe the nature of the request.
- b. State when and where the request will be considered.
- c. Indicate when and where written comments will be received concerning the request.

604.4 Information Required. The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the zoning map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

604.5 Steps in Making a Change.

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing as prescribed in Sections 604.2 and 604.3.
- C. Planning Commission holds hearing, makes a decision, transmits decision to the County Planning Commission and to the Township Board.
- D. Township Board either enacts or rejects proposed changes as an Ordinance amendment, and publishes the text of the change in the newspaper within fifteen (15) days after adoption.

604.6 Findings and Facts Required. In reviewing any petition for a zoning amendment the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board, within sixty (60) days of the filing date of the petition.

The facts to be considered by the Planning Commission shall include, but not limited to, the following:

- A. Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The compatibility of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition was approved.
- D. Effect of approval of the petition on adopted development policies of Calvin Township and other government units.
- E. All findings of fact shall be made apart of the public records of the meetings of the Planning Commission and the Township Board. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Calvin Township, or of other civil divisions where applicable.

SECTION 605

VIOLATION AND SANCTIONS

- 605.1 Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
- 605.2 Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- 605.3 Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense	\$ 75.00	\$500.00
2 nd Offense	\$150.00	\$500.00
3 rd Offense	\$325.00	\$500.00
4 th Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Calvin Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than ten dollars (\$10.00) be ordered.

SECTION 606

VESTED RIGHT. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vest rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation of protection of public health, safety, and welfare.

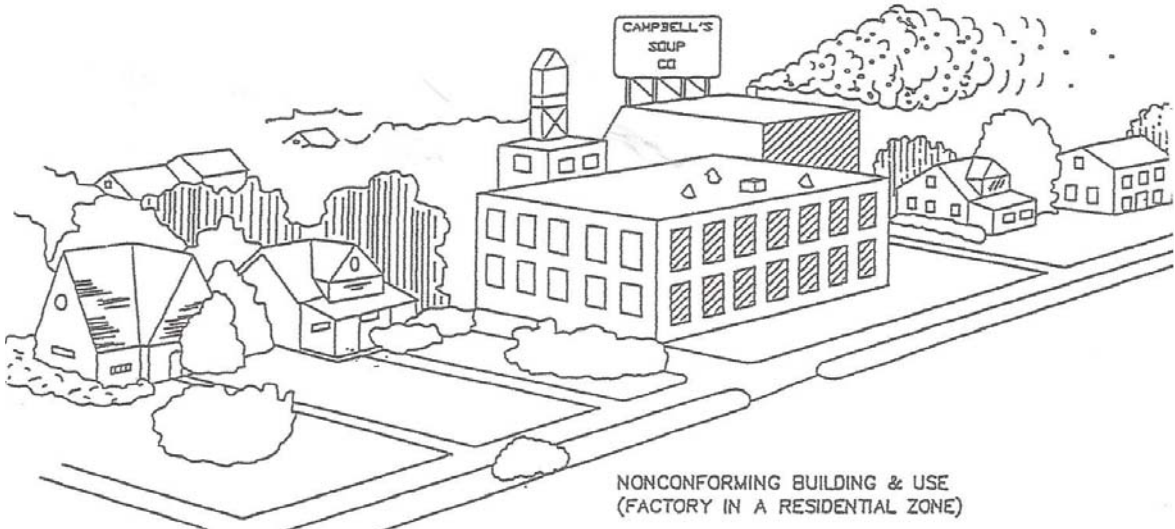
SECTION 607

SEVERANCE CLAUSE. Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall

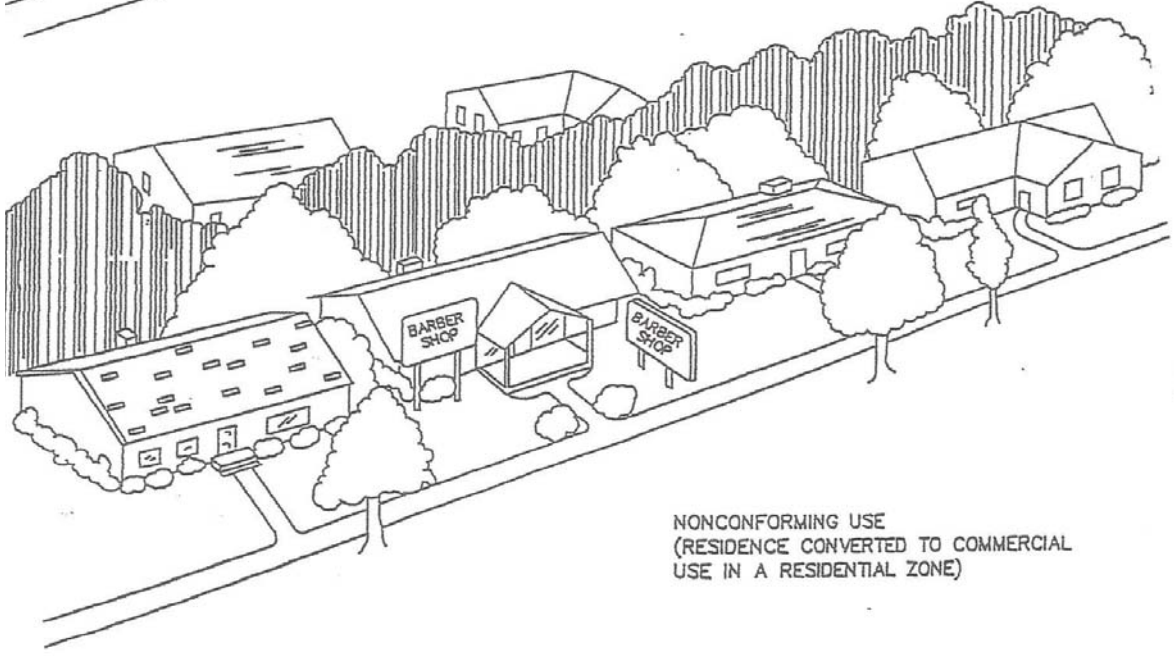
not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

SECTION 608

EFFECTIVE DATE. This Ordinance shall take effect eight (8) days following publication of a summary of the ordinance pursuant to MCL 125.282. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



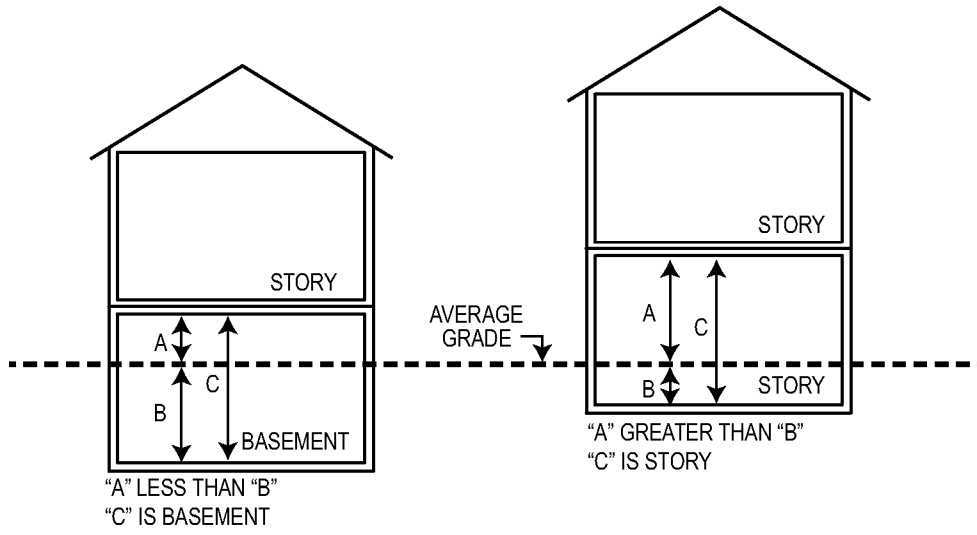
NONCONFORMING BUILDING & USE
(FACTORY IN A RESIDENTIAL ZONE)



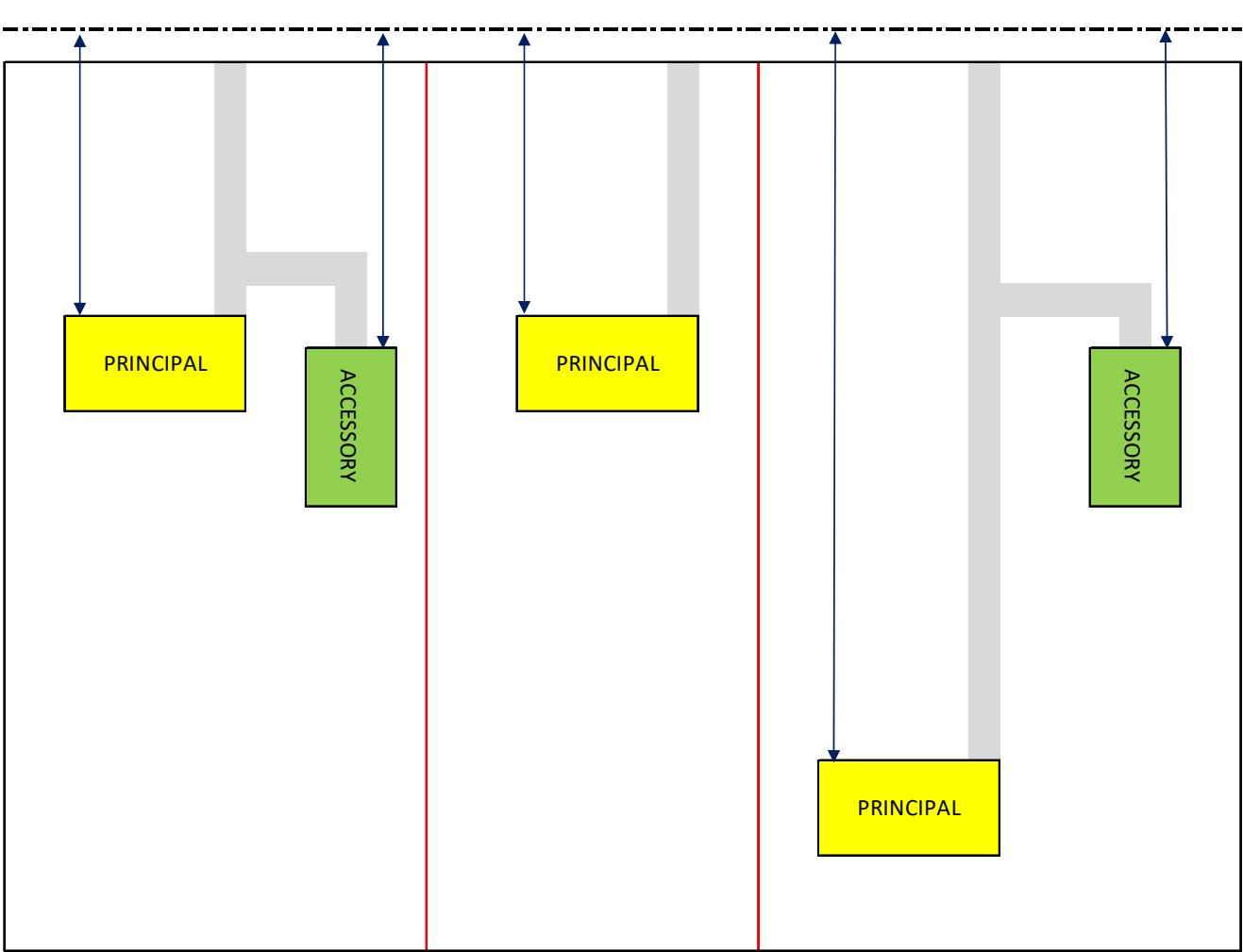
NONCONFORMING USE
(RESIDENCE CONVERTED TO COMMERCIAL
USE IN A RESIDENTIAL ZONE)

NONCONFORMING USE

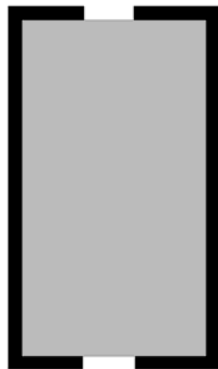
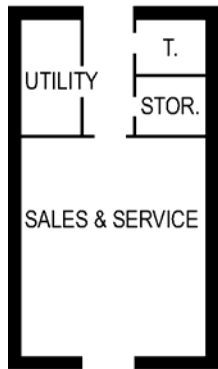
Basement and Story



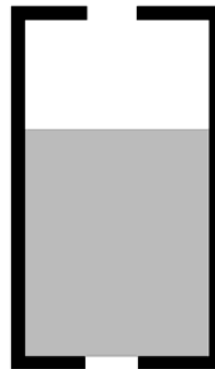
CALVIN TOWNSHIP
SAMPLE ROAD



Floor Area

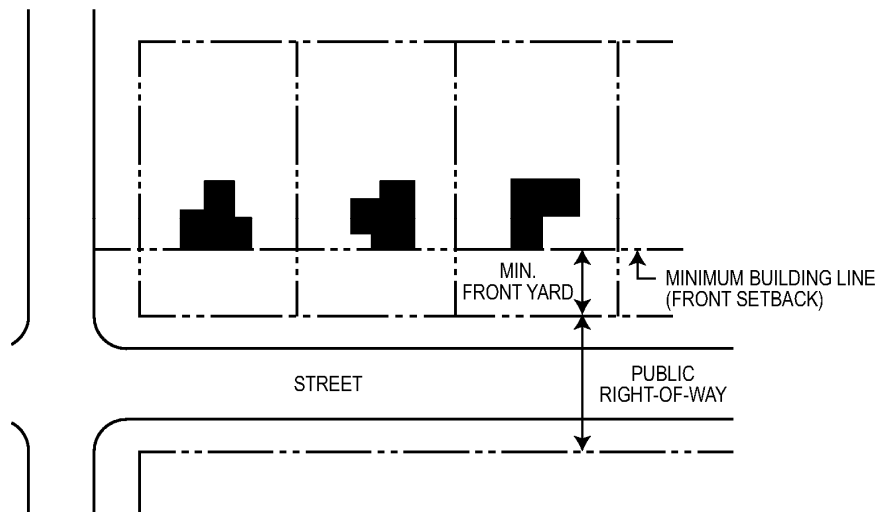


TOTAL FLOOR AREA

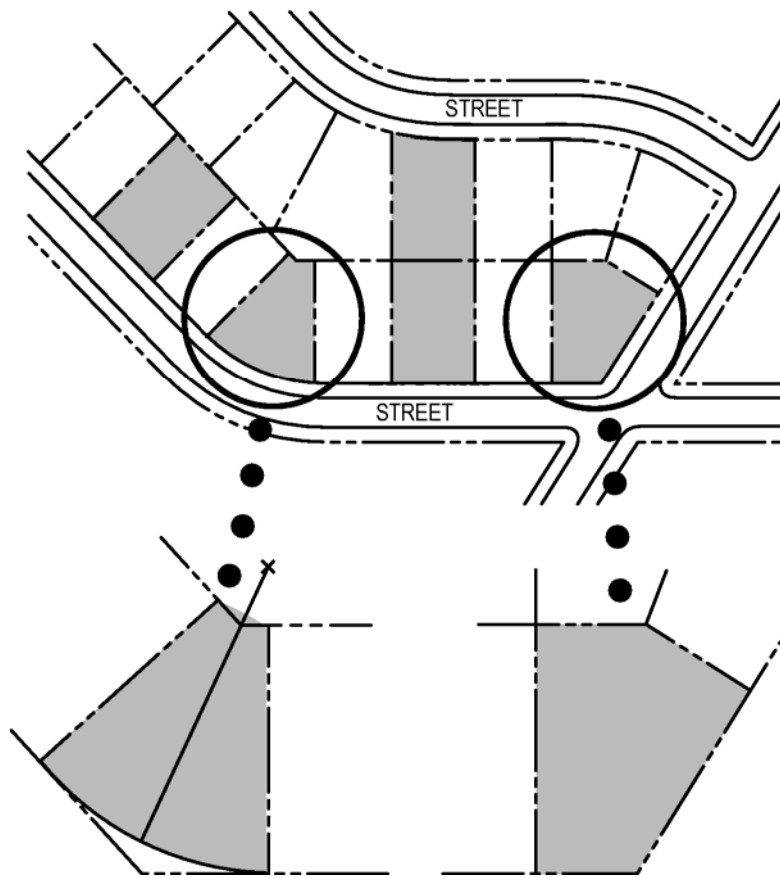


USABLE FLOOR AREA
(for purposes of computing parking)

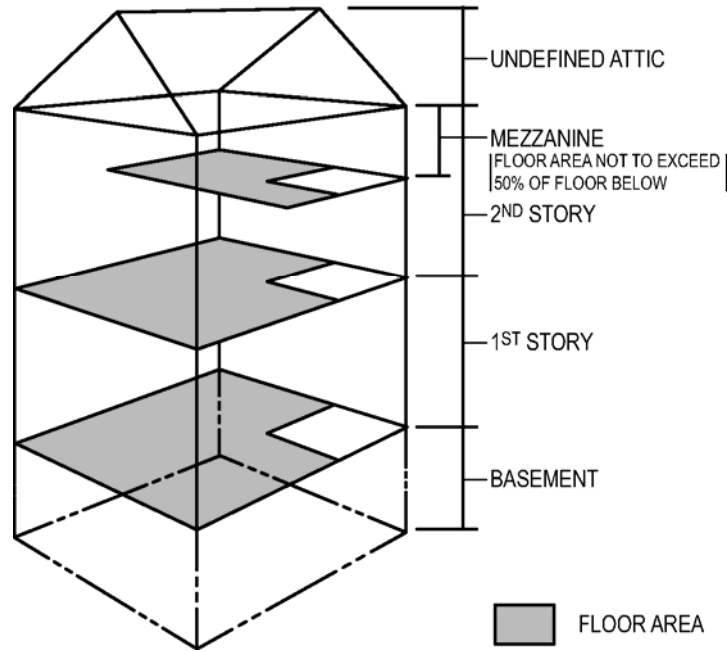
Building Line



Interior, Through, & Corner Lots

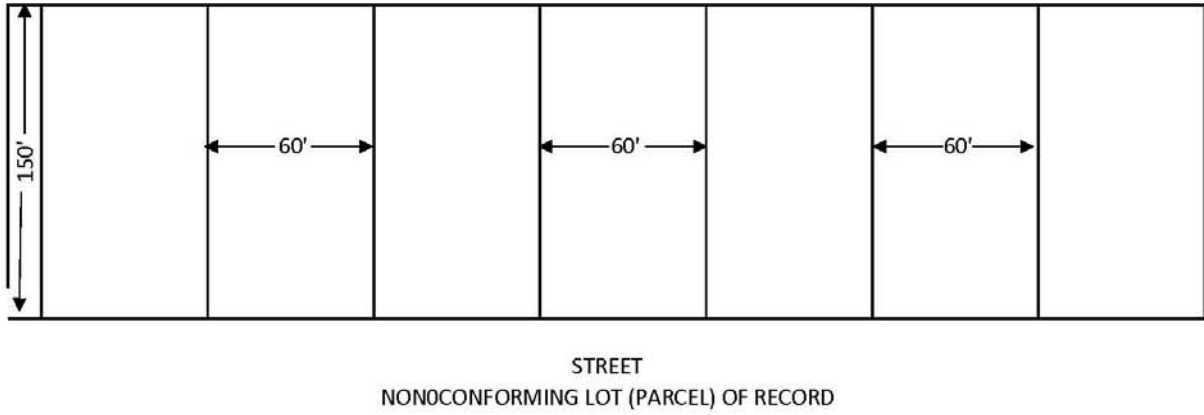
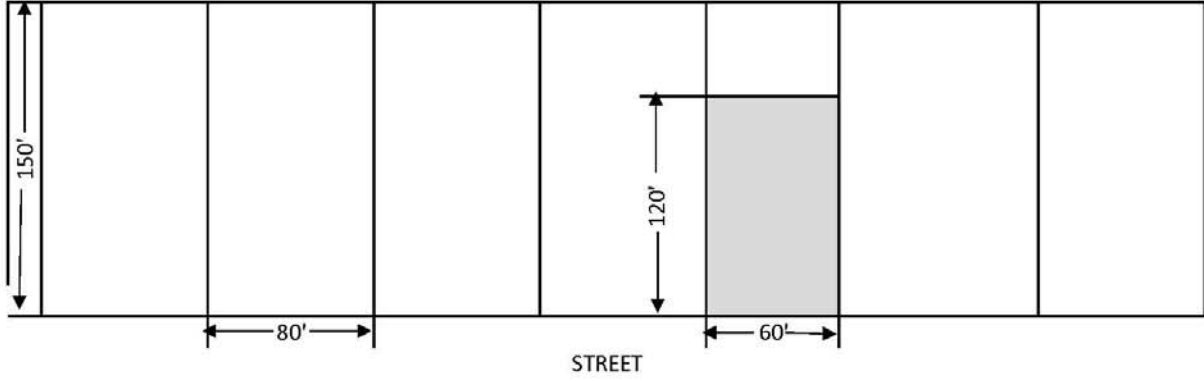


Basic Structural Terms

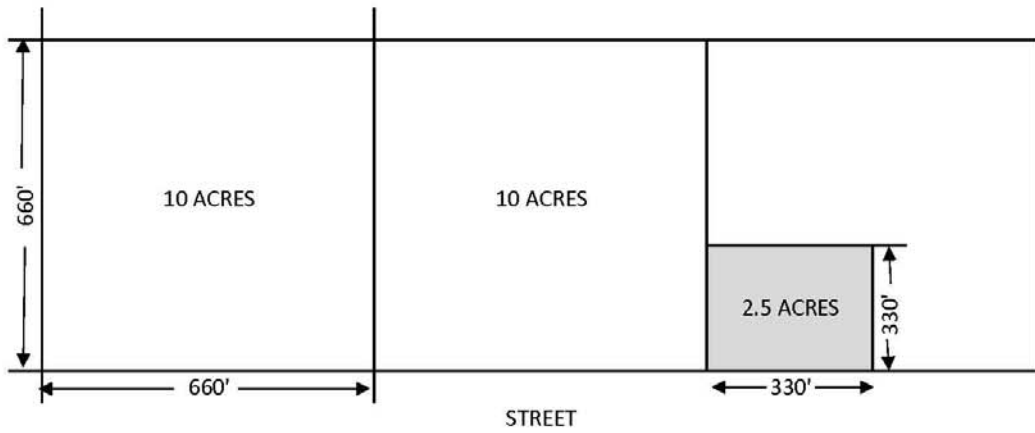


CALVIN TOWNSHIP
NON-CONFORMING LOT (PLATTED) OF RECORD

EXAMPLE IF ZONING REQUIRES MINIMUM LOT SIZE OF 80' X 150'



NONCONFORMING LOT (PARCEL) OF RECORD

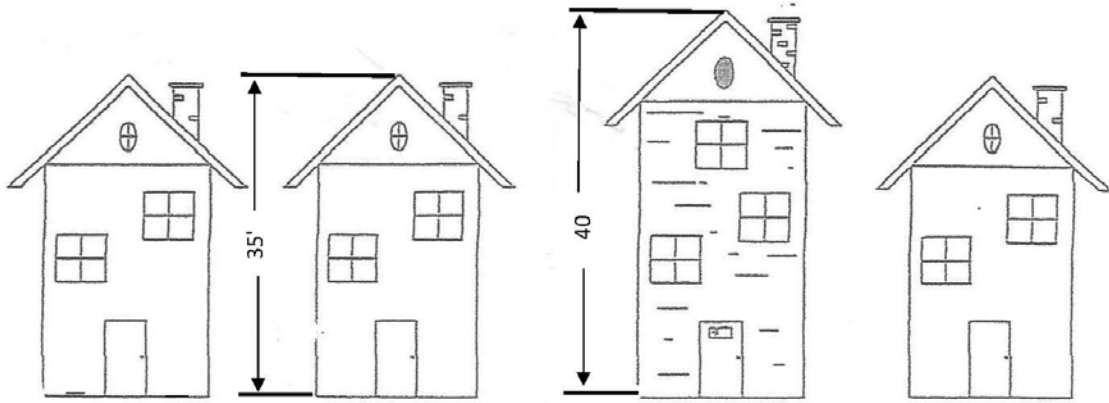


ZONING REQUIRES MINIMUM LOT SIZE FO 10 ACRES

EXAMPLES OF NON-CONFORMING LOTS

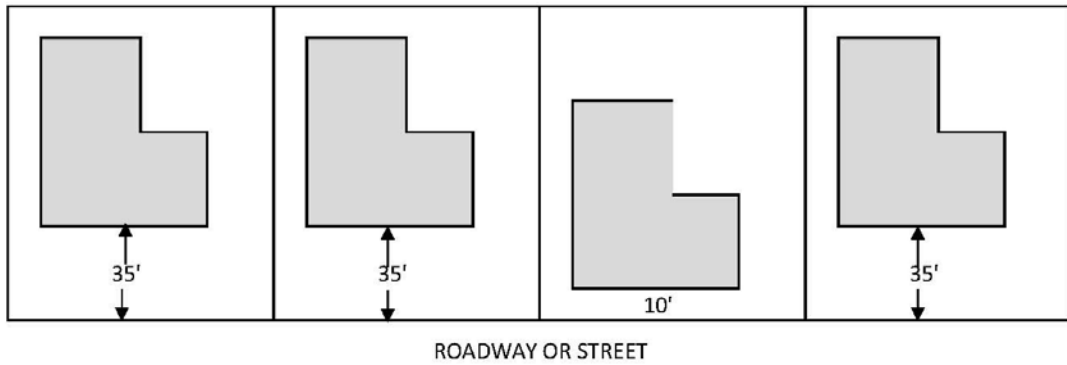
CALVIN TOWNSHIP

EXAMPLE IF MAXIMUM PEAK HEIGHT IS 35 FEET



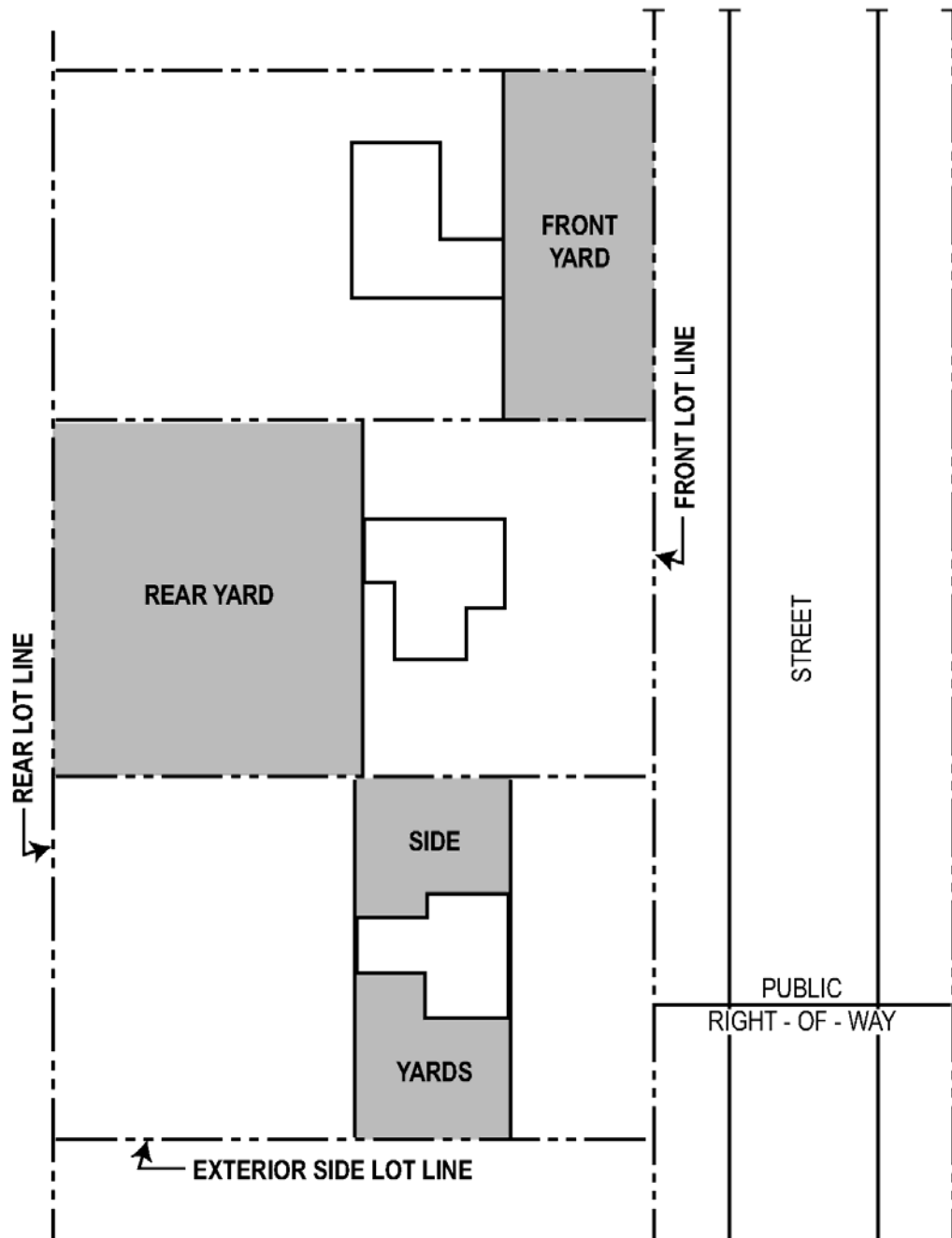
EXAMPLES OF NON-CONFORMING STRUCTURE HEIGHTS

EXAMPLE IF FRONT YARD SETBACK IS 35 FEET FROM RIGHT OF WAY LINE

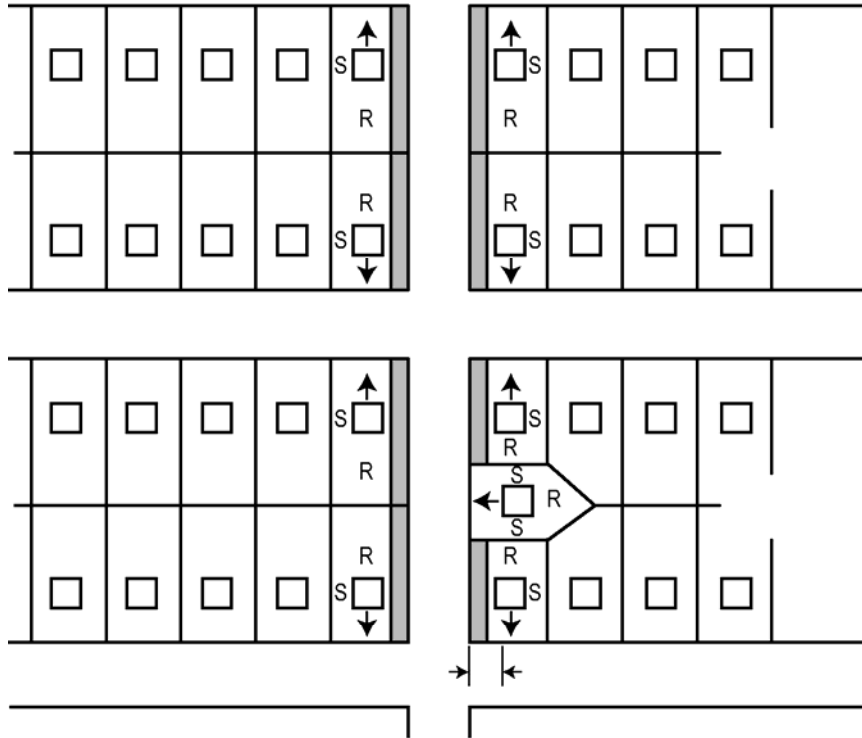


EXAMPLES OF NON-CONFORMING STRUCTURE SETBACKS

Yards



Side Yards Abutting Streets



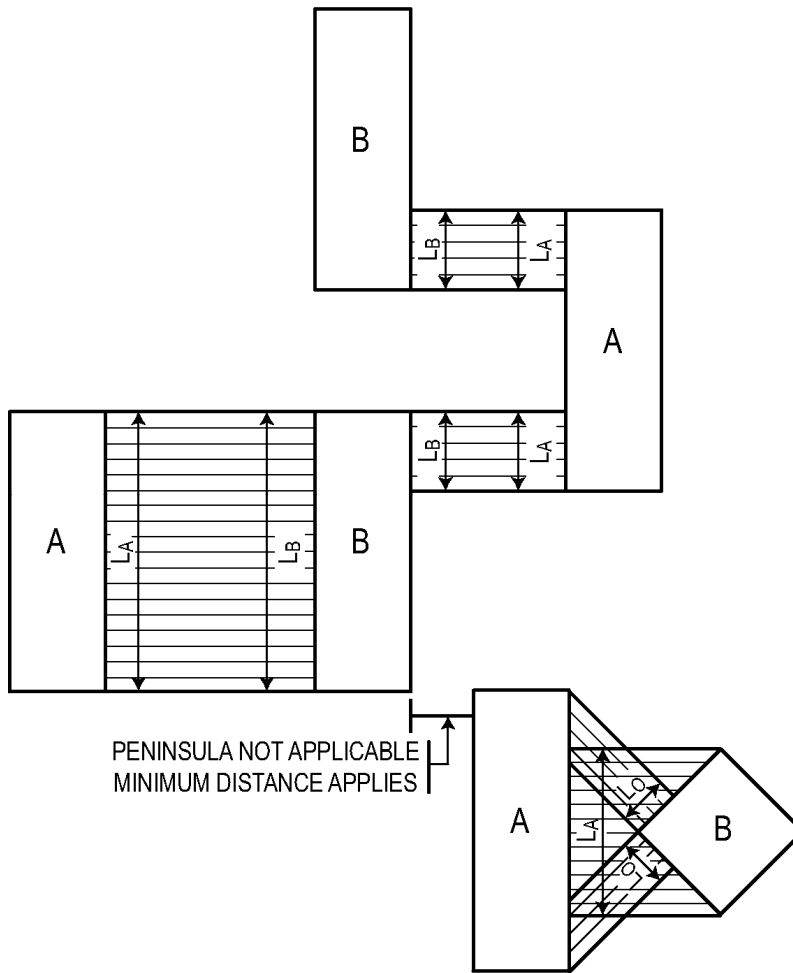
REQUIRED SETBACKS - CORNER LOT

FRONT YARD

R REAR YARD

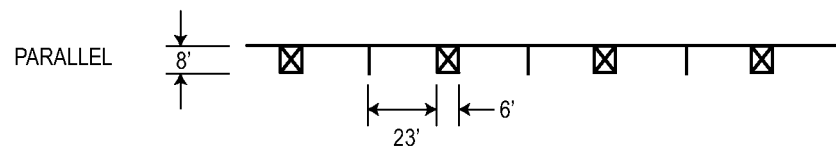
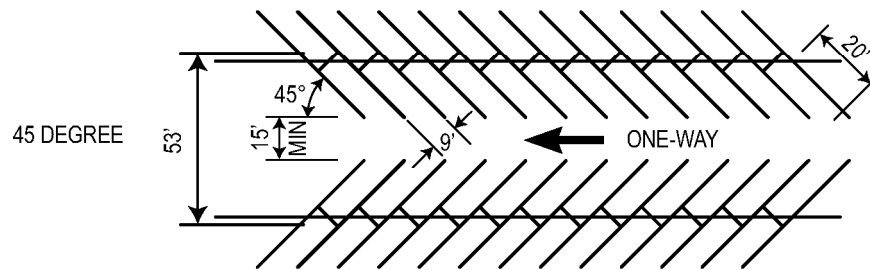
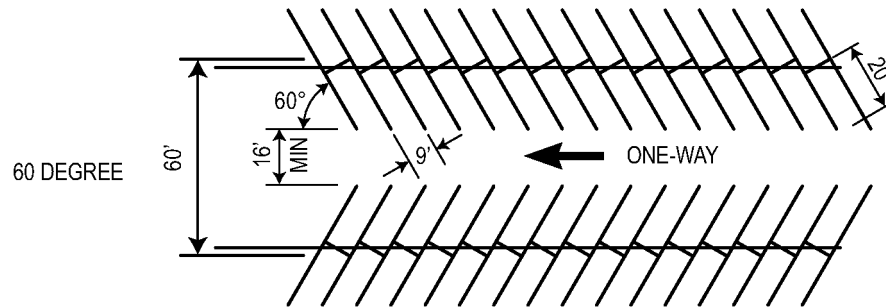
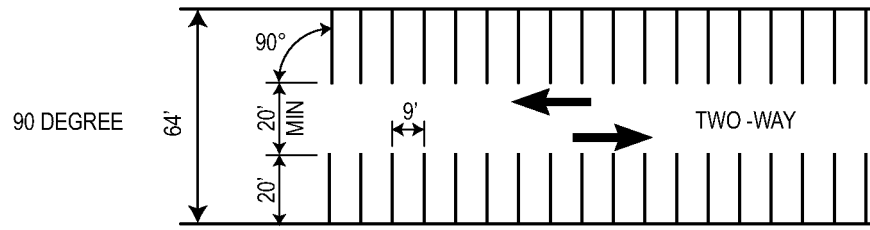
S SIDE YARD

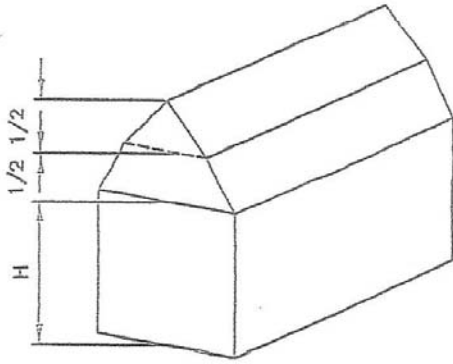
Distance Spacing for Multiple Dwellings



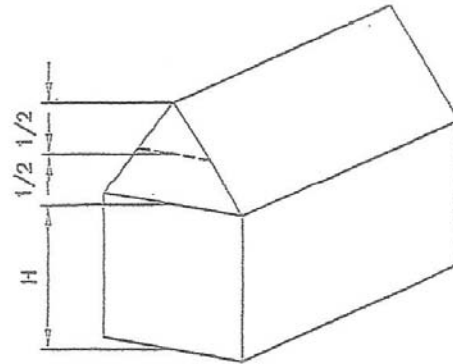
MINIMUM DISTANCE BETWEEN BUILDINGS = $\frac{L_A + L_B + 2(H_A + H_B)}{6}$

Parking Layouts

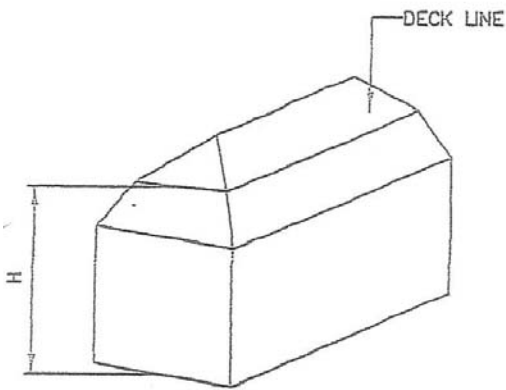




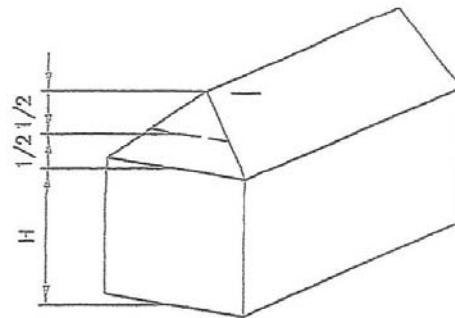
GAMBREL ROOF



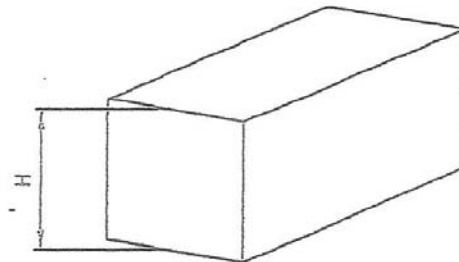
GABLE ROOF



MANSARD ROOF



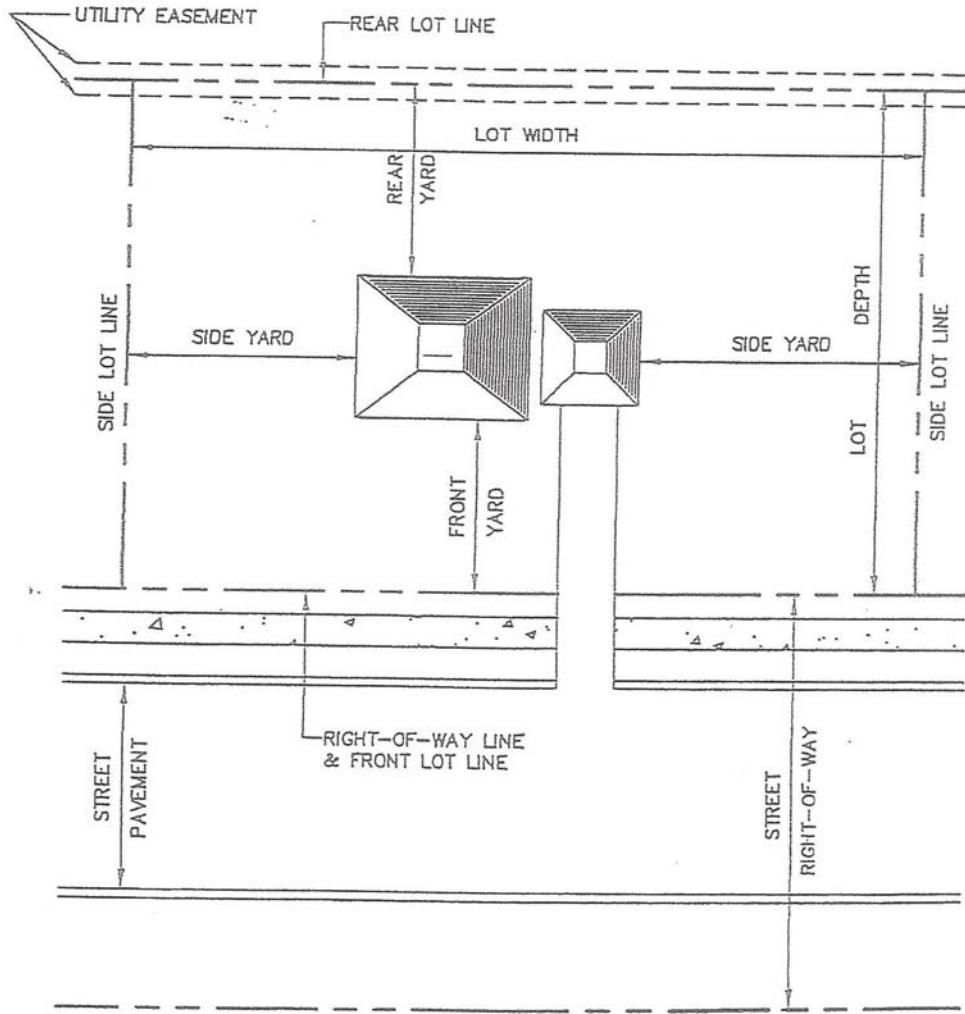
HIP ROOF



FLAT ROOF

H = HEIGHT OF BUILDING

BUILDING HEIGHT REQUIREMENTS



LOT TERMINOLOGY

