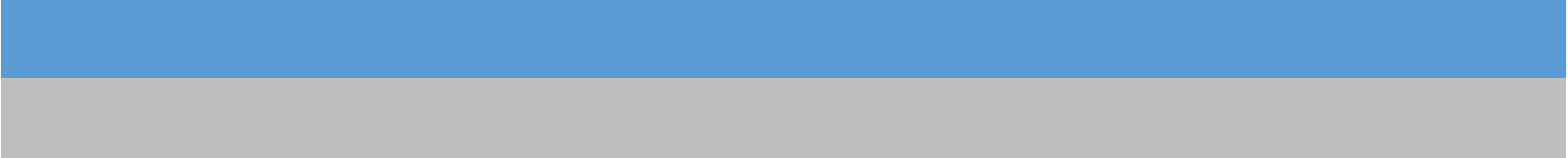


LaGrange Township

Zoning Ordinance

Cass County, Michigan



Adopted: August 19, 2003
Effective Date: August 29, 2003
With Amendments through April 20, 2020

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PREAMBLE AND ENACTING CLAUSE

Preamble

An ordinance enacted under Act 184, of the State of Michigan Public Acts of 1943, to provide for the establishment in LaGrange Township zones within which the use of land and structures, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for the establishment of a Zoning Board of Appeals; to provide for amendments, supplements, or changes hereto; to provide for conflicts with the state housing code or other acts, ordinances, or regulations; to provide penalties for the violation of the terms of this act; to provide for the collection of fees for building and zoning permits; to provide for petitions, public hearings, and referenda; to provide for appeals; and to provide for the repeal of ordinances in conflict with this ordinance.

Enacting Clause

The legislative body of LaGrange Township, Cass County, Michigan may regulate and restrict the use of land and structures to meet the needs of the Township's residents for natural resources, places of residence, recreation, industry, trade, service, and other use of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare, and for those purposes may divide the Township into districts of the number, shape, and area considered best suited to carry out this section. For each of those districts, regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

The land development regulations and districts authorized by this Ordinance shall be made in accordance with the LaGrange Township Master Plan designed to promote and accomplish the objectives of this Ordinance.

Preamble and Enacting Clause

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SECTION 1. TITLE, SCOPE, AND ORDINANCE CONSTRUCTION

Section 1.01 Short Title

This Ordinance shall be known and may be cited as the "LaGrange Township Zoning Ordinance." Within the following text it may be referred to as the "Ordinance".

Section 1.02 Scope

No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no land use commenced or continued within LaGrange Township, unless specifically authorized by the terms of this Ordinance.

Section 1.03 Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 1.04 Severability

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by a court of competent jurisdiction for any reason, such judgement shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgement shall not affect the application of said provision to any other property, building, or structure in the Township, unless otherwise stated in the judgement, and such judgement shall not affect the application of the remaining provisions of this Ordinance to the subject property, building or structure.

Section 1.05 Repeal

The Zoning Ordinance text and maps previously adopted by the Township of LaGrange and all amendments thereto are repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendment does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 1.06 Effective Date

Made and passed by the Township Board of the Township of LaGrange, Cass County, Michigan on August 19, 2003 and effective seven (7) days following publication of notice of Ordinance adoption, pursuant to the provisions of §125.281 Michigan Compiled Laws, as amended.

This Ordinance shall be in full force and effect on and after August 29, 2003.

Section 1. Title, Scope, and Ordinance Construction

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SECTION 2. DEFINITIONS

Section 2.01 Rules Applying to the Text

The following rules of interpretation shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for" "intended for", "maintained for", and "occupied for".
- G. The word "person" includes an individual, a group of people, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either... or", the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 3. "Either . . . or" indicates that the connected items, conditions, or provisions, or events shall apply singly and not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them, with reference made to the latest edition of Merriam-Webster's Collegiate Dictionary.

Section 2.02 Definitions

For the purpose of this Ordinance, the terms and words below shall be defined as follows:

Access Property: a property, parcel or lot abutting a lake, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from offshore 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 of conveyance.

Accessory Dwelling: An attached or detached dwelling that is subordinate to the principal single-family dwelling that contains an independent living area, including sleeping quarters, a bathroom, living area, and kitchen facilities. The inclusion of a secondary kitchen or kitchenette within the principal dwelling does not alone result in classification as an attached accessory dwelling unit. [amended 4-20-20]

Accessory Use, Building or Structure: A use, building, or structure that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot, or an adjacent lot, as

the principal use, building or structure to which it is exclusively related. Such principal use shall be permitted and lawful in the zoning district in which it is located.

Adult Day Care Facility: A facility that provides daytime care for any part of a day, but less than twenty-four (24) hour care, for functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home. Such facilities are not licensed, however those receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

Adult Use: Any commercial or recreational establishment that at all times excludes minors by virtue of age, including, but not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, adult modeling studios, or eating and drinking places with sexually-oriented entertainment.

Agricultural Labor Camp: A tract of land and all tents, vehicles, buildings, or other structures pertaining thereto, part of which is established, occupied, or used as living quarters for 5 or more migratory laborers engaged in agricultural activities, including related food processing. Any and all such agricultural labor camps shall be licensed by the State of Michigan pursuant to Public Act 368 of 1978, Part 124.

Agriculture: The use of any land or building for the purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl or other crops and animal husbandry. For the purposes of this Ordinance, the term agriculture shall not include the keeping or raising of fur-bearing animals, stables, kennels, game fish hatcheries nor mining. The term shall also not include the disposal of garbage, sewage, refuse, offal or rendering plants; the slaughtering of animals except such animals as have been raised on the premises; trucking, equipment repairs and sales, and contractor storage yards.

Alley: A public way that affords only a secondary means of access to abutting property and that is not intended for general traffic circulation.

Alteration: Any change, addition, modification or construction that results or is intended to result in any change to the exterior dimensions of any structure or to the type of occupancy or use.

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

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

Architectural Features: Architectural features of a building include cornices, eaves, gutters, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile: Unless specifically indicated otherwise, "automobile" shall mean any motor vehicle.

Bank: An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange. The term bank shall not be applied to an automated teller machine when it is located on a lot without a bank.

Bar, Tavern, Private Non-commercial Club, or Night Club: Any establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises, excluding restaurants as

herein defined.

Bed and Breakfast: A single-family detached dwelling where short-term lodging rooms and breakfast are provided to overnight guests and where the operator or manager lives on the premises. [amended 4-20-20]

Bedroom: In a dwelling unit, any room over seventy (70) square feet in size that contains a window and a closet and that is not the living room, kitchen or bathroom.

Billboard (Off Premise Sign): Any non-accessory advertising sign, device, design, words, letters, number or trademark which makes anything known to the general public and may be the principal use of the lot or parcel on which it is located.

Boarding House: A building, other than a hotel, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of this Ordinance.

Boat: Boats, personal water craft, floats, rafts, and any equipment to transport the same on highways.

Buildable Area: The area of a lot exclusive of the required yard areas.

Building: Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall include tents, awnings, and carports; and also semi-trailers, vehicles, mobile homes, or pre-manufactured or pre-cut structures, erected on-site, above or below ground, designed or used primarily for shelter rather than as a means of conveyance. A building shall also include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, smokestacks, or similar structures. A building shall not include signs and fences.

Building Height: The vertical distance measured from the average, front, final grade to the highest point of the roof surface. Chimneys, spires, antenna, and similar projections, other than signs, shall not be included in calculating building height.

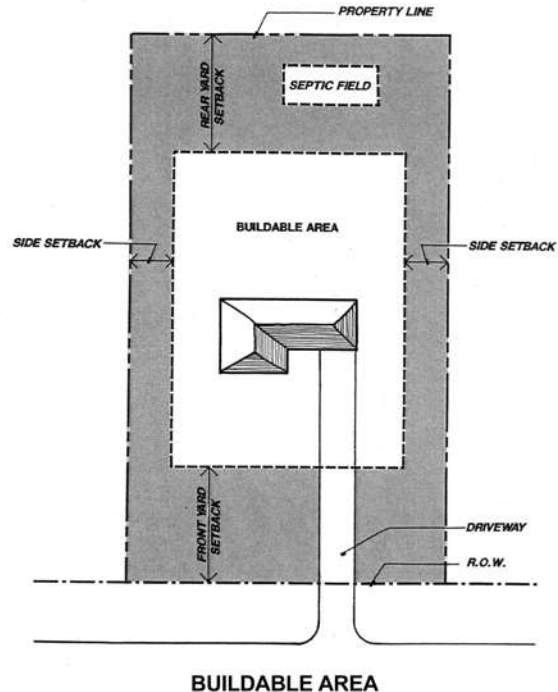
Building Permit: The written authority issued by the building inspector permitting the construction, removal, moving, alteration, or use of a building in accordance with the applicable building code.

Building, Principal: A building or group of buildings in which is conducted the principal use of the lot on which the building is located.

Campground: Any area or tract of land used or designated to accommodate recreational vehicles, tents or camping parties. The use of a campground shall not exceed one-hundred-fifty (150) days.

Car Wash: An activity or building, or portion thereof, the primary purpose of which is washing motor vehicles.

Carport: A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors. A carport shall be an accessory structure for residential dwellings.



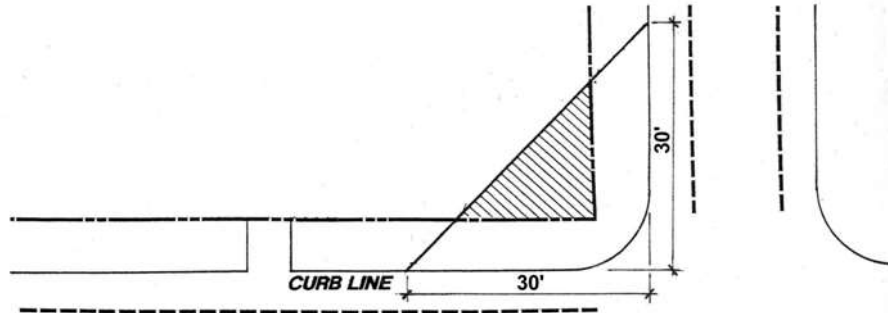
Certificate of Occupancy: A certificate issued by the building inspector, after final inspections, indicating his or her finding that all the provisions of the applicable building code have been met.

Child Day Care Organizations, State Licensed: Any structure used for, or any person receiving minor children for care, maintenance, training, and supervision and licensed by the State of Michigan pursuant to Public Act 116 of 1973, as amended. The following types of facilities are included within this definition:

- **Child Day Care Center** means a facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that 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. Child care center or day care center does not include any of the following: (i) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period; (ii) A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.
- **Family Day Care Home** means a private home licensed or registered by the State of Michigan in which 1 but fewer than 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. Family day care homes are recognized by the State of Michigan as a residential use of property and such uses require no more zoning approval than a single family dwelling.
- **Group Day Care Home** means a private home licensed or registered by the State of Michigan in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Church: Any structure wherein persons regularly assemble for religious activity. The term church shall include buildings used for worship for all bona fide religions and shall include synagogues and mosques. Use of the singular term “church” is for simplicity’s sake and is in no way intended to be preferential to or prejudiced against any particular religion.

Clear Vision Area: A triangular area formed by the street property lines of two intersecting streets and a line connecting them at points thirty (30) feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.



Clinic, Veterinary: A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building, when clearly incidental and accessory to the veterinary care.

Clinic, Medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Club or Lodge, Private: A non-profit association of persons who are bonafide members paying dues which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this Ordinance.

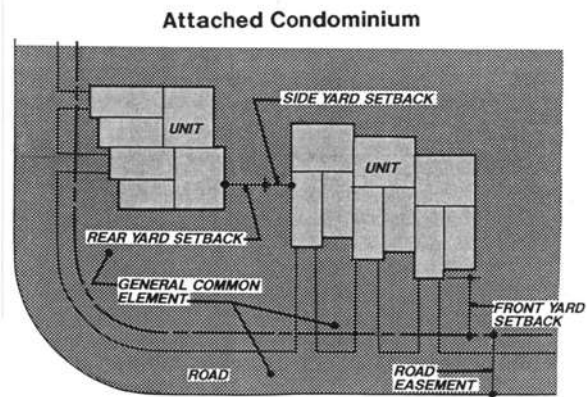
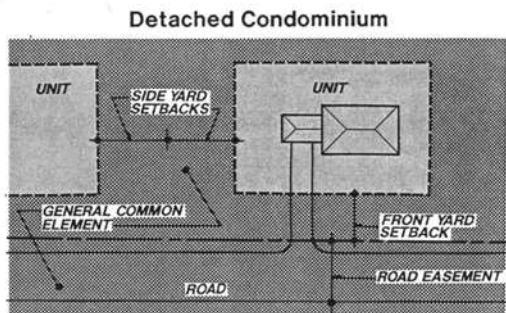
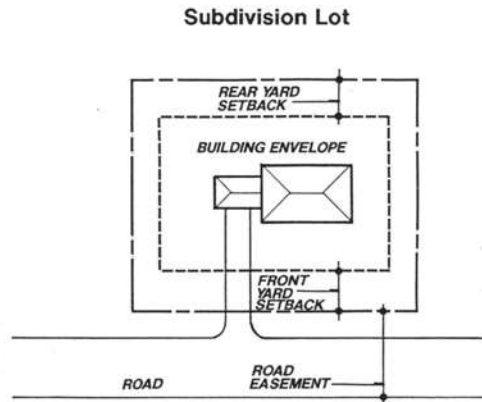
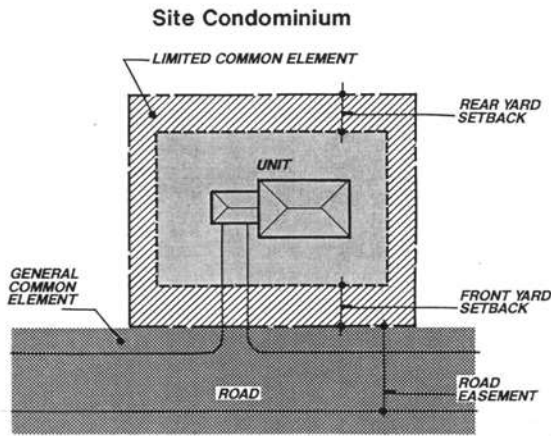
Commercial Vehicle: Any motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches, or any motor vehicle that has a commercial license plate. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

Condominium: Real estate in which certain portions are designated for separate, individual ownership and the remaining area is designated for common ownership by the separate, individual owners of those portions, such real estate and the provisions for its ownership being in compliance with the State of Michigan's Condominium Act, Public Act 59 of 1978.

- **General Common Element:** The common elements other than the limited common elements intended for the common use of all of the co-owners.
- **Limited Common Element:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- **Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- **Condominium Subdivision Plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and

approximate size of common elements, and other information required by Section 66 of Public Act 59 of 1978, as amended.

- Condominium Unit, Site (i.e., Site Condominium Lot):** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium site shall become a limited common element. The term "site condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and maximum floor area ratio.
- Condominium Unit:** The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, time-share unit, or any other type of use.



CONDOMINIUM TERMINOLOGY

Convenience Store: A retail store with a floor area of two-thousand-five-hundred (2500) square feet or less that offers for sale a limited line of groceries and household items intended for the convenience of the neighborhood in which it is located. A convenience store may also sell motor vehicle fuel and lubricants, but shall not include any motor vehicle repair.

Deck: An open, horizontal platform with an average elevation of eight (8) inches or more from finished grade. A deck shall have no sides other than the railings as required by the applicable building code.

Deck, Roofed: Any deck that is either completely or partially roofed, even by open beams or lattice work. A roofed deck shall have no enclosure other than the side(s) of the principal structure to which the deck is attached, the minimum required supports for the roof, and any railings as required by the applicable building code.

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

Depth of Lot: The mean average horizontal distance between the front and rear lot lines.

Depth of Yard: The mean average horizontal distance between the building line and the lot line.

Development: Any human-caused change to improved or unimproved land or structure, which change requires any approval from any Township, County, or State agency.

Development Plan: Scaled drawing(s) and accompanying text which describe the existing conditions of a property and the proposed development.

District: An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and or open spaces are required; lot areas, building height limits, and other requirements are established. All of the foregoing being identical for the district in which they apply.

Drainage Ways and Streams: New or existing, permanent or intermittent watercourses.

Dumpster: A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

Dwelling: A building or portion thereof, containing sleeping, kitchen, and sanitary facilities, used exclusively for human habitation, but specifically excluding boarding houses, hotels and motels. In no case shall a travel trailer, motor home, motor vehicle, tent or any portable building defined as a recreational vehicle be used as a dwelling.

Dwelling, Manufactured: A building, or portion of a building, that is designed for long-term residential use; and that is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended 42 U.S.C. Sec. 5401; and that is built on a permanent chassis, is transportable in one or more sections, but is constructed without a permanent hitch, axles and wheels and is transported to the site, where it is placed on a foundation and connected to utilities; and that is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site.

Dwelling, Multi-family: A building containing three (3) or more dwelling units. Multi-family dwellings may include the following:

- **Apartments:** Multi-family dwellings in which individual dwelling units are usually located on a single story with other units above or/and below.
- **Townhouses:** Multi-family dwellings located in a row, with each individual unit occupying one or more stories, sharing common side walls with other units, and having no other units above or below.

Dwelling, Single-family: A building containing not more than one dwelling unit and surrounded by open yards as herein required.

Dwelling, Two-family: A building containing exactly two (2) dwelling units and surrounded by open yards as herein required.

Dwelling Unit: One or more rooms, including sanitary and kitchen facilities, designed and maintained as a self-contained unit for residential occupancy by one or more people living as a single housekeeping unit.

Easement: A portion or strip of land which is part of a lot or parcel which has been reserved for a specific use for access for persons, utilities, or services.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall not be considered a part of erection.

Essential Services: The term "essential services" shall mean the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or Township-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities. Telecommunication towers or facilities, alternative tower structures, and wireless communication facilities antenna are specifically excluded from this definition.

Event Building: A building to host banquets and events. [amended 4-20-20]

Family: One person, or group of two or more persons, living together, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and single set of culinary facilities. A family may also include foster children and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bonafide farming and agricultural operations are carried on directly by the owner-operator, manager or tenant farmer by his own labor or which the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, parcel of not less than 5 acres in area; provided, further, farms may be considered as including establishments operated as bonafide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, apiaries; but establishments keeping furbearing animals or game or operating fish hatcheries, stock yards, stone quarries or gravel or sand pits shall not be considered farms hereunder unless combined with bonafide operations on the same contiguous track of land.

Farm Building: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of this type for the purpose of their agricultural and farming activities.

Fence: An accessory structure that is constructed and maintained to serve as a physical barrier to property ingress or egress, or as a visual screen, or as a marker, or as an enclosure, or for decorative use.

Flood Plain: Flood plains may be either riverine or inland depressional areas. Riverine flood plains are those areas continuous with a lake, stream or stream bed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected 100-year flood elevation. Inland depressional flood plains are flood plains not associated with a stream but which are low points to which surrounding land drains.

Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level. The floor area shall exclude non-habitable spaces, specifically unfinished basements or attics, garages, and enclosed or unenclosed porches.

Floor Area Ratio: The percentage of the floor area of all buildings - excluding the floor area of garages, carports and breezeways and excluding the area of a floor more than four (4) feet below average grade where no part of such basement is used for sleeping rooms or quarters - to the area of the lot.

Floor Space: Floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied or used by a single occupant or shared by a distinct group of occupants, excluding these from common halls, stairwells, sanitary facilities and storage and other areas to which these persons do not have regular access.

Front Lot Line (Frontage): A line dividing a lot from any public highway, except a labeled or controlled access highway to which the lot has no access; or the water frontage in the case of a lot located on a lake in a Lake Residential District.

Garage, Private: An accessory building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure. Private garages shall not have public repair facilities.

Garage, Public: Any building or premise used or designed to be used primarily for the storage of motor vehicles, boats, or trailers, other than junkyard, that does not constitute a private garage.

Garbage: All wastes, animal, fish, fowl, or vegetable matter incident to the preparation, use, and storage of food for human consumption, spoiled food, animal, and fowl manure.

Gas Station: A place used for the retail sale and dispensing of motor vehicle fuel or lubricants, either full or self service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Golf Course or Country Club: The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, driving range, or other facilities or uses customarily incidental to a golf course or country club.

Grade: A grade is the level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Hazardous Substance: Any substance or material, the use of which requires a Material Safety Data Sheet by the US Environmental Protection Agency.

Home Occupation, Major: A business operated on a residential parcel that, because of its nature, intensity, and characteristics, is not customary for residential property and does not qualify as a minor home occupation. A major home occupation is an incidental and secondary use of a residential property. Business operations include financial advisors, accountants, business services, personal services, production of handcrafted goods, accessory retail sales, independent trucking, and instruction of a fine art or craft (over six students at a time). [amended 4-20-20]

Home Occupation, Minor: An accessory business use which is clearly incidental and secondary to residential use, which includes general home office activities or instruction of a fine art or craft (six students or less). Work is conducted entirely within a principal dwelling, but some professions will involve off-site services and operations. [amended 4-20-20]

Hospital: An institution which is licensed by the Michigan Department of Health, pursuant to Public Act 368 of 1978, to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include accessory facilities as laboratories, medical testing services, central service facilities, and staff offices.

Hospital, Animal: A medical facility for the treatment of domestic animals and birds. For purposes of this Ordinance, an animal hospital shall also be considered a veterinary clinic.

Hotel: A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance,

and in which provision is not made for cooking in the individual units.

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Junkyard: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

Kennel: Any lot or premises on which three (3) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, whether for sale, breeding, boarding, training, protection, or grooming; and may offer provisions for minor medical treatment including animal shelters.

Lake: Any body of water, natural or artificial, defined as "inland lake or stream" in the Inland Lake and Stream Act of 1972, P.A. 1972, No. 451, as amended.

Land Division: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development, which partition or splitting results in one (1) or more parcels of less than 40 acres or the equivalent, and satisfies the requirements of section 108 and 109 of the Land Division and Subdivision Control Act, P.A. 288 of 1967 as amended.

Landfill: Any disposal area, tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping.

Laundromat: A place where persons wash, dry or dry-clean clothing and other facilities in which machines are operated by the person.

Livestock: Horses, cattle, sheep, goats, and other domestic animals normally kept or raised as part of an agricultural operation.

Loading Space, Off-street: An off-street space of definite size and dimensions in accordance with the requirements of this Ordinance, which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot: For the purposes of this Ordinance, a lot is a discrete area of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, yards, and open space as required herein. A lot may consist of:

- A single Lot of Record.
- A combination of complete Lots of Record, provided that the lots are adjacent as herein defined.
- A parcel of land described by metes and bounds.

Lot, Adjacent: Lots that share a common property line or are separated only by a public or private right-

of-way or easement, that lie in the same zoning district and that are under the same ownership.

Lot Area: The size of a lot in a horizontal plane, measured in square feet or acres.

Lot, Contiguous: Lots that share a common property line.

Lot, Corner: A lot abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of 135 degree or less.

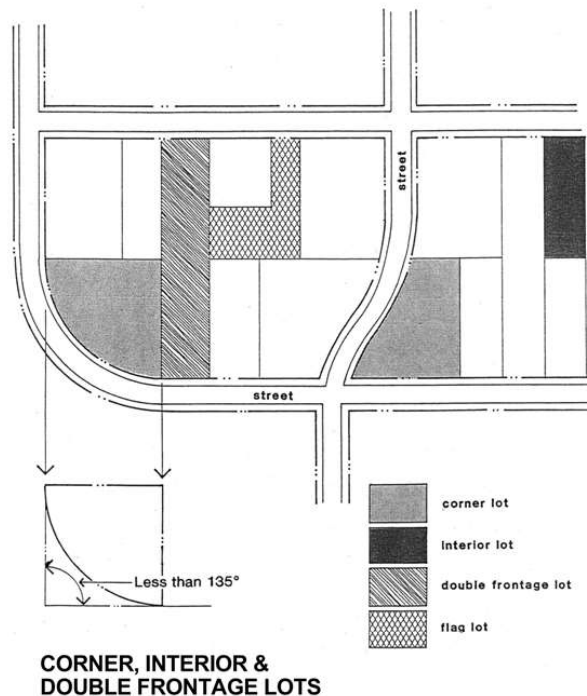
Lot Coverage: The area of a lot that is occupied by buildings or structures, expressed as a percentage of the total lot area.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. A lot with frontage on one (1) street and one (1) alley, as herein defined, shall not be considered a double frontage lot.

Lot Frontage: The length of a lot line abutting a public or private street or road right-of-way.

Lot, Interior: A lot with only one (1) lot line fronting on a street. **Lot, Lake Frontage:** A lot having any frontage directly upon a lake. **Lot Lines:** The property boundary lines of a lot.

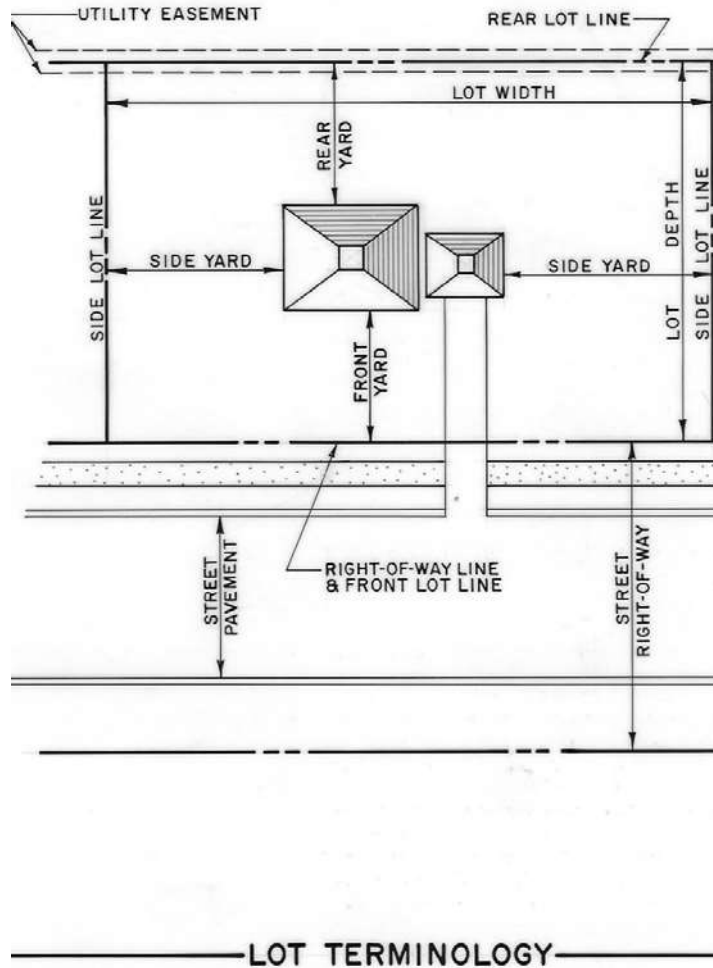
- **Front Lot Line:** The lot line abutting any public or private street or road right-of-way.
- **Rear Lot Line:** Any lot line that does not intersect a front lot line.
- **Side Lot Line:** Any lot line that is neither a front lot line nor a rear lot line.
- **Exception for Lake Frontage Lots:** On Lake Frontage Lots, the Front Lot Line shall be the lot line abutting on the lake and the Rear Lot Line shall be the lot line abutting on any public or private road right-of-way.



Lot Width: The linear measure of the front yard edge that is opposite and parallel to the associated road right-of-way for that yard. Note that on corner lots and double frontage lots there will be more than one

front yard and any minimum required lot width must be met along both of these yards.

Lot Split And Consolidation: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Cass County Register of Deeds. The division of lots shall take place in accordance with the Land Division and Subdivision Control Act of 1967, P.A. 288, as amended and the LaGrange Township Subdivision Ordinance.



Manufactured Housing Development (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 nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

Marina, Commercial: A business that provides boat repair services, provisions and supplies for boats and boaters, sales of new and used boars, and/or services for boat owners, such as repair or storage of boat lifts, boat docks, and so forth.

Master Plan: Any document, plan, or study adopted by the LaGrange Township Planning Commission pursuant to the authority of Act No. 184 of the State of Michigan Public Acts of 1943, as amended, and Public Act 168 of 1959.

Mental Health Center: A hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.

Micro Brewery: The production of ales, beers, meads, and/or similar beverages under an MLCC micro brewer license. [amended 4-20-20]

Mining: The development or extraction of one or more minerals, including topsoil, sand and gravel, from its natural occurrence on or in land or waters. The term mining shall not apply to on-site activities of a fully permitted and lawful construction project.

Mobile Home: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. After 1976, those units previously defined as "mobile homes" came under the definition of "manufactured housing" in accordance with federal legislation. See definition for "Dwelling, Manufactured". Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance.

Mobile Home Lot: An area within a manufactured housing development which is designated for the exclusive use of the occupants of a specific mobile home.

Motel: One or more buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through exterior entrances, and in which provision is not made for cooking in the individual units.

Motor Vehicle: means any self-propelled vehicle that is subject to registration under the Michigan Vehicle Code.

Motor Vehicle Repair, Minor: Engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the motor vehicles on the premises overnight.

Motor Vehicle Repair, Major: Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust-proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the motor vehicles on the premises overnight.

Motor Vehicle Sales Lot: Any premises where three (3) or more motor vehicles are offered for sale or sold during any calendar year.

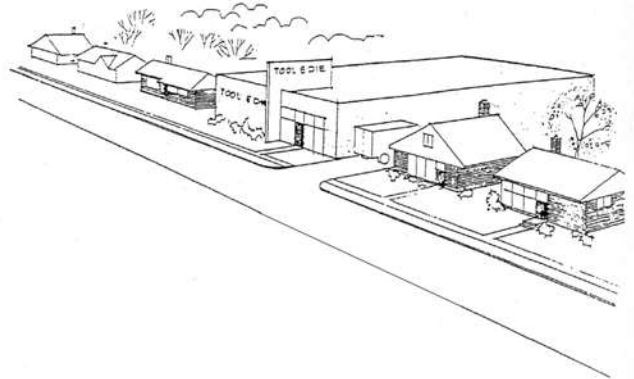
Natural Features: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Nonconforming Building: A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconforming building to prove that the building was lawfully in existence at the effective date of this Ordinance.

Nonconforming Lot: A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconforming lot to prove that a lot was lawfully in existence at the

effective date of this Ordinance.

Nonconforming Use: A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located. In all circumstances, it is the responsibility of the owner of a nonconforming use to prove that the use was lawfully in existence at the effective date of this Ordinance.



Nonconformity: Any structure, lot, or use of any lot, land or structure, which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the regulations for the district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconformity to prove that the nonconformity was lawfully in existence at the effective date of this Ordinance.

Non-Participating Parcel: A parcel that is not a participating commercial WECS parcel or participating commercial solar energy parcel. [amended 4-20-20]

Nursery: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises.

Nursing Home, Convalescent Home, or Rest Home: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care; licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

Occupied: Used in any way at the time in question.

Open Air Business: Any business in which any portion of the business operations or any activity or operation, including but not limited to production, storage or sales, is conducted outside of a fully enclosed structure.

Open Space: Lands containing only natural features.

- **Developed Open Space:** Open space that is partially developed for passive recreation limited to playgrounds, basketball and tennis courts, ball fields for baseball, soccer, football, and concession stands for these passive recreational uses.
- **Common Open Space:** Open space, developed and non-developed, within a specific residential area (neighborhood, subdivision, development, condominium) which open space is reserved for the exclusive use of the residents of that residential area and which open space is maintained by the same residents.
- **Private Open Space:** Developed open space which is owned by other than a public agency, regardless if the use of the open space is available to the public or restricted.
- **Public Open Space:** Developed open space that is owned by a public agency, regardless if the use of the open space is available to the public or restricted.

Open Storage: Any outdoor storage of building materials, sand, gravel, stone, lumber, equipment, or other supplies.

Overlay Zoning District: A zoning district that applies additional restrictions or requirements to those

of one or more underlying zoning districts.

Parking, Off-street: An area not on a public or private road or street right-of-way that is intended, designed and maintained to provide safe and convenient ingress and egress to a public or private road or street, parking spaces for one (1) or more motor vehicles, and adequate drives and aisles for maneuvering.

Parking Lot: An area that provides clearly delineated off-street parking for three (3) or more motor vehicles and that is surfaced with asphalt or concrete.

Parking Space: An area that is intended, designed and maintained to provide parking for one (1) motor vehicle and that is at least ten (10) feet in width and twenty (20) feet in length.

Pet or Domestic Animal: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal, specifically excluding wild or exotic animals, that is kept for pleasure or companionship.

Person: Means any natural individual, firm, trust, partnership, association or corporation.

Planning Commission: The LaGrange Township Planning Commission created pursuant to the provisions of Michigan Public Act 184 of 1943.

Plat: A map of a subdivision of land recorded in accordance with the Land Division Act, 1969 PA 288, as amended.

Porch: An exterior appendage to a building that has a separate roof, or a roof integral with the building, which roof forms a covered approach to a doorway or vestibule. If a porch is enclosed with an all weather partition it becomes a part of the building and is no longer considered a porch.

Prime Agriculture: A zoning district established for intensive agricultural use.

Professional Office: Rooms or buildings used for office purposes by members of any recognized profession including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.

Public Sewer System: A public sewer system shall be defined as a central or community sanitary sewage and collection system of structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.

Public Utility: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

Recreation Establishment, Indoor: A facility designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities entirely within an enclosed building; such activities include, but are not limited to, gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor: A facility designed and equipped for the conduct of sports, amusements, or leisure time activities and other customary recreational activities, one or more of which activities take place outside of an enclosed building; such activities include, but are not limited to, tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages

and machines, skateboarding parks, and children's amusement parks.

Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another motor vehicle. For the purposes of this Ordinance, the term "recreational vehicle" shall also include tents and boats, and any trailers used to transport recreational vehicles.

Refuse: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, garbage, glass, scrap metal, rubber, trash, paper, rags, chemicals or any similar or related combinations thereof.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state. However, any such establishment in which more than twenty-five (25) percent of the gross receipts are from the sale of alcoholic beverages shall be deemed to be a "bar" for the purposes of this Ordinance.

Right-of-way: A specific and defined area of land over which the right to pass has been granted. The right of passage may be for a specific mode, such as a road, or a railroad, or a walking path. A right-of-way may exist as either the ownership of the subject area of land, in which case it is known as a right-of-way in fee simple, or else as an easement while another party or entity retains ownership, in which case it is known as a right-of-way easement. The right of passage may be available to all persons, in which case it is a public right of way, or the right of passage may be restricted to a specific group of people, such as the owners of lots in a subdivision, in which case it is a private right-of-way. Unless the context clearly indicates otherwise, the term right-of-way as used in this Ordinance shall mean a public or private right-of-way for a road or street for the passage of automobiles and pedestrians, and may be in fee-simple or as an easement.

Road: A pathway intended for the passage and circulation of motor vehicles, which pathway has an all-weather surface and which pathway is maintained by the Cass County Road Commission, the State of Michigan, or by some other public agency.

Roadside Stand: A temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises.

Sawmill, Portable: A temporary operation for the primary processing of timber into lumber, the equipment for which is taken to the area where the timber is being harvested and which equipment is removed at the conclusion of the harvesting of the timber in that area.

Sawmill: A facility for the primary processing of timber into lumber.

School: Any educational institution, whether public or private, certified by the State of Michigan to offer instruction in grades kindergarten through 12.

Screening: A hedge, fence or wall, or any combination thereof, used to reduce visual and audible effects of adjoining uses.

Setback: Means the required distance between every structure and every use, and the lot lines of the lot on which such structure or use is located. For every lot, the setbacks shall be the same as the minimum yards required by the development standards of the applicable zoning district regulations.

Shopping Center: A group of commercial establishments planned and developed, owned, or managed as a unit, with off-street parking and loading provided on the premises, and related in its location, size, and type of stores, to the trade area which it serves.

Sidewalk: Is any construction between 2.5 and 4 feet wide of any material designed to provide barrier free access. It may be constructed up to 6 inches above existing grade to provide for proper drainage.

Sidewalks may be located in required front, side and rear yards.

Sign: Any device that is designed to or capable of visually conveying a message from a property or building to another property or to a public or private right-of-way or to a public or private lake or other watercourse.

Sign Area: The sign area is the surface of the structure used to convey the message exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structure, consisting of letters or symbols without a solid surface in between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.

Site Plan: A map or set of maps and accompanying text depicting and describing a proposed or existing development that is used to determine whether or not the development or proposed development complies with the requirements of this Ordinance.

Solar Energy: [amended 4-20-20]

- **Accessory Non-Commercial Building-Mounted Solar Energy System:** A solar energy collector attached to the roof or wall of a building.
- **Accessory Non-Commercial Ground-Mounted Solar Energy System:** A solar energy collector that is mounted directly to a support structure on the ground and is not connected to a building. The system is intended to generate energy for the principal and accessory land uses and buildings on the lot or parcel of land on which the system is located.
- **Commercial Solar Energy System:** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.
- **Participating Commercial Solar Energy Parcel:** A parcel of land that is to be used, occupied, maintained, let, leased, or authorized to be used for any purposes of developing a commercial solar energy system, including the construction of improvements, providing access to improvements, or to meet zoning requirements.
- **Responsible Party:** The party responsible for the construction, maintenance, and/or long-term operation of a commercial solar energy system. The responsible party may be the owner or lessee of the land on which the commercial solar energy system is established.
- **Solar Energy Collector:** A panel, or series of panels, along with associated equipment, that collect, store, distribute, and/or transform solar, radiant energy into electrical, thermal, or chemical energy.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.

Special Uses: Uses of land and/or buildings because of their particular nature and due to certain circumstances are designated as exceptions and may be permitted to become established within those districts as specified in this ordinance.

Stable: An enclosed building intended for the keeping of horses or other large domestic animals. A stable is "private" when its use is without consideration or remuneration of any kind and when it is used solely

by the residents of the property on which it is located and constitutes an accessory use in the agricultural zoning district. Any other stable is considered to be a public stable.

State Licensed Residential Facility: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

- **Adult Foster Care Facility:** Any establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Consumer & Industry Services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released or assigned to a correctional facility. The following four (4) types of Adult Foster Care Homes are provided for by these rules:
 - **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
 - **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
 - **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
 - **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
 - **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Consumer and Industry Services.
 - **Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Consumer and Industry Services.

Story: That portion of a building, included between the surface of any floor and the surface of the floor next about it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Story, Half: That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two (2) opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

Street: Any public or private pathway intended for the passage and circulation of motor vehicles and

pedestrians, and intended to provide access to abutting lots.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, jacuzzis and signs.

Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development.

Swimming Pool: Shall mean any structure or container located either above or below ground that is designed to hold water to a depth of greater than twenty-four (24) inches, and that is intended for swimming or bathing.

Tavern: A public establishment where food is sold and served, but where the principal business is the selling and serving of alcoholic beverages for consumption on the premises.

Toxic or Hazardous Waste: Any material or substance, in any amount, that has been identified by the US Environmental Protection Agency as an Extremely Hazardous Substance.

Use: The purpose for which a lot, or the building(s) thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

Use, Accessory: See Accessory Use.

Use, Principal: The main use of a lot and its buildings and the main purpose for which the lot and buildings exist.

Variance: A variation of lot size or width requirements, yard requirements, height restrictions, sign regulations, parking and loading requirements, or other development standards from those set forth in the Zoning Ordinance, granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance where strict enforcement of the terms of the Ordinance would create undue hardship, owing to the unique characteristics of the property for which the variance is sought.

Veterinary clinic: See Hospital, Animal.

Wind Energy: [amended 4-20-20]

- **Abandoned:** Any WECS or WECS Testing Facility that is not operated or is found to be inoperable due to lack of repair, sustained damage, or other cause for a continuous period of ninety (90) days.
- **Ambient Sound Level:** The decibel measurement or dB(A) of background sound pressure level exceeded 90% of the time or L90 at a given location prior to the installation of a WECS.
- **Decibel:** The unit of measurement used to express the magnitude of sound pressure and sound intensity.
- **dB(A):** The sound pressure level in decibels in the "A" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- **Height:** The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WECS, whichever is greater.
- **Hub Height:** The vertical distance measured from ground level to the center of the turbine hub.
- **LAMax:** The maximum sound level at an instant in time.

- **Manual and Automatic Controls:** Mechanical measures to limit rotation of WECS blades so as not to exceed the designed limits of the conversion system.
- **Professional Engineer:** An engineer licensed in the State of Michigan, knowledgeable in all aspects of operation/ maintenance of wind turbines, and acceptable to the LaGrange Township Planning Commission.
- **Participating Commercial WECS Parcel:** A parcel of record that is to be used, occupied, maintained, let, leased, or authorized to be used for any purposes of developing a WECS, including the construction of improvements, providing access to improvements, or to meet zoning requirements.
- **Shadow Flicker:** The alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and/or structures.
- **Sound Pressure:** The average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels.
- **Wind Energy Conversion System (“WECS”):** Any structural device (such as a wind generator, windmill, or wind turbine) that measures and/or converts wind into electricity through the use of specialized equipment, and includes both (1.) horizontal axis wind energy system design in which the shaft is parallel to the ground and the blades are perpendicular to the ground; and (2.) vertical axis wind energy system design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground. Also included in the definition are the associated improvements for the transmission of electrical energy to the electrical utility grid. Forms of WECS include:
 - **Agricultural WECS:** Any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to directly and immediately serve the needs of the farm or agricultural operation.
 - **Private WECS:** Any WECS that is accessory to a principal non-agricultural use located on the same lot, and is designed and built to serve the principal use. Excess electricity generation may be sold to a utility but shall not exceed fifty (50) percent of the principal use’s monthly electricity use or such WECS shall be considered a Commercial WECS.
 - **Commercial WECS:** Any WECS and associated accessory structures that are designed and built to primarily provide electricity to the electric utility’s power grid. The Commercial WECS is a principal use of property and may occupy the same property as another principal use.
 - **Commercial WECS Farm:** An electricity generating operation consisting of two or more Commercial WECS on one or more participating commercial WECS parcel under common ownership, control or operation, and includes substations, testing facilities, transmission lines, and other buildings accessory to such operation, whose main purpose is to supply electricity to the energy grid and off-site customers or consumers.
 - **WECS Testing Facility:** The structure and equipment erected and used to determine the potential for the placement of one or more WECS improvements and contains instrumentation, such as anemometers or other meteorological devices, designed to provide wind speeds and other data.

Winery: A facility that produces wine or wine-related products. [amended 4-20-20]

Yard: The area of each lot in which no structure and no building, including overhangs, bay windows, chimneys, cellars, and other extrusions, shall be erected. The size of such area is determined by the distance from the lot lines to the building setback lines.

- **Front:** The minimum required open space, extending the full width of the lot from the front lot line, or right-of-way line if the property line extends into the right-of-way, to the building line; except in the Lake Residential District in which it shall be the full width of the lot from the lake or stream bank.
- **Side:** Open space between the side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard or, in the absence of either such yards, to the front lot line or rear lot line. The width of side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof.
- **Rear:** The minimum required open space extending the full width of the lot from the rear lot line to the nearest point on the main building line.

Yard Sale: The sale or offering for sale to the general public of six (6) or more items of personal property on any portion of a lot in a residential zoning district, whether within or outside of a building.

Zoning Permit: A permit for commencing construction or use, issued in accordance with the filing of all information necessary to insure compliance with this Zoning Ordinance. Actual construction cannot be commenced until issuance of a Zoning Permit, Building Permit, Health Department Permits and satisfaction of other statutory and regulatory requirements which may apply to the specific use.

Section 2. Definitions

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SECTION 3. ZONING DISTRICTS GENERALLY AND THE ZONING DISTRICTS MAP

Section 3.01 Establishment of Zoning Districts

LaGrange Township, Cass County, Michigan is hereby divided into the following zoning districts, which are described in subsequent chapters:

- A-P Prime Agricultural District
- A-G General Agricultural District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 Lake Residential District
- C-1 Commercial District
- I-1 Industrial District
- WQ Water Quality Overlay District

Section 3.02 Zoning Districts Map

The location and boundaries of the zoning districts set forth in Section 3.01 are shown on the LaGrange Township Zoning Districts Map, which map is attached to, and hereby made a part of this Ordinance.

Section 3.03 Interpretation of District Boundaries

- A. Unless otherwise shown, the boundaries of the districts are lot lines, the center lines of streets or alleys, or such lines extended, section lines or quarter-section lines, and the limits of LaGrange Township.
- B. Where due to the scale, lack of detail or illegibility of the Zoning Districts Map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary lines, said lines shall be interpreted by the Zoning Board of Appeals.
- C. Boundaries indicated as approximately following platted lot lines, property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or as applicable amended thereto shall be construed as following such lines.
- D. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of three hundred (300) feet from the edge of the street right-of-way.
- E. Whenever any street, alley or other public way within the Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it is attached.

Section 3.04 Permissive Zoning

Uses are specifically permitted, either by right or by special use permit as described below, by the regulations established for each of the zoning districts in Sections 4 through 14. Any use that is not

specifically permitted is hereby specifically prohibited.

Section 3.05 Uses Permitted by Right

Within each zoning district certain uses are permitted by right. These uses do not require a zoning permit, but the uses and any structures must meet and comply with all other applicable provisions of this Ordinance. The erection or alteration of any structure requires a zoning permit, and building permit in accordance with Section 25. Such uses shall be subject to applicable provisions of Sections 15 through 19.

Section 3.06 Uses Permitted by Special Use Permit

- A. Within each zoning district certain uses are designated as Special Land Uses and are permitted by special use permit. Such uses shall be permitted only after the approval of a Special Use Permit by the Planning Commission in accordance with the requirements of Section 21, Special Use Permits, of this Ordinance. Such uses shall be subject to any applicable provisions of Sections 15 through 19.
- B. Where a use exists on the effective date of this Ordinance and it is classified as a Special Land Use by this Ordinance, it shall be considered to be a lawful special land use. Additions or alterations to existing buildings or land improvements for expansion of lawful special land uses may be made only after the approval of a special use permit in accordance with the provisions of Section 21. Such additions, alterations, improvements and expansions shall be subject to yard and building height requirements set forth in this Ordinance for permitted uses in the district in which they are located.

Section 3.07 Uses Not Otherwise Provided For

When a person desires a use which is not specifically permitted under the terms of this Ordinance, but which use is essentially the same in nature as other uses, by right or by special use permit, within a zoning district, that person may petition the Zoning Board of Appeals for an interpretation of the Ordinance that the use is permitted, by right or by special use permit, within a particular zoning district, in accordance with the requirements of Section 23.

When the Zoning Board of Appeals refuses to so interpret the Ordinance, or when a desired use is not essentially the same in nature as other uses recognized by this Ordinance, a person desiring such use may petition the LaGrange Township Board to amend this Ordinance to permit the use, in accordance with the requirements of Section 24.

SECTION 4. PRIME AGRICULTURAL (A-P) ZONING DISTRICT REGULATIONS

Section 4.01 Description and Purpose

This zoning district is intended to accommodate and protect the strict use of land for agricultural purposes, to accommodate certain commercial uses serving agricultural operations, to preserve wetlands, woodlands, and other lands in an open and undisturbed state, and to accommodate certain larger scale land uses that, due to the intensity and impacts, need to be isolated from nearby and adjacent land uses. Farming, crop cultivation, dairy and livestock operations, and limited rural estate single family dwellings are suitable uses in this district. Wetlands, woodlots, and other sensitive natural features should be protected through the use of the strict enforcement of this ordinance, and the application of the water quality overlay districts, and the purchase of development rights of prime agricultural lands and natural areas.

The regulations and requirements of this District are intended to help ensure that parcels are preserved at a size sufficient for farming, yet allow some additional use of land for individual property owners. The regulations of the District are also intended to limit the number of non-farm homes to ease conflicts between farming and residential uses. Scattered residential uses in areas that are actively farmed are often attractive locations for urban residents who move into the 'country'. These residents are often unprepared for the ordinary effects of farming. Odors, tractors and equipment along the roadways, crop dusting, and other necessary activities conflict with their expectations of rural living.

Section 4.02 Uses Permitted by Right

The following uses and structures are permitted by right in the A-P zoning district:

- A. Accessory non-commercial ground-mounted solar energy systems [amended 4-20-20]
- B. Accessory uses and structures
- C. Agriculture
- D. Churches
- E. Essential service
- F. Family day care home
- G. Hunting preserves
- H. Minor home occupations
- I. Roadside stands
- J. Signs
- K. Single family dwellings
- L. State licensed residential facilities, providing care to 6 or fewer adults or children

Section 4.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the A-P zoning district only after the approval of a Special Use Permit in accordance with the requirements of Section 21:

- A. Airplane landing strips
- B. Agricultural labor camps
- C. Agricultural products storage and distribution
- D. Agricultural research and testing services
- E. Bed and breakfasts [amended 4-20-20]
- F. Commercial solar energy systems [amended 4-20-20]
- G. Event building [amended 4-20-20]
- H. Livestock auctions and sales
- I. Major home occupations
- J. Wind energy conversion systems (WECS) [amended 4-20-20]
 - 1. Agricultural WECS
 - 2. Private WECS
 - 3. Commercial WECS
 - 4. Commercial WECS farm
- K. Winery and micro brewery [amended 4-20-20]
- L. Wireless communication facilities and support structures

Section 4.04 Development Standards

All lots, building and structures in the A-P zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

A. Minimum Lot Dimensions

- 1. LOT AREA – The minimum lot or parcel area shall be two (2) acres. However, the maximum residential density resulting from land division, platting, or condominium development of a parent parcel shall not exceed one (1) lot, parcel, or condominium unit per ten (10) acres. A parent parcel is a parcel or tract, respectively, lawfully in existence on March 31, 1997, per the Michigan Land Division Act, as amended. [amended 4-20-20]
- 2. LOT WIDTH – The minimum lot width shall be four-hundred (400) feet, except as provided for in Section 4.05.

B. Minimum Yard Requirements

- 1. FRONT YARD – Any and all front yards shall be at least forty-five (45) feet in depth.
- 2. SIDE YARD – Any and all side yards shall be at least thirty (30) feet in depth.
- 3. REAR YARD – Any and all rear yards shall be at least fifty (50) feet in depth.

C. Building and Structure Standards

1. HEIGHT FOR BUILDINGS USED OR INTENDED FOR HUMAN USE – No building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet whichever is less.
2. HEIGHT FOR OTHER STRUCTURES, eg. Silos, wireless communication facilities, etc. – as is necessary and customary.
3. MINIMUM FLOOR AREA – Each and every residential dwelling unit shall have a minimum floor area of a thousand (1000) square feet.
4. MINIMUM FLOOR AREA FOR MULTI STORY BUILDINGS – Each and every residential dwelling unit shall have a minimum floor area of six-hundred (600) square feet on the ground floor.

Section 4.05 Right to Farm Act

All facilities used or intended for use for livestock operations shall conform to the minimum setback, siting and other requirements of the regulations adopted by the Michigan Agricultural Commission pursuant to the Right to Farm Act. Livestock operations that do not meet the minimum animal unit size requirements to be subject to such regulations shall comply with the minimum setback and siting requirements of these regulations. In no case shall any livestock operations be allowed on a lot that is five (5) acres or less in size.

[amended 4-20-20]

Section 4. Prime Agricultural (A-P) Zoning District Regulations

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SECTION 5. GENERAL AGRICULTURAL (A-G) ZONING DISTRICT REGULATIONS

Section 5.01 Description and Purpose

The General Agricultural district is that identified on the Township's Land Use Plan as being for agriculture production and not presently needed for urban residential-type uses. The purposes of this district is to provide for the continual change from rural agriculture to suburban and from suburban to urban uses. The General Agriculture District is expected to remain essentially in agriculture production, but provide for the transition of these uses to more intensively used rural residential developments on large lots providing a variety of housing types. This district is also intended to accommodate certain commercial and industrial uses that require larger land area, that need to be somewhat isolated from nearby and adjacent properties, and that are not appropriate in a retail sales and services oriented commercial district.

Section 5.02 Uses Permitted by Right

The following uses and structures are permitted by right in the A-G zoning district:

- A. Accessory non-commercial ground-mounted solar energy systems [amended 4-20-20]
- B. Accessory uses and structures
- C. Agriculture
- D. Churches
- E. Essential service
- F. Family day care home
- G. Greenhouses and nurseries
- H. Hunting preserves
- I. Minor home occupations
- J. Community centers owned by a governmental agency, and parks and playgrounds
- K. Roadside stands
- L. Schools, public and private
- M. Signs
- N. Single family dwellings
- O. State licensed residential facilities, providing care to 6 or fewer adults or children

Section 5.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the A-G zoning district only after the approval of a Special Use Permit in accordance with the requirements of Section 21:

- A. Agricultural labor camps
- B. Bed and breakfasts [amended 4-20-20]

Section 5. General Agricultural (A-G) Zoning District Regulations

- C. Campgrounds
- D. Cemeteries
- E. Commercial solar energy systems [amended 4-20-20]
- F. Contractor operations
- G. Event building [amended 4-20-20]
- H. Junkyards
- I. Kennels
- J. Major home occupations
- K. Mining
- L. Riding academies
- M. Saw sharpening
- N. Stables
- O. Veterinary services
- P. Wind energy conversion systems (WECS) [amended 4-20-20]
 - 1. Agricultural WECS
 - 2. Private WECS
 - 3. Commercial WECS
 - 4. Commercial WECS farm
- Q. Winery and micro brewery [amended 4-20-20]
- R. Wireless communication facilities

Section 5.04 Development Standards

All lots, building and structures in the A-G zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

A. Minimum Lot Dimensions

- 1. LOT AREA – The minimum lot area shall be two (2) acres.
- 2. LOT WIDTH – The minimum lot width shall be two-hundred (200) feet.

B. Minimum Yard Requirements

- 1. FRONT YARD – Any and all front yards shall be at least forty (40) feet in depth.
- 2. REAR YARD – Any and all rear yards shall be at least forty (40) feet in depth.
- 3. SIDE YARD – Any and all side yards shall be at least forty (40) feet in depth.

C. Building and Structure Standards

1. HEIGHT FOR BUILDINGS USED OR INTENDED FOR HUMAN USE – No building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet whichever is less.
2. HEIGHT FOR OTHER STRUCTURES, eg. Silos, wireless communication facilities, etc. – as is necessary and customary.
3. MINIMUM FLOOR AREA FOR SINGLE STORY BUILDINGS – Each and every residential dwelling unit shall have a minimum floor area of one-thousand (1000) square feet.
4. MINIMUM FLOOR AREA FOR MULTI STORY BUILDINGS – Each and every residential dwelling unit shall have a minimum floor area of six-hundred (600) square feet on the ground floor.

Section 5.05 Right to Farm Act

All facilities used or intended for use for livestock operations shall conform to the minimum setback, siting and other requirements of the regulations adopted by the Michigan Agricultural Commission pursuant to the Right to Farm Act. For livestock operations that do not meet the minimum animal unit size requirements to be subject to such regulations shall comply with the minimum setback and siting requirements of these regulations. In no case shall any livestock operations be allowed on a lot that is five (5) acres or less in size.

Section 5. General Agricultural (A-G) Zoning District Regulations

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SECTION 6. LOW DENSITY RESIDENTIAL (R-1) ZONING DISTRICT REGULATIONS

Section 6.01 Purpose and Intent

This zoning district is intended to establish and preserve quiet single family neighborhoods as desired by large numbers of people free from other uses except those which are both compatible with and convenient to the residents of such a district.

Section 6.02 Uses Permitted by Right

The following uses and structures are permitted by right in the R-1 zoning district:

- A. Accessory non-commercial ground-mounted solar energy systems [amended 4-20-20]
- B. Accessory uses and structures
- C. Churches
- D. Civic and social organizations
- E. Essential services
- F. Family day care home
- G. Libraries
- H. Minor home occupations
- I. Open space, public and private
- J. Community centers owned by a governmental agency, and parks and playgrounds
- K. Schools, public and private
- L. Single family dwellings
- M. State licensed residential facilities, providing care to 6 or fewer adults or children
- N. Two family dwellings

Section 6.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the R-1 zoning district only after the approval of a Special Use Permit in accordance with the requirements of Section 21:

- A. Major home occupations

Section 6.04 Development Standards

All lots, building and structures in the R-1 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

A. Minimum Lot Dimensions for Single Family Dwellings

1. LOT AREA – The minimum area for lots served by a public sanitary sewer shall be ten-thousand (10,000) square feet. The minimum area for lots that are not served by a public sanitary sewer shall be fifteen-thousand (15,000) square feet.
2. LOT WIDTH – The minimum width for lots served by a sanitary sewer shall be seventy (70) feet. The minimum width for lots that are not served by sanitary sewer shall be one-hundred (100) feet.

B. Minimum Lot Dimensions for All Other Uses

1. LOT AREA – The minimum area for lots served by a public sanitary sewer shall be seventeen-thousand (17,000) square feet. The minimum area for lots that are not served by a public sanitary sewer shall be twenty-thousand (20,000) square feet.
2. LOT WIDTH – The minimum width for all be one-hundred-twenty-five (125) feet.

C. Minimum Yard Requirements

1. FRONT YARD – Any and all front yards shall be at least twenty-five (25) feet in depth.
2. REAR YARD – Any and all rear yards shall be at least twenty-five (25) feet in depth.
3. SIDE YARD – Any and all side yards shall be at least ten (10) feet in depth.

D. Building and Structure Standards

1. HEIGHT – No building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less.
2. MINIMUM FLOOR AREA – All dwelling units and principal buildings shall have a minimum floor area of a thousand (1000) square feet.

SECTION 7. MEDIUM DENSITY RESIDENTIAL (R-2) ZONING DISTRICT REGULATIONS

Section 7.01 Description and Purpose

This district is intended is to consist of single family, two family and multiple family dwellings set in a medium density living environment where public sewer systems and central water supplies are provided.

Section 7.02 Uses Permitted by Right

The following uses and structures are permitted by right in the R-2 zoning district:

- A. Accessory non-commercial ground-mounted solar energy systems [amended 4-20-20]
- B. Accessory uses and structures
- C. Adult foster care facility (as a State licensed residential facility) providing care for 6 or fewer adults
- D. Boarding and lodging houses
- E. Churches
- F. Civic and social organizations
- G. Essential services
- H. Family day care home
- I. Libraries
- J. Minor home occupations
- K. Multi-family dwellings
- L. Open space, public and private
- M. Community centers owned by a governmental agency, and parks and playgrounds
- N. Schools, public and private
- O. Single family dwellings
- P. State licensed residential facilities, providing care to 6 or fewer persons
- Q. Two family dwellings

Section 7.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the R-2 zoning district only after the approval of a Special Use Permit in accordance with the requirements of Section 21:

- A. Major home occupations
- B. Manufactured Housing Development
- C. Planned Unit Development
- D. Child day care organizations, State licensed (other than Family day care home)

- E. Adult foster care facility (as a State licensed residential facility) providing care for more than 6 persons

Section 7.04 Development Standards

All lots, building and structures in the R-2 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

A. Minimum Lot Dimensions for Single Family Dwellings

- 1. LOT AREA – The minimum lot area shall be eight-thousand (8000) square feet.
- 2. LOT WIDTH – The minimum lot width shall be eighty (80) feet.

B. Minimum Lot Dimensions for Multi-family Dwellings

- 1. LOT AREA – The minimum lot area shall be ten-thousand (10,000) square feet plus three-thousand (3000) square feet for each dwelling unit.
- 2. LOT WIDTH – The minimum lot width shall be one-hundred (100) feet.

C. Minimum Lot Dimensions for Two Family Dwellings and All Other Uses

- 1. LOT AREA – The minimum lot area shall be fifteen-thousand (15,000) square feet.
- 2. LOT WIDTH – The minimum lot width shall be one-hundred (100) feet.

D. Minimum Yard Requirements

- 1. FRONT YARD – Any and all front yards shall be at least twenty-five (25) feet in depth.
- 2. SIDE YARD – Any and all side yards shall be at least eight (8) feet in depth.
- 3. REAR YARD – Any and all rear yards shall be at least thirty (30) feet in depth.

E. Building and Structure Standards

- 1. HEIGHT – No structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less.
- 2. FLOOR AREA – Each and every dwelling unit and principal building shall have a minimum floor area of one-thousand (1000) square feet. Each multi-family dwelling unit shall have a minimum floor area of four-hundred (400) square feet plus and additional one-hundred (100) square feet for each bedroom.
- 3. MAXIMUM LOT COVERAGE – The maximum lot coverage for every lot in the R-2 zoning district shall be:
 - (a) For single family dwellings: thirty (30) percent
 - (b) For two family dwellings: thirty (30) percent
 - (c) For multi-family dwellings and all other uses: forty (40) percent

SECTION 8. LAKE RESIDENTIAL (R-3) ZONING DISTRICT REGULATIONS

Section 8.01 Description and Purpose

This district is intended to designate certain portions of the Township for single family dwellings. Recognizing that residential development already exists and is likely to occur in the lake areas, that are not in full compliance with other residential districts. It is further the intent of this Ordinance that uses within this area be located to protect the water quality, fish and wildlife resources, scenic and aesthetic qualities, and recreation values.

Section 8.02 Uses Permitted by Right

The following uses and structures are permitted by right in the R-3 zoning district:

- A. Accessory structures and uses
- B. Essential services
- C. Family day care home
- D. Minor home occupations
- E. Parks and playgrounds
- F. Single family dwellings
- G. State licensed residential facilities, providing care to 6 or fewer persons

Section 8.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the R-3 zoning district only after the approval of a Special Use Permit in accordance with the requirements of Section 18:

- A. Major home occupations

Section 8.04 Development Standards

All lots, building and structures in the R-3 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below. The provisions of Section 11, Water Quality Overlay District, may also apply to the R-3 zoning district.

A. Minimum Lot Dimensions

1. LOT AREA – For lots that are served by public sanitary sewer, the minimum lot area shall be five-thousand (5,000) square feet. For all other lots, the minimum lot area shall be eight-thousand (8,000) square feet.
2. LOT WIDTH – For lots that are served by public sanitary sewer, the minimum lot width shall be fifty (50) feet. For all other lots, the minimum lot width shall be seventy-five (75) feet.

B. Minimum Yard Requirements

1. FRONT YARD – Any and all front yards shall be at least thirty (30) feet in depth.
2. SIDE YARD – Any and all lots in the R-3 zoning district shall have a total of twenty (20) feet in combined side yard depth. No side yard shall be less than five (5) feet in depth.
3. REAR YARD – Any and all rear yards shall be a minimum of twenty-five (25) feet in depth.
4. FRONT YARD DEFINED - For any lot that abuts on a lake, the front yard shall be the yard adjacent to the lake. For all other lots, the front yard shall be as otherwise defined.

C. Building and Structure Standards

1. HEIGHT – No structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less.
2. MINIMUM FLOOR AREA FOR SINGLE STORY BUILDINGS – Each and every dwelling unit shall have a minimum floor area of one-thousand (1000) square feet.
3. MINIMUM FLOOR AREA FOR MULTI-STORY BUILDINGS – Each and every building shall have a minimum floor area of six-hundred (600) square feet on the ground floor.

SECTION 9. COMMERCIAL (C-1) ZONING DISTRICT REGULATIONS

Section 9.01 Description and Purpose

This district is established to accommodate community-wide needs for general retail sales and service facilities. The regulations are designed to permit development of the enumerated functions, which are limited to protect the abutting and surrounding properties.

Section 9.02 Uses Permitted by Right

The following uses and structures are permitted by right in the C-1 zoning district:

- A. Accessory structures and uses
- B. Animal hospital and kennel
- C. Bakery products retail sales
- D. Banks, savings and loan associations
- E. Barber and beauty shops
- F. Boats and equipment sales, indoors
- G. Books, stationery and newspapers retail sales
- H. Clothing and accessories retail sales
- I. Churches
- J. Commercial recreation enterprises; indoors and outdoors
- K. Dairy products retail sales
- L. Dry goods retail sales
- M. Drugs and pharmaceutical retail sales
- N. Essential services
- O. Florist and garden shops
- P. Funeral establishments
- Q. Furniture and household furnishings retail sales
- R. Gasoline service stations
- S. Greenhouse, nursery
- T. Groceries, food and dairy products retail sales
- U. Hardware and household appliances retail sales
- V. Hospitals
- W. Hotel, motel
- X. Hobby shops

Section 9. Commercial (C-1) Zoning District Regulations

- Y. Laundromat, laundry and dry cleaning pick-up station
- Z. Libraries
- AA. Machinery and heavy equipment sales
- BB. Museums
- CC. Music and dancing schools
- DD. Offices, business or professional
- EE. Off street parking
- FF. Package liquor sales
- GG. Photography store
- HH. Public utility buildings and structures
- II. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas
- JJ. Radio and television, sales and service
- KK. Restaurants
- LL. Retail tailoring and dressmaking
- MM. Shoe sales and repair.
- NN. Schools, public and private
- OO. Signs
- PP. Variety store, antiques, gifts
- QQ. Volunteer or municipal fire station

Section 9.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the C-1 zoning district only after the approval of a Special Use Permit in accordance with the requirements of Section 21:

- A. Bar, tavern, night club or private non-commercial club
- B. Automobile sales agency and adjoining outdoor sales area of new or used cars.
- C. Self storage warehouse
- D. State licensed residential facilities
- E. Wholesale establishments for production and sale at wholesale of goods or products, the sale of which would be permitted at retail in the "C-1" District, where production of goods or products is performed within a wholly enclosed building and does not involve the creation of noise, vibration, smoke, odors, or night lighting objectionable to adjacent premises.
- F. Any other use permitted in the C-1 zoning district that includes any outdoor storage, or any outdoor sales, or any outdoor business use, except as otherwise allowed.

Section 9.04 Development Standards

All lots, building and structures in the C-1 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

- A. **Site Plan Review Required.** In the C-1 zoning district, site plan review approval in accordance with the provisions of Section 20, is required prior to the erection of any addition to any structure, prior to the enlargement or alteration to any permitted use, prior to the erection of or alteration or addition to any sign, and prior to the erection of or alteration to any parking lot.
- B. **Minimum Lot Dimensions**
 - 1. LOT AREA – The minimum lot area shall be eight-thousand-five-hundred (8,500) square feet.
 - 2. LOT WIDTH – The minimum lot width shall be one-hundred (100) feet.
- C. **Minimum Yard Requirements**
 - 1. FRONT YARD – Any and all front yards shall be at least twenty (20) feet in depth.
 - 2. SIDE YARD – Any and all side yards shall be at least fifteen (15) feet in depth.
 - 3. REAR YARD – Any and all rear yards shall be at least twenty-five (25) feet in depth.
- D. **Building and Structure Standards**
 - 1. HEIGHT – No structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less.
 - 2. MINIMUM FLOOR AREA – There shall be no minimum floor area in the C-1 zoning district.
 - 3. MAXIMUM LOT COVERAGE – Lot coverage shall not exceed fifty (50) percent.
- E. **Outdoor Storage, Sales and Uses Prohibited.** Except as otherwise permitted pursuant to a lawfully issued special use permit, there shall be no outdoor storage or sale of commodities or products. Goods and products may be displayed during regular business hours in the required front yard.

Section 9. Commercial (C-1) Zoning District Regulations

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SECTION 10. INDUSTRIAL (I-1) ZONING DISTRICT REGULATIONS

Section 10.01 Description and Purpose

This district is intended to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses.

Section 10.02 Uses Permitted by Right

The following uses and structures are permitted by right in the I-1 zoning district:

- A. Accessory structures and uses
- B. Bulk storage facilities
- C. Cleaning and drying plants
- D. Contractors office and storage yards
- E. Equipment repair
- F. Essential services
- G. Fabrication assembly and packaging
- H. Food processing
- I. General repair and service of automobiles, trucks and construction equipment
- J. Grinding, milling and production
- K. Laundries
- L. Light manufacturing including fabrication and assembly plants
- M. Material handling and equipment
- N. Repair services
- O. Warehouses
- P. Wholesale establishments

Section 10.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the I-1 zoning district only after the approval of a Special Use Permit in accordance with the requirements of Section 21:

- A. Slaughter houses
- B. Commercial Recreation Obstacle Courses

Section 10.04 Development Standards

All lots, building and structures in the I-1 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until

it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

- A. **Site Plan Review Required.** In the I-1 zoning district, site plan review approval in accordance with the provisions of Section 20, is required prior to the erection of or addition to any structure, prior to the enlargement or alteration to any permitted use, prior to the erection of or alteration or addition to any sign, and prior to the any the erection of or alteration to any parking lot.
- B. **Minimum Lot Dimensions**
 - 1. LOT AREA – The minimum lot area shall be ten-thousand (10,000) square feet.
 - 2. LOT WIDTH – The minimum lot width shall be one-hundred-fifty (150) feet.
- C. **Minimum Yard Requirements**
 - 1. FRONT YARD – Any and all required front yards shall be at least fifty (50) feet in depth.
 - 2. SIDE YARD – Any and all required side yards shall be at least thirty (30) feet in depth.
 - 3. REAR YARD – Any and all required rear yards shall be at least forty (40) feet in depth.
- D. **Building and Structure Standards**
 - 1. HEIGHT – No building shall exceed fifty-two (52) feet in height.
 - 2. LOT COVERAGE – Lot coverage shall not exceed thirty (30) percent.
- E. **Prohibited Uses of Yards.** No required parking area, primary or accessory buildings, sewage disposal systems or other structures shall be located in any required front, side or rear yard.

Section 10.05 Performance Standards

Before the issuance of a zoning permit, the applicant shall sign an agreement that the use of the property shall comply with the Performance Standards as set forth in Section 15 and that any violation of these Standards in subsequent operations will be corrected.

SECTION 11. WATER QUALITY OVERLAY ZONING DISTRICT REGULATIONS

Section 11.01 Purpose and Application

- A. The purpose of this District is to recognize the unique physical, environmental, economic, and social attributes of the shoreline properties in LaGrange Township, to ensure that the structures and uses in this District are compatible with and protect these unique attributes.
- B. The Water Quality Overlay District is a supplemental District which applies to certain designated lands, as described in this Section, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the "underlying" Zoning District.
- C. Lands included in the Water Quality Overlay District are:
 - 1. Watercourses. All such lands located along the bank of watercourses depicted as perennial streams on the most recent US Geological Survey seven and one-half minute scale topographic map of LaGrange Township, as they exist within the confines of LaGrange Township, and extending one hundred (100) feet on either side of the banks of all such watercourses; and
 - 2. Lakes and Reservoirs. All such lands located along the length of the shoreline of all the lakes, as herein defined, as they exist within the confines of LaGrange Township, and extending thirty (30) feet from the shoreline.

Section 11.02 Permitted Uses

The uses that are permitted by right and permitted by special exception shall be governed by the applicable zoning district regulations for the underlying zoning district, provided that such uses comply fully with the provisions of this Section. Where the provisions of this Section conflict with those of the underlying zoning district, the more restrictive requirements shall apply.

Section 11.03 Development Standards

The development standards shall be governed by the applicable zoning district regulations for the underlying zoning district, with the exception of the requirements of this Section, which requirements shall supercede the requirements of the underlying zoning district. Development within the water quality overlay district shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways.

- A. **Watercourses.** On and after November 2, 2001, no building or septic system shall be constructed, erected, installed, or enlarged within one hundred (100) feet, as measured from the bank of the watercourse or the ordinary high water mark. For buildings, but not septic systems, such one hundred (100) foot distance may be reduced by one (1) foot for each ten (10) feet of frontage along a watercourse in excess of one-hundred (100) feet, to a minimum of fifty (50) feet.
- B. **Lakes and Reservoirs.** On and after November 2, 2001, no building or septic system shall be constructed, erected, installed, or enlarged within thirty (30) feet, as measured from the bank or the ordinary high water mark.
- C. **Floodplains.** No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and high water line

cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high water line only under the following conditions:

1. The Native Protective Strip is maintained.
2. No material is allowed to enter the water either by erosion or mechanical means.
3. Fill material is of a pervious material such as gravel or sand.
4. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any watercourse, lake or reservoir in the Township by soil removal or fill.
5. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

D. **Additional Setbacks Requirements.** Additional setbacks shall apply to the following specific uses or activities, as permitted in the underlying zoning district. Setbacks are measured from the bank or high water line.

1. Storage of hazardous substances: one-hundred-fifty (150) feet
2. Above or below ground petroleum storage facilities: one-hundred-fifty (150) feet
3. Raised septic systems: two-hundred-fifty (250) feet
4. Solid waste landfills: three-hundred (300) feet
5. Junkyards: three-hundred (300) feet

Section 11.04 Native Protective Strip

A. A minimum strip, as described below, bordering each bank of any watercourse, lake, or reservoir, as measured from the bank or high water line shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.

1. Watercourses: one-hundred (100) feet
2. Lakes and Reservoirs: thirty (30) feet

B. Within this strip, a space of no greater than ten (10) feet in width may be selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway, with the approval of the Zoning Administrator. Any walkway constructed inside the strip shall be on the land side and may be oriented perpendicular or parallel to the water line. Because the intent of the native protective strip is water quality protection, porous materials such as wood chips or gravel shall be used. To provide access to the water, a single, hard-surfaced path from a dwelling to the lake or water course, no more than three (3) feet in width and running perpendicular to the lake or water course shall be allowed.

C. The Zoning Administrator may allow limited clearing of the vegetative strip, only to the extent required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality or greater and extent as that which existed prior to the clearing.

D. Individual trees within the Native Protective Strip may be removed only when in danger of falling, causing damage to dwellings or other structures, or causing blockage of the watercourse, lake or reservoir.

- E. The Native Protective Strip shall not be used for any motorized vehicular traffic, parking, or for storage of any kind, including junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance.

Section 11. Water Quality Overlay Zoning District Regulations

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SECTION 12. RESERVED FOR FUTURE USE

Section 12. Reserved for Future Use

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SECTION 13. RESERVED FOR FUTURE USE

Section 13. Reserved for Future Use

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SECTION 14. RESERVED FOR FUTURE USE

Section 14. Reserved for Future Use

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SECTION 15. GENERAL PROVISIONS AND EXCEPTIONS

Section 15.01 Intent

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

Section 15.02 General Exceptions

- A. **Essential Services.** Essential services are hereby exempted from the provisions of this Ordinance when properly permitted and in accordance with all other applicable laws and regulations. Electrical substations and gas regulator stations shall be enclosed with a fence or wall that is six (6) feet in height and that is adequate to obstruct passage of persons or materials. Any building to be used, in whole or in part, for essential services shall be subject to site plan review in accordance with Section 20.
- B. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- C. **Height Limits.** The height limits of this Ordinance shall not apply to radio transmitting and receiving or television antennae, chimneys, flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the districts which they are located. Structures hereby exempted shall be subject to the following conditions:
1. No structure may be erected to more than twice the applicable height limits of the district in which it is located;
 2. No such structure shall have a total area greater than twenty-five (25) percent of the roof area of the building;
 3. No such structure shall be used for any residential purpose or commercial purpose, other than a use incidental to the main use of the building; and
 4. The provisions of this Section notwithstanding, the height requirements and restrictions for wireless communication facilities shall be governed by the provisions of Section 16.14.

Section 15.03 Grades, Elevation Differentials, and Retaining Walls

- A. The grading of all building lots shall be such as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property. Water may be diverted to adjacent properties only with the written consent of the owners, filed with the Register of Deeds.
- B. No premises shall be filled or graded so as to discharge surface runoff on abutting premises or roads in such a manner as to cause ponding or surface accumulation of such runoff thereon.
- C. Retaining walls in excess of four (4) feet in height shall require a zoning permit and shall be designed by a professional engineer. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining

walls shall be maintained in a structurally sound condition and shall not impair drainage or create negative impacts on adjacent properties.

Section 15.04 Obstructions to Vision on Corner Lots

No structure, wall, fence, shrubbery, stored material, or trees shall be placed, erected, planted or maintained in any street or road right-of-way, nor in any clear vision area in excess of twenty-four (24) inches from natural grade. This Section is intended to preserve the view of drivers of motor vehicles. This Section shall not apply to mail boxes erected in accordance with the requirements of the US Postal Service.

Section 15.05 Fences and Walls

All new and extended fences and walls are permitted subject to the following:

- A. **Permits.** Permits are required within the R-1, R-2, and R-3 zoning districts for opaque walls and privacy fences. Permits are not required for any other type or within any other zoning district.
- B. **Maximum Height.**
 - 1. Fences and walls in the I-1 zoning district, on agricultural property, or on a property with a Commercial WECS or Commercial Solar Energy System shall not exceed ten (10) feet in height.
 - 2. Fences and walls in all other districts shall not exceed six (6) feet within side and rear yards and four (4) feet within front yards. However, a fence within a secondary front yard on a corner lot may be six (6) feet in height at or behind the front setback required by the applicable zoning district.
- C. **Other Requirements.**
 - 1. Fences and walls are prohibited within the public right-of-way.
 - 2. In the R-1, R-2, and R-3 zoning districts, if one side of a privacy fence is considered a finished side, that side shall face adjacent properties, the water, or streets.
 - 3. Fences and walls shall comply with Section 15.04 Obstructions to Vision on Corner Lots.
 - 4. In no case shall any fences and walls be constructed within thirty (30) feet of any lake.
 - 5. Fences with barbed wire, razor wire, or electrical current are prohibited in the R-1, R-2, and R-3 zoning districts. [amended 4-20-20]

Section 15.06 Storage of Garbage and Refuse

- A. No garbage, filth, refuse or other obnoxious matter shall be kept in open containers, burned, piled or laid on the open ground. Containers for garbage and refuse shall be stored in such a way so as not to be accessible to animals.
- B. The deposit or burying of garbage anywhere in LaGrange Township is expressly prohibited, except in an otherwise lawful and permitted landfill.
- C. Any use that is subject to site plan review in accordance with Section 20 and that uses a storage area for garbage or refuse, other than within a fully enclosed structure, shall comply fully with the following requirements:
 - 1. The trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the

responsibility of the owner of the property on which the containers are placed.

2. A decorative masonry wall or wooden privacy fence of six (6) feet in height shall enclose all three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Screening gates may be required by the Planning Commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way and adjacent properties. The surface under any such storage area shall be constructed of concrete.
3. In no instance shall any such refuse be visible above the required enclosure.

Section 15.07 Soil Excavation or Filing

- A. Topsoil, soil, dirt, sand, gravel and other mineral resources shall not be stripped, excavated, mined or otherwise removed on any lot or parcel for sale or for any other use other than on the subject lot or parcel.
- B. This provision shall not apply to
 1. otherwise lawful and fully permitted sand and gravel operations or mining operations
 2. otherwise lawful and bona fide agricultural operations for the production and sale of sod or turf
 3. the normal removal or filling of soil for the construction of an approved building or structure when such plans have been approved by the Township, and a zoning permit has been issued for said building development.

Section 15.08 Commercial Vehicles in Residential Areas

- A. **Purpose.** The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for single family residential development. The parking of large commercial vehicles is frequently an impediment to the ingress and egress of emergency vehicles and equipment, and is frequently unsafe on residential streets. The noise, exhaust emissions and appearance of such commercial vehicles tend to impair the health, safety and general welfare of the people of the Township.
- B. **Residential Parking Prohibited.** No commercial vehicle over one and a half tons in weight shall be parked in a residentially zoned area. This provision shall not apply to commercial vehicles temporarily parked in a residential area in conjunction with the maintenance or service to a property in a residentially zoned area.
- C. **Violations.** In any proceeding for violation of this section, either the person to whom a commercial vehicle is registered and/or the owner(s) of the property on which the vehicle is parked may be held fully liable for the violation.

Section 15.09 Storage of Certain Vehicles

- A. The provisions of this section apply to recreational vehicles, boats, and any self-propelled vehicle that does not display a valid and current license plate. The provisions of this section apply to all lots that are located, in whole or in part, in any agricultural or residential zoning district. The provisions of this section shall not apply to vehicles and machinery that are intended for and used for agricultural operations and that are located on an agriculturally zoned property.
- B. Vehicles subject to this section may be stored in a fully enclosed, properly permitted and lawful accessory building.

- C. Up to two (2) such vehicles may be stored outside of a fully enclosed building in accordance with the following requirements:
 - 1. Such vehicles shall not be stored in any front yard;
 - 2. Such vehicles may be located in a side or rear yard.
 - 3. Such vehicles shall be in a fully operable condition;
 - 4. Such vehicles shall be located on a lot with an existing, permitted and lawful principal structure.

Section 15.10 Non-Farm Keeping of Animals

A. Livestock.

- 1. Minimum Lot Size. The minimum lot or parcel size to keep livestock is two (2) acres in all zoning districts.
- 2. Zoning Districts. Livestock may be kept in the following zoning districts: A-P, A-G, R-1, and R-2.
- 3. Setbacks. Accessory buildings and shelters for livestock are subject to setbacks for accessory buildings.
- 4. Fencing. Fences or enclosures are required to keep livestock from leaving a property. Fences are subject to Section 15.05.
- 5. Manure and Waste. Manure and waste storage areas shall be at least 75 feet from a dwelling, wellhead, pond, creek, or other water feature and 25 feet from a property line.
- 6. Number. The following table outlines the maximum number of livestock permitted on a lot or parcel. Minimum acreage cannot be double-counted for different categories of livestock. This table does not apply to the A-P and A-G zoning districts, as there is no maximum number of livestock in these districts.

	Livestock		
	Horses and Cows	Pigs	Sheep, Goats, Llamas, Alpacas, Other
Minimum Acreage	2	2	2
Maximum Number Per Acre	1	3	3

B. Chickens.

- 1. Setbacks. Coops and shelters for chickens are subject to setbacks for accessory buildings.
- 2. Number and Type.
 - (a) No more than 10 chickens per whole acre are permitted for parcels under three (3) acres.
 - (b) Roosters are not permitted on lots and parcels less than three (3) acres.
- 3. Confinement. Chickens on lots and parcels less than three (3) acres shall be confined in a fenced area. Fences are subject to Section 15.05.

- C. **4-H Animals.** Nothing in this section shall prohibit any child legally residing as a resident in any dwelling in the Township from temporarily keeping and raising one farm animal not lawfully permitted in the zoning district as part of a recognized activity under sponsorship of a 4-H Program on properties one (1) acre and greater. It is the specific intent of this exemption to allow the keeping

one farm animal per child on a temporary basis until the 4-H event or program is completed or ended upon which the animal will no longer be housed on the premises.

D. Beekeeping.

1. **Minimum Size.** The minimum lot or parcel size to keep bees is one-half (1/2) acre.
2. **Setbacks.** Colonies must be set back 15 feet from all property lines.
3. **Water Source.** An adequate and constant source of water, as temperatures permit, shall be placed within 10 feet of bee colonies and placed before the establishment of the hive.

E. Wild Animals. The keeping of wild animals outside of a State and Township approved facility is prohibited. [amended 4-20-20]

Section 15.11 Swimming Pools

Private swimming pools are a use permitted by right in all zoning districts in accordance with the following requirements:

- A. The pool shall be maintained in a clean and healthful condition in accordance with the requirements of the Cass County Health Department.
- B. No swimming pool, jacuzzi or hot tub, shall be emptied or drained, neither fully nor partially, in any manner that will cause water to flow upon another lot, adjacent land or street, or any lake, stream or river.
- C. Every swimming pool shall be completely surrounded with a permanent fence, wall and gate(s), all of which shall be at least five (5) feet in height.
- D. When not in use, outdoor jacuzzis and hot tubs shall be covered.
- E. No opening shall be designed as to permit access to the pool except under the supervision of the possessor or by his permission.
- F. Swimming pools may be constructed
 1. in the buildable area of any lot,
 2. in any rear yard provided that it is no closer than ten (10) feet from the rear property line, and
 3. in a side yard, other than a side yard adjacent to a street or road, provided that it is no closer than ten (10) feet from the side property line.

Section 15.12 Performance Standards

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

- A. **Vibration.** Vibration is the oscillatory motion of a solid body. No machine or operation shall generate any ground- or structure-borne vibrational motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located. Vibrations resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM. shall be exempt from these vibration, provided that such activity occurs in a legally accepted manner.
- B. **Particulates.** The drifting of air-borne matter beyond the lot line, including wind-blown dust,

particles or debris from open stock piles, shall be prohibited. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations.

- C. **Odor.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
- D. **Glare and Heat.** Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half ($\frac{1}{2}$) of one footcandle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- E. **Sewage Wastes and Water Pollution.** Sewage disposal and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Natural Resources, the Cass County Health Department, and the U. S. Environmental Protection Agency.
- F. **Gases.** The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the Federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations.
- G. **Electromagnetic Radiation and Radio Transmission.** Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.
- H. **Radioactive Materials.** Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an x-ray machine, shall not exceed levels established by federal agencies which have jurisdiction.

Section 15.13 Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of a building or structure declared unsafe by the Building Official or required compliance with his or her lawful order. Furthermore, upon the determination of the Building Official and official notification thereof to the property owner, the Township Board may order the demolition and removal of any designated unsafe building. In addition, the cost of said removal shall be borne by the property owner. If the property owner fails to pay for the cost of the removal within 60 days of the date the building was removed, the Township may either place a lien on the property or place the cost of said removal on the next available tax bill as a special assessment against the property.

Section 15.14 Moving of Buildings

Any building or structure that has been wholly or partially erected on any premises located within the Township shall not be moved to and be placed upon any other premises in the Township until a zoning permit for such removal has been secured according to the requirements of this Ordinance. Any such

building or structure shall fully conform to this Ordinance in the same manner as a new building or structure.

Section 15.15 Principal Use

No lot shall contain more than one (1) principal structure with the following exceptions:

- A. A lawful and fully permitted planned unit development;
- B. A lawfully and fully permitted multi-family dwelling may have more than one structure on a lot in accordance with any required Special Use Permit and Site Plan Review;
- C. Agriculturally zoned property may include a residential dwelling and principal agricultural buildings and structures.

Section 15.16 Prohibited Dwellings

The use of any portion of the basement of a partially completed building, and the use of any garage, or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

Section 15.17 Exceptions to Yard Requirements

- A. **Fire Escape.** A fire escape as required by the applicable building code may extend or project into any front, side, or rear yard not more than four (4) feet.
- B. **Deck (Patio).** An unenclosed and uncovered platform or landing which does not extend or project into any required front, side, or rear yard more than eight (8) feet is exempted from yard requirements of the R-1, R-2, and R-3 zoning districts, provided that the width of a side yard is not reduced to less than five (5) feet. Such deck or patio in the front yard in an R-3 zoning district shall be constructed of porous materials.
- C. **Access Ramp.** An access ramp required for compliance with the Americans with Disabilities Act may be constructed in a required yard space provided that the ramp is the minimum size required and provided that it is located at least twenty (20) feet from any property line adjacent to a street or road right-of-way and at least five (5) feet from any side property line.

Section 15.18 Accessory Structures

- A. Except for the A-P and A-G zoning districts, and in certain cases in the R-3 zoning district, no accessory structure shall be constructed and no accessory use shall be commenced until the principal structure to which it is accessory has been constructed and used, or unless a principal structure exists. In the R-3 District, an off-site accessory structure may be constructed on a lot or parcel across the street from the principal dwelling. Across the street means that if the street did not exist, the two lots or parcels would be contiguous. Off-site R-3 accessory structures shall not include living space or be considered a dwelling unit unless they are converted to meet all requirements for single-family dwellings. Off-site R-3 accessory structures shall meet all setbacks applicable to principal buildings.
- B. **Accessory Dwellings.**
 - 1. Accessory dwelling units are limited to single-family lots and parcels.
 - 2. Only one (1) attached or detached accessory dwelling unit shall be permitted per principal dwelling.
 - 3. An accessory dwelling unit shall be integrated within or attached to the principal dwelling or

established as a detached accessory structure.

4. Attached accessory dwelling units shall comply with all setback requirements applicable to the principal dwelling. Detached accessory dwelling units shall comply with all setback requirements applicable to accessory structures.
 5. Attached accessory dwellings may be designed as an independent living area that can be isolated from the principal dwelling space, however, an internal connection to the principal dwelling must be maintained and the primary entrance to the home shall be shared.
 6. Attached and detached accessory dwellings shall retain a residential appearance consistent with the design and materials of the principal dwelling.
 7. Accessory dwelling square footage shall not exceed 50 percent of the principal dwelling square footage.
 8. The accessory dwelling shall not have a separate meter for public utilities, such as electric and gas service, or a separate mailing address.
- C. No accessory structure shall be located closer to the front property line than the principal structure is located.
- D. One and only one accessory structure that is less than one-hundred (100) square feet or less in size may be located on a lot without a zoning permit in any side or rear yard or in the buildable area. All such structures are prohibited in any and all front yards. On any lot that contains one such accessory structure, any and all additional accessory structures shall require a zoning permit and shall be located in the buildable area of the lot.
- E. Where an accessory structure is attached in any manner to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
- F. In no case shall any accessory structure be used for any dwelling or sleeping purposes in any zoning district.
- G. Maximum square footage and height.
1. Total accessory structure square footage and height shall not exceed the following:

Acreage of Subject Lot or Parcel	Maximum Square Footage	Maximum Side Wall Height
Less than one (1) acre	1,500 square feet	14 feet
1 to 1.99 acres	1,800 square feet	14 feet
2 to 2.99 acres	2,400 square feet	14 feet
3-4.99 acres	3,000 square feet	16 feet
5+ acres	4,000 square feet	16 feet

2. An accessory building located in the rear yard shall not occupy more than 25% of a side or rear yard.
 3. Maximum building size requirements do not apply to buildings used for agricultural purposes.
 4. A lot or parcel with one or more accessory structures shall not be reduced to a size that would create nonconforming accessory structure square footage.
- H. Requests for oversized accessory structures shall be reviewed by the Planning Commission and may be approved in accordance with this section. Accessory structure size may be increased up to twenty-five (25) percent over the maximum square footage requirements. In addition to any other conditions that may be appropriate, the Planning Commission may increase minimum setbacks or

require adjustment to the proposed location of the oversized accessory buildings as a condition of approval. When considering oversized accessory structure square footage, the following factors shall be considered:

1. The intended use of the detached accessory building(s) is a permitted or special land use authorized within the applicable zoning district.
 2. The size, type of construction, and general architectural character of the detached accessory building(s) are compatible with buildings in the vicinity.
 3. The resulting increase of size and scale of the detached accessory building(s) does not result in a visible impact that is overly obtrusive to neighboring residents.
 4. Proposed setbacks from lot lines and separation from dwellings on the adjacent properties are appropriate based on the size and scale of the proposed detached accessory building(s).
 5. If the property is intended to be divided in the future, the location of the detached accessory building(s) does not impact the ability to divide the land in a compliant manner while maintaining required setbacks from the building(s).
 6. The increase in square footage does not result in adverse stormwater runoff impact and degradation of sensitive natural resources.
- I. In residentially zoned areas, accessory structures that are not attached to the main building may be constructed in any rear and in any side yard that is not adjacent to a street or road, provided that such structures are located at least five (5) feet from any side or rear property line.
 - J. In non-residentially zoned areas, accessory structures that are not attached to the main building may be constructed in any rear and in any side yard that is not adjacent to a street or road, provided that such structures are located at least ten (10) feet from any side or rear property line.
 - K. Accessory structures shall be located at least ten (10) feet from any other structure. [amended 4-20-20]

Section 15.19 Parking and Loading Areas

- A. In all zoning districts, off-street facilities for the storage and parking of motor vehicles for the use of occupants, employees and patrons of all buildings erected, altered, or extended after the effective date of this Ordinance, shall be provided in accordance with the standards and requirements set forth in this Section.
- B. Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required for all new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.
- C. **General Requirements.** In all zoning districts, off-street parking facilities shall be provided and maintained as follows:
 1. **Off-Street Parking Spaces for One and Two-Family Dwellings.** Off-street parking required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. No parking shall be permitted in the required front yard except on a driveway which leads to an approved parking space.
 2. **Additional Parking Requirements for Residentially Zoned Areas.** In all residentially zoned areas, all motor vehicles registered to the occupants shall be parked on a gravel or paved driveway or

in a garage.

3. **Off-Street Parking for Multiple-Family and Non-Residential Uses.** Off-street parking facilities required for multiple-family and non-residential uses shall be a parking lot and shall be located on the same lot or parcel as the building or use they are intended to serve.
4. **Existing Parking Facilities.** An area designated as required off-street parking facilities in existence at the effective date of this Ordinance shall not be reduced below the requirements for the use or building served as set forth in this Ordinance.
5. **Joint Use of Facilities.** Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the individual requirements.
6. **Restriction of Parking on Private Property.** It shall be unlawful to park or store any motor vehicle on private property without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
7. **Storage and Repair Prohibited.** An unenclosed parking lot may not be used for the storage or parking of trailers, mobile homes, travel trailers, boats, boat trailers, junked or wrecked vehicles of any type or used as a storage area for merchandise or industrial equipment or material, or used as a dump for refuse of any description. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted on areas designated as required off-street parking.
8. **Use of Loading Space.** Required loading spaces shall not be counted or used for required parking.
9. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, such fractions shall be rounded up to the next whole number.
10. **Location of Off-Street Parking.** Any and all required off-street parking shall be located on the same lot and in the same zoning district as the structure or use that such parking is intended to serve.

D. **Table of Off-street Parking Requirements.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. The Zoning Board of Appeals may provide an interpretation of the required number of parking spaces for uses not specified.

Use	Number of Off-street Parking Spaces Required
Single-family dwellings Two-family dwellings	2 spaces for each dwelling unit
Multi-family residential dwellings	1 space for each efficiency unit 1 ½ spaces for each 1 bedroom unit 1 space for each bedroom for 2 bedroom and larger units
Residential facilities	1 space for every 2 permitted beds or bedrooms, plus 1 space for each employee on the largest employment shift
Places of public congregation such as churches, fraternities, etc.	1 space for every 3 people based on the maximum occupancy load as determined by the building official

Elementary and junior high schools	1 space for each teacher, employee and administrator plus one space per classroom; where there is an auditorium, the required parking shall be the greater of that or else 1 space for every 3 people based on the maximum occupancy load as determined by the building official
Senior high schools	The greatest of: 1 for each teacher, employee or administrator, 1 for each ten 10 students, and 1 per classroom for visitor use; or 1 space per 3 people based on the maximum occupancy load of the auditorium as determined by the building official; or 1 per every 6 feet of bench space in the stadium
Ball fields - baseball, soccer, football, etc.	25 spaces for each ball field
Bowling alleys	6 spaces for each bowling lane

E. Off-street Waiting Area and Stacking Spaces for Drive-thru Facilities.

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

F. Off-street Parking Lot Layout, Construction, and Maintenance. All off-street parking lots shall be laid out, constructed, and maintained in accordance with the following requirements:

1. Review and Approval Requirements. In the event that new off-street parking is proposed as part of a development requiring site plan review, said proposed parking shall be shown on the site plan submitted to the Planning Commission for review in accordance with Section 20.
2. Upon completion of construction, the parking lot must be inspected and approved by the Zoning Administrator before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

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

Parking Patterns	Lane Width	Parking Space Width	Parking Space Length	Total width of one tier of stalls and maneuvering lane	Total width of two tiers of stalls and maneuvering lane
0° (Parallel Parking)	12 ft.	8 ft.	23 ft.	20 ft. (one way) 32 ft. (two way)	28 ft. (one way) 40 ft. (two way)
30° to 53°	12 ft.	8 ft.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft.	20 ft.	36 ft.	55 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

4. Access. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street or alley shall be prohibited.
5. Ingress and Egress. Adequate ingress and egress to the parking lot shall be provided by means of clearly defined and limited drives. No entrance or exit from any parking lot in a non-residential district or from a non-residential use shall be nearer than twenty (20) feet to any residentially zoned district.
6. Surfacing and Drainage. The entire parking area, including parking spaces and maneuvering lanes, shall have an asphaltic or concrete surface; and shall be graded and drained so as to dispose of surface water which might accumulate on such area. No surface water from such parking area shall be permitted to drain onto adjoining private property or across a public sidewalk. Parking lots shall be continuously maintained with a hard, smooth, dust-proof surface at all times.
7. Bumper Stops. Bumper stops or curbing shall be provided so as to prevent any vehicle from projecting beyond the parking lot area or bumping any wall or fence or encroaching upon landscaping. In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six (6) inches high, shall be placed so that a motor vehicle cannot be driven or parked on any part of the sidewalk. In all cases where necessary for the protection of the public and the adjoining properties, streets or sidewalks, curbs as described above, shall be installed.
8. Striping. All spaces shall be outlined with three (3) inch stripes of paint, the color of which contrasts with the parking lot surface.
9. Parking Setbacks. All setbacks, as required elsewhere by this Ordinance, shall be maintained.
10. Landscaping. Where yard setbacks are required, all land between the required walls and the property lines, and other unpaved areas which are designed to break up the expanse of paving, shall be kept free from refuse and debris and shall be landscaped with lawns, deciduous shrubs, evergreen plant material, and ornamental trees, in accordance with Section 18 of this Ordinance. All such landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. All landscaping shall be protected by concrete or asphalt curbing.
11. Lighting. All lighting used to illuminate any off-street area shall not exceed twenty (20) feet in height above the parking surface grade and shall be directed or shielded so as not to shine onto

any adjacent properties or public right-of-ways.

12. Signs. 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 square feet. All such accessory directional signs shall be maintained in accordance with the provisions of Section 17.
13. Buildings. No building or structure shall be permitted on an off-street parking lot, except for a maintenance building or attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.
14. Additional Requirements. In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as necessary by the Planning Commission for the protections of abutting properties in a residential district.
15. Delay in Construction. In instances where the Planning Commission determines that weather conditions prohibit parking lot construction, the construction may be temporarily waived, pending suitable weather, but the Planning Commission shall require a performance guarantee in accordance with Section 25.06.

G. **Off-street Loading Space Requirements.** On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, and dry cleaning establishments, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way and vehicular circulation on the site.

1. Such spaces shall be provided as follows:

Gross Floor Area (In Square Feet)	Loading and Unloading Spaces	
	10'x 25' space	10'x 50' space
0 - 1,999	NA	NA
2,000 - 4,999	1	NA
5,000 - 19,999	NA	1
20,000 - 49,999	NA	2
50,000 - 79,999	NA	3
80,000 - 99,999	NA	4
100,000 - 149,999	NA	5
150,000 and over	NA	5*

*One additional space for each fifty thousand (50,000) square feet of floor area in access of one hundred fifty thousand (150,000) square feet.

2. All loading spaces shall be located in at the rear of the building and shall comply with all minimum yard setback requirements.
3. Loading space areas shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.
4. All loading spaces shall have a minimum of fourteen (14) foot high clearance.
5. Loading areas shall not utilize any required area for maneuvering to parking spaces or block general vehicular circulation.
6. No loading space shall be located closer than fifty (50) feet from any residentially zoned district

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unless located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall not less than six (6) feet in height.

7. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
 - (a) Each business served shall have direct access to the central loading area without crossing streets or alleys.
 - (b) Total loading space provided shall meet the minimum requirements specified herein, computed on the basis of total floor area of all businesses served by the central loading space.
 - (c) No building served shall be more than 500 feet from the central loading area.
8. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

Section 15.20 Yard Sales

Yard sales (garage sales) are permitted as an accessory use for residential dwellings. Yard sales must comply with the following requirements. Any yard sale that does not comply fully with these requirements shall be deemed to be a commercial use that is hereby specifically prohibited in all residentially zoned areas.

- A. No more than three (3) yard sales in an calendar year shall be conducted at any dwelling unit or on any lot.
- B. A yard sale shall run for no more than three (3) consecutive days, or any portion thereof.
- C. Yard sales are specifically intended for the sale of personal items that have become excess property to the residents of the residential dwelling that is conducting the yard sale. Items purchased without the intent of being used by the residents of the residential dwelling shall not be sold at a yard sale.
- D. Any and all signs advertising a yard sale shall be posted no sooner than seven (7) days prior to the yard sale. Any and all signs advertising yard sales shall be removed within two (2) days of the conclusion of the yard sale. The owner of the property on which a yard sale is conducted shall be responsible for complying with these sign requirements.

SECTION 16. SPECIFIC DEVELOPMENT STANDARDS

Section 16.01 Purpose

The purpose of this Section is to set forth additional regulations for certain recognized uses. These additional regulations are required to minimize potential adverse impacts and to protect the general health, safety and welfare of the citizens of the Township.

Section 16.02 Home Occupations

- A. From its original inception, zoning was used to separate incompatible land uses. Generally, commercial uses are found to be incompatible with residential uses. However, under certain restrictions, the adverse impacts of very small commercial uses can be minimized. The Township's purpose in allowing for home occupations is to promote economic development by facilitating the start-up of new businesses, to provide for the convenience of residents in accessing needed goods and services, and to protect property values and the health, safety, and welfare of the Township residents. Home occupations are permitted according to the various zoning district regulations and are subject to the provisions of this Section.
- B. **Minor Home Occupation.**
1. Permitting. Minor home occupations do not require a zoning permit.
 2. General Requirements.
 - (a) A minor home occupation shall only be permitted as an accessory use to the principal residential use of a property.
 - (b) Minor home occupations shall only be owned and operated by a full-time resident of the principal dwelling. Non-resident employees may not work on-site.
 - (c) Minor home occupations must be conducted entirely within the principal dwelling and not within an accessory building.
 - (d) Up to 25 percent of the floor area of the principal dwelling may be devoted to a minor home occupation. The indoor storage of equipment and vehicles does not count against this maximum.
 - (e) There shall be no physical evidence of the minor home occupation from the exterior of the dwelling and no outside storage, other than the presence of one (1) commercial vehicle and trailer. Any other equipment beyond a vehicle and trailer shall be stored indoors.
 - (f) Signs are not permitted.
 - (g) Retail sales from the dwelling are not permitted.
 3. Parking and Visitation.
 - (a) No clients or customers shall visit the site, aside from students of a fine art or craft, but no more than six (6) at any one time.
 - (b) A hard-surfaced parking area shall be provided to accommodate students.

C. Major Home Occupation.

1. General Requirements.

- (a) A major home occupation shall only be permitted as an accessory use to the principal residential use of a property.
- (b) Major home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.
- (c) A maximum of 50 percent of the gross floor area of a dwelling and accessory buildings may be devoted to major home occupation operations.
- (d) Up to 25 percent of the floor area of the principal dwelling may be devoted to a major home occupation.
- (e) There shall be no physical evidence of the major home occupation from other properties or the public right-of-way. Outdoor storage is prohibited.
- (f) All equipment and vehicles shall be stored indoors, except for one (1) commercial vehicle and trailer may be parked outdoors.
- (g) There shall be no more than one (1) sign for the business. Such sign shall not exceed six (6) square feet in size and shall not exceed six (6) feet in height.

2. Retail Sales. Accessory retail sales shall only be allowed if incidental to authorized uses and shall be subject to the parking and visitation requirements of this section.

3. Operation and Employees.

- (a) Major home occupations shall only be owned and operated by a full-time resident of the dwelling.
- (b) Any occupant of the principal dwelling may be employed by the major home occupation.
- (c) A maximum of three (3) persons who are not residents of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day.

4. Structure Requirements. Buildings that must meet special building code requirements, such as automatic fire suppression systems, explosion-proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of fuel, motor oil, lubricants, and anti-freeze), and other similar requirements are prohibited.

5. Access. If applicable, an applicant proposing a major home occupation that is accessed from a private street shall prove that access to the street by heavy equipment or trucks has been approved by the entity or owners who are responsible for ownership and maintenance of the private street.

6. Parking and Visitation.

- (a) Visitation of the site by clients, customers, or students shall be by appointment only.
- (b) No more than two (2) individual appointments shall be scheduled at any one (1) time.
- (c) Minimum parking:
 - (i) At least two (2) parking spaces for clients, customers, and students. The owner of the major home occupation shall be responsible for providing adequate off-street parking

for all vehicles associated with the business use and the residential use. Additional parking may be required during the special land use review.

(ii) One (1) for each employee.

7. Conditions of Approval. The Township may approve additional conditions, such as limiting the days and hours of operation, screening, buffering, limiting the amount and location of outdoor storage space, and any other conditions that are within the spirit of major home occupation business regulation and the intent of the Zoning Ordinance. [amended 4-20-20]

Section 16.03 Riparian Lot Regulations

- A. **Intent.** It is the intent of this section to promote the integrity of the lakes within LaGrange Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this Section shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.
- B. **Regulations.** In any zoning district where a parcel of land is contiguous to a lake, channel, or stream, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two or more dwelling units located away from the waterfront, only if the following conditions are met:
1. That said parcel of land contain a minimum of 7,000 square feet; fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall be one hundred forty (140) feet. No access property so created shall have less than two hundred (200) feet of water frontage with at least fifty (50) lineal feet of water frontage for each individual dwelling unit. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
 2. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
 3. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
 4. That access property, as provided for in and meeting the conditions of this ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use
 5. That only one (1) pier or dock will be allowed on each fifty (50) feet of lake frontage on access property. It will be no longer than 120% of the average of the four (4) adjacent residential piers or docks on either side of the access property to a maximum length of fifty (50) feet of lot frontage.

6. The deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have right to its use.
- C. **Non-conforming Uses.** In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such accesses shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

Section 16.04 Adult Uses and Sexually Oriented Business

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

However, it is recognized that these specified controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special designation and regulation in the I-1 District is therefore necessary to ensure that adverse effects of such uses will not contribute to the degradation of adjacent parcels and the surrounding area. Furthermore, these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious.

- B. **Uses Specified.** Uses subject to these controls as defined herein as "adult only businesses" are as follows:
1. Adult related businesses
 2. Adult motion picture theaters
 3. Adult book and video stores
 4. Adult cabarets
 5. Nude artist and photography studios
- C. **Site Location Principles.** The following principles shall be utilized to evaluate the proposed location of any such use. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such a use upon the neighborhood and area in which it is proposed:
1. No adult only business shall be located within five-hundred (500) feet, measured from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated, of a residential zoning district, church as herein defined, cemetery, school, library, public park or playground, non-commercial assembly facility, public office building, licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.), or arcade.
 2. An adult only business shall be located as a special use in the I-1 Industrial District.
 3. No adult only business shall be permitted within a one-thousand (1,000) foot radius of an existing adult only business. Measurement of the one-thousand (1,000) foot radius shall be made

from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.

D. Site Development Requirements.

1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
2. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature.
3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area.
4. No loud speakers or sound equipment shall be used by an adult only business that projects sound outside of the adult only business so that sound can be discerned by the public from public or semi-public areas.
5. An adult only business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.

E. Use Regulations.

1. No person shall reside in or permit a person to reside in the premises of an adult only business.
2. No person shall operate an adult only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the prices for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
3. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
4. No adult only business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
5. No person shall operate an adult personal service business without obtaining a current zoning certificate and current building occupancy permit. Such licenses shall be issued by the Zoning Administrator, Building Inspector, or duly appointed designee following an inspection to determine compliance with the relevant ordinances of LaGrange Township. Such license shall be subject to all regulations of federal, state, and local governments.
6. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from LaGrange Township, County of Cass, and State of Michigan.

- F. Conditions and Limitations.** In granting a Special Use Permit the Planning Commission may impose any such conditions or limitations upon the location, construction, maintenance or operation of the establishment or regulated use, as may in its judgement, be necessary for the protection of the public interest and the public health, safety and welfare. Such conditions and limitations shall be directly related to the standards in this Ordinance, and accomplish the purposes for which those standards were adopted.

Section 16.05 Gasoline Sales Facilities

- A. **Purpose and Application.** The purpose of this Section is to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of gasoline sales and to regulate and control other problems incidental to these uses that they may affect adjacent and surrounding areas. The provisions of this Section shall apply to any land uses that sell gasoline and diesel fuel for motor vehicles.
- B. **Minimum Area and Frontage.** Land uses subject to this Section shall be located on a lot with road frontage of one-hundred-fifty (150) feet or more, and with a minimum area of fifteen-thousand (15,000) square feet.
- C. **Setbacks.** In addition to the minimum yard space as required by the applicable zoning district regulations, any and all buildings for uses subject to this Section shall be located not less than forty (40) feet from any street lot line and not less than fifteen (15) feet from any side or rear lot line directly adjoining a residential zoning district.
- D. **Driveway and Curbs.**
1. In addition to the parking and loading standards provisions of Section 15, all driveways providing ingress to or egress from uses subject to this Section shall not be more than thirty (30) feet wide at the property line. Not more than one (1) curb opening shall be permitted along any street. No driveway or curb opening shall be located nearer than twenty (20) feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway.
 2. A raised concrete curb, six (6) inches in height, shall be erected along all street lot lines, except for driveway openings.
- E. **Paved Areas.** The entire lot, excluding the area occupied by a building shall be hard surfaced with concrete or a plant-mixed bituminous material, except for approved landscaped areas.
- F. **Equipment Location.** All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline and fuel pumps shall be located not less than fifteen (15) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right of way.
- G. **Number of Pumps.** Land uses subject to this Section located on a lot having an area of fifteen-thousand (15,000) square feet or less shall include not more than four (4) double gasoline and fuel pumps or eight (8) single gasoline and fuel pumps and two (2) enclosed stalls for servicing, lubricating, greasing, and/or washing motor vehicles. An additional two(2) gasoline and fuel pumps and/or one (1) enclosed stall may be included with the provision of each additional two-thousand square feet of lot area.
- H. **Lighting.** All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property, and shall comply with all requirements of this Ordinance.
- I. **Removal of Underground Storage Tanks.** In the event that a land use subject to this Section has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises by the owner.

Section 16.06 Mining, and Sand and Gravel

- A. The application for a special use permit for such uses shall also contain the following:
 - 1. Name of owner of lands from which removal is to be made
 - 2. Proposed method of removal and equipment intended to be used in the removal
 - 3. Proposed method of restoration of area after removal of resources is completed.
 - 4. A map of the parcel involved showing all buildings, streets, drainage facilities and natural features within two hundred (200) feet thereof shall accompany the application.
 - 5. A topographic contour plan of the proposed restoration elevations shall also be presented with the application where quantities of earth are to be removed from the parcel.
 - 6. Certification by the County Road Commission, County Drain Commissioner, and the Cass County Soil Conservation Service that the proposed use will not severely threaten the public safety or property rights of others and that sedimentation control standards of the Soil Conservation Service will be met.
- B. The change in the natural contour of the land during mining operations and at the cessation of same shall be maintained as safe for any person having reason to be within the area of mining activity and all trespassers.
- C. No business or industrial structures or buildings of a permanent nature shall be erected without prior approval.
- D. No truck parking or truck storage shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any adjoining property.
- E. A well maintained wire or painted wooden fence shall be erected on any side adjoining a residential property.
- F. No part of the removal process shall take place closer than two hundred (200) feet to the nearest adjacent residence or closer than fifty (50) feet to any street line.
- G. The proposed restoration elevations shall be compatible with surrounding areas and adequate safeguards shall be made to insure proper drainage.
- H. The property shall be restored by the replacement of topsoil and such soil shall be stabilized by appropriate plantings.
- I. All truck traffic shall be directed away from residential streets.

Section 16.07 Junkyards

- A. All applicable requirements of the A-P and A-G agricultural districts must be met.
- B. The proposed buildings and structures shall be so situated as to minimize adverse effects therefrom upon owners and occupants of adjacent properties.
- C. Any adverse effects of the junk yard shall be minimized by screening, fencing, landscaping, setbacks, building location, structures, and entryways.
- D. There must be a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.

Section 16. Specific Development Standards

- E. The site shall be at least five hundred (500) feet from any dwelling unit, church, school, public building, public or semi-public place, including parks and recreation areas.
- F. The area shall be completely enclosed by a solid fence of at least six (6) feet, not to exceed eight (8) feet, in height and no material storage within the fenced area shall be visible above said fence. Design and construction of said fence shall be approved as part of the required site plan.
- G. No dumping or burning of garbage or trash shall be permitted.
- H. The site shall not create a nuisance adversely affecting adjoining properties.
- I. The operator of a junk yard shall be subject to periodic inspection and review by the zoning officer and planning commission.

Section 16.08 Agricultural Labor Camps

- A. Dwelling units in agricultural labor camps provided for migratory employees engaged in agricultural activities on a farm shall be exempt from the minimum lot size and width requirements contained in the agricultural districts in which they are located.
- B. All structures in agricultural labor camps shall comply with the setback requirements established in the zoning district in which it is located and the provisions of Public Act 289 of 1957, as amended, and the administrative rules promulgated thereunder.
- C. The provisions of the zoning district in which the proposed use is to be located shall apply to dwelling units for seasonal employees which do not meet the definitions of an agricultural labor camp.

Section 16.09 Contractor Operations

- A. All applicable requirements of the A-G General Agricultural District must be met.
- B. Employees shall be limited to no more than two (2) off site or outside persons plus the property owner and immediate family.
- C. All storage including commercial vehicles shall be inside with total structures not to exceed 2,500 square feet, excluding the residential structure.
- D. All drives and parking areas shall be paved or covered with gravel surface.
- E. Any adverse effects of proposed use shall be minimized by screening, fencing, landscaping, setbacks, building location, structures and entryways.

Section 16.10 Bar, Tavern, Private Non-commercial Club, or Nightclub

- A. All portions of any building in which a bar, tavern, private non-commercial club, or nightclub, as herein defined, is operated shall be located at least two-hundred (200) feet from any building used for, intended to be used for, or zoned for residential use.
- B. All portions of any building in which a bar, tavern, private non-commercial club, or nightclub, as herein defined, is operated shall be located at least three-hundred (300) feet from any building used for or intended to be used for a school, a church, a hospital, or a public building.

Section 16.11 Wholesale Establishments

- A. The lot shall be located not less than 200 feet from any residence.
- B. The site shall be located on a major street or highway.
- C. Off-street parking standard 4.15(5) shall be satisfied, with screening also applicable to any adjacent retail or public property.
- D. All activities shall be carried on only in buildings conforming to the Building Code, and the operations shall be carried on in such a manner and with such precaution against fire and explosion hazards, as to produce no explosion hazards as determined by the Michigan Department of Labor to a use on an adjacent property. Every wholesale establishment permitted as a Special Land Use in the C-1 District shall be equipped with fire extinguishers approved by the Fire Chief as being sufficient in view of the nature and extent of the fire risk.
- E. There shall be no emission of smoke, atomic radiation, fumes, gas, dust, odors, or other atmospheric pollution which will disseminate beyond the lot in such a manner as to be objectionable to adjacent premises.
- F. All methods of sewage and waste disposal shall conform to County and State Health Department regulations.
- G. There shall be no vibration which is discernable to the human sense of feeling beyond the lot lines of the property on which such use is conducted.
- H. There shall be no noise emanating from the operation which will adversely affect surrounding areas.
- I. There shall be no direct or sky-reflected glare from on-site lighting or from operations on the property which would be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- J. Data demonstrating compliance with each of the standards set forth in subsection (A) through (I) shall constitute a part of the application for a Special Use Permit.

Section 16.12 Slaughter House

- A. Site shall be located on a major street or highway.
- B. Facility shall be serviced by municipal sewer.
- C. Operating level (kills per day) shall be approved as part of the special use permit approval and increases shall be subject to review and approval under the provisions of this Section 21.
- D. All exterior expansions or extensions of buildings and/or pens shall be subject to review and approval under Section 21.

Section 16.13 Wireless Communication Facilities

- A. **Intent.** Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of the Ordinance is to minimize adverse visual effects of towers and to avoid interference with adjacent property while adequately serving the community.
- B. **Exemption.** Wireless communication facilities and equipment are a permitted use of property and are not subject to Special Land Use permit approval or any other approval under the Michigan

Zoning Enabling Act if all the following requirements are met:

1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
2. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was previously approved by the township.
3. The proposed collocation will not do any of the following:
 - (a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.
 - (b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - (c) Increase the area of the existing equipment compound to greater than 2,500 square feet.
4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support. [amended 4-20-20]

C. **Permitted as Principal Use.** In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval in accordance with Section 20, and subject to the approval of a Special Use permit in accordance with Section 21:

1. Collocation of an attached wireless communication facility which has been previously approved for collocation by the Planning Commission;
2. Wireless communication facilities attached to a utility pole located within a right-of-way, where the existing pole is not modified to materially alter the structure and/or result in an impairment of sight lines or other safety interests; or
3. Wireless communication facilities with monopole support structures of one-hundred-fifty (150) feet or less in height within the I-1 and AG zoning districts.
4. Wireless communication facilities with support structures that are greater than one-hundred-fifty (150) feet in height within the I-1 and AG zoning districts provided they are located five-hundred (500) or more feet from any residentially zoned area.

D. **Special Use Permit Application.** The application for a Special Use Permit for a wireless communication facility shall contain, in addition the requirements of Section 21, the following information:

1. **Demonstration of Need.** Demonstration of the need for the proposed wireless communication support structure due to a minimum of one of the following:
 - (a) Proximity to an interstate or limited-access highway or major thoroughfare.
 - (b) Proximity to areas of population concentration.
 - (c) Proximity to commercial or industrial business centers.
 - (d) Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
2. **Service Area and Power.** As applicable, a description of the planned, proposed, or existing service area of the facility, and wireless communication support structure height and type, and signal

power expressed in effective radiated power (ERP) upon which the service area has been planned.

3. **Map of Other Facilities Nearby.** A map showing existing or proposed wireless communication facilities within LaGrange Township and Cass County, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. A written request for confidentiality must be prominently stated by the applicant.
4. **Data on Other Facilities Nearby.** For each location identified by the applicant/provider, the application shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain information:
 - (a) The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - (b) Evidence of property owner approvals.
 - (c) Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.
5. **Collocation.** All wireless communication support structures shall provide for collocation and shall accommodate no more than six (6) attached wireless communication facilities. Support structures shall allow for future rearrangement of attached wireless communication facilities to accept other attached facilities mounted at varying heights. The application shall indicate the applicant's commitment to allow for future collocations. The owner of any communication support structure who does not allow for a feasible collocation shall be deemed to be in violation of this Ordinance and subject to the enforcement provisions of Section 25.
 - (a) **Determining Feasibility of Collocation.** Collocation shall be deemed to be "feasible" when all of the following are met:
 - (i) The applicant/provider will pay market rent or other market compensation for collocation.
 - (ii) The site is able to provide structural support, considering reasonable modification or replacement of a facility.
 - (iii) The collocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
 - (iv) The height of the structure necessary for collocation will not be increased beyond maximum height limits.
 - (b) **When Collocation is Not "Feasible."** Wireless communication support structures that do not allow for collocation shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly collocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:
 - (i) The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by licensed engineer, and the existing

support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- (ii) The planned equipment would cause interference affecting the function of other equipment on the existing support structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.
- (iii) Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
- (iv) Other unforeseen reasons that make it not feasible to locate the planned communications equipment upon an existing support structure or other structure.

E. **Special Use Permit Approval.** In addition to the other requirements for approval of a Special Use Permit, the Planning Commission shall not approve a Special Use Permit unless it finds, based on the information submitted in accordance with paragraph D above, that there is a demonstrable need for the proposed wireless communication facility.

F. **Site Plan Application and Approval Requirements.** The application for Site Plan Approval shall include, in addition to the requirements of Section 20, the following information:

1. **Fall Zone Certification.** To determine the required setbacks, a State of Michigan registered engineer shall submit a determination and certification regarding the manner in which the proposed structure will fall. The fall zone or collapse distance as cited in the certification shall therefore be the minimum setback required. However, in the absence of an engineer's certification, the minimum setback shall be equal to the total height of the tower. Furthermore, in no case shall the minimum setback from a property line be less than seventy-five (75) feet.
2. **Description of Security for Removal.** A financial security (Performance Guarantee) may be required for the wireless communication support structure to ensure removal and maintenance, in accordance with the provisions of Section 21. The security may be required at the discretion of the Planning Commission.
3. **Data on FCC and FAA Approval.** An application for a wireless communications installation shall have been first submitted for review and have been approved for such facility before the Federal Communications Commission, Michigan Aeronautics Commission and Federal Aviation Administration. Authorization for the facility shall be submitted to the Township as part of the application packet. Approved facilities shall be subject to all FAA, MAC and FCC requirements for placement, maintenance, and operation.
4. **Lot Size and Access.** All wireless communication facilities shall be located on a minimum of a one-half (½) acre parcel and shall have direct or deeded access to a public road right-of-way. Verification of said access shall be provided with the application.
5. **Landscaping.** All existing vegetation shall be shown on the submitted site plan and shall be preserved during and after installation to the maximum extent possible. Furthermore, additional landscaping may be required by the Planning Commission.
6. **Fencing.** All wireless communication sites shall be fenced with appropriate material with a minimum height of six (6) foot and a maximum height of eight (8) feet. All support structures, wires, and accessory buildings shall be located within the fenced area. The use of barbed wire, electric current or charge of electricity is strictly prohibited.
7. **Compatibility of Support Structures.** Wireless communication support structures shall not be

injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment. In addition, all structures shall be equipped with an anti-climbing device to prevent unauthorized access.

8. **Maximum Height.** The maximum height of wireless communication support structures shall be the lesser of: a) two-hundred-fifty (250) feet; or b) the minimum height demonstrated to be necessary by the applicant; or c) such lower heights as required and approved by the Federal Aviation Administration. The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within the underlying zoning district.
 9. **Compatibility of Accessory Structures.** Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.
 10. **Federal and State Requirements.** The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan. Structures shall be subject to any State and Federal regulations concerning nonionizing electromagnetic radiation. Furthermore, if more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the approval and permit for the structure shall be subject to revocation by the Township. The cost for testing and verification of compliance shall be borne by the operator of the antenna.
- G. **Radio Frequency Emission Standards.** Wireless communication facilities shall comply with applicable Federal and State standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.

Section 16.14 Manufactured Housing Development

- A. **Statement of Intent.** This section is intended to provide for the location and regulation of manufactured housing parks as an affordable housing alternative where appropriate and consistent with the general character of LaGrange Township. It is intended that manufactured housing parks be provided with necessary community services in a setting that provides a high quality of life for its residents. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, manufactured housing parks shall be permitted, by special exception in the R-2 zoning district.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured housing parks. When regulations in this Section exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured housing parks meet the development and site plan standards established by this Section for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

These specific standards reflect the nature of LaGrange Township in contrast with some other areas of Michigan where the universal rules of the Manufactured Housing Commission may be

appropriate. These standards encourage development which compliments and protects the investment on adjacent properties, and promotes preservation of important natural features.

B. Development Standards and Requirements.

1. Preliminary Plan Review. Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the applicant and Planning Commission shall follow the procedures and requirements in Section 14, Site Plan Review, where applicable, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan.

Applicants may request to meet with Township officials, including any consultants designated by the Township Board of Trustees, to preliminarily review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Township officials, staff or consultants at such conferences shall constitute approval of any application.

2. Minimum Requirements. Manufactured housing parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements.
3. General Authority. Manufactured housing parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Manufactured Housing Commission Act, Act 96 of 1987, and subsequently adopted rules and regulations governing manufactured housing parks. Application for permit to construct a manufactured housing park shall be submitted to the Michigan Bureau of Construction Codes. The Department of Consumer and Industry Services is the agency charged with licensing of manufactured housing parks. Preparation of the application, support data, and local agency review of the above mentioned materials shall conform to the requirements of Act 96.
4. Codes. All structures and utilities to be constructed, altered, or repaired in a manufactured housing parks shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured housing unit built prior to June 15, 1976 which otherwise meets HUD certification requirements and standards for construction shall be permitted. All structures and improvements to be constructed or made under the County Building Code shall have a building permit issued therefore by the County Building Inspector prior to construction.
5. Parcel Size. The minimum parcel size for manufactured housing parks shall be fifteen (15) acres.
6. Site Size. The manufactured housing parks shall be developed with sites having a minimum size of five-thousand-five-hundred (5,500) square feet per manufactured housing unit. This square

foot minimum for any one site may be reduced twenty percent (20%) provided that the individual site shall be equal to at least four-thousand-four-hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below the required standard, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the open space required by this Section and under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code. However, in no case shall the open space and distance requirements be less than that required under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

7. Dimensional Requirements. Manufactured housing units shall comply with the following minimum distances and setbacks:
 - (a) Twenty (20) feet from any part of adjacent manufactured housing units.
 - (b) Ten (10) feet from any on-site parking space of an adjacent manufactured housing unit site.
 - (c) Ten (10) feet from any accessory attached or detached structure of an adjacent manufactured housing unit.
 - (d) Fifty (50) feet from any permanent building.
 - (e) One hundred (100) feet from any baseball, softball, or similar recreational field.
 - (f) Fifteen (15) feet from the edge of an internal road.
 - (g) Seven (7) feet from any parking bay.
 - (h) Seven (7) feet from a common pedestrian walkway.
 - (i) All manufactured housing units shall be set back not less than twenty-five (25) feet from any park boundary line, including the existing and future rights-of-way lines of abutting streets and highways. Accessory buildings shall meet the setback requirements as established by this Ordinance for residential districts.
 - (j) Forty (40) feet from the edge of any railroad right-of-way.
8. Building Height. Buildings in a manufactured housing development shall not exceed two-and-one-half (2 ½) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.
9. Roads. Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Commission Rules except as follows:
 - (a) Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted on one side only, and forty-one (41) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
 - (b) One-way streets shall have a minimum width of thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted on one side only, and thirty-three (33) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
 - (c) The alignment and gradient of a road shall be adapted to the topography and shall be graded for its full width to drain surface water. Internal road gradient and drainage construction phase features shall meet the requirements of the Manufactured Housing Commission Rule

908 and Rule 47 of the Michigan Department of Environmental Quality standards.

- (d) Cul-de-sacs, where proposed, shall have a minimum radius of thirty (30) feet (60 ft. in diameter). Maximum cul-de-sac length shall be one-thousand (1,000) feet, provided no more than thirty-five (35) units may be served by a single means of access. A dead end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
 - (e) Adequate sight distance shall be provided at all intersections.
 - (f) The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved public collector or arterial road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.
 - (g) All roads shall be clearly marked with appropriate identification and traffic control signs. The name of any streets or roads shall be approved by the Cass County Land Resource Center.
 - (h) All roads shall be hard-surfaced and may be constructed with curbs and gutters.
10. Parking.
- (a) All manufactured housing sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules 925 and 926.
 - (b) In addition, a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served.
 - (c) Off-street parking in accordance with Section 17 of this Ordinance shall be provided in conjunction with any community buildings, recreational facilities or office/maintenance buildings located within the manufactured home park.
 - (d) No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.
 - (e) Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited to use only by residents of the manufactured housing parks. The location of such storage areas shall be shown on the site plan and shall be prohibited on manufactured housing sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the manufactured housing parks. Such storage area shall be surfaced with gravel, asphalt or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Common laundry drying areas, trash collection stations, surface mounted transformers, and similar equipment and facilities shall also be screened from view by plant material and/or man-made screens.
11. Sidewalks. Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of collector roads in the manufactured housing park. In addition, a five (5) foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured housing park fronts. Such sidewalk shall be located within the road right-of-way, one foot off of the right-of-way line.

12. Accessory Buildings and Facilities.

- (a) Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only and shall be shown on the submitted Preliminary Plan for approval.
- (b) Site-built structures within a manufactured housing park shall be constructed in compliance with the applicable Building Code and shall require all applicable permits. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with applicable Building Codes.
- (c) No personal property shall be stored outside or under any manufactured home. Storage structures (e.g., sheds, garages, etc.) may be used to store personal property on site. The installation of any such shed or garage shall require a Cass County building permit. Storage sheds need not be supplied by the owner or operated of the manufactured housing park.
- (d) Travel trailers or recreational vehicles shall not be occupied as living quarters in all new and future manufactured housing developments.
- (e) Towing mechanisms, including tires, shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

13. Open Space. Open space shall be provided in any manufactured housing park containing fifty (50) or more manufactured housing sites, and maintained by the owner or operator of the park. The open space shall comply with the following requirements:

- (a) A minimum of two percent (2%) of the park's gross acreage shall be dedicated to well drained, usable open space developed with appropriate recreational facilities and play equipment, provided that a minimum of twenty-five-thousand (25,000) square feet of contiguous open space.
- (b) Open space shall be shaped and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.

14. Landscaping and Screening.

- (a) Perimeter Screening. All manufactured housing parks shall be screened from existing adjacent residential uses by either a six (6) foot wall or a densely planted landscaped greenbelt. In addition a landscaped buffer shall be provided along the public road frontage of any manufactured housing park.
 - (i) If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.
 - (ii) If a landscaped greenbelt is used, it shall be a minimum of twenty (20) feet in width and consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet

apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

- (b) Landscaping Adjacent to Rights-of-Way. A landscaped berm measuring three (3) feet in height along a landscaped greenbelt shall be constructed along the public rights-of-way on which the manufactured housing park fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in LaGrange Township:
 - (i) Deciduous street tree (e.g., Red or Norway Maple, Linden, Ash) shall be planted at the rate of 1 per 40 lineal feet of road frontage.
 - (ii) Deciduous or evergreen shrubs shall be planted at the rate of 1 per 3 lineal feet of road frontage.
 - (c) Site Landscaping. A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.
 - (d) Parking Lot Landscaping. Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one-hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) tree shall be planted per parking lot landscaped area.
15. Canopies. Canopies and awnings may be attached to any manufactured dwelling unit and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section but shall not require a building permit unless fully enclosed or exceeding ten (10) foot by ten (10) foot in size.
16. Waste Receptacles. If proposed, waste receptacles shall comply with the following requirements as well as Part 5 of the MDEQ Standards for waste receptacles:
- (a) Receptacles shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured housing park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle. Receptacles shall be provided within one-hundred-fifty (150) feet of each manufactured housing unit, unless curb-side collection is provided.
 - (b) Receptacles shall be screened on three (3) sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other sides.
 - (c) Receptacles shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.
17. Signs.
- (a) Each manufactured housing park shall be permitted either:

- (i) Two (2) signs, each of which shall not exceed five (5) feet in height and sixteen (16) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line; or
 - (ii) One (1) sign which shall not exceed five (5) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.
- (b) Management offices and community buildings in a manufactured housing park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.
18. **Water and Sewer Service.** All manufactured housing parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Cass County Health Department and the Michigan Department of Public Health. Public sewer systems shall be required in manufactured housing parks, if available within two-hundred (200) feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. The plumbing connections to each manufactured housing site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
19. **Storm Drainage.** All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, independent of sanitary sewers, designed and constructed in accordance with applicable local, county, and state regulations as outlined in Part IV of the MDEQ Standards. On-site storm water detention facilities may be required.
20. **Underground Wiring and Utilities.** All local distribution lines for franchised utilities, including but not limited to telephones, electrical service, and cable television, shall be placed entirely underground throughout mobile home parks. Mainlines and perimeter feed lines located on a Section or Quarter Section Line may be above ground if they do not overlap the park. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.
21. **Fuel Oil and Gas.** Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
22. **School Bus Stops.** School bus stops shall be located in an area that is acceptable to the local school district and the manufactured housing park developer.
23. **Mailbox Clusters.** The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing park road with a public road.
24. **Manufactured Housing Unit Sales.** The business of selling new or used manufactured housing as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park has been achieved. Thereafter, new or pre-owned manufactured homes which are to remain on-site in a manufactured housing community may be sold by the resident, owner, licensed dealer or broker, provided the manufactured housing development

management permits such sales activity.

25. Prohibitions. A manufactured home shall only be used as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community for sale or temporary sales office purposes.

26. Operational Requirements.

(a) Permits. A manufactured housing park shall not be operated until a license has been issued by the Michigan Bureau of Construction Codes. The Zoning Administrator shall communicate his/her recommendations regarding the issuance of such licenses to the Director of the Manufactured Housing Division, Bureau of Construction Codes, Michigan Department of Consumer and Industry Services. No individual manufactured housing site shall be occupied until the required improvements including utilities and access roads which serve the site are in place and functioning. Buildings constructed on-site, such as a management office or clubhouse, shall require a building permit prior to construction and a Certificate of Occupancy prior to use.

(b) Violations. Whenever, upon inspection of any manufactured housing park, the Zoning Administrator finds that conditions or practices exist which violate provisions of this Section or other regulations referenced herein, the Zoning Administrator shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

(c) Inspections. The Zoning Administrator or other authorized Township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section or other regulations referenced herein.

Section 16.15 Private Road Standards and Procedures

A. **Access and Frontage Requirements.** All parcels of land which are not part of a recorded plat shall have access to a dedicated public street or access to an approved private road as described herein. To be buildable, a parcel of land shall have the required minimum frontage upon a dedicated public road or upon an approved private road as described here.

B. **Required Approval.** No person shall commence construction of a private road within the Township without prior approval by the Township. Applications for approval shall conform to the rules of procedure as promulgated by the Planning Commission and as adopted by the Township.

A construction permit for a private road as approved by the Township shall be valid for a period of not more than two years. The developer of a private road shall be responsible for maintenance of the private road in front of all unsold lots or where a maintenance agreement is in effect. The developer is also responsible for policing all parcels that remain unsold of all dumping and trash.

C. **Design Standards.**

1. All private roads shall be built to Cass County Road Commission standards, and to the following.

If there is any conflict between the standards set forth below and the County Road Commission standards, the more stringent standard shall apply.

- (a) All private roads shall be a minimum of sixty-six (66) feet in width and shall be created by an easement for purposes of ingress and egress for all abutting lots which must use the private road for those purposes.
 - (b) Plans shall show all existing and proposed grades, the location of all existing and proposed drainage facilities and structures and any other physical conditions existing adjacent to the subject private road.
 - (c) The angle of intersecting streets shall be between sixty-five (65) degrees and ninety (90) degrees. Minimum radius at intersections shall be thirty (30) feet measured along the parcel boundaries.
 - (d) There shall be a minimum of fifty (50) feet of flat gradient along the center line profile of the new private road from the center line of the public road before entering into a vertical curve.
 - (e) An aggregate surface twenty-two (22) feet wide shall be constructed upon prepared sub-grade in accordance with the provisions of this Ordinance. Topsoil shall be stripped and stockpiled outside the 66' right-of-way easement and spread in the ditches and on the slopes at the completion of the project.
 - (f) Drainage ditches shall be constructed on each side of the proposed private road in cut sections and fill sections where required to a minimum depth of two feet and deeper where necessary at intersections to permit culverts to be installed. Either concrete or 12 gauge corrugated metal pipe shall be used at intersections and at driveway entrances. Minimum inside diameter of a crossroad culvert shall be fifteen inches and a minimum inside diameter for a driveway culvert of twelve inches with a minimum length of twenty-two feet. Sodding, planting, rip-rapping, top soil, seeding or other measures of erosion control shall be used where required. In areas of critical drainage, the Township Engineer will specify the culvert size and length.
 - (g) Private roads which are cul-de-sacs shall have a maximum length of six hundred (600) feet measured from the centerline of intersections along the centerline to the furthest point of the cul-de-sac. Exceptions may be made where unusual topographic conditions exist or where land configurations require a maximum length extension to otherwise meet the purposes of this Ordinance.
 - (h) Minimum turning radius and pavement width at cul-de-sac terminus shall meet County Road Commission standards.
2. No private road shall:
 - (a) Provide access to more than one dedicated public road.
 - (b) Provide access to another private road.
 3. The applicant shall submit at least two proposed names for a private road to the Township Board.
 4. The applicant shall submit a drawing of said private road, as well as a letter of intent stating general specifications for said private road, including total proposed length. In no event shall any private road be extended beyond the length as shown on said drawings and letter of intent.
 5. For any parcel of land not fronting on an established public road, an easement for the

construction and maintenance of various public utilities including natural gas, electric telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.

D. Deed Restrictions.

1. Prior to the approval of the proposed private road, the applicant shall submit to the Township, a set of deed restrictions in a form acceptable to the Township which shall provide for the creation of the private road easement and the creation of a homeowner's association whose members shall be the property owners abutting said road. The association shall be responsible for the upkeep and maintenance of said road. No more than one association shall be responsible for any one private road. The Township shall be given the authority to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and up-keep costs and fees expended by the Township relating to this assessment. Said restrictions shall be recorded prior to the completion of the road.
2. The applicant shall also submit to the Township, a document in a form sufficient for recording with the County Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant, or their heirs or assignees hold the Township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.
3. Road Maintenance Agreement: Owners of private roads may petition the Township Board for permission to enter into a maintenance agreement, with authority given to the Township Board to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and upkeep costs as provided in this Ordinance by submitting to the Township Board the following:
 - (a) A petition, executed by 100% of the owners of said private road, requesting that the Township be given the authority to make the assessments provided for herein.
 - (b) A set of proposed deed restrictions or in the alternative, a proposed maintenance agreement, acceptable to the Township Board, in a form sufficient for recording with the Cass County Register of Deeds, executed by 100% of the owners of the private road which shall provide for the maintenance and upkeep of the private road and which shall also give the Township Board the authority to make the assessments provided in this Ordinance. In the event of ownership by joint tenants, tenants-in-common, or tenants by the entireties, signatures of all those with an ownership interest in the private road shall be required. The maintenance agreement or deed restrictions shall be considered covenants running with the land.
 - (c) One hundred percent of the owners of the private road shall also submit to the Township, a document, in a form sufficient for recording with the County Register of Deeds, stating that in no event shall the association, if any, the individual owners, or their heirs or assignees hold the Township liable for the costs of road signs, traffic control signs, lighting or snow removal. The Township Board shall have the discretion to accept or reject any request to assume partial or total responsibility for the making of the assessments provided for herein. If the Board accepts the request, the proposed deed restrictions and/or maintenance agreement shall be executed forthwith and recorded in the office of the County Register of Deeds, prior to the making of any assessments by the Township. Term owners of a private road shall be construed to mean those properties that either abut or front said private road.
 - (d) Preparation of Plans and Legal Descriptions: All drawings, legal descriptions and private road specifications shall be prepared and sealed by a registered civil engineer and/or

registered land surveyor.

(e) Conditions for Issuing of Permit:

- (i) Except as provided in this Ordinance, no building permits shall be issued for parcels abutting private roads until the Township Engineer has reported to the Township Board that said private road meets the standards provided herein.
 - (ii) Building permits may be issued prior to the required reports by the Township Engineer when any or all of the following conditions are satisfied, and subject to the subbase being installed within the private road and approved by the Township Engineer.
 - A. The subject parcel also abuts a dedicated public, county road and,
 - B. Construction permits have been obtained by the applicant for the building permit from Cass County Road Commission for the construction of an entrance from the subject parcel onto the County right-of- way;
 - C. The applicant's plans provide that no other parcel shall have access permitted through said entrance to the County right-of-way unless the driveway is improved to the standards contained herein.
 - (iii) The building permit applicant supplies a performance bond guaranteeing the completion of the private road according to the standards provided hereon. The surety bond, to be executed by a surety company authorized to do business in the State of Michigan shall be in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder.
 - (iv) In fixing the amount of such surety bond, the Township Board shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this Ordinance by court order or such other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. In the alternative, the Township Board may accept a cash bond to be held by the Township under the terms of a written agreement between the applicant and the Township.
- (f) Notwithstanding the provisions of this Ordinance, certificates of occupancy will not be issued until the Township Engineer has reported the completion of the road as provided for in this Ordinance.

Section 16.16 Accessory Non-Commercial Solar Energy Systems

A. Applicability.

- 1. This section authorizes and regulates accessory non-commercial building-mounted and ground-mounted solar energy systems in all zoning districts.
- 2. This section does not regulate commercial solar energy systems.
- 3. This section does not apply to smaller-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than six (6) feet above the ground.

B. Application and Review.

1. In addition to all other required application contents for zoning and building permits, equipment and unit renderings and plans shall be submitted for review.
2. Accessory non-commercial building-mounted solar energy systems shall be approved administratively by the Township Building Official.
3. Accessory non-commercial ground-mounted solar energy systems shall be approved administratively by the Zoning Administrator and the Building Official.

C. Accessory Non-Commercial Building-Mounted Solar Energy Systems. Systems are permitted on buildings in all zoning districts, as long as all components comply with required building setbacks and maximum height requirements for buildings.

D. Accessory Non-Commercial Ground-Mounted Solar Energy Systems.

1. **Minimum Lot or Parcel Size.** The minimum lot or parcel size to place an accessory non-commercial ground-mounted solar energy system is two (2) acres.
2. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs considerable glare onto neighboring dwellings or adjacent streets. At the request of the Zoning Administrator or Planning Commission, the applicant shall prepare a glare analysis to demonstrate compliance with this standard.
3. **Location.** Systems shall be placed in rear yards unless existing vegetation and other site constraints make rear yard placement unfeasible. The Zoning Administrator shall refer side and front yard placement requests to the Planning Commission in cases where there is a higher likelihood of visual impact to nearby residents. The Planning Commission shall consider the appropriateness of side or front yard placement against the following factors:
 - (a) There will not be a significant visual impact on neighboring property, or the system will be buffered or screened.
 - (b) The placement does not impact the existing residential and neighborhood character of the area.
 - (c) The placement does not negatively impact public health, safety, and welfare.
4. **Installation.** Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township before installation.
5. **Wires.** All wires shall be buried underground. Overhead wires are prohibited.
6. **Setbacks.** Accessory non-commercial ground-mounted solar energy systems shall be subject to the setbacks required for principal buildings. Measurement shall be taken from the outermost edge of the support structure or solar panel, whichever is closer to the property line, to the applicable property line.
7. **Maximum Number.** One (1) accessory non-commercial ground-mounted solar energy system and its associated support structure are permitted per lot or parcel.
8. **Maximum Size.** Systems shall be no larger than the square footage required to provide power to a residence and accessory buildings on a lot or parcel but shall not exceed 1,500 square feet of collector panels. Proposed system power generation specifications shall be provided by the

applicant for Township review.

9. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
10. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the property owner provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension for reinstatement may be granted by the Zoning Administrator.
11. **Removal.** The property owner shall remove the support structure, panels, and all equipment and restore the site to its condition prior to the installation of the system within one (1) year of abandonment. [amended 4-20-20]

Section 16.17 Commercial Solar Energy Systems

- A. **Principal or Accessory Use.** Commercial solar energy systems may be established as principal or accessory uses.
- B. **Applications.** An application for a special use permit and final site plan shall contain the information required pursuant to Section 21 for Special Use permit approval, Section 20 for site plan approval, and other information as required by this section. In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review. Commercial solar energy systems are permitted by the issuance of a special land use permit and approval of a final site plan by the Planning Commission. Multiple participating commercial solar energy parcels operating as one commercial solar energy system may be applied for under a single special land use permit.
- C. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs considerable glare onto neighboring dwellings or adjacent streets. The applicant shall provide a glare analysis to demonstrate compliance with this standard.
- D. **Minimum Setbacks.** Commercial solar energy systems and all equipment, aside from wires, shall be set back a minimum of 100 feet from property lines and public right-of-way. Commercial solar energy systems shall not be subject to property line setbacks between participating commercial solar energy parcels.
- E. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
- F. **Minimum Acreage.** The minimum acreage for a commercial solar energy system on a single parcel is 40 acres. For commercial solar energy systems spanning multiple contiguous participating commercial solar energy parcels, the minimum combined acreage is 40 acres.
- G. **Screening.** Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of fences, screening walls, landscaping, or preservation of existing vegetation, that will blend the facility into the natural setting and existing environment.
- H. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the responsible party provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension for

reinstatement may be granted by the Township Board.

- I. **Removal.** The responsible party shall remove all equipment and structures and restore the site to its condition prior to the installation of the system within one (1) year of abandonment.
- J. **Decommissioning.** A decommissioning plan signed by the responsible party and the property owner (if different) addressing the following shall be submitted prior to approval:
 1. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)
 2. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
 3. Restoration of property to its original condition, or a condition that is stabilized and graded to be consistent with the character of the area.
 4. The timeframe for completion of decommissioning activities.
 5. Description of any agreement (e.g. lease) with the property owner regarding decommissioning, if applicable.
 6. The entity or individual responsible for decommissioning.
 7. The financial plan for decommissioning activities and site restoration.
 8. Protocol for updating the decommissioning plan.
 9. A performance guarantee may be required to be posted in the form of a bond, letter of credit, cash, or another form acceptable to the Township to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the anniversary date of special land use approval.
 10. The property owner and responsible party shall agree to the decommissioning plan, and the Township's requirements for decommissioning, in the form of a written agreement with the Township that shall be filed with the Cass County Register of Deeds office. [amended 4-20-20]

Section 16.18 Event Buildings

- A. **Minimum Acreage.** A single parcel, or contiguously-owned parcels, not less than 10 acres.
- B. **Setbacks.** Parking and buildings associated with the use shall be 100 feet from all lot lines. The use of existing buildings and parking areas that do not conform to the required setback, or proposals for buildings and parking areas with setbacks less than 100 feet, may be approved if it is determined that the proposed use will have no harmful effects on adjacent residential uses. However, as a condition of approval, the Township may also require increased setbacks if it determined that greater separation would better protect adjacent residents and landowners.
- C. **Location of Buildings.** In consideration of the site plan associated with the special land use, the Township shall consider the placement of event buildings and activities as they relate to the potential impact on adjacent properties.

- D. **Parking and Driveway Surface.** See Section 15.19 D for the minimum number of parking spaces and Section 15.19 F for parking space and drive aisle dimensional requirements, except that the surface may be gravel, aggregate, or a comparable surface approved by the Planning Commission. Parking is prohibited along public roads and right-of-way.
- E. **Annual and Seasonal Events.** The Township may set the allowable number of annual and seasonal events and activities during the review and approval of the special land use application. Limitations may be imposed by the Township to preserve existing community character.
- F. **Hours of Operation.** The Township may set the hours of operation during the review and approval of the special land use application.
- G. **Sanitation.** Permanent or temporary restroom facilities shall be provided in accordance with the rules and regulations of the Cass County Health Department.
- H. **Noise.** Amplified sound is prohibited unless it can be demonstrated that abutting residential properties will not be affected by excessive noise. Proposals for amplified sound shall be considered on a case-by-case basis, based on an assessment of potential decibel level, location of speakers, proximity to nearby residential uses, the existence of trees and vegetation, and proposed hours of operation.
- I. **Building and Fire Code Compliance.** All buildings or structures accessible to the public shall have permits obtained and inspections completed to ensure building and fire code compliance for the use group specified.
- J. **Buffering and Screening.** At the discretion of the Township, screening and buffering may be required to reduce the visual and audible impact to nearby residential properties, as well as light spillover.
- K. **Alcohol Service at Events.**
 1. Beer, wine, and spirits may be served at private events under a MLCC Catering Permit; however, alcoholic beverages shall not be sold directly to consumers.
 2. Service shall comply with the requirements of the MLCC. In cases where the requirements of this section are stricter than MLCC requirements, this section shall supersede.
 3. This section does not apply to private events where a host and/or guests supply alcoholic beverages and there are no charges of any kind, including entry fees and donations to cover the cost of the beverages. [amended 4-20-20]

Section 16.19 Bed and Breakfasts

- A. **Licensing.** Proof shall be submitted that an application has been made to obtain a state license. All applicable licenses shall be obtained prior to commencing the use.
- B. **Principal Residence.** A bed and breakfast use shall only be established in a detached single-family dwelling, which shall also be the principal residence of the owner or manager.
- C. **Appearance.** The building shall maintain an exterior appearance that is in character with surrounding residential uses.
- D. **Lot Conformance.** A bed and breakfast shall be located on a conforming lot or parcel.
- E. **Guest Rooms.** The total number of guest rooms in the establishment shall not exceed six (6).
- F. **Term.** The length of stay for a guest or guests shall not exceed 14 consecutive days.

- G. **Cooking.** No separate cooking facilities shall be provided.
- H. **Food Service.** Meals shall only be served to the operator's family, employees, and overnight guests. [amended 4-20-20]

Section 16.20 Winery and Micro Brewery

- A. **Minimum Acreage.** A single parcel, or contiguously-owned parcels, not less than five (5) acres.
- B. **Setbacks.** Parking and buildings associated with the use shall be 100 feet from all lot lines. The use of existing buildings and parking areas that do not conform to the required setback, or proposals for buildings and parking areas with setbacks less than 100 feet, may be approved if it is determined that the proposed use will have no harmful effects on adjacent residential uses. However, as a condition of approval, the Township may also require increased setbacks if it determined that greater separation would better protect adjacent residents and landowners.
- C. **Location of Buildings.** In consideration of the site plan associated with the special land use, the Township shall consider the placement of brewery and winery buildings and activities as they relate to the potential impact on adjacent properties.
- D. **Parking and Driveway Surface.** See Section 15.19 D for the minimum number of parking spaces and Section 15.19 F for parking space and drive aisle dimensional requirements, except that the surface may be gravel, aggregate, or a comparable surface approved by the Planning Commission. Parking is prohibited along public roads and right-of-way.
- E. **Hours of Operation.** The Township may set the hours of operation during the review and approval of the special land use application.
- F. **Sanitation.** Permanent restroom facilities shall be provided in accordance with the rules and regulations of the Cass County Health Department.
- G. **Noise.** Amplified sound is prohibited unless it can be demonstrated that abutting residential properties will not be affected by excessive noise. Proposals for amplified sound shall be considered on a case-by-case basis, based on an assessment of potential decibel level, location of speakers, proximity to nearby residential uses, the existence of trees and vegetation, and proposed hours of operation.
- H. **Public Access and Events.** Winery and micro brewery establishments may be open to the public for tours, tasting, serving of snacks and appetizers, events, and banquets. At the time of review by the Township, the applicant shall provide detailed information concerning all proposed ancillary uses and activities.
- I. **Building and Fire Code Compliance.** All buildings or structures accessible to the public shall have permits obtained and inspections completed to ensure building and fire code compliance for the use group specified.
- J. **Buffering and Screening.** At the discretion of the Township, screening and buffering may be required to reduce the visual and audible impact to nearby residential properties, as well as light spillover.
- K. **Alcohol Service.** Service shall comply with the requirements of the MLCC. [amended 4-20-20]

Section 16.21 Wind Energy Conversion Systems

- A. **Purpose.** The provisions herein are set forth to establish regulations for the siting, design, installation, and operation of wind energy conversion systems and testing facilities as a land use in LaGrange Township and to protect the general public health, safety, and welfare in the development, implementation and operation of the land use in the Township.
- B. **Approval Required.**
1. It shall be unlawful to construct, erect, install, use or locate any WECS within the zoning jurisdiction of LaGrange Township unless a Special Land Use permit, final site plan, administrative site plan, or a zoning permit has been approved pursuant to this section.
 2. Agricultural WECS that are accessory to established farm and agricultural operations are permitted by right and shall be exempt from the general standards, provisions, and requirements of this section. Agricultural WECS projects shall otherwise conform to the regulations of the zoning district for an agricultural accessory structure, including maximum height and minimum setback standards as provided in Section 16.23 E. Such compliance shall be verified by the Zoning Administrator.
 3. Private WECS are permitted by right with conditions and are subject to administrative site plan review and approval to determine compliance with the general standards, provisions, and requirements of this section.
 4. An application for a special use permit and final site plan shall contain the information required pursuant to Section 21 for Special Use permit approval, Section 20 for site plan approval, and other information as required by this section. Commercial WECS are permitted by the issuance of a special land use permit and approval of a final site plan by the Planning Commission. Multiple Commercial WECS as part of a Commercial WECS Farm may be applied for under a single special use permit as long as all participating commercial WECS parcels under application are located within the Township's jurisdiction.
 5. WECS Testing Facilities are permitted by issuance of a special use permit and approval of a final site plan. WECS Testing Facilities preceding implementation of multiple WECS shall be considered temporary improvements and shall be limited in duration to no more than two (2) years from the date of special use permit approval. Continuation of operation beyond two (2) years shall require a special use permit (in addition to the original special permit) to be applied for, reviewed and approved pursuant to Section 21.
 - (a) In the event that multiple WECS are proposed as a coordinated development or as a Commercial WECS Farm and it is necessary that a WECS Testing Facility be erected to monitor meteorological conditions for the life of a Commercial WECS project, such WECS Testing Facility shall be included as part of the special use permit and final site plan approval process for the Commercial WECS Farm.
 - (b) The applicant shall provide general information regarding the extent of the area under study that will be served by the test results from a WECS Testing Facility. An application for special use permit and final site plan shall contain information required pursuant to Article 12 for special use permit approval, Section 20 for final site plan approval, and other information as required in this section and in this Ordinance.
- C. **Sound Levels.**
1. An applicant for a Commercial WECS shall provide a study and report declaring the ambient and

potential sound created by a Commercial WECS. The study should specifically address sound created by a Commercial WECS at non-participating parcel boundaries and along property lines between participating commercial WECS parcels and non-participating parcels. The study and report must be produced with the most current protocol for ANSI S12.9, Part 3, ANSI S12.100 and other applicable ANSI standards and methodology for the measurement of sound to the extent that those standards and methods are applicable to providing accurate and substantive information for review by the Planning Commission. This study and report must be certified by a qualified and certified acoustician and include the following:

- (a) A description and map of the existing land uses and structures within one (1) mile of a proposed Commercial WECS. The description and map shall include the location of structures, their use or uses, distances from a source of sound or WECS and ambient decibel readings (including the date and time when measurements are taken) for each identified land use and structure described and mapped.
 - (b) A description and map of the sound producing features of each Commercial WECS, including the range of decibel levels expected (measured in dB(A)) and the basis for the expectation.
 - (c) A detailed description of the proposed sound control features for each Commercial WECS, including specific measures to minimize sound to meet requirements herein.
2. An applicant for a private WECS shall provide documentation from the manufacturer in lieu of the above study and report.
 3. The sound generated from a Private or Commercial WECS shall not exceed forty- five (45) dB(A) LAMax at any non-participating parcel boundary.

D. Height.

1. Private WECS shall not exceed one hundred (100) feet in height.
2. Commercial WECS and WECS Test Facilities shall not exceed four hundred and fifty (450) feet in height.
3. Compliance with FAA regulations, the Michigan Airport Zoning Act and the Michigan Tall Structures Act shall be verified by the applicant.

E. Setbacks.

1. Property Line Setbacks.
 - (a) WECS Testing Facilities and Commercial WECS shall not be subject to property line setbacks between participating commercial WECS parcels.
 - (b) All WECS Testing Facilities shall maintain a setback from non-participating parcel property lines a distance equal to or greater than one hundred (100) percent of its height as measured from the base of the structure to the nearest non-participating parcel property line.
 - (c) All Private WECS shall maintain a property line setback from a non-participating parcel property line a distance equal to or greater than one hundred fifty (150) percent of its height as measured from the base of the structure to the nearest non-participating parcel property line.
 - (d) All Commercial WECS shall maintain a setback from a non-participating parcel property line a distance equal to or greater than three hundred fifty (350) percent of its height as measured from the base of the structure to a non-participating parcel property line.

2. Principal and Accessory Structure Setbacks on Participating Commercial WECS Parcels.
 - (a) All WECS Testing Facilities and WECS shall maintain a setback of one hundred (100) percent of its height as measured from the base of the structure to the exterior wall of a principal structure on a participating parcel that is used for residential, commercial or assembly purposes.
 - (b) For accessory structures, the Planning Commission may, at its discretion, allow a setback that is less than one hundred (100) percent of a WECS Testing Facility or Commercial WECS height as measured from the base of the structure to the exterior wall of accessory structures on a participating commercial WECS parcel, depending on the current use of such accessory structures and potential impact on the use of those accessory structures.
3. Public Rights-of-Way. All WECS Testing Facilities and WECS must be setback a distance equal to or greater than one hundred (100) percent of the height of the structure as measured from the base of the structure to a public road or railroad right-of-way. No setback is required from a drain right-of-way.
4. Existing Utility Lines. All WECS Testing Facilities and WECS must be setback a distance equal to or greater than one hundred (100) percent of the height of the structure as measured from the base of the structure to an existing above-ground public electric power line, telephone line or under-ground gas transmission line, unless said utility owner provides a waiver of such setback. Utility lines implemented as part of the application for a WECS Testing Facility or WECS, or those utility lines installed after the approval of a WECS Testing Facility or WECS, shall be exempt from meeting this requirement.

F. Shadow Flicker.

1. Commercial WECS shall be designed, sited, operated, and equipped with proven technology as to eliminate shadow flicker on any non-participating parcel.
2. Shadow Flicker Impact Analysis. The applicant shall provide a study identifying through modeling the potential impact of shadow flicker that may be caused by a Commercial WECS and the expected durations of the shadow flicker from sun-rise to sun-set over the course of a calendar year. The area of study for modeling purposes shall be for a distance of no less than twenty (20) times the rotor diameter of each Commercial WECS.
3. Site plans and associated documents and drawings submitted as part of the special use permit shall identify measures to be taken to meet the requirements herein.

G. Decommissioning. WECS Testing Facilities and Commercial WECS considered under this Section must contain a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, cessation of use, or determination that WECS facilities are determined Abandoned.

1. A Decommissioning Plan shall be submitted for review and approval detailing how facilities and improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited for use by the Township to implement the Decommissioning Plan upon failure of the owner or operator to implement upon cessation of use or determination of being Abandoned.
2. If it is alleged by the Zoning Administrator that a Commercial WECS or WECS Testing Facility is Abandoned, the Planning Commission shall provide written notice to the owner or operator of a

hearing before the Planning Commission to consider evidence that the WECS or WECS Testing Facility is Abandoned. If a determination is made that WECS facilities are Abandoned, the Planning Commission shall provide the owner and/or operator of such determination and obligations of the owner and/or operator of the standards and conditions of the special use permit regarding a determination of Abandoned facilities.

3. Within ninety (90) days of the above hearing where the Planning Commission has determined that a WECS or WECS Testing Facility is abandoned, the owner or operator shall effect the Decommissioning Plan, and obtain a demolition permit to remove the WECS or WECS Testing Facility.
 - (a) Failure to obtain a demolition permit within the time period provided in this subsection shall be grounds for the Township to remove the WECS or WECS Testing Facility at the owner's and/or operator's expense.
 - (b) If a WECS or WECS Testing Facility is repaired, a Professional Engineer (hired at the expense of the owner or operator) shall certify the safety of the WECS Testing Facility or WECS prior to the resumption of operation.
4. Decommissioning shall include removal of all equipment associated with the WECS or WECS Testing Facility including all materials above ground and below ground to a depth of four (4) feet below average grade in the immediate surrounding area. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, and drainage.
 - (a) Restoration shall include: road repair, if any, and all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the wind energy system. Upon written request by the property owner, access drives and associated drainage improvements, if any, may continue to exist.
 - (b) The restoration process shall comply with all federal state, and county, and Township regulations, including but not limited to local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one (1) year.
 - (c) Extensions may be granted upon request to the Planning Commission prior to the expiration of the one (1) year requirement for decommissioning to be completed.
5. The Decommissioning Plan shall also include an agreement between the owner or operator and the Township that includes, but is not limited to, the following conditions:
 - (a) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit with a replenishment obligation and shall be deposited in an escrow account acceptable to LaGrange Township.
 - (b) The surety bond for decommissioning shall be one hundred fifty percent (150%) of the estimated removal and restoration cost, with an annual increase by the Consumer Price Index ("CPI"). The Planning Commission may require independent verification of the adequacy of this amount from a Professional Engineer.
 - (c) The Planning Commission shall review the amounts deposited for removal, site restoration, and administration costs annually, to ensure they are adequate for these purposes. The Planning Commission as part of the special use permit may reasonably increase the surety amount of the previous year's total financial resource.

- (d) LaGrange Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning under the Decommissioning Plan. If decommissioning is not completed by the owner or operator within one year upon the termination of the project, determination of a WECS being inoperable or Abandoned as described above, action shall be taken to draw upon the escrow account for administrative fees and costs associated with decommissioning pursuant to the Decommissioning Plan.
 - (e) The Township is granted the right of entry onto the site, pursuant to reasonable notice to the property owner, to effect or complete decommissioning pursuant to the Decommissioning Plan.
 - (f) The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the owner or operator for decommissioning costs in excess of the surety bond amount, and to file a lien against any real estate owned by the owner or operator, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- H. **Enforcement.** The enforcement of the Ordinance shall be the responsibility of the LaGrange Township Zoning Administrator, or his or her designee, or as otherwise appointed, directed, or hired by the Board of Commissioners.
- 1. An owner or operator, landowner, firm, association, corporation or representative agent of any WECS Testing Facility or WECS that is found by LaGrange Township to be in violation of the special use permit, or to be Abandoned or unsafe as defined in this Ordinance:
 - (a) Shall provide abatement by shut down, repair, or removal of the wind energy system upon written notification from the Zoning Administrator (or other Township designee).
 - (b) Shall be subject to all enforcement mechanisms available to the Township.
 - (c) May be subject to revocation of the special use permit for excessive and continued violations as provided for in Article 12 of the Ordinance.
 - (d) May be required to reimburse LaGrange Township for cost(s) and expenses of obtaining other relief including a temporary or permanent injunction; such reimbursement may include costs and reasonable attorney fees.
 - 2. Annual Inspection. All WECS Testing Facilities and WECS shall be inspected annually by a Professional Engineer to certify that each structure is in good working condition and not a hazard to the public. An annual report shall be submitted to the Planning Commission.
 - 3. Should an aggrieved LaGrange Township resident allege that a WECS is not in compliance with the requirements of this Ordinance, the procedure shall be as follows:
 - (a) Complaints must be submitted to the Zoning Administrator, or his or her designee, in writing from the affected resident, and include their name, address, contact information. If the affected resident does not own the property allegedly being subjected to violations of the Ordinance, the name, address and contact information for the owner of that parcel shall be provided.
 - (b) Upon investigation by the Zoning Administrator, or his or her designee, if a complaint is deemed credible, the owner or operator of the WECS Testing Facility or WECS shall be notified in writing. Within fourteen (14) calendar days of the date of notice, the owner(s) and/or operator of the WECS Testing Facility or WECS shall provide a statement of compliance or non-compliance. As part of the special use permit, an annual escrow account

(reviewable on an annual basis) shall be established sufficient to pay for independent investigations conducted by qualified professionals acceptable to the Township to determine compliance with the requirements of this Ordinance.

- (c) If the WECS Testing Facility or WECS is found to be in violation of the Ordinance and/or this Section, the owner or operator shall take immediate action to bring the WECS Testing Facility or WECS into compliance, or cease operation of the WECS Testing Facility or WECS until compliance can be maintained. In the event the owner(s) and/or operator fails or refuses to bring the WECS Testing Facility or WECS into compliance within ten (10) days thereafter, the Township may seek any relief by law afforded to it.

I. **Safety Measures.** The following safety measures are to be implemented for Testing facilities and WECS.

1. **Controls and Brakes.** All Private and Commercial WECS turbines shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the Private or Commercial WECS. A Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards.
2. **Building and Trade Codes.** All WECS testing facilities and WECS shall meet applicable state and national construction codes (where applicable).
3. **Installation Certification.** The Professional Engineer shall certify that the construction and installation of the WECS Testing Facility or WECS meets or exceeds the manufacturer's construction and installation standards.
4. **Climb Prevention.** All WECS Testing Facilities and WECS must be unclimbable by design or protected by anti-climbing devices.
5. **Fire Risk.** All WECS Testing Facilities and WECS must adhere to all applicable electrical codes and standards, and shall remove fuel sources, such as vegetation, from the immediate vicinity of electrical equipment and connections.
6. **Interference.** It shall be the responsibility of the applicant to submit acceptable documentation as part of the special use permit application to determine if the improvement would in any way cause interference with microwave transmissions, residential television reception or radio reception and to prevent such interference from occurring. The applicant shall also provide documentation that the location of the WECS Testing Facility and WECS will not interfere with the operation of existing WECS.
7. **Waste.** All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS Testing Facility and WECS shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the improvement shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
8. **Liability Insurance.** The owner(s) or operator(s) of the WECS Testing Facility or WECS shall maintain a current liability insurance policy to cover installation and operation. For a Private WECS accessory to a principal residence, proof of homeowner's insurance with specific coverage for the Private WECS shall satisfy this requirement.
9. The owner or operator shall notify the LaGrange Township Zoning Administrator in writing within twenty-four (24) hours of an occurrence of a WECS Testing Facility or WECS collapse, failure, fire, collector or feeder line failure, or injury to person or property caused by the WECS

or WECS Testing Facility.

J. Additional Considerations.

1. No WECS or WECS Testing Facility shall have advertising or signage of any kind unless required by standards referenced in this Section for purposes of safety or operation.
2. A Commercial WECS or WECS Testing Facility shall not have lighting of any kind unless required by standards referenced in this Section or of the Federal Aviation Administration (“FAA”) for purposes of safety or operation. If lighting of a Commercial WECS or WECS Testing Facility is required, lighting shall be controlled by an aircraft detection lighting system which activates or deactivates warning lights depending on the presence of aircraft unless otherwise restricted or prohibited by the FAA.
3. Color and Appearance. Structures and improvements shall be painted a neutral color that is acceptable to LaGrange Township or otherwise required by law. The main structure of any WECS shall be of a monopole (tubular) design.

K. Compliance with Federal Rules and Regulations.

1. It shall be the responsibility of the owner(s) or operator of the WECS Testing Facility or Commercial WECS to complete the proper FAA applications and obtain the proper permits, where applicable, for the construction of such improvements.
2. Compliance with Additional Regulations. It shall be the responsibility of the owner(s) or operator of a Commercial WECS to contact the FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to granting of a special use permit by the Planning Commission. Documentation that applicable permits have been obtained and requirements of these agencies have been met must be supplied to the Township Building Department prior to the issuance of construction permits.

L. Studies.

1. Migratory and Game Birds. An avian study is required to be conducted by a qualified professional to determine any potential impacts one or more Commercial WECS may present to migratory and game birds. As part of the special use permit application, the study and its results must provide assurances that a Commercial WECS does not negatively impact the path of migratory birds or the viability of game birds.
2. Endangered Species. An endangered species study is required and is to be conducted by a qualified professional to determine any potential impacts the Commercial WECS may present to endangered species. The study as part of the special use permit application must provide assurances that the Commercial WECS does not negatively impact endangered species.

M. Administrative Provisions Following Approval.

1. An approved special use permit for a Commercial WECS or Commercial WECS Farm shall expire if construction of a Commercial WECS or Commercial WECS Farm has not commenced within thirty-six (36) months from the date of issuance. Commencement shall mean the erection of a Commercial WECS structure.

Section 16. Specific Development Standards

2. Amendment to Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of Commercial WECS and WECS Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet, continues to meet all regulations of this Section, and the improvement remains on the same parcel. [amended 4-20-20]

SECTION 17. SIGNS

Section 17.01 Purpose and Intent

It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and facilitate police and fire protection. In addition, it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values within the Township.

These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. In general, it is intended that signs of a general commercial or industrial nature be prohibited in districts where commercial or industrial activities are prohibited and that signs in residential districts be limited to those directly related to activities on the premises.

Section 17.02 Computation of Sign Area

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- A. **Single-Face Sign.** The total area of a single-face sign shall be computed as the number of square feet within any single or combination of geometric shapes -- such as a square, rectangle, triangle or circle -- encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- B. **Double-Face Signs.** For double-face signs having two (2) faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two (2) foot space between the two faces; the area of the sign shall be computed as one-half ($\frac{1}{2}$) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
- C. **Three-Dimensional Signs.** For signs which are designed as a three dimensioned geometric form such as a sphere, cone, cylinder, or cube; the area shall be computed as one half ($\frac{1}{2}$) the total surface of the geometric form.

Section 17.03 Permit Required for Signs

- A. **Sign Erection Permit.** It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Zoning Administrator, except as provided in Section 17.05 (Signs Exempt from Permit Requirement). Any sign that makes use of electricity, shall, in addition to a sign permit, require an electrical permit, regardless of size.
- B. **Sign Maintenance or Change of Message.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message

of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

- C. **Permit Applications.** Applications for sign permits shall be made upon forms provided by the Zoning Administrator for this purpose and shall contain the following information:
1. Name, address and phone number of applicant.
 2. Location of the building, structure, or lot on which the sign is to be attached or erected.
 3. Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
 4. Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.
 5. Zoning district in which the sign is to be located.
 6. Two (2) copies of the sign plans and specifications for construction, and attachment to the building or ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires, the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
 7. Name and address of the sign erector.
 8. Such other information as the Building Official may require to show full compliance with this and all other applicable laws of the Township and the State of Michigan.
- D. **Sign Erection Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.
- E. **Compliance Certification.** All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this Section, shall be issued a Zoning Certification. The Zoning Administrator may inspect existing signs to determine continuation of compliance with the provisions of this Section.

Section 17.04 General Sign Provisions

- A. **Public Rights-of-Way.** No sign (or any pole or support cable of any nature) except those established and maintained by the Township, County, State, or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Ordinance.
- B. **Sign Heights:** The highest point of any sign shall not exceed twenty-five (25) feet above the ground or grade level. All signs which project over a public or private road or walkway, such as street signs, directional signs, or a sign on a canopy, shall have under clearance from the lowest point of the sign to the ground or grade level of not less than eight (8) feet.
- C. **Traffic Interference.** No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- D. **Clear Corner Vision.** No sign above a height of thirty (30) inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along

each line of twenty-five (25) feet from their point of intersection, unless visual under clearance can be assured on the plans.

- E. **Proximity to Electrical Conductors.** No sign shall be erected so that any part including cables, guys, etc., will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- F. **Illumination.** All illuminated signs shall be so arranged or shielded so as not to interfere with the vision of persons on adjacent thoroughfares. In no event shall light from an illuminated sign shine on adjacent property which is used for residential purposes.
- G. **Fire Escapes.** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- H. **Wall Signs.** No wall sign shall project beyond or overhang the wall, or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.
- I. **Freestanding Signs.** With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- J. **Liability Insurance.** If the height of a proposed or existing sign is such that if it fell or could fall into the public right-of-way or adjacent property, the owner of said sign shall carry sufficient liability insurance to protect the public and adjacent property owners from damage and injury from the fallen sign.

Section 17.05 Signs Exempt from Permit Requirements

No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for its proper location, erection, and maintenance.

- A. **Government Signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, or regulatory signs.
- B. **Government Flags.** Flags and pennants of any governmental entity.
- C. **Street Signs.** Signs erected by the township, county, state, or federal government for street names, traffic control, or direction and information.
- D. **Private Traffic Signs.** Signs directing and guiding traffic and parking on private property that do not exceed four (4) square feet each and bear no advertising matter.
- E. **Architectural Features/Artwork.** Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- F. **Small Accessory Signs.** Any accessory sign erected on a premise which is no more than two (2) square feet in area, not including temporary yard signs. The total area of all small accessory signs on one Agricultural or Residential zoned lot or parcel shall not exceed six (6) square feet.
- G. **Banners and Flags.**
 1. No banner or flag shall be located in the public right-of-way, attached to any utility pole, or located within five (5) feet from any street right-of-way.
 2. The total area and height of banners and flags shall not exceed the following maximums:

Section 17. Signs

(a) In residential districts, each banner and flag shall be limited to six (6) square feet in area and six (6) feet in height.

(b) In commercial and industrial districts, each banner and flag shall be limited to thirty-two (32) square feet of total sign area per side or a height of eight (8) feet.

3. No more than two (2) banners and flags are permitted per lot or parcel at any time.

H. Temporary yard signs.

1. A temporary yard sign is a sign that can be affixed to the ground and is of a design and construction that is not intended to be of a permanent nature.

2. No temporary yard sign shall be located in the public right-of-way, attached to any utility pole, or located within five (5) feet from any street right-of-way.

3. The total area and height of temporary yard signage shall not exceed the following maximums:

(a) In residential districts, each temporary yard sign shall be limited to six (6) square feet in area and six (6) feet in height.

(b) In commercial and industrial districts, each temporary yard sign shall not exceed thirty-two (32) square feet of total sign area per side or a height of eight (8) feet.

(c) On parcels and lots that abut the M-62 Memorial Highway from the eastern limits of the city of Dowagiac passing through sections 5, 4, 8, 9, and 10 to the north Village limit of Cassopolis, each temporary yard sign shall not exceed thirty-two (32) square feet of total sign area per side or a height of eight (8) feet. Along this corridor, sign setbacks shall be ten (10) feet minimum.

4. No more than two (2) temporary yard signs are permitted per lot or parcel at any time. [amended 4-20-20]

Section 17.06 Signs Prohibited Throughout the Township

The following signs are prohibited throughout the Township, notwithstanding anything to the contrary in this Section.

A. **Moving Signs.** Signs that revolve or are animated or that utilize movement or apparent movement to attract attention. No sign shall have blinking, flashing, or fluttering lights or other illuminated devices such as a changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Electronic message boards or changeable copy signs in which the copy consists of an array of light, are permitted, provided that the frequency of message change is not less than five (5) seconds, unless further restricted by federal or state law. All lights in a display shall activate simultaneously, remain activated for no less than the required interval, and deactivate simultaneously. Beacon lights and search lights are not permitted.

B. **Flashing Signs.** Signs which are illuminated by or in any manner incorporates lights that flash, twinkle, move, or give the appearance of movements.

C. **Banners, Streamers.** Exterior banners, pennants, spinners, other than a banner or pennant used as a permitted sign under provisions of this Section.

D. **String Lights.** Exterior string lights used in connection with a commercial premises, other than holiday decorations, which shall be removed within fifteen (15) days after the event.

E. **Unsafe Signs.** Any sign which is structurally or electrically unsafe.

- F. **Utility Poles and Landscaping.** Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the township, county, state, or federal government or a public transit agency.
- G. **Non-Anchored Signs.** Portable signs and freestanding signs not permanently anchored or secured to either a building or the ground, except real estate "open house" signs.
- H. **Signs on Vehicles.** Signs displayed on any vehicle or trailer when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service, or commodity on the premises.
- I. **Sign Structure Without Sign.** Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
- J. **Roof-mounted Sign.**
- K. **Appendage Signs.**
- L. **Billboards.**
- M. **Portable Signs.**
- N. **Air-Filled or Gas-Filled Balloon Signs.**
- O. **Other Signs Prohibited.** Other signs not expressly permitted shall be prohibited. [amended 4-20-20]

Section 17.07 District Regulations

A. Signs Permitted in Agricultural and Residential Districts.

1. One (1) subdivision entrance sign per vehicle entrance may be permitted on private property in compliance with the corner clearance provisions and shall not exceed twenty-four (24) square feet in area or a height of six (6) feet above grade. The location and appearance of all subdivision/condominium signs shall be subject to review and approval by the Planning Commission at the time of site plan review, provided that such signs shall be located no closer than twelve (12) feet from any property line. Adequate provisions shall also be made at the time of site plan review to ensure continued maintenance of the sign.
2. For non-residential uses, no more than one (1) freestanding and one (1) wall having an area of no more than thirty-two (32) square feet, having a height of no more than six (6) feet above the established grade, and located no closer than ten (10) feet from any property line.
3. Customary crop signs on active farms.

B. Signs Permitted in the C-1 Commercial District and I-1 Industrial District.

1. One (1) freestanding sign (ground or pole-mounted) may be allowed per lot or parcel. Signs shall not exceed twenty-five (25) feet in height and one-hundred 100 square feet in area. Freestanding signs shall be set back twenty (20) feet from any property line.
2. Wall signs may be installed on each building façade that faces a parking area or public right-of-way. For each qualifying façade, the total square footage of all wall signs shall not exceed 10 percent of the individual façade area but shall not exceed 100 square feet. There is no limit on

Section 17. Signs

the number of signs per qualifying façade, as long as the total square footage does not exceed the maximum.

3. Gasoline service stations shall be permitted signs on each pump island. The aggregate area of such signs shall not exceed twenty (20) square feet per pump island. In no event shall the total area of all such signs exceed one-hundred twenty (120) square feet.
4. Directional signs, up to four (4) square feet in area, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than within five (5) feet of any property line. [amended 4-20-20]

Section 17.08 Construction and Maintenance Requirements

- A. **Materials and Design.** All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the County Building Code and requirements of this Section.
- B. **Erector's Imprint.** Signs which require a permit under this Section must carry the identification and address of the sign erector, electrical voltage (when applicable), and date of erection in clearly legible letters whether for the initial erection or re-hanging of a sign. In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.
- C. **Fastenings.** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use, and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- D. **Freestanding Signs.** Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.
- E. **Sanitation/Landscaping.** Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.
- F. **Maintenance.** All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, worn, rusted or missing material parts shall be repaired within fifteen (15) days of written notification of the Township Zoning Administrator or County Building Official.

Section 17.09 Non-Conforming Signs

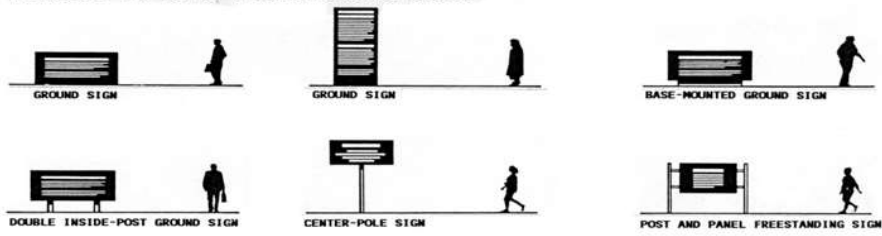
- A. **Intent.** It is the intent of this Section to encourage eventual elimination of signs that as a result of the adoption of this Section become non-conforming, to administer this Section to realize the removal of illegal non-conforming signs, and to avoid any unreasonable invasion of established private property rights.
- B. **Lawful Existing Signs.** Any sign lawfully existing at the time of the adoption of this Section which does not fully comply with all provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health,

safety and welfare of the community except as hereafter provided.

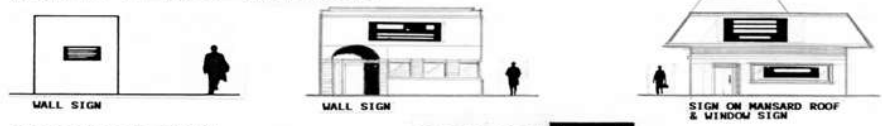
- C. **Continuance.** A non-conforming sign shall not:
1. Be expanded or changed to another nonconforming sign.
 2. Be relocated.
 3. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination.
 4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any 12 month period, would cost more than 50 percent of the cost of an identical new sign. If deemed necessary by the Building Official, the cost of an identical new sign shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
 5. Be altered unless the alteration or reconstruction be in compliance with the provisions of this Section. For the purpose of this Section only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the base line; or changing electrical wiring or devices, backgrounds, letters, figures, or characters.
- D. **Termination of Business.** Nonconforming signs and sign structures shall be removed or made to conform within 60 days of the termination of the business or use to which they are accessory.
- E. **Change of Property.** If the owner of a sign or the premises on which a sign is located, changes the location of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Section.
- F. **Portable and Temporary Signs.** Portable and temporary signs that are nonconforming shall be altered to comply with the provisions of this Section or removed within 90 days after the effective date of this Section.
- G. **Administration.** The Zoning Administrator shall make every reasonable effort to identify all the nonconforming signs within the Township. The Zoning Administrator shall keep complete records of all communications and other actions taken with respect to such nonconforming signs.

Section 17. Signs

VARIOUS TYPES OF FREESTANDING SIGNS



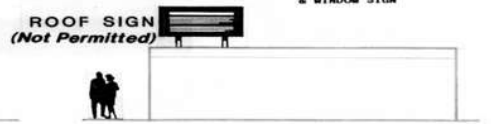
VARIOUS TYPES OF WALL SIGNS



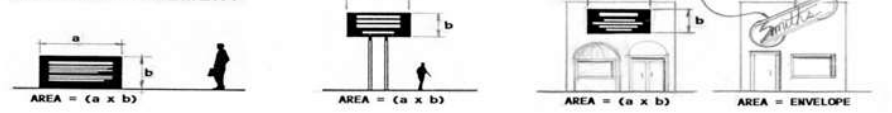
PROJECTING SIGN



ROOF SIGN
(Not Permitted)



SIGN MEASUREMENT



SIGN SETBACKS



SECTION 18. LANDSCAPING STANDARDS

Section 18.01 Intent

The intent of this Section is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of sites, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character in the Township.

The Standards of this Section are also intended to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flows at driveways and within parking areas, and minimize negative impacts of stormwater runoff.

The landscape standards of this Section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property. Pursuant to site plan review, in accordance with Section 20, the Planning Commission may require additional landscaping beyond these minimum requirements when deemed necessary due to the scope and nature of the proposed development.

Section 18.02 Requirements and Timing of Landscaping

A. **Plan Required.** Landscaping shall be included with all non-residential (parking lots, commercial, office, and industrial developments), multiple family (three or more units) developments, and manufactured housing park development plan applications reviewed by the Township. A separate landscaping plan shall be submitted at a minimum scale of one inch equals fifty (50) feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications, clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.

Individual single family and two family dwellings, and agricultural uses are not subject to the provisions of this Section.

B. **Installation and Inspection.**

1. Wherever this Ordinance requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a completion certificate and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Planning Commission may require a performance guarantee, in accordance with the provisions of Section 25, to cover the costs of landscaping prior to the issuance of a certificate of occupancy.
2. Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as hereinafter described and shall be protected from vehicular encroachment and snow removal operations.
3. In the event a performance guarantee is being held, the Zoning Administrator will within three (3) months of receiving written notification of installation, conduct an inspection to verify said installation and authorize release of the guarantee.

C. **Plant Material Standards.** It is the intent of this Section that a diverse mixture of plantings be provided. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this Section. These standards may be varied by the Planning Commission where the established minimums, in the judgement of the Commission, will not serve the purpose and intent of this Section.

1. Plant Quality. Plant materials permitted in required landscaped areas shall be hardy to the climate of Michigan, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
2. Plant Size Specifications.
 - (a) Trees. Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this Section.
 - (i) Deciduous Trees. Two and a half (2 ½) inch caliper minimum trunk measurement at four (4) feet off the ground, with a minimum eight (8) feet in height above grade when planted.
 - (ii) Evergreen Trees. Six (6) feet in height, with a minimum spread of three (3) feet and the size of the burlapped root ball shall be at least ten (10) times the caliper of the tree measured six (6) inches above the grade.
 - (iii) Deciduous Ornamental Trees. One (1) inch caliper minimum at three (3) feet off the ground, with a minimum height of six (6) feet above grade when planted.
 - (b) Shrubs. Minimum twenty-four (24) inches in height above planting grade.
 - (c) Hedges. Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.
 - (d) Vines. Minimum of thirty (30) inches in length after one (1) growing season.
 - (e) Ground Cover. Planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
 - (f) Grass. Planted in species normally grown as permanent lawns in the south-central Michigan area. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or other suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease.
 - (g) Mulch Material. Minimum of four (4) inches deep for planted trees, shrubs, and vines, and shall be installed in a manner as to present a finished appearance.
 - (h) No plant materials used to satisfy these standards shall be comprised of non-living materials, such as plastic plants.
 - (i) Ground covers shall be planted in such a manner so as to present a finished appearance and reasonably complete coverage after one complete growing season, at a rate of at least three plants per square foot.
 - (j) All plant materials shall be well-formed, sound, vigorous, healthy and free from disease, sun scald, wind burn, abrasion, and harmful insects at the time of planting.
 - (k) The following plant materials are not permitted for planting (in a public right-of-way or as required by the minimum landscaping standards of this Ordinance) due to their tendency and susceptibility to storm damage, their roots are known to clog drains and sewers, they

are known to be susceptible to disease or insect pests, or other undesirable characteristics: Silver Maple, Box Elder, Honey Locust (thorned), Ginko (female), Mulberry, Poplar, Black Locust, Willow, American Elm, Siberian Elm, Slippery Elm (Red Elm), and Chinese Elm, Horse Chestnut, Poplar, Ailanthus, Catalpa, Osage orange, Cottonwood, and European Barberry.

Section 18.03 Special Provisions for Existing Sites

Special provision is made for applying these standards to developed sites which existed prior to the effective date of this Ordinance. Therefore, when an existing site is undergoing improvement, a change in use, or expansion that requires the submission of a development plan, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this Section in relation to the extent or change on a site.

When reviewing plans for a change in use or expansion which requires development plan review, the Zoning Inspector or body reviewing the plan, shall require an upgrade in landscaping, using the following as guidelines:

- A. **General Requirements.** Each building expansion requiring development plan review shall provide at least 10% of the landscaping requirements for a new development for every 10% of expansion.
- B. **Street and Parking Lot Requirements.** Each building expansion requiring development plan review should provide landscaping along public streets and within parking areas, with landscaping along public streets as the priority. Where parking lot landscaping cannot be reasonably provided, additional landscaping along the street or in any required buffer areas should be considered.

Section 18.04 Required Landscaping along Public Rights-of-Way

One (1) of the following street landscaping options is required on land abutting public streets or where otherwise referenced.

A. Greenbelt.

1. Minimum width of ten (10) feet. The Planning Commission may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a ten (10) foot width. In such cases, the greenbelt requirement may be met through the provision of street trees or the provision of landscaping as required below.
2. At least one (1) deciduous tree and four (4) shrubs per each thirty (30) lineal feet of street frontage. Location of the trees and shrubbery is discretionary.
3. The greenbelt area shall contain grass, vegetation ground cover, mulch, or crushed stone on a weed barrier, and be curbed or edged.
4. Where headlights from parked vehicles will shine into the roadway, the Planning Commission may require the use of a totally obscuring hedge with a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.

B. Berm.

1. Minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this Section is met and an appropriate screen is provided.
2. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other

Section 18. Landscaping Standards

means acceptable to the Planning Commission.

3. At least one (1) deciduous tree shall be provided for each thirty (30) feet of lineal berm length.
4. At least one (1) minimum shrub shall be provided for each one-hundred (100) square feet of berm surface area, as calculated from a plan view.
5. Berm slopes shall be protected from erosion by sodding or seeding. If the slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established by a straw mulch, hydro-mulching, or netting specifically designed to control erosion.

C. **Buffer Strip.**

1. Minimum width of ten (10) feet.
2. All trees shall be evergreens and the planting shall be staggered or off-set.
3. The buffer planting area shall contain grass, vegetation ground cover, mulch, or crushed stone on a seed barrier, and be curbed or edged as necessary.

Section 18.05 Parking Lot Landscaping

Within every parking area containing ten (10) or more proposed spaces, at least one (1) deciduous tree and ornamental tree with at least one-hundred (100) square feet of planting area shall be used for every ten (10) parking spaces, in addition to any other landscaping requirements. This landscaping shall meet the following standards:

- A. Landscaping shall be dispersed throughout the parking area in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
- B. Landscaping shall be planned and installed so that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, nor interfere with adequate motorist sight distance.
- C. Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the development plan. Minimum width of such areas shall be ten (10) feet.

Section 18.06 Waste Receptacle and Mechanical Equipment Screening

Waste receptacles shall be located and screened in accordance with the standards of this Ordinance including those standards identified in Section 20, Site Plan Review. Ground mounted mechanical equipment shall be screened with plant materials or a wall, when visible from a public-right-of-way or parking area.

Section 18.07 General Layout and Design Standards

- A. **Plant Health and Maintenance.** Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn areas, shall be maintained in a healthy and growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Zoning Administrator, or within an extended time period as specified in said notice.
- B. **Removal of Support Material.** Tree stakes, guy wires, and tree wrap are to be removed after one (1) year.
- C. **Irrigation.** All landscaped areas shall be provided with a readily available and acceptable water

supply to facilitate continued maintenance.

- D. **Visibility.** Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants, and shall not interfere with or obstruct the view of public viewsheds and sight lines from rights of way and public property to streams, lakes, and other waterways.
- E. **Species Tolerance.** Cul-de-sacs, site entrances, and boulevard medians shall be landscaped with species tolerant of roadside conditions common to the area.
- F. **Public Safety.** Plantings within ten (10) feet of a fire hydrant shall be no taller than twelve (12) inches at maturity.

Section 18.08 Incentives to Preserve Existing Trees

The LaGrange Township encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on the development plan and be protected during construction through the use of a fence around the drip line. Tree species, location, and caliper must be shown on the landscape plan. Tree protection measures must be shown and noted on the landscape plan.

To obtain credit, the preserved trees shall be of a high quality and at least two and one half (2 ½) inches caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission. Any tree over twelve (12) inches in caliper to be removed shall be noted on the landscape plan. The credit for preserved trees shall be as follows:

Caliper of Preserved Tree (in inches)	Number of Trees
Over 12	3
8 to 12	2
2 ½ to 8	1

Note: Caliper measurements for existing trees is the diameter at a height of four and one-half (4½) feet above the natural grade.

Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the landowner with trees otherwise required by this Ordinance. A credit may be given up to fifty (50) percent of the required landscaping for existing trees.

Section 18.09 Walls and Buffer Strips Between Uses

In those instances where the following conditions occur, the need for a wall, a berm, or similar type of landscaped buffer strip shall be determined by the Planning Commission.

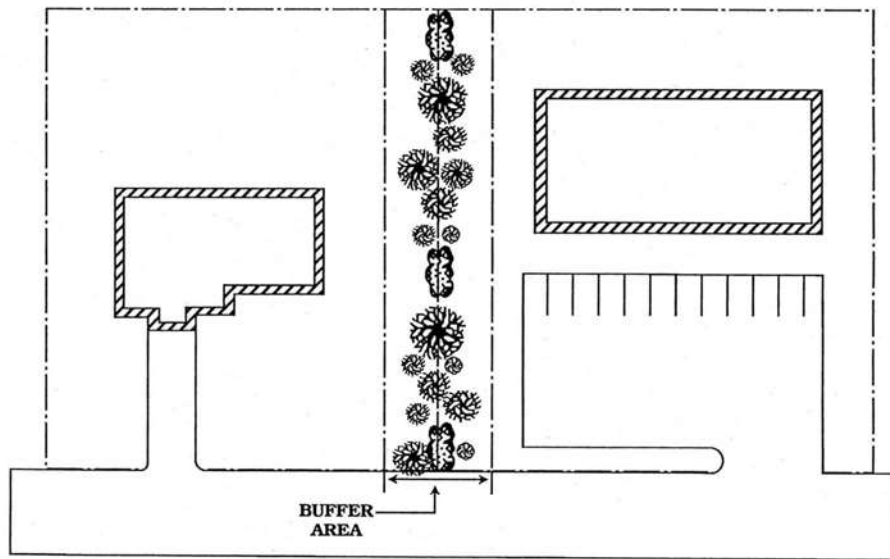
A. Zoning Districts and Land Uses.

1. For developments within the C-1 and I-1 zoning districts, there shall be provided and maintained on those sides abutting or adjacent to a residential zoning district and/or a current residential use, a masonry wall or wooden privacy fence six (6) feet in height or a totally obscuring greenbelt, berm, or a buffer strip sufficient to provide adequate screening between uses for the purpose of protecting the integrity of the residential land use and property.
2. For non-residential land uses within residential zoning districts, there shall be provided and

maintained on those sides abutting or adjacent to a residential zoning district and/or a current residential use, an obscuring wall six (6) feet in height, decorative wooden privacy fencing, a greenbelt, a berm, or a buffer strip.

- B. **Location.** Required walls, greenbelts, berms, or buffers strips shall begin on or at the property line, except where underground utilities interfere.
- C. **Materials.** Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided for in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Planning Commission to be durable, weather resistant, rustproof, and easily maintained. Materials for walls shall be compatible with surrounding building materials. Materials for the greenbelts, berms, or buffer strips shall be in accordance with the standards identified in this Section unless specified elsewhere.

BUFFER AREA



- D. **Alternatives.** The Planning Commission may approve a landscaped berm as an alternative to a wall upon finding the landscaped berm will provide a similar screening effect.

Section 18.10 Waiver or Modification of Standards for Special Situations

The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscape and screening requirements of this Section, the following may be considered:

- A. Extent that existing natural vegetation provides desired screening.
- B. There is a steep change in topography which would limit the benefits of required landscaping.
- C. The presence of existing wetlands.

- D. Existing and proposed building placement.
- E. The abutting or adjacent land is developed or planned by the Township for a use other than residential.
- F. Building heights and views.
- G. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Section 18. Landscaping Standards

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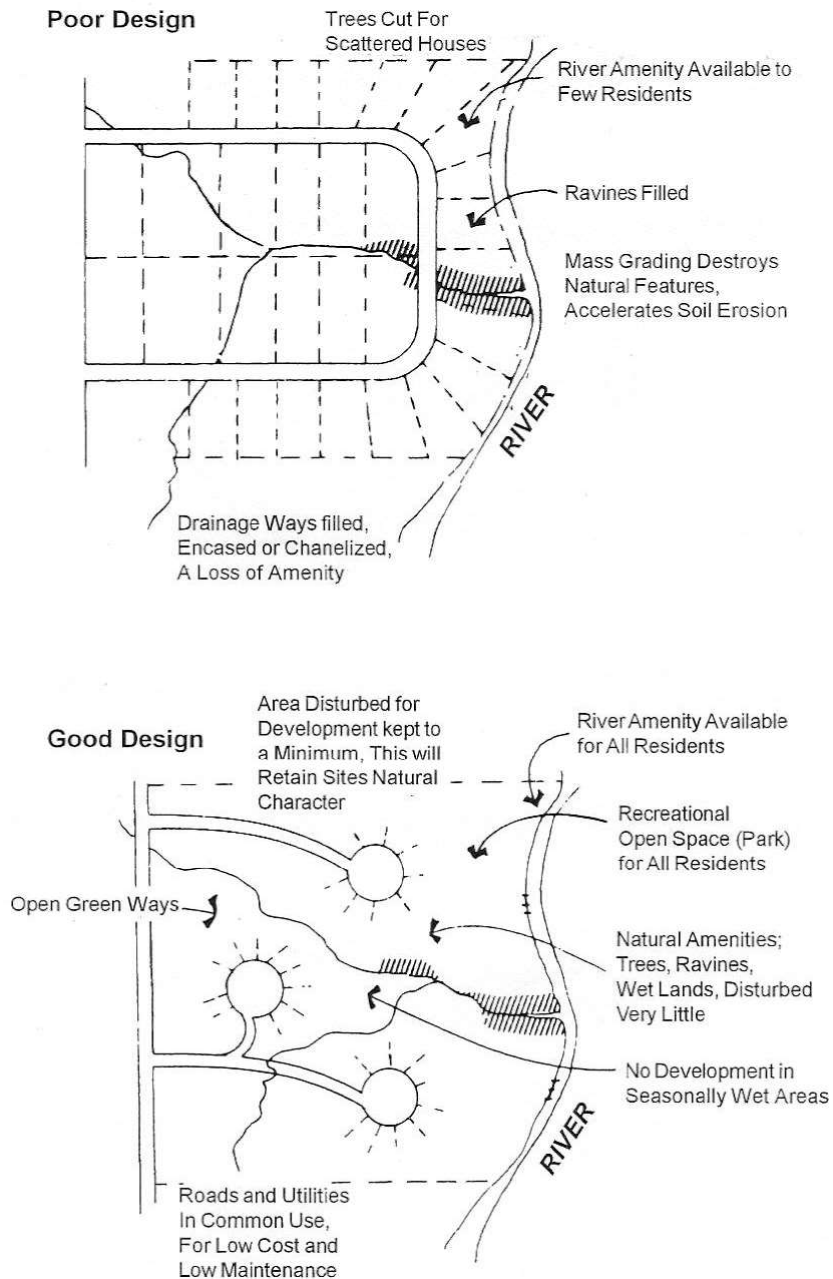
SECTION 19. PLANNED DEVELOPMENT

Section 19.01 Requirements and Timing of Landscaping

- A. **Purpose and Intent.** To permit, through the special use permit procedure, planned unit developments designed to encourage creativity and flexibility in the use and design of structures and land in LaGrange Township. The Planned Unit Development (PUD) is intended to accomplish the following:
1. Result in a more efficient pattern of development, with shorter streets and utility networks.
 2. Preserve existing natural assets, such as stands of trees, flood plains, lake frontage, scenic vistas and other open spaces.
 3. Accomplish a more desirable residential environmental plan than would be possible through the strict application of the minimum requirements of the zoning ordinance.
 4. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all units.
 5. Provide for supportive mix of land uses and amenities such as day care, office, neighborhood retail, and similar uses, which in the opinion of the Planning Commission, are in conformance with the goals and objectives of the master plan and will enhance the residential stability and economic base of LaGrange Township through the application of a special use permit.
- B. **General Requirements.**
1. Minimum Project Area: Ten (10) acres.
 2. The development must have direct access to a publicly maintained road.
 3. The principal permitted use shall be residential development, consistent with the zoning district of the proposed "PUD".
 4. Non-residential land uses may be integrated into the proposed "PUD" through approval of the special use permit. Commercial uses may be limited to the development of not more than ten percent (10%) of the total project area. Examples of commercial uses may include retail stores, personal service establishments, bed and breakfast establishments, business or professional offices, golf courses with restaurants and retail components, and day care facilities. However, all proposed commercial uses must meet the intent of the "PUD" Section and be subject to reasonable terms established as part of the special use permit process.
 5. Each principal building in the proposed "PUD" must be connected to water and sewer facilities that are approved by the Cass County Health Department.
 6. Each site shall be provided with adequate storm drainage. Open drainage courses and storm retention ponds shall be reviewed and may be permitted by the County Drain Commissioner.
 7. All utilities including telephone, electric, and cable, within the "PUD", shall be located underground.
 8. Common Open Space
 - (a) Common open space shall not include proposed street rights-of-way, open parking area or

commercial areas. Common open space may contain accessory structures, paved bicycle and/or walking paths, agricultural uses, wetlands, improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses.

- (b) The area of common open space within a "PUD" project shall not be less than twenty percent (20%) of the total land area of the project. However, when a water or wetland feature exists on the subject site, water and/or wetlands shall not account for more than eighty percent (80%) of the required open space.
- (c) Open spaces shall be conveniently located in relation to dwelling units.
- (d) Open spaces shall have reasonable, minimum dimensions which are usable for the functions intended and which will be maintainable. However, open space designs which emphasize perimeter walking paths as a primary open space feature are not encouraged.
- (e) All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final development plan, unless a binding agreement is provided in lieu of that dedication.
- (f) Legal instruments setting forth the manner of permanent maintenance of common open space and facilities shall be submitted to the township attorney for review before the Township Board approves the final development plan. Such instruments may include dedication to permanent conservation easements or Homeowner Associations.
- (g) Where a Homeowner Association is to be used to maintain common open spaces and facilities, the developer shall file a declaration of covenants and restrictions that will govern the homeowners association. The provisions shall include, but shall not be limited to the following:
 - (i) The Homeowner's Association shall be established before any dwelling in the "PUD" are sold;
 - (ii) Membership in the Homeowner's Association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants;
 - (iii) Restrictions shall be permanent;
 - (iv) The Homeowner's Association shall be made responsible for liability; and dwelling owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants.
 - (v) The parking requirements set forth in Section 17 shall apply, except the number of spaces may be reduced, if approved by the LaGrange Township Board of Trustees, upon recommendation of the Planning Commission, as part of the final development plan. Such reductions shall be based upon specific findings.



C. Informal Preliminary Conferences.

1. Informal Preliminary Conferences. Prior to a formal application, the applicant is required to have two (2) informal preliminary conferences; one with the Township Zoning Administrator and the Township Supervisor, the other with the Township Planning Commission. The purpose of the conferences is to discuss the proposed development, review procedures, requirements and standards of the Township. The applicant is encouraged to present concept plans, site data and other information that will explain the proposed development statements made in these

conferences shall not be legally binding.

2. Application. Following the preliminary conferences that applicant shall make an application for a "PUD" special use permit along with ten (10) sets of the preliminary development plans and the application fee (as set by resolution of the Township Board of Trustees) to the Zoning Administrator. The applicant shall, at a minimum, contain the following:
 - (a) The applicant's name, address, and phone number.
 - (b) Proof that the applicant is the owner of the property or has a legal or financial interest in the property.
 - (c) The name and address of all persons, firms or corporations having a legal or equitable interest in the property.
 - (d) The address of the property.
 - (e) The legal description and parcel identification number of the property.
 - (f) Project descriptions.
 - (g) Size of the property in acres.
 - (h) The signature of the applicant and the property owner.
3. Upon receipt of the completed application, application fee and preliminary development plan, the Township Zoning Administrator shall forward copies of the plan and the application form to the township engineer, planner and any other persons or agencies deemed appropriate. The balance of the plans and the original application form shall be distributed to the Planning Commission to allow for their review of the proposed "PUD".
4. Preliminary Development Plan. The preliminary development plan shall contain the following:
 - (a) The date, north arrow, and scale, which shall not be smaller than 1 inch equals 50 feet.
 - (b) The location sketch of the site in relation to the surrounding area. This sketch shall label the land uses on all adjacent property.
 - (c) The legal description of the property.
 - (d) The parcel size in acres or square feet.
 - (e) All lot and property lines, with dimensions.
 - (f) The location of all existing and proposed structures on the site.
 - (g) The location of all existing and proposed streets, driveways, alleys, parking areas and easements, including the total number of parking spaces, parking calculations and typical dimensions.
 - (h) The size, location and proposed use of all areas devoted to open space.
 - (i) The general landscape concept, showing tree masses to be preserved, added buffer areas, screening, and similar features.
 - (j) All wetland areas, flood plain boundaries and bodies of water.
 - (k) Existing topographical contours at a minimum of two foot intervals.
 - (l) General layout of all proposed utilities including: water, sewer, telephone, gas and electrical services.

- (m) The applicant shall also provide a written narrative describing each of the following:
- (i) The general character of the "PUD".
 - (ii) The gross residential densities and percent of the proposed "PUD" area to be covered by buildings and parking areas.
 - (iii) The acres allocated to each use.
 - (iv) The method and responsibility for maintenance of open areas, private streets, recreational amenities and parking areas.
 - (v) All environmental sensitive areas.
5. Parallel Plan. The applicant shall also prepare a parallel design plan for the project. The parallel plan shall meet all of the minimum lot area and width standards required pursuant to the applicable zoning district regulations.
- (a) Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
 - (b) The Planning Commission shall review the design to determine the number of lots that could feasibly be constructed following the parallel design. This number shall set the maximum density number of dwelling units for the site allowable under the "PUD" provisions of this Ordinance.
 - (c) However, riparian lots shall not be reduced in size from the dimensions listed unless granted a variance by the Zoning Board of Appeals. The Planning Commission may allow an exemplary open space community to include one or more of the following optional provisions. In order to qualify for an optional provision, the applicant must demonstrate to the Planning Commission that the proposed project exceeds the minimum standards for a "PUD".
 - (d) In order to qualify for development under optional provisions of this section, all structures within the development, including single family dwellings, shall be subject to architectural review by the Planning Commission. Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines and massing, but there shall be a variation of front façade depth and roof lines to avoid monotony. Building elevations are required for all structures.
 - (e) A variable density bonus of ten percent (10%) shall be allowed as an incentive for the use of the PUD process. An additional density bonus of ten percent (10%) may be approved at the discretion of the Planning Commission based upon a demonstration by the applicant of design excellence in the "PUD" project. In order to be eligible for the density bonus the "PUD" must meet all of the following criteria:
 - (i) Provide perimeter transition areas around all sides of the development that are at least one hundred and fifty (150) feet in depth.
 - (ii) Cleanup of on-site contamination, if necessary.
 - (iii) Providing a minimum of thirty percent (30%) open space in the development.
 - (iv) Other similar elements as determined by the Planning Commission and the Township Board of Trustees. This may include projects that have a demonstrated public benefit such as improving a road.

- (f) After reviewing the preliminary, the Planning Commission shall transmit its recommendation to the applicant, along with any suggested changes or

6. Impact Assessment

- (a) The Planning Commission may require the applicant to prepare and submit an impact assessment. When required, preparation of the impact assessment shall be the responsibility of the applicant. The applicant shall use qualified professional personnel to complete the impact assessment. The impact assessment shall describe in detail the effect and impact that the proposed "PUD" will have, or may have, upon or with respect to any of the following:
 - (i) Streams, rivers, wetlands, and the quality of surface and ground waters.
 - (ii) Public utilities, traffic, wildlife, and character of the area.
 - (iii) Displacement of people and other land uses by the proposed use.
- (b) The impact assessment shall, if required by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed "PUD" within their respective responsibilities and jurisdictions:
 - (i) Fire protection, and emergency services.
 - (ii) School districts represented within the Township.
 - (iii) The Department of Natural Resources.
 - (iv) Cass County: Sheriff's Department, Health Department, Road Commission, and Drain Commissioner
- (c) Such other agencies as determined appropriate by the Planning Commission.
- (d) The Planning Commission shall consider the criteria listed below in their evaluation of the impact assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval.

D. Public Hearing and Preliminary Approval Procedures.

1. Within forty-five (45) days after receipt of the completed application and fee, the Planning Commission shall schedule a public hearing on the request.
2. Within sixty (60) days of the public hearing, the Planning Commission shall take one of the following actions:
 - (a) Approve the preliminary plan, as submitted.
 - (b) Approve the preliminary plan subject to certain specified conditions.
 - (c) Deny the preliminary plan.
3. The action of the Planning Commission shall be based on the following:
 - (a) Granting the "PUD" special use permit will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
 - (b) The "PUD" will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of

the "PUD" as approved.

- (c) The "PUD" will be compatible with the master plan of the township and consistent with the intent and purpose of this Section.
- (d) The "PUD" will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
- (e) The "PUD" is designed and laid out to preserve natural resources and natural features, to the fullest extent possible.

E. Final Approval Procedures.

1. After the preliminary plan has been approved by the Planning Commission the developer shall prepare the final development plan. The applicant shall submit fifteen (15) sets of the final development plans to the Zoning Administrator. The Zoning Administrator shall forward copies of the final plan to the township fire chief, engineer, planner and others deemed appropriate. The balance of the plans shall be forwarded to the Secretary of the Planning Commission for distribution to the Planning Commission for their review.
2. The final development plan shall include all of the information required on the preliminary development plan and all additional information requested by the Planning Commission.
3. The final plan shall incorporate all recommendations of the Planning Commission pursuant to the Commission's review of the preliminary plan, or shall indicate how the final plan fails to incorporate the Commission's recommendations. The plan shall be certified by a licensed architect, register surveyor or professional engineer. In addition, final plan shall include the following:
 - (a) Architectural renderings or specific statements as to the type and style of construction to be used in the proposed buildings along with the height and area of each building.
 - (b) Projected time for completion of the entire project.
 - (c) Proposed phasing, if any, and the projected time for completion of each phase.
 - (d) Landscaping plans.
 - (e) 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.
 - (f) Engineering plans showing, as necessary, water, waste disposal, drainage, exterior and street lighting, electricity, telephone and natural gas installations, and the nature and extent of earthwork required for site preparation and development.
 - (g) Any other information required by the Planning Commission to assist in the evaluation of the proposed "PUD".
4. Within forty-five days of the receipt of the complete set of the final plans the Planning Commission shall review the plans for their completeness, and take action. In making its decisions, the Planning Commission shall determine:
 - (a) Whether the final development plan complies with the standards, conditions, and requirements of this Section.
 - (b) Whether the "PUD" promotes the intent and purposes of this Section.
 - (c) Whether the "PUD" will be compatible with adjacent uses of land, the natural environment,

and the capacities of public services and facilities affected by the proposed project.

(d) Whether the "PUD" will be consistent with the public health, safety, and welfare needs of the township.

5. The Planning Commission shall take one of the following actions:

(a) Approve the final plans as submitted.

(b) Approve the final plans with conditions.

(c) Deny the final plans.

F. **Application Fee and Performance Guarantee.** The Township Board of Trustees shall establish and may, from time to time, amend a schedule of fees for the review of Planned Unit Developments pursuant to this Section.

G. **Construction Compliance.** Any permit issued for construction pursuant to the "PUD" special use permit shall be valid only so long as there is compliance with the final development plan as approved by the Planning Commission.

H. **Amendments and Revisions.**

1. A developer may request a change in an approved final development plan. Except for those changes determined to be minor, as provided below, changes to an approved final development plan or any conditions imposed on a "PUD" special use permit shall be reviewed and approved, approved with conditions, or denied by the Planning Commission pursuant to the procedures provided by this Section for an original request.

2. Minor changes to a final development plan may be approved by the Planning Commission without requiring a public hearing and without following the procedures provided by this Section for an original request. "Minor changes" are limited to the following:

(a) Changes in residential floor area or not more than five percent (5%) provided that there is no increase in the number of units.

(b) The relocation of building footprints by not more than three (3) feet, unless a specific setback or separation distance is imposed as a condition of the "PUD" approval.

(c) An increase in area portions of the site designated as "not to be disturbed".

(d) The substitution of plan materials by similar types of landscaping on a 1-to-1 ratio, as determined by the zoning administrator.

(e) Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the "PUD" which are not significant in relation to the "PUD" and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare.

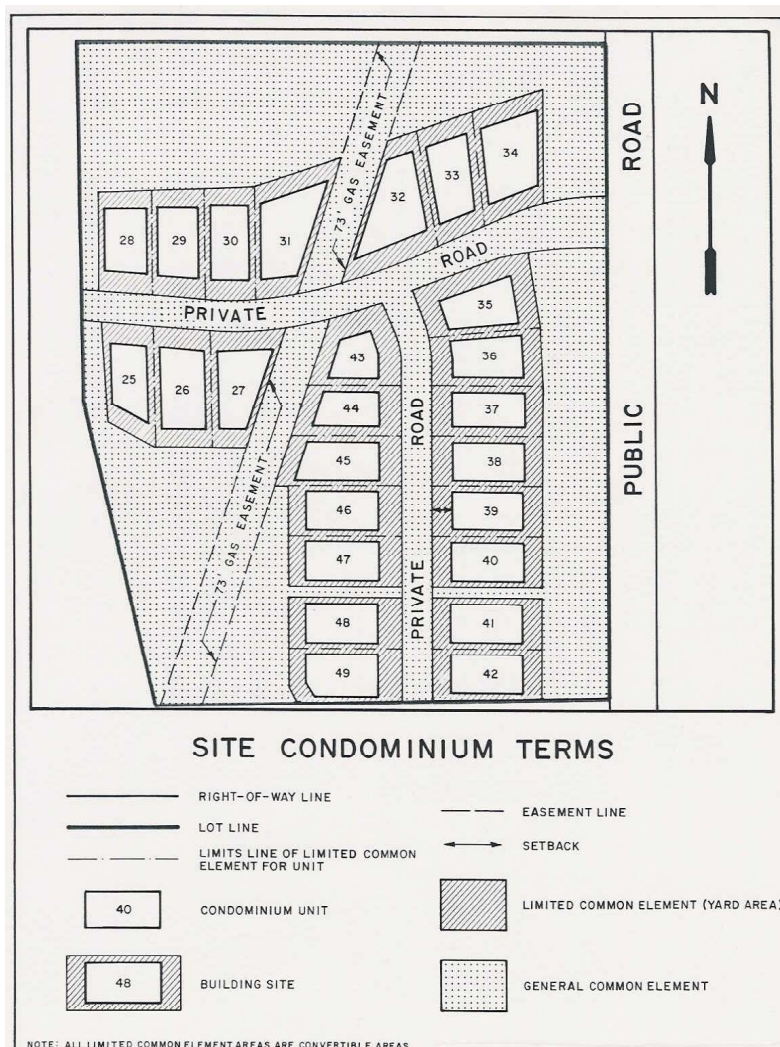
I. **Expiration and Extension of Approval Period.** The approval of the final development plans for a planned unit development shall be valid for a period of two (2) years, from the date of the Planning Commission's final approval, to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after the date of approval, the approved final development plan shall be null and void, with or without written notification from the Township.

Section 19.02 Site Condominium Development

A. Purpose and Scope.

1. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for the purpose of this Ordinance and other applicable laws, ordinances, and regulations.

Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the project's location, any land use permitted by the LaGrange Township Zoning Ordinance may be permitted in a site condominium project.



2. The purpose of this Section is to ensure that the plans for developments within LaGrange Township proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, as amended shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed pursuant to the Land Division Act, Act 288 of the Public Acts of 1967, as amended. It is further the intent of this Section to ensure that such development is in conformance with the requirements of this Ordinance, other applicable Township ordinances and state and federal regulations.

B. **Site Condominium Review and Approval Procedures (Step I Review).** Application for review and approval of a site condominium subdivision shall be in accordance with the following procedures:

1. Prior to the formal application for a site condominium development, the developer shall meet with the Planning Commission. The purpose of this meeting is to inform the Planning Commission of the applicant's intent to initiate a site condominium project. On or before this meeting, the applicant shall submit the following to the Zoning Administrator, who shall distribute it to all Planning Commission members.
 - (a) A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.
 - (b) A statement regarding the provision of sewer service and water supply.
2. During the preliminary discussion meeting, the Planning Commission, based on the information available to it, shall inform the applicant of the following:
 - (a) General requirements of this Section and other applicable provisions of this Ordinance.
 - (b) Planned or anticipated sites of parks and recreation areas and other public uses.
 - (c) Utility system capabilities.
 - (d) Planned or anticipated public improvements, including streets, utility extensions, and the like.
 - (e) Street plans and potential problems relative to the natural features of the area, including, but not limited to floodplains, soil conditions, topography, and groundwater tables.
 - (f) Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward the final approval of the site condominium project.
3. This review is intended for information purposes only and does not constitute binding commitments on the part of the Township. Neither do they imply tentative approval of any proposed site condominium project. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.
4. Following preliminary review, the applicant shall submit the site condominium subdivision plans to the following agencies for their approval:
 - (a) Michigan Department of Natural Resources/Michigan Department of Environmental Quality
 - (b) Cass County Drain Commissioner
 - (c) Cass County Road Commission
 - (d) Other appropriate state and county review and enforcement agencies having direct approval

or permitting authority over all or part of the project's construction phases.

C. Site Condominium Review and Approval Procedures (Step II Review).

1. An application for preliminary review of a site condominium subdivision project shall be made to the Zoning Administrator along with the appropriate fees as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - (a) Application for certificate of zoning compliance, which upon issuance, shall ensure that the project, as proposed, is capable of being developed in conformity with the standards and regulations applicable to the zoning district in which the project is located, subject to the customary procedures applicable to Township approvals of individual uses on individual building sites.
 - (b) The applicant's name, address, and phone number.
 - (c) Proof that the applicant is the owner of the property or has the legal or financial interest in the property such as a purchase agreement.
 - (d) The name, address, and phone number of the owner(s) of record, if different from that of the applicant.
 - (e) The legal description, address and tax parcel number of the property.
 - (f) Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing, etc.
 - (g) Gross and net size of the parcel in acres.
 - (h) Written comments and/or approvals from the above list of agencies resulting from their review of the site condominium subdivision plans, as applicable.
 - (i) A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
 - (j) A copy of any preliminary agreements which may be required before final plan approval is granted.
 - (k) A copy of the proposed master deed of the project and the supportive information which is intended to be recorded with the Register of Deeds as required by state law.
2. The applicant shall provide at least ten (10) copies of the preliminary site condominium project plan and additional copies if deemed necessary by the Zoning Administrator. The plans at the time of their submission shall contain the information required for preliminary site condominium plan as required by this Ordinance.
3. The application and plans shall be submitted at least thirty (30) days before the next regularly scheduled meeting of the Planning Commission.
4. Upon receipt of the preliminary site condominium project plans, the Zoning Administrator shall forward one copy to each member of the Planning Commission, and the Township Engineering or Planning Consultant, for consideration at the next regularly scheduled meeting of the Planning Commission.
5. The Zoning Administrator shall notify by mail, all the members of the Planning Commission, that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of said hearing shall be given at least fifteen (15) days prior to the hearing by one (1) publication

in a newspaper of general circulation in the Township and by notice by mail to each public utility company within the geographical sections or divisions of the Township affected by the proposed development. Notices of said hearing shall also be sent, not less than fifteen (15) days prior to the date fixed therefor, by mail to the applicant and to all owners within three hundred (300) feet of the subject property. The Zoning Administrator shall also give such notice of the meeting as required by the open Meetings Act. In reviewing the preliminary plan, the Planning Commission shall give particular attention to all information required to accompany the submission, in particular the deed restrictions and covenants in an effort to determine that they are adequate to ensure ultimate completion of the project in accordance to the proposed project plan. If the preliminary plan meets the requirements of this Ordinance and all other applicable local, state, county, and federal regulations, the Planning Commission shall grant it preliminary approval.

If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:

- (a) Recommend denial of the preliminary plan, setting forth the reasons in writing, or
- (b) Recommend granting of preliminary plan approval contingent upon completion of the revisions as noted.

D. **Setbacks and Boundaries.** The setback requirements for condominium buildings shall be determined as follows:

1. Single Family Units.

- (a) The front yard setback shall be one-half ($\frac{1}{2}$) the approved or recorded street right of way, plus the current setback for the existing zoning district.
- (b) The side yard setbacks shall be twice the minimum required within the zoning district. The distance from the unit to the limit of development shall meet the minimum required side yard setback within the zoning district.
- (c) The rear yard setback between the rear of two (2) units shall be twice the minimum rear yard setback of the zoning district. The distance from the rear of the unit to the limits of the development shall meet the minimum rear yard setback of the zoning district.

2. Multiple family units shall meet the standards of the Medium Density Residential District (R-3).

3. The relocation of boundaries as defined in Section 148 of the Michigan Condominium Act, shall conform to all setback requirements of this Section, of the district in which the project is located, shall be submitted to the Planning Commission for review and approval, and these requirements shall be made a part of the by-laws and recorded as part of the master deed.

E. **Common Elements.** After construction of a condominium unit, the undeveloped area of a unit shall become a common element.

F. **Subdivision of Unit Sites.** Subdivision of condominium unit sites is permitted following Planning Commission review and approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on the conditions of zoning or development plan approval, and shall be made as part of the by-laws and recorded as part of the master deed.

G. **Conformance with Subdivision Regulations.** All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established within this Ordinance, the LaGrange Township Subdivision Ordinance and with the Land Division Act, PA 288 of 1967, as amended.

- H. **Water and Waste Water.** The condominium project shall comply with and meet all federal, state, and county standards for a potable water system and waste water disposal.
- I. **Expansion and Conversion.** Prior to expansion or conversion of a condominium project to additional land and new phases, it must be reviewed and approved by the Planning Commission.
- J. **Master Deed.** The project developer shall furnish the Township with one (1) copy of the proposed consolidated master deed, one (1) copy of the by-laws, and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this Ordinance to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements.
- K. **As-Built Plans and Occupancy.** Submission of an as-built plan of a condominium unit is required prior to occupancy. The Building Inspector may allow occupancy of the project before all improvements required are installed provided that security is submitted to the Township in accordance with the provisions of Section 25. Fees for these reviews shall be established and adjusted by the Township Board of Trustees.
- L. **Final By-Laws, Consolidated Master Deed, and Site Plan.** Upon approval of the development, the applicant shall furnish the Township a copy of the by-laws and consolidated master deed. The development plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.
- M. **Compliance with other Statutes and Ordinances.** All condominium projects shall comply with pertinent federal, state, and local laws, statutes, and ordinances.

Section 19.03 Open Space Preservation

This Section established provisions under which a land owner may exercise the option to develop land with open space preservation in accordance with PA 177 of 2001.

- A. **Prerequisites.** No lot may be developed with the open space preservation option unless each and every of the following prerequisites are met:
 1. The entire lot, both the portion to be developed and the portion to be maintained as open space, shall be classified in a single zoning district, either Agricultural A-P or A-G, or Residential R-1, R-2 or R-3.
 2. No portion of the lot, neither the portion to be developed nor the portion to be maintained as open space, shall have previously been part of an open space preservation option development.
- B. **Development Approval Process.** A land owner who wants to exercise the open space preservation development option shall comply with each and every of the following requirements in order to secure approval from LaGrange Township for the proposed development.
 1. An application requesting approval of the proposed open space preservation development shall be filed with the Zoning Administrator. The application shall be in forms provided by the Township and shall include a plan review fee, which shall be set by and may, from time to time, be amended by the LaGrange Township Board. The fee shall reflect the costs that the Township Board, in its sole opinion, considers likely to be incurred for review of the plans for the proposed development.
 2. The application shall be executed by the owner(s) of the subject property. The applicant shall provide all of the information requested on the application form. An application shall not be deemed to be complete and shall not be deemed to be filed unless and until all of the requested

information is provided on the application form.

3. In addition to other information, the application shall include the following:
 - (a) A development plan showing the maximum density and buildout of the subject property pursuant to the applicable zoning district regulations. This plan shall include, at a minimum, the following:
 - (i) A current survey showing all of the property lines;
 - (ii) Delineation of all wetlands subject to State or Federal regulation;
 - (iii) The maximum development of lots and dwelling units under existing zoning district regulations, including dimensions of lots and buildings, providing that wetlands subject to State or Federal regulation shall make up no more than fifty (50) percent of any single lot and any single lot shall have sufficient buildable area outside of such wetlands; and
 - (iv) Either evidence that each of the proposed dwellings can be adequately served with existing public water and sewer service, or else written evidence from the Cass County Health Department that each and every one of the lots and dwellings could be adequately served by well and septic systems.
 - (b) A development plan showing the proposed development. This plan shall include, at a minimum, the following:
 - (i) A current survey showing all property lines;
 - (ii) Delineation of all wetlands subject to State and Federal regulation;
 - (iii) The layout of all lots and buildings proposed to be developed, including all of the open yards required by the applicable zoning district regulations, and a showing that each and every lot contains sufficient land and adequate space for the construction of a single-family dwelling; and
 - (iv) Either evidence that each of the proposed dwellings can be adequately served with existing public water and sewer service, or else written evidence from the Cass County Health Department that each and every one of the lots and dwellings could be adequately served by wells and septic systems.
 - (c) The proposed legal instruments to be used to assure that the open space remains open and undeveloped and that it will be maintained in perpetuity.
4. Once the completed application has been received and the Zoning Administrator is satisfied that the application is complete, the application shall be forwarded by the Zoning Administrator to the Secretary of the Planning Commission, who shall place the application on the agenda of the next regular meeting of the Planning Commission.
5. The Planning Commission shall review the application in regard to the required development standards set forth in Paragraph C below. If the Planning Commission finds that the proposed development complies with each and every required standard then it shall approve the application. If the Planning Commission finds that the proposed development does not comply with the required standards, and that the deficiencies are minor, then the Planning Commission may table the application to allow the applicant to submit a revised application that complies with the required standards, or may approve the application with conditions. If the Planning Commission finds that the proposed development does not comply with the required standards, then the Planning Commission shall deny the application.

6. The applicant may file an application for a Special Use Permit, and the Planning Commission may consider, pursuant to the provisions of Section 18, for a request to consider a mechanism, other than that proscribed in Paragraph C.3 below, for the preservation of the required open space in perpetuity.
- C. **Development Standards.** Every lot developed or to be developed with the open space preservation option shall comply fully with each and all of the following requirements:
1. The overall density, in terms of dwelling units per acre, shall not exceed that which is allowable under the existing zoning district regulations, as established pursuant to Section 16.02.A.3(a), above.
 2. The minimum lot size standards for each individual lot in the development required by the existing zoning district regulations shall not apply to developments qualifying under this Section as open space preservation. Rather, it is incumbent upon the developer and subsequent property owners to assure that each lot contains adequate buildable area with the open yards space required by the applicable zoning district regulations, without need for a variance. In no case shall any lot contain a buildable area of less than two-thousand-five-hundred (2,500) square feet.
 3. Fifty percent, or more, of the area of the subject property shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 4. Each and every lot shall provide the minimum front, side and rear yards as required by the applicable zoning district regulations.
 5. Any and all wetlands subject to State and Federal jurisdiction shall be maintained in their pre-development state; there shall be no filling nor alteration of any such wetlands, regardless of whether or not a permit may be obtained from the relevant State or Federal agency.

Section 19. Planned Development

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SECTION 20. SITE PLAN REVIEW

Section 20.01 Purpose

The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Township in order to accomplish the developer's objectives in harmony with the existing and prospective use and development of adjacent properties. It shall be the further purpose of this section to insure that each proposed development and its components, appearance, and function is in compliance with this Ordinance, other Township ordinances, and State and Federal laws. These purposes apply to development of previously unimproved sites; to the redevelopment, expansion, contraction or alteration of existing sites; and to the alteration or replacement of existing uses.

Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, environmental and ecological protection, emergency access, effective drainage, vehicular and pedestrian safety and conveniences; prevention of air, water and noise pollution; and limitation of obnoxious odors, glare, and exposure to toxic substances and wastes.

The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review for proposed development plans. Through the application of the following provisions, the attainment of the LaGrange Township Master Plan will be assured, and the Township will develop in an orderly fashion.

Section 20.02 When Site Plan Review is Required

- A. **Site Plan Required.** Submission of a site plan shall be required for any of the following:
1. Any development or use for which submission of a site plan is required by provisions of this Ordinance.
 2. Any development in the C-1 Commercial or I-1 Industrial zoning districts.
 3. Any principal use requiring four (4) or more parking spaces.
 4. All site condominium developments.
- B. **Exempt Development.** The following developments are exempt from the provisions of this Section:
1. Single and two-family dwelling units on individual lots.
 2. Agricultural accessory buildings located in agricultural zoning districts and agricultural accessory buildings in an otherwise legal and lawful nonconforming use.

Section 20.03 Preliminary Site Plan Consideration / Pre-Application Meeting

- A. **Preliminary Site Plan Consideration.** Applicants for site plan review are encouraged to submit a conceptual or preliminary site plan for discussion and consideration by the Planning Commission. The intent of the Preliminary Site Plan Review is to minimize errors, miscalculations, or misconceptions prior to the submission for formal Site Plan Review. This procedure is intended for informational purposes only and shall not necessarily bear directly upon later reviews. Proposed new construction on parcels of land which are undeveloped or are to be redeveloped, or which will

be developed in phases, are encouraged to seek this review prior to the submission for final Site Plan Review. The purpose of this is to indicate the general design, intent, and layout of the project and to introduce and provide an overview of the development to the Planning Commission and community in general. This review shall be provided at no charge to the applicant when conducted during a regularly scheduled monthly Planning Commission meeting.

- B. **Pre-application Conference with Township Staff.** A pre-application conference may take place to review a generalized site plan presented by a prospective applicant for consideration of the overall idea of the development. The purpose of the conference is to discuss basic questions regarding use, density, integration with existing development in the area and impacts on and the availability of public infrastructure. Also, the applicant may be presented with the applicable procedures required by this Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. The conference may be scheduled by a prospective applicant with the Zoning Administrator and such other Township representatives, as appropriate, including one member of the Planning Commission, the Township Supervisor, a member of the Zoning Board of Appeals. Township staff may not confer an interpretation of Township ordinances nor imply Planning Commission approval of the applicant's proposed site plan or project.

Section 20.04 Application Process

Application for final site plan review shall be made to the Township by filing of not less than ten (10) copies of an application form and detailed site plan with the Zoning Administrator at least thirty (30) calendar days in advance of the regularly scheduled Planning Commission meeting at which the plan is to be first considered. Fees are required to be paid in accordance with the fee schedule in effect as established by the Township Board at the time the application is made.

The Zoning Administrator shall examine the site plan to determine that it contains all the necessary information. If it is incomplete, it shall be returned to the applicant. If it is complete and appears to comply with the requirements of the Zoning Ordinance, the Zoning Administrator shall forward the application to the Secretary of the Planning Commission who shall place the application on the agenda of the next, regularly scheduled Planning Commission meeting.

- A. **Application Form.** Each request for site plan review shall be accompanied by a completed application form furnished by the Township and shall include the following information:
1. The applicant's name, address, and phone number.
 2. The address and parcel number of the property.
 3. The application shall be executed by the owner(s) of the property. The application may be represented by a party who has a legal financial interest in the property (such as a purchase agreement) provided that the application contains an affidavit signed by the property owner(s) indicating the party and the nature of the legal interest.
 4. The address of the applicant to whom all correspondence regarding the application and site plan review the process should be sent.
 5. Project description, including the total project title, number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, and other pertinent information.
 6. The gross and net acreage of all lots or parcels in the project.

7. Existing zoning classification, land uses, and structures on the subject parcel.
 8. Name and address of developer (if different from the applicant), engineer, architect and/or land surveyor.
 9. Project completion schedule/development phases.
 10. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
- B. **Site Plan Information.** Each request for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing, showing the entire site and all land and improvements within one-hundred-fifty (150) feet of the site. The scale of the site plan shall be not less than 1 inch = 50 feet if the subject property is less than 3 acres, and 1 inch = 100 feet if three acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. If there is an accurate site plan for the lot on file with the Township, the Township Zoning Administrator may waive the requirement for a site plan. The following information shall be included:
1. Name of development and general location sketch.
 2. Name, address and phone number of owner(s), developer, engineer, architect and/or designer.
 3. North arrow, scale, and date of original drawing and revisions.
 4. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, Registered Land Surveyor or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a Registered Architect. A site plan for an alteration or addition to an existing structure may be prepared by the builder or contractor.
 5. A legal description and address of the property in question.
 6. The area of the site in square feet and acres excluding all existing and proposed public rights-of-way.
 7. The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated.
 8. Existing topographic elevations at two foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions.
 9. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, and wetlands, and proposed drainage ways.
 10. Location and type of existing vegetation, including location of all existing trees over five (5) inches in diameter. Where strands of trees to be preserved, the general location may be indicated.
 11. Any significant site amenities and unique features.
 12. Existing land uses and zoning classification of the subject parcels and adjacent parcels.
 13. All required yards and setbacks.

14. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
15. The location and width of all existing public roads, rights-of-way or private easements of record, abutting streets, alleys, and driveway locations to abutting streets.
16. With residential proposals, a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet on floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage.
17. With non-residential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
18. Proposed parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per ordinance requirements) and type of surfacing.
19. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.
20. Proposed traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks. Designate loading and unloading areas, barrier free access, any fire lanes, and carports.
21. Proposed finish grade of buildings, driveways, walkways, and parking lots.
22. Proposed type of building materials, roof design, projections, canopies and overhangs, roof-located mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
23. Proposed water service including any proposed tap ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains.
24. Proposed sanitary sewer facilities and the location of all existing utilities, easements and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
25. Proposed storm water management plan including design of sewers, outlets (enclosed or open ditches), and retention or detention ponds. Sufficient data regarding site run-off estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanency of drainage detention and/or retention as well as the impact on local surface and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan.
26. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
27. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
28. Soil erosion and sedimentation control measures.
29. Detailed landscaping plan indicating location, types and sizes of material, in compliance with the landscaping requirements set forth in Section 18.
30. All proposed screening and free standing architectural walls, including typical cross-sections and the height above ground on both sides.

31. The dimensions and location of all signs, both wall signs and free-standing signs and of lighting structures and shielding.
32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
33. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
34. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
35. Notation of any variances which have been or must be secured.
36. Notation of performance guarantees to be provided including amounts, types, and terms.
37. Statement that applicant will comply with state, local and federal laws, as applicable to the site or intended use.
38. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township 's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
39. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.
40. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
41. Plans depicting existing and proposed building elevations.
42. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan needs to be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
43. Building elevations of the proposed structure(s) from each direction shall be shown.

Section 20.05 Criteria for Granting Site Plan Approval

Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Planning Commission as a basis upon which site plans will be reviewed and approved or denied. The Planning Commission shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- A. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of

surrounding properties for uses permitted on such property.

- B. The site plan shall comply with the zoning district requirements for minimum floor space, height of building, lot size, yards and open space, density and all other requirements as set forth in this Ordinance.
- C. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
- D. The site plan shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pruning, mowing and replacing all dead and diseased materials.
- E. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- F. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
- G. All streets shall be developed in accordance with the LaGrange Township Subdivision Regulations and the Cass County Road Commission design specifications. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a Township recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the Township in order to achieve access which is safe and convenient.
- H. Special attention shall be given to proper site drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjacent lots or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. In addition, special attention shall be given to the installation of appropriate fencing and other safety measures adjacent to and surrounding stormwater retention and detention areas. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Where possible and practical, drainage design shall recognize existing natural drainage patterns. Final grades may be required to conform to existing or future grades of adjacent properties.
- I. All off-street parking, loading and unloading areas and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts or public thoroughfares, shall be screened by walls, fencing or landscaping of effective height as required within the landscape provisions of this ordinance. Building entrances designed for vehicular access shall not access any building through the front yard of a development.
- J. Exterior lighting shall be so arranged and limited in intensity and height so that it is deflected away from adjacent lots and so that it does not impede vision of drivers along adjacent streets. All exterior

lighting shall be recessed within the fixture or structure in which it is attached.

- K. Adequate services and utilities including sanitary sewers or land suitable for onsite sewage disposal, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
- L. Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes including health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, wetlands, and requirements of the State Fire Marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.
- M. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful, convenient, attractive and harmonious community.
- N. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the Township and with the Township Master Plan.
- O. A major objective shall be to retain, enhance and protect the quality, value and privacy of all residential land uses.
- P. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.
- Q. All sites shall be designed to comply with State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

Section 20.06 Review and Approval

Site Plans shall be reviewed in accordance with the following procedures:

- A. **Department Review.** The Township may secure comments from the Building Inspector, Cass County Road Commission, Sheriff's Department, and the Township's consultant Engineer and/or Planner, and forward all comments to the Planning Commission for its review. The Planning Commission shall review the plans and may solicit further comments from an Engineer, Planning Consultant and other agencies, groups or persons, as appropriate.
- B. **Site Plan Approval.** The Township Planning Commission is hereby authorized to review and approve, with or without conditions or to review and deny approval, all site plans submitted under this Ordinance. Approval or denial, as well as any included conditions shall be based on the criteria for granting site plan approval set forth in Section 20.06. When the Planning Commission approves a site plan with conditions from the applicant, the Township Zoning Administrator shall require a

revised final site plan with a revision date, indicating said conditions on the site plan.

- C. **Record of Action.** Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the LaGrange Township Planning Commission. A final copy of the approved site plan shall be so marked and placed on file with the Township Clerk's office.
- D. **Final Site Plan.** When a site plan approval is required, no zoning permit and no building permit shall be issued until three copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Chairman of the Planning Commission. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: Township Clerk, Building Official and the Applicant.
- E. **Re-Application.** An application for a site plan review that is substantially the same as a site plan that has been denied by the Planning Commission, shall not be filed and shall not be accepted by the Planning Commission within twelve (12) months of the date of denial.

Section 20.07 Issuance of Building Permit after Site Plan Approval

Complete construction plans including component phases, shall be submitted for review by the County Building Inspector and, as applicable, the Township Engineer. Upon review and finding that the construction plans meet with the requirements of site plan approval and other applicable ordinances of the Township, the Building Inspector may issue a building permit for said construction.

Site plan approval shall be valid for one year from the date of approval. If an applicant does not obtain a building permit and commence construction within one year after site plan approval, the site plan approval expires and is of no force or effect, with or without written notice from the Township.

If the such construction lapses and an issued building permit expires, then the site plan approval shall expire concurrent with the building permit, with or without written notification from the Township.

Section 20.08 Modification of an Approved Site Plan

No changes to an approved site plan shall be permitted. The only means for modifying an approved plan is for the property owner or applicant to submit a new application for site plan review.

Section 20.09 Conformity to Approved Site Plan Required

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this Ordinance and subject to the enforcement provisions of Section 25.

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner/applicant shall submit to the Township Zoning Administrator, two copies of an "as built" site plan, certified by an engineer or architect, at least one week prior to the anticipated occupancy of any building. No Certificate of Occupancy shall be issued by the Building Official, and there shall be no occupancy and no use until and after the Zoning Administrator shall have confirmed, by the issuance of a zoning certificate, that the site plan has been fully constructed and installed in conformance with the approved site plan and any and all conditions imposed by the Planning Commission.

SECTION 21. SPECIAL USE PERMITS

Section 21.01 Special Use Permits Generally

- A. **Intent.** The procedures and standards set forth in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses.
- B. **Purpose.** The purpose of incorporating special use permits into the Zoning Ordinance is based on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the Township into districts, within each district the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses that, while generally compatible with other uses in a particular zoning district, may not be suitable for each and every property located within that district. Furthermore, there are certain uses that, because of their unique characteristics, may require additional development standards to minimize potential impacts to adjacent and nearby properties.
- C. **Application.** Certain uses are permitted by special use permit in accordance with the various zoning district regulations. When a special use permit is required, no zoning permit shall be issued, no construction for any building or structure shall be commenced, and no use shall be made until and after the Planning Commission approves a special use permit for a particular use on a particular lot in accordance with the procedure set forth in this Section.

Section 21.02 Application Process

- A. **The Application.** Application for a special use permit shall be made to the Planning Commission by filing of not less than ten (10) copies of an application form with the Township Zoning Administrator. Fees are required to be paid in accordance with the fee schedule in effect as established by the Township Board at the time the application is made. The application shall include the following information. This information shall be considered a minimum and the Zoning Administrator may require additional information, including a current survey, deemed necessary in order for the Planning Commission to make a fully informed decision on the application.
 - 1. The applicant's name, address, and phone number.
 - 2. The address, parcel number and current zoning district classification of the property.
 - 3. The application shall be executed by the owner(s) of the property. The application may be represented by a party who has a legal financial interest in the property (such as a purchase agreement) provided that the application contains an affidavit signed by the property owner(s) indicating the party and the nature of the legal interest.
 - 4. The application shall grant a right of entry onto the subject property to the Zoning Administrator, members of the Planning Commission, and representatives and designees of the Township for the purpose of inspecting the property and reviewing the application.
 - 5. The address of the applicant to whom all correspondence regarding the application and site plan review the process can be mailed.
 - 6. A narrative project description of the proposed use including

Section 21. Special Use Permits

- (a) number of employees
- (b) hours of operation
- (c) use of hazardous or toxic materials
- (d) a description of all local, state and federal permits and licenses required for the proposed use, and an indication of which have and have not been obtained as of the date of the filing of the application
- (e) materials of construction
- (f) anticipated traffic generation
- (g) water, sewer and infrastructure needs

7. A site plan showing:

- (a) property lines with dimensions
- (b) location of existing and proposed structures with dimensions
- (c) open yards as required by the applicable zoning district regulations
- (d) location and dimension of all proposed signs
- (e) parking and loading areas, and traffic circulation plan
- (f) proposed walls, fences and landscaping
- (g) the location of all structures within one-hundred-fifty (150) feet of the property boundary lines
- (h) outdoor storage, outdoor activity or work areas, and outdoor mechanical equipment

8. Any additional information required pursuant to Section 16.

- B. **Submission of the Application.** The application shall be filed with the Zoning Administrator, who shall review the application within fifteen (15) days of its receipt. In reviewing the application for completeness, the Zoning Administrator may consult with the Chairman of the Planning Commission, the Township Supervisor, the Township Engineer, and any other parties whose input the Zoning Administrator deems necessary for the proper review of the application. If the Zoning Administrator finds that the application is not complete, he shall return the application with a written explanation of the additional information that is required. Once the application is found to be complete, the Zoning Administrator shall forward the application to the Secretary of the Planning Commission who shall schedule the application for a Public Hearing at a regular meeting of the Planning Commission, within forty-five (45) days of the date on which the application was found to be complete by the Zoning Administrator.
- C. **Public Hearing.** Upon receipt of a complete application, site plan, and attachments, if any, the Secretary of the Planning Commission shall schedule a public hearing on the application, and provide notice of the hearing as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The notice shall contain:
- 1. A description of the nature of the special land use request under the specific section of this Ordinance.
 - 2. A legal description or address and/or an approximate sketch of the property which is the subject of the request.

3. A statement of when and where the public hearing will be held to consider the request.
4. A statement as to when and where comments will be received concerning the request. [amended 4-20-20]

Section 21.03 Standards for Approval of Special Use Permits

At the public hearing the Planning Commission shall review the application for special use permit in regard to the standards set forth in this Section. No special use permit shall be approved by the Planning Commission unless it finds that the proposed use will comply with each and every standard.

- A. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Township Master Plan and shall promote the intent and purpose of this Ordinance.
- B. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land. The property shall be of sufficient size to accommodate the proposed use in compliance with the required development standards of the applicable zoning district without a variance. All aspects of the proposed use, including parking, storage and lighting, shall be accommodated on the subject lot and within the same zoning district.
- C. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
 1. The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
 2. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
 3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 4. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- D. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
 1. Proximity and access to major thoroughfares.
 2. Estimated traffic generated by the proposed use.
 3. Proximity and relation to intersections.
 4. Location of and access to off-street parking.
 5. Required vehicular turning movements.
 6. Provision for pedestrian traffic.
- E. The proposed special land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
- F. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by

Section 21. Special Use Permits

reason of noise, fumes, glare or flashing lights.

- G. The proposed use shall be compatible with the natural environment in regard to the preservation of wetlands, minimization of stormwater runoff and erosion, and protection of water quality.
- H. The proposed use shall provide safe and adequate off-street parking in accordance with the requirements of Section 15.19.
- I. The proposed use will provide adequate landscaping in accordance with the requirements of Section 21.

Section 21.04 Approval or Denial of Special Use Permit

- A. **Approval or Denial.** At the public hearing, the Planning Commission shall consider the application in regard to each of the standards set forth in Section 21.03. If the Planning Commission finds that the proposed use complies with each and every standard then the Planning Commission shall approve the special use permit. If the Planning Commission finds that the proposed use does not comply with one or more of the standards then the Planning Commission may deny the special use permit.
- B. **Conditions.** In approving a special use permit, the Planning Commission may impose conditions related to the standards set forth in Section 21.03 in order to minimize impacts to adjacent and nearby properties, to assure good planning and orderly development, and to protect the health, safety and welfare of the community.
- C. **Re-Application.** An application for a special use permit that is substantially the same as a special use permit that has been denied by the Planning Commission, shall not be filed and shall not be accepted by the Planning Commission within twelve (12) months of the date of denial.

Section 21.05 Approved Special Use Permits

- A. **Duration.** If the activities authorized by a special use permit are not commenced within twelve (12) months of the date of approval, it shall be null and void, with or without written notification from the Township. An approved special use permit shall run with the land. A change in ownership of the property shall not nullify an approved special use permit. If the activities authorized by a special use permit are discontinued for twelve (12) months or longer, the special use permit shall become null and void, with or without written confirmation from the Township.
- B. **Modifications.** There shall be no modifications of an approved special use permit. A property owner desiring a modification of an approved special use permit must file a new application for a special use permit and go through the process established in this Section.
- C. **Violations.** Any violation of the conditions imposed with a special use permit, and any violation of the plans or the information submitted with the application for a special use permit shall be deemed to be violations of this Ordinance and shall be subject to the enforcement procedures provided for in Section 25.

SECTION 22. NON-CONFORMITIES

Section 22.01 Purpose and Intent

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located. While such nonconformities may be continued in accordance with the provisions of this Section, it is the intent of LaGrange Township that such nonconformities should eventually be phased out and eliminated.

Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

Section 22.02 Nonconforming Uses

A nonconforming use is a use which was lawfully in existence as of the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

- A. **Continuation of Nonconforming Uses.** Where, on the effective date of this Ordinance, or the effective date of an amendment to this Ordinance, a lawful and fully permitted use of land exists, which use is no longer permitted by right under the terms of this Ordinance as enacted or amended, such use may be continued, provided it remains otherwise lawful, subject to the following provisions:
1. **Expansion of Use.** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 2. **Moving.** The right to continue a nonconforming use run with the land. A change in property ownership shall not otherwise affect the rights to continue a nonconforming use established in this Section. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 3. **Discontinuation of Use.** If such nonconforming use of land ceases for any reason for a period of more than twelve (12) months the right to continue such nonconforming use shall be null and void, with or without written notification from LaGrange Township. Any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

Section 22.03 Nonconforming Lots

- A. A nonconforming lot is a lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located.

Section 22. Non-Conformities

- B. A nonconforming lot may be used for any use which is permitted in accordance with the applicable zoning district regulations, provided that any building or structure to be constructed complies with the minimum yard requirements and setbacks of the applicable zoning district regulations.
- C. When two (2) or more contiguous nonconforming lots or parts of nonconforming lots are in a single ownership at the time of, or subsequent to the adoption or amendment of this Ordinance, said lots shall be considered to be a single lot for the purposes of this Ordinance, and no portion of said lot shall be used, occupied, divided, or sold in any manner which would diminish compliance with minimum lot width and area requirements of this Ordinance.

Section 22.04 Nonconforming Structures

A building or structure, or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located.

- A. **Expansion of Structures.** Existing nonconforming structures may be expanded or enlarged provided that any new construction comply fully with the minimum yard space and height and other requirements of the applicable zoning district regulations.
- B. **Moving.** Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is relocated after it is moved.
- C. **Protecting Public Safety.** Repairs or maintenance deemed necessary by the County Building Official to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which is located.
- D. **Damage by Fire or other Natural Disaster.** Any nonconforming structure or building that is damaged by fire, flood, wind or other natural means, such that the cost of restoring or repairing the structure or building does not exceed eighty (80) percent of its assessed value, may be restored, provided that such restoration is commenced within one (1) year of the date of such damage and provided that such restoration is completed with two (2) years of the date of such damage. The conforming use or occupancy of such building or structure, or part thereof, which existed at the time of such destruction may be continued or resumed. Any nonconforming structure or building that is so damaged such that the cost of restoring or repairing the structure or building exceeds eighty (80) percent of its assessed value, shall only be restored or repaired in full compliance with the requirements and provisions of this Ordinance.

Section 22.05 Nonconformities Acquired

The Township Board may acquire a nonconformity through purchase or condemnation. Purchase costs may be assessed to a special assessment district.

Section 22.06 Change in Tenancy or Ownership

A change of tenancy, ownership or management of any existing nonconforming use, lot or structure shall not affect the nonconforming rights set forth in this Section.

Section 22.07 Unlawful Nonconformities

Any nonconforming use, lot, or structure that was not lawful and fully permitted prior to the enactment of this Ordinance or pertinent amendment thereto shall not be allowed and shall be in violation of this Ordinance and subject to the enforcement provisions of Section 25.

Section 22.08 Burden of Proof

Upon any finding by the Zoning Administrator, Planning Commission or the Zoning Board of Appeals that a use, structure or lot does not conform with the provisions of this Ordinance or pertinent amendment thereto, the burden of proof shall be upon the property owner to prove by a preponderance of the evidence that such use, structure or lot was legal and fully permitted prior to the effective date of this Ordinance or pertinent amendment thereto. In any permit request, enforcement action or any other proceeding, the burden of proof shall be upon the property owner or applicant to prove by a preponderance of the evidence that a nonconforming use, lot or structure was lawful and fully permitted prior to the effective date of this Ordinance or pertinent amendment thereto.

Section 22.09 Recording of Nonconformities

Upon the written request by a property owner and upon the property owner's showing by a preponderance of the evidence that a nonconforming use, structure or lot was lawful and fully permitted prior to the effective date of this Ordinance or pertinent amendment thereto, the Zoning Administrator shall issue a Zoning Certificate, in accordance with the provisions of Section 25, that establishes that the use, structure or lot is a legal nonconforming use and is eligible for the nonconforming rights established by this Section. In any such request, the burden is upon the property owner to provide sufficient information and evidence for the Zoning Administrator to make a finding that such use, structure or lot was lawful and fully permitted prior to the effective date of this Ordinance or pertinent amendment thereto. A copy of any such Zoning Certificate shall be forwarded to the Secretary of the Planning Commission who shall maintain a public record of all such legal nonconforming uses, structures and lots.

Section 22. Non-Conformities

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SECTION 23. ZONING BOARD OF APPEALS

Section 23.01 Establish of the Zoning Board of Appeals

Pursuant to the Michigan Zoning Enabling Act, PA 110 or 2006, as amended, there is hereby created the LaGrange Township Zoning Board of Appeals. The Zoning Board of Appeals (ZBA) shall be constituted and appointed as provided by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended and shall be comprised of five (5) members. [amended 10-18-11]

Section 23.02 Intent

The intent of LaGrange Township in establishing the Zoning Board of Appeals is to provide for variances, to provide a means for interpreting this Ordinance, and to provide a final means of administrative remedy for appeals of decisions made pursuant to this Ordinance. The purpose of this Section is to provide guidelines and standards to be followed by the Zoning Board of Appeals to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.

Section 23.03 Rules and Procedures

The Zoning Board of Appeals shall establish fixed rules and regulations governing its procedures, meetings, operations, and actions. Said rules shall be made available to the public and shall be in conformance with this Ordinance, the Township Zoning Act and the Open Meetings Act.

Section 23.04 Authority of the Zoning Board of Appeals Generally

The Zoning Board of Appeals shall have the authority to act on those matters where this Ordinance or State law provides for jurisdiction. The ZBA shall have the authority to interpret this Ordinance in accordance with the standards set forth in Section 23.05. The ZBA shall have the authority to grant appeals from any administrative decision, determination or action by the Zoning Administrator, Planning Commission or the Township Board pursuant to this Ordinance, in accordance with the standards set forth in Section 23.06. The ZBA shall have the authority to grant variances to the strict application of this Ordinance in accordance with the standards set forth in Section 23.07. The ZBA shall not have the authority to change the zoning district classification of any property nor to amend this Ordinance in any way.

Section 23.05 Interpretations of the Zoning Ordinance

The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map, in accordance with the standards set forth in this Section.

A. **Application.** Any property owner may file an application for a Zoning Ordinance interpretation with the Zoning Administrator. Such application shall include a fee as established from time to time by the Township Board. The Township Board and the Planning Commission may also petition the ZBA for a Zoning Ordinance interpretation by filing an application with the Zoning Administrator, and in such case there shall be no fee required. The application shall contain, at a minimum, the following information:

1. Name and address of the applicant;

2. The property address and tax number for the property in question;
 3. A site plan showing the property boundary lines and dimensions, and the location and dimensions of existing and proposed structures;
 4. A written narrative that describes the issue on which the Zoning Ordinance is unclear or ambiguous and the nature and extent of the problem created by the language of the Zoning Ordinance.
- B. **Process.** The Zoning Administrator shall review the application for completeness. Once a completed application is received by the Zoning Administrator, he shall forward the application to the Secretary of the Zoning Board of Appeals who shall schedule a meeting of the Zoning Board of Appeals and place the application on the agenda for that meeting.
- C. **Hearing.** Prior to rendering any decision on an interpretation request, the ZBA shall schedule and hold a public hearing on the interpretation request, as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Notice for such public hearing shall be provided per the Michigan Zoning Enabling Act, as amended. The ZBA shall consider the application in regard to the standards set forth in Section 23.05(D) below. The ZBA may request advice from the Zoning Administrator, the Planning Commission, the Township Board, consultants for the Township, and any other party whose knowledge or expertise may assist the ZBA with making an informed decision. [amended 10-18-11]
- D. **Standards.** In considering and acting upon a request for a Zoning Ordinance interpretation, the Zoning Board of Appeals shall consider the following:
1. Any interpretation issued by the ZBA shall be in keeping with the text as well as the spirit and intent of the Master Plan.
 2. Any interpretation issued by the ZBA shall be in keeping with the text as well as the spirit and intent of the Zoning Ordinance, read as a whole.
 3. Any interpretation issued by the ZBA shall be in keeping with reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance.
 4. Any map or boundary interpretation shall be made based upon rules in the Ordinance, and any relevant historical information.
 5. Any interpretation issued by the ZBA shall be related to an issue on which the Zoning Ordinance contains ambiguous, unclear or conflicting language.
 6. No interpretation shall be issued for an issue on which the Zoning Ordinance is silent. The appropriate remedy for such issues is an amendment to the Zoning Ordinance in accordance with Section 25.
 7. Any interpretation issued will serve to protect the health, safety and welfare of the community, and shall not be injurious to adjacent and nearby properties.
- E. **Action.** When the ZBA shall find that a request for a Zoning Ordinance interpretation complies with each and every standard set forth in Section 23.05(D) the ZBA may approve the requested interpretation. When the ZBA shall find that a request does not comply with one or more of the standards, then the ZBA shall deny the requested interpretation. The ZBA may approve a different interpretation than that which was requested when it finds that the alternative interpretation is more in keeping with the Master Plan and the Zoning Ordinance than is the requested interpretation, and when the ZBA finds that the alternative interpretation complies with each and every standard.

- F. **Record.** The Secretary of the Zoning Board of Appeals shall notify the Secretary of the Planning Commission of the ZBA's action on all requested interpretations. The Secretary of the Planning Commission shall maintain a public record of all interpretations approved by the ZBA.

Section 23.06 Appeals

The ZBA shall have the authority to hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator, the Planning Commission or the Township Board in the course of enforcing this Ordinance. An appeal shall only be heard by the ZBA if the appeal is filed within thirty (30) days of the date of the order, requirement, decision or determination for which the appeal is sought.

- A. **Application.** An application for an appeal may be taken by any person aggrieved by any order, requirement, decision or determination made by the Zoning Administrator, the Planning Commission or the Township Board in the course of enforcing this Ordinance. Applications for appeals shall conform with the following requirements:
1. The application for an appeal shall be filed with the Secretary of the Zoning Board of Appeals and the officer from whom the appeal is taken – the Zoning Administrator or the Chairman of the Planning Commission or the Clerk of the Township Board.
 2. The application shall be deemed to be filed on the later of the dates that the complete application is received by the Secretary of the ZBA and the officer from whom the appeal is taken.
 3. The application shall be made on forms provided by the Zoning Administrator. The applicant shall submit with the application filed with the Secretary of the ZBA a fee as established from time to time by the Township Board. The application shall contain, at a minimum, the following information:
 - (a) Name and address of the applicant;
 - (b) The property address, tax number and zoning district classification for the property in question;
 - (c) A site plan showing the property boundary lines and dimensions, and the location and dimensions of existing and proposed structures; The ZBA may, at its discretion, require that the applicant, at his expense, submit a detailed site plan prepared by a licensed surveyor or professional engineer when it determines that such a site plan is necessary in order for the ZBA to make an informed decision.
 - (d) A written narrative that describes the decision or action from which the appeal is sought, the particular relief that is sought, and the potential impact of the relief sought on adjacent and nearby properties, and that specifically addresses each standard set forth in Section 23.06(D)
 4. An appeal may also be filed by the Zoning Administrator, Planning Commission or Township Board, or any officer, department or bureau of the Township, County or State.
 5. Within fourteen (14) days of the date the appeal is filed, the officer from whom the appeal is taken shall deliver to the Secretary of the ZBA copies of all of the papers constituting the record upon which the decision was made.
- B. **Stay of Proceedings.** An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA

that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property. If such certification is made, proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction. The provisions of this paragraph shall not nullify a stop work order validly issued by the Zoning Administrator or Planning Commission.

- C. **ZBA Review.** Once the Secretary of the ZBA is in receipt of the complete application and the complete record on which the decision was made, the Secretary shall advise the ZBA chairperson of such. Thereafter, the ZBA chairperson shall schedule and hold a ZBA meeting, which meeting shall include a public hearing on the appeal request, as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
1. The ZBA shall provide notice of the public hearing as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
 2. The appeal may be represented by a party who has a legal financial interest in the property (such as a purchase agreement) provided that the application contains an affidavit signed by the property owner(s) indicating the party and the nature of the legal interest. The appeal may be represented by an agent or attorney representing the property owner or applicant.
 3. The Chairman of the ZBA may administer oaths to each and every person who speaks or offers evidence or testimony at the public hearing. The Chairman may compel the attendance of witnesses. [amended 10-18-11]
- D. **Standards for Granting an Appeal.** In reviewing the appeal, the ZBA shall consider the following standards:
1. Did the order, requirement, decision, or determination comply with the constitution and laws of the State and with the strict requirements of this Ordinance?
 2. Is the order, requirement, decision, or determination based upon proper procedure?
 3. Is the order, requirement, decision, or determination supported by competent, material and substantial evidence on the record?
 4. Is the order, requirement, decision, or determination a reasonable exercise of the authority granted by this Ordinance?
- E. **Decision on the Appeal.** The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the enforcement of this Ordinance. If the ZBA finds that all four of the standards set forth in Section 23.06(D) above are true, then it shall deny the appeal. If the ZBA finds that one or more of the required standards are not true, it may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made, and to that end, the ZBA shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. If the ZBA finds that there is additional evidence available at its public hearing that was not available when the original order, requirement, decision, or determination was made, it may remand the issue back to the officer or body from whom the appeal was taken for a rehearing. The ZBA may impose conditions on an affirmative decision in accordance with the following requirements:
1. Such conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or

activity, and the community as a whole.

2. Such conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Such conditions shall be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

- F. **Finality of Decision.** The decision of the Zoning Board of Appeals in an appeal case shall be final. Any party aggrieved by the decision of the ZBA on such a case and with proper standing, may appeal the decision of the ZBA to the Circuit Court for Cass County. Any appeal granted by the ZBA shall be valid for one (1) year from the date of approval. If the use or construction authorized by a granted appeal shall not commence within one (1) year of the date of approval and, in the case of construction, shall not be completed within two (2) years of the date of approval, the appeal shall become null and void and of no effect, with or without written notification by the ZBA.

Section 23.07 Variances

The Zoning Board of Appeals shall have the authority to grant variances from the strict application of this Ordinance in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property that do not generally affect other properties in the same zoning district. Such variances shall be subject to the provisions of this Section.

- A. **Application.** Application for a variance shall be made to the Zoning Board of Appeals by filing of not less than five (5) copies of an application with the Township Zoning Administrator. Fees are required to be paid in accordance with the fee schedule in effect as established by the Township Board at the time the application is made. The application shall include the following information. This information shall be considered a minimum and the Zoning Administrator, in consultation with the Chairman of the ZBA, may require additional information that they deem necessary in order for the ZBA to make a fully informed decision on the application.
1. The applicant's name, address, and phone number.
 2. The address, parcel number and current zoning district classification of the property.
 3. The application shall be executed by the owner(s) of the property. The application may be represented by a party who has a legal financial interest in the property (such as a purchase agreement) provided that the application contains an affidavit signed by the property owner(s) indicating the party and the nature of the legal interest.
 4. The application shall grant a right of entry onto the subject property to the Zoning Administrator, members of the ZBA, and representatives and designees of the Township for the purpose of inspecting the property and reviewing the application.
 5. The address of the applicant to whom all correspondence regarding the application and variance process should be sent.
 6. A narrative description of the requested variance that describes the section(s) of the Zoning Ordinance from which the applicant is seeking a variance as relief; the nature and extent of the requested variance; and the potential impact of the requested variance on adjacent and nearby properties; and that specifically addresses the standards for granting a variance that are set forth in Section 23.07(E) below. [amended 4-20-20]

7. A site plan showing:
 - (a) property lines with dimensions
 - (b) location of existing and proposed structures with dimensions
 - (c) open yards as required by the applicable zoning district regulations
 - (d) proposed walls, fences and landscaping
8. The ZBA may, in its discretion, require that the applicant, at his expense, submit a detailed site plan prepared by a licensed surveyor or professional engineer when it determines that such a site plan is necessary in order for the ZBA to make an informed decision.

B. Submission of the Application. The application shall be filed with the Zoning Administrator, who shall review the application within fifteen (15) days of its receipt. In reviewing the application for completeness, the Zoning Administrator may consult with the Chairman of the ZBA, the Township Supervisor, the Township Engineer, and any other parties whose input the Zoning Administrator deems necessary for the proper review of the application. If the Zoning Administrator finds that the application is not complete, he shall return the application with a written explanation of the additional information that is required. Once the application is found to be complete, the Zoning Administrator shall forward the application to the Secretary of the Zoning Board of Appeals who shall schedule a meeting of the ZBA and schedule the application for a Public Hearing at that meeting, within forty-five (45) days of the date on which the application was found to be complete by the Zoning Administrator.

C. Notice Public Hearing. Once the Secretary of the ZBA is in receipt of the complete application, the Secretary shall advise the ZBA chairperson of such. Thereafter, the ZBA chairperson shall schedule and provide notice of a ZBA meeting, which meeting shall include a public hearing on the variance request, as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Notice of the variance request and public hearing on same shall be provided as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

1. A description of the nature of the special land use request under the specific section of this Ordinance.
2. A legal description or address and/or an approximate sketch of the property which is the subject of the request.
3. A statement of when and where the public hearing will be held to consider the request.
4. A statement as to when and where comments will be received concerning the request. [amended 10-18-11]

D. Public Hearing.

1. The variance request may be represented by a party who has a legal financial interest in the property (such as a purchase agreement) provided that the application contains an affidavit signed by the property owner(s) indicating the party and the nature of the legal interest. The variance request may be represented by an agent or attorney representing the property owner or applicant.
2. The Chairman of the ZBA may administer oaths to each and every person who speaks or offers evidence or testimony at the public hearing. The Chairman may compel the attendance of witnesses.

3. The applicant and interested members of the public shall have the opportunity to address the ZBA and present evidence in regard to the application, in accordance with rules and procedures adopted by the ZBA from time to time. The ZBA may also take into consideration the testimony provided by the Zoning Administrator, the Planning Commission, and parties with relevant knowledge or expertise.

E. Standards for Granting a Variance. In reviewing the request for a variance, the ZBA shall consider the application in regard to the criteria set forth in this paragraph and in regard to any additional criteria imposed by case law or statutory law. Where there are practical difficulties in the way of carrying out the strict letter of the zoning ordinance, the ZBA may vary or modify any of its rules or provisions so that the spirit of the ordinance is observed, public safety secured, and substantial justice is done. The board of appeals may impose conditions with an affirmative decision pursuant to this section. To grant a variance, the ZBA shall find that all of the following conditions are met:

1. There are unique conditions of the land, lot, or parcel, such as exceptional or extraordinary:
 - (a) Narrowness of the width or depth of a lot or parcel, or an irregular shape.
 - (b) Natural or topographic features located on the lot or parcel, such as steep slopes, water, existing significant trees or other unique or extreme physical conditions of the land.
 - (c) Location of an existing building or structure that allows no other practical or feasible location for expansion because of the exceptional features of the land.
 - (d) Dimensional conditions or characteristics of land, lot or parcel.
2. The unusual circumstances do not apply to most or other lots or parcels in the same manner or to the same extent to other lots or parcels in the same zoning district.
3. The variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.
5. The applicant shall not have created the problem for which the variance is being sought.
6. The granting of the variance will not be contrary to the public interest and the spirit of the zoning ordinance shall be observed. [amended 4-20-20]

F. Approval or Denial of Variance. If the ZBA finds that the standards set forth in Section 23.07(E) above are satisfied, then it shall approve the variance. If the ZBA finds that one or more of the required standards are not satisfied, it shall deny the variance. The ZBA may approve a lesser variance if, in its opinion, the lesser variance will result in substantial justice being done, and if the lesser variance is in compliance with the standards set forth in Section 23.07(E). The ZBA may impose conditions on an affirmative decision in accordance with the following requirements:

1. Such conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Such conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

Section 23. Zoning Board of Appeals

3. Such conditions shall be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- G. **Finality of Decision.** The decision of the Zoning Board of Appeals in a variance case shall be final. Any party aggrieved by the decision of the ZBA on such a case and with proper standing, may appeal the decision of the ZBA to the Circuit Court for Cass County. Any variance granted by the ZBA shall be valid for one (1) year from the date of approval. If the use or construction authorized by a variance shall not commence within one (1) year of the date of approval and, in the case of construction, shall not be completed within two (2) years
- H. **Re-Application.** An application for a variance that is substantially the same as a variance that has been denied by the ZBA, shall not be filed and shall not be accepted by the ZBA within twelve (12) months of the date of denial.

SECTION 24. AMENDMENTS TO THE ZONING ORDINANCE AND ZONING DISTRICTS MAP

Section 24.01 Amendments Generally

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the Township, this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the Township generally, to rezone an area, to extend the boundary of an existing District or to change the regulations and restrictions thereof. Such amendment to this Ordinance may be initiated by any person, firm, or corporation by filing an application, with the Zoning Administrator, including any fee as established from time to time by the Township Board; by motion of the Township Board; or by resolution of the Planning Commission. The procedures for amending this Ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended.

Section 24.02 Application

Application for an Amendment to the Zoning Ordinance shall be made to the Planning Commission by filing of not less than ten (10) copies of an application form with the Township Zoning Administrator. Fees are required to be paid in accordance with the fee schedule in effect as established by the Township Board at the time the application is made. The application shall include the following information. This information shall be considered a minimum and the Zoning Administrator, in consultation with the Chairman of the Planning Commission, may require additional information that they deem necessary in order for the Planning Commission to make a fully informed decision on the application.

- A. The applicant's name, address, and phone number.
- B. If the proposed amendment is to the Zoning Districts Map, or if the proposed amendment is directed at a particular property, then the application shall include the address, parcel number and current zoning district classification of the property; it shall be executed by the owner(s) of the property; and it shall grant a right of entry onto the subject property to the Zoning Administrator, members of the Planning Commission, and representatives and designees of the Township for the purpose of inspecting the property and reviewing the application.
- C. A narrative description of the nature and effect of the proposed amendment.
- D. If the proposed amendment would require a change in the Zoning Districts Map, a complete legal description of the entire land area effected, the present zoning classification of the land, the names and addresses of the owners of all land and the legal descriptions of their land within the area. The Planning Commission may require a current survey of the subject property.
- E. In any case where a requested change in zoning district classification is for only a portion of a lot, then the Planning Commission may require that a current survey shall be submitted and that the boundary line between all zoning district classifications on the subject property shall be indicated and shall be physically monumented in the field by the setting of an iron pipe or a concrete marker.
- F. If the proposed amendment will correct an alleged error, a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same.
- G. If the proposed amendment is in response to changed or changing conditions in the area or in the

Township, then the application shall describe those changing conditions that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

- H. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

Section 24.03 Submission of the Application

The application shall be filed with the Zoning Administrator, who shall review the application within fifteen (15) days of its receipt. In reviewing the application for completeness, the Zoning Administrator may consult with the Chairman of the Planning Commission, the Township Supervisor, the Township Engineer, and any other parties whose input the Zoning Administrator deems necessary for the proper review of the application. If the Zoning Administrator finds that the application is not complete, he shall return the application with a written explanation of the additional information that is required. Once the application is found to be complete, the Zoning Administrator shall forward the application to the Secretary of the Planning Commission who shall schedule the application for a Public Hearing at a regular meeting of the Planning Commission, within forty-five (45) days of the date on which the application was found to be complete by the Zoning Administrator.

Section 24.04 Public Hearing

Upon receipt of a complete application the Secretary of the Planning Commission shall schedule a public hearing on the request. Notice of the public hearing for an amendment to this Ordinance shall be given by publishing said notice at least twice in a newspaper of general circulation in the Township stating the time and place of such hearing and the substance of the proposed amendment. These notices shall appear in said newspaper with the first being not more than thirty (30) days and not less than twenty (20) days and the second notice not more than eight (8) days prior to the date set for the public hearing. Such notice shall also be mailed to each public utility company and railroad company owning or operating any public utility or railroad within the zoning districts affected by the proposed amendment that registers its name and mailing address with the Township for the purpose of receiving such notice. The Township Clerk shall maintain an affidavit of such mailing.

In addition to the above, if an individual property or several adjacent properties are proposed for rezoning, the Secretary shall give a written notice of the public hearing to the owner(s) of the property in question, and shall prepare a written notice to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single- and two-family dwellings within three hundred (300) feet. The notice shall state the time, place, date, and purpose of the hearing. The applicant shall deliver the notice personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The applicant shall file an affidavit of mailing and personal delivery with the Planning Commission before the hearing. The notice shall be made not less than eight (8) days before the hearing.

Section 24.05 Planning Commission Review

The Planning Commission shall review the proposed amendment at a Public Hearing. The Planning Commission shall consider the proposed amendment in regard to the following standards:

- A. The proposed amendment shall be compatible with and in accordance with the general principles and future land use configuration of the Township Master Plan and shall promote the intent and purpose of the Master Plan. In cases in which this criterion is not met, the Planning Commission shall

recommend denial of the proposed amendment. In such case, the applicant may voluntarily request the Planning Commission to table the amendment request indefinitely to allow the applicant to request an amendment to the Master Plan. Any such application that is tabled indefinitely shall be re-filed in accordance with Sections 24.02 and 24.03 above, including the payment of the required application fee at the rate in effect at the time of the re-filing.

- B. The proposed amendment shall protect the health, safety and welfare of the community; the proposed amendment shall promote the intent and purpose of this Ordinance.

Section 24.06 Planning Commission Action

Following the public hearing, the Planning Commission shall vote to recommend the proposed amendment as submitted, or to recommend the proposed amendment with modifications, or to deny the proposed amendment. The Secretary shall prepare a report with the Planning Commission's recommendation or denial regarding the proposed amendment, and transfer such to the Township Clerk and shall forward a copy to the Cass County Planning Commission for its review.

Section 24.07 Township Board Action

Upon receipt of the Secretary's report and the Cass County Planning Commission's recommendation, provided such recommendations are received within thirty (30) days, the Township Clerk shall place the proposed Zoning Ordinance Amendment on the agenda of the next regular Township Board meeting. The Township Board may adopt the proposed amendment, adopt the proposed amendment with modifications, or decline to adopt the proposed amendment. If the Township Board finds that amendments to the proposed amendment are advisable, it may submit such modifications to the Planning Commission for comment within a set period of time. The Township Board may also hold a public hearing on the proposed amendment or refer the proposed amendment back to the Planning Commission for further study and review or for additional public hearings.

Section 24.08 Effective Date

No amendment approved by the Township Board shall become effective until seven (7) days after Notice of Ordinance Adoption in accordance with Section 11a of Public Act 184 of 1943, as amended, being MCL Section 125.281a, as amended.

Section 24.09 Protests

Upon the filing of a notice of intent to request a referendum, the effective date of an amendment shall be either thirty (30) days after publication, if a petition is not filed or the petition lacks adequate signatures, or after approval by the electors if an adequate petition is filed, in accordance with Section 12 of Public Act 184 of 1943, as amended, being MCL Section 125.282.

Section 24.10 Conformance to Court Decree

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

Section 24. Amendments to the Zoning Ordinance and Zoning Districts Map

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SECTION 25. ZONING ADMINISTRATION

Section 25.01 Application

The Township Board, the Planning Commission, the Zoning Board of Appeals, and the Zoning Administrator shall be responsible for the administration and enforcement of this Ordinance in accordance with the roles and responsibilities set forth in this Section.

- A. **Township Board.** The Township Board shall have the following exclusive authority:
1. To adopt the Zoning Ordinance, both text and map, in accordance with Public Act 184 of 1943;
 2. To approve amendments to this Zoning Ordinance, both text and map, in accordance with the provisions of this Section;
 3. To establish a schedule of fees, and to amend this schedule from time to time as deemed appropriate by the Board, for the administration and enforcement of this Ordinance;
 4. To appropriate funds to the Planning Commission, the Zoning Board of Appeals, and the Zoning Administrator, as deemed appropriate by the Board, for the administration and enforcement of this Ordinance;
 5. To establish, and to appoint to and remove members from the Planning Commission and to the Zoning Board of Appeals in accordance with the provisions of this Ordinance and in accordance with the applicable provisions of State law;
 6. To appoint the Zoning Administrator, in accordance with the provisions of this Ordinance and in accordance with the applicable provisions of State law, and to remove the Zoning Administrator in accordance with the provisions of this Ordinance and in accordance with the applicable provisions of State law;
- B. **Planning Commission.** The LaGrange Township Board established a Planning Commission in accordance with Public Act 168 of 1959. The Planning Commission shall consist of five (5) members appointed by the Township Board. The Township Board hereby delegates to the Planning Commission the following responsibilities and authority:
1. To exercise any and all authority specifically granted, or necessarily implied, to the Planning Commission in accordance with State law, specifically including but not limited to that set forth in MCL 125.274 et seq., as amended;
 2. To hear and decide on requests for Site Plan Review in accordance with the provisions of Section 20 of this Ordinance;
 3. To hear and decide on requests for Special Use Permits in accordance with Section 21 of this Ordinance;
 4. To initiate and recommend amendments to the Zoning Ordinance, both text and map, in accordance with the provisions of this Section;
 5. To recommend that the Township Board institute legal proceedings to enforce compliance with this Ordinance, in accordance with the provisions of this Section;
 6. To exercise any other authority or rights specifically provided for in this Ordinance;

7. To assure that all of its deliberations and that all of its decisions shall not be contrary to the spirit and intent of this Ordinance and shall not be injurious to the surrounding neighborhood; and
8. To prepare an annual report to the Township Board, which report shall:
 - (a) summarize the activities of the Planning Commission during the preceding year,
 - (b) describe the actions taken by the Planning Commission during the preceding year, and
 - (c) account for all funds expended by the Planning Commission during the preceding year.

C. **Zoning Board of Appeals.** There is hereby established by the LaGrange Township Board the LaGrange Township Zoning Board of Appeals in accordance with Public Act 184 of 1943, herein referenced as the Zoning Board of Appeals or ZBA. The ZBA shall consist of three (3) members appointed by the Township Board. It is the intent of the Township Board that the Zoning Board of Appeals be a continuation of the ZBA established and operated pursuant to the Zoning Ordinance originally adopted in December 1993, and that the terms of the members of the ZBA continue in accordance with those terms in effect as of the effective date of this Ordinance. The Township Board hereby delegates to the Zoning Board of Appeals the following responsibilities and authority:

1. To exercise any and all authority specifically granted, or necessarily implied, to the Zoning Board of Appeals in accordance with State law, specifically including but not limited to that set forth in MCL 125.288 et seq., as amended;
2. To hear and decide upon requests for interpretations of the Zoning Ordinance in accordance with the provisions of Section 23;
3. To hear and decide appeals from and review any order, requirements, decision, or determination made by the Zoning Administrator, the Planning Commission or the Township Board in the course of enforcing this Ordinance, in accordance with the provisions of Section 23;
4. To hear and decide requests for Variances in accordance with the provisions of Section 23;
5. To apply interpretations of law as decided by the Courts of the State of Michigan and the Courts of the United States of America;
6. To recommend that the Township Board institute legal proceedings to enforce compliance with any order or decision of the ZBA, in accordance with the provisions of this Section;
7. To exercise any other authority or rights specifically provided for in this Ordinance;
8. To assure that all of its deliberations and that all of its decisions shall not be contrary to the spirit and intent of this Ordinance and shall not be injurious to the surrounding neighborhood; and
9. To prepare an annual report to the Township Board, which report shall:
 - (a) summarize the activities of the ZBA during the preceding year,
 - (b) describe the actions taken by the ZBA during the preceding year, and
 - (c) account for all funds expended by the ZBA during the preceding year.

D. **Zoning Administrator.** There is hereby established the position of LaGrange Township Zoning Administrator, herein referenced as the Zoning Administrator. The Zoning Administrator shall be appointed by resolution of, and shall serve at the pleasure of the Township Board, or shall be appointed by and serve under the terms of a contract with the Township Board. The Township Board hereby delegates to the Zoning Administrator the following responsibilities and authority:

1. To exercise any and all authority specifically granted, or necessarily implied, to the Zoning Administrator in accordance with State law;
2. To review and decided upon requests for Zoning Permits in accordance with the provisions of this Section;
3. To review and decide upon requests for Zoning Certifications in accordance with the provisions of this Section;
4. To investigate and report upon violations of this Ordinance, regardless of whether or not a citizen or resident of the Township has made or filed a complaint;
5. To order, in writing, the remedying of any violation of this Ordinance within a reasonable time limit;
6. To distribute applications at a time and place of general convenience, and to accept the filing of completed applications at a time and place of general convenience, in accordance with the provisions of this Ordinance, and in accordance with any rules, requirements or procedures that may, from time to time, be established by the Township Board;
7. To recommend that the Township Board institute legal proceedings to enforce compliance with this Ordinance, in accordance with the provisions of this Section;
8. To exercise any other authority or rights specifically provided for in this Ordinance;
9. To exercise any and all administrative responsibilities that are specifically required or necessarily implied and that are not otherwise delegated to the Township Board, the Planning Commission, or to the Zoning Board of Appeals;
10. To assure that all of his or her deliberations and that all of his or her decisions shall not be contrary to the spirit and intent of this Ordinance and shall not be injurious to the surrounding neighborhood; and
11. To prepare an annual report to the Township Board, which report shall:
 - (a) summarize the activities of the Zoning Administrator during the preceding year,
 - (b) describe the actions taken by and permits issued by the Zoning Administrator during the preceding year, and
 - (c) account for all public funds expended by the Zoning Administrator during the preceding year.

Section 25.02 Permits Required

- A. On and after the effective date of this Ordinance, no structure nor building shall be erected or enlarged until and after the Zoning Administrator shall have issued a Zoning Permit for the proposed erection or enlargement, in accordance with the provisions of this Section.
- B. On and after the effective date of this Ordinance, the erection or enlargement of any structure or building shall not commence until the Zoning Administrator has issued a Zoning Permit for the proposed erection or enlargement, in accordance with the provisions of this Section.
- C. On and after the effective date of this Ordinance no use shall be commenced nor changed until the Zoning Administrator has issued a Zoning Permit for the proposed use, in accordance with the provisions of this Section.

- D. No zoning permit shall be required for the sole act of installing new windows in an already existing and lawful structure.
- E. No permit shall be required for the sole act of replacing the roofing shingles or siding on an already existing and lawful structure.

Section 25.03 Issuance of Zoning Permits

A. Application.

1. The application for a Zoning Permit shall be made on forms provided by the Zoning Administrator and shall include information deemed necessary by the Zoning Administrator to determine that the proposed use, structure or enlargement, and property is in full compliance with the requirements of this Ordinance.
2. The application shall be executed by the owner(s) of the property. The application may be represented by a party who has a legal financial interest in the property (such as a purchase agreement) provided that the application contains an affidavit signed by the property owner(s) indicating the party and the nature of the legal interest application may also be represented by a licensed contractor provided that the application is executed by the property owner.
3. The application shall grant a right of entry onto the subject property to the Zoning Administrator, and representatives and designees of the Township for the purpose of inspecting the property and reviewing the application.
4. Any fee established by the Township Board for the review of a Zoning Permit application shall be submitted with the application form.
5. When the Township Board, Planning Commission, Zoning Board of Appeals or Zoning Administrator is pursuing an enforcement action against any property or structure or use, no Zoning Permit application shall be accepted for such property or structure or use until and after the enforcement action has been completed and the subject violation has been remedied.

B. Review of the Application. The Zoning Administrator shall review the information presented with the application and determine if the proposed use, structure or enlargement, and property is in full compliance with the requirements of this Ordinance. No other standards other than those provided for in this Ordinance shall be considered in reviewing the application. The Zoning Administrator shall review and decide upon the application and shall either approve or deny the application within thirty (30) days of his or her receipt of the completed application.

C. Approval or Denial of Application.

1. If the Zoning Administrator finds that the proposed use, structure or enlargement, and property is in full compliance with the requirements of this Ordinance, then the Zoning Administrator shall issue a Zoning Permit. A Zoning Permit shall be in writing on a standardized form established by the Zoning Administrator.
2. If the Zoning Administrator finds that the proposed use, structure or enlargement, and property is not in full compliance with the requirements of this Ordinance, then the Zoning Administrator shall deny the application. Such denial shall be in writing and shall state the specific reason why the application has been denied. An application may be modified to correct the deficiency that resulted in its denial, however, such re-submission shall be considered a new application and shall require the payment of the appropriate application fee.

- D. Expiration of Zoning Permits.** Any Zoning Permit shall be valid provided that the use, or the erection or enlargement that is permitted shall have commenced within one (1) year of the date the permit is issued. If such use, or erection or enlargement does not commence within one (1) year then the Zoning Permit shall be null and void, with or without written notice from the Zoning Administrator. Furthermore, any erection or enlargement permitted by a Zoning Permit shall be completed within two (2) years of the date the permit is issued. If such erection or enlargement is not completed within two (2) years then the Zoning Permit shall be null and void, with or without written notice from the Zoning Administrator. Upon written request of the owner within three (3) months or prior to the expiration of the zoning permit for which construction has commenced, the Zoning Administrator may allow for a one-time extension of the permit for one (1) year. Such extension requires the payment of a fee in the amount of one-half ($\frac{1}{2}$) of the fee for a new zoning permit at the time of the requested extension.
- E. Violation of Zoning Permit.** If the Zoning Administrator shall find that any condition or requirement of a Zoning Permit is being violated, or if the Zoning Administrator shall find that any information or condition indicated on a Zoning Permit application shall not be true, the Zoning Administrator may stop all work and may immediately and permanently revoke the Zoning Permit.

Section 25.04 Zoning Certificate

Any property owner may request the Zoning Administrator to issue a Zoning Certificate. The purpose of such certification is to indicate that any existing use or structure or property is in compliance with the requirements of this Ordinance. An application for a Zoning Certification shall be made on forms provided by the Zoning Administrator and shall include such information as is deemed necessary by the Zoning Administrator to determine that a use or structure or property is in compliance with this Ordinance. Such application shall include the payment of any fee established by the Township Board for the review of a such applications. Within thirty (30) days of the receipt of a completed application, the Zoning Administrator shall either issue the requested Zoning Certification in writing, or shall deny the request in writing, stating the specific reason why the application was denied.

Section 25.05 Enforcement

The Zoning Administrator shall be primarily responsible for the enforcement of the provisions of this Ordinance, subject to the authority of the Township Board to authorize the commencement of legal proceedings to bring about compliance with this Ordinance. However, the Township Board, the Planning Commission and the Zoning Board of Appeals, in addition to the Zoning Administrator, may institute the legal remedies provided for in Paragraph C, Penalties, of this Section, to bring about compliance with this Ordinance.

A. Violations.

1. In accordance with the laws of the State of Michigan, a use of land, or a dwelling building or structure, including a tent or trailer coach that is used, erected, altered, razed, or converted in violation of a local ordinance is a nuisance per se, and the court shall order the nuisance abated.
2. Any person who, whether as owner, tenant or otherwise, uses land, a building or structure, including a tent or trailer coach, other than in strict compliance with the requirements and provisions of this Ordinance shall be deemed to be in violation of this Ordinance.
3. The owner of any property or structure or building that does not comply with the requirements or provisions of this Ordinance shall be deemed to be in violation of this Ordinance.

4. Any contractor, laborer, worker, or any other person involved in the erection or enlargement of any structure that is not fully permitted or that does not comply with any provisions of this Ordinance shall be deemed to be in violation of this Ordinance.
5. The owner of any vehicle or equipment that is kept, stored or used in a manner that does not comply with this Ordinance shall be deemed to be in violation of this Ordinance.
6. Where more than one individual may be found to be in violation of this Ordinance in accordance with the preceding paragraphs of this section, such individuals may be held liable for the violation collectively or individually, regardless of whether or not enforcement actions are taken against all of the individuals who might be involved.

B. Remedies. Prior to pursuing enforcement actions allowed under Paragraph C, Penalties, below, the Zoning Administrator may order in writing the remedying or abatement of any violation within a set period of time. Such an order shall not have the effect of staying the pursuit of enforcement actions allowed under the Penalties paragraph below by the Township Board.

C. Penalties.

1. Any person or other entity who violates any provision of this Ordinance, or any permit, license or exception granted under this Ordinance, or any lawful order of the Zoning Administrator, Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance, whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as a principal.
2. Any violation of any provision of this Ordinance or any permit, license or exception granted under this Ordinance, or any lawful order of the Zoning Administrator, Board of Appeals, Planning Commission, or the Township Board issued in pursuance of this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction set forth in this chapter or allowed by law.
3. Any person or other entity who violates any provision of this Ordinance, or any permit, license or exception granted under this Ordinance, or any lawful order of the Zoning Administrator, Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance, shall be deemed to be responsible for a municipal civil infraction as defined by state statute, which shall be punishable by a civil fine as follows:

(a) For admissions of responsibility by persons served with municipal ordinance violation notices:

	Minimum Fine	Maximum Fine
First offense within a 3-year period*	\$75.00	\$500.00
Second offence within a 3-year period*	\$150.00	\$500.00
Third offense within a 3-year period*	\$325.00	\$500.00
Fourth or more offense within a 3-year period*	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s).

(b) Additionally, the violator shall pay costs that may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more that \$500.00 be ordered. In addition,

the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation.

- (c) With respect to a person who fails to admit responsibility and pay the required civil fine within the designated time period, the Zoning Administrator shall issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court need not comply in all particulars with the requirements for citations as provided by section 8705 and 8709 of Public Act No. 12 of 1994 (MCL 600.8705, 600.8709), but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The violation shall thereafter be processed as a municipal civil infraction as provided by law. [amended 1-28-06]

Section 25.06 Performance Guarantees

To ensure compliance with this Ordinance and faithful completion of required improvements, an approving authority (Planning Commission, Zoning Board of Appeals, or Township Board as appropriate) may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be subject to the following:

- A. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project. Such improvements may include, but not limited to roadways, parking, lighting, utilities, sidewalks, landscaping and screening, and drainage.
- B. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit, insurance bond, or other surety form acceptable to the approving authority. The amount of the guarantee shall be determined by the approving authority and shall cover the full cost of any uncompleted required improvements and inspections. If the improvements are planned for the following construction season, any necessary adjustments in anticipated costs shall be made to the amount of the guarantee. The performance guarantee shall be deposited prior to the start of work and issuance of any permits.
- C. Performance guarantees shall continue until such time as the approving authority notifies the applicant that the conditions imposed upon the development have been satisfied. The Township Treasurer shall not release the performance guarantee until the approving authority is satisfied that the conditions for such action have been met and have notified the Township Treasurer in writing.
- D. As work progresses, the approving authority may authorize, upon written request of the applicant, the rebate of the financial guarantee in reasonable proportion to the ratio of work completed on the required improvements, provided that ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the approving authority, or its designee, of all required improvements.

Section 25.07 Fees

- A. **Fee Schedule.** Non-refundable fees are required at the time of the filing of any development application.
- B. **Administrative Fee.** Fees based on a schedule set and posted by the Township Board shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. In addition, professional review fees per the current fee schedule on file with the Township Clerk shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. An application shall not be determined as complete until all required fees are paid.
- C. **Professional Review Fees.** In addition to regularly established fees, the Township Board, Planning Commission, and Zoning Administrator may also require an applicant to submit an amount of money determined to be a reasonable estimate of the fees and costs which may incurred by the Township in reviewing and acting upon the review of development proposals, in accordance with an escrow fee policy adopted by resolution by the Township Board.
1. The fund shall cover reasonable costs and expenses incurred by the Township during and in connection with the review process, such as outside planning, legal, and engineering fees.
 2. The estimated fee shall be submitted prior to any Township review of a site plan, PUD, private street, subdivision, condominium, or special land use application. Fees shall be placed in escrow and will be used to pay for outside review costs.
 3. The applicant shall maintain a minimum amount in this fund. Any unused balance shall be refunded to the applicant upon final approval or satisfaction of any conditions of approval. [amended 4-20-20]