

**GRANT TOWNSHIP**  
GRAND TRAVERSE COUNTY, MICHIGAN

Zoning ordinance  
Adopted 1974  
As amended through March 2023

SECTION	SUBJECT	PAGE
Section 1	Preamble	Page 1
Section 2	Title	Page 1
Section 3	Definitions	Page 1
Section 4	Prohibitions	Page 8
Section 5	Accessory Buildings and Uses	Page 9
Section 6	Nonconforming Uses	Page 9
Section 7	Application For Extension of Nonconforming Uses	Page 9
Section 8	Changes in Nonconforming Uses	Page 9
Section 8A	Changes in Nonconforming Lots	Page 9
Section 9	Discontinuation of Nonconforming Uses	Page 9
Section 10	Repair of Nonconforming Uses	Page 9
Section 11	Destruction of Nonconforming Uses	Page 10
Section 12	Districts	Page 10
Section 13	Zoning Map	Page 11,82
Section 14	General Requirements for All Districts	Page 11
Section 14A	Special Use Permits	Page 21
Section 14B	Site Plan Review	Page 24
Section 14C	Open Space Preservation	Page 28
Section 14D	Wind Energy Systems	Page 28
Section 15	R-1 & R-2 Residential Districts	Page 33
Section 16	A-1 & A-2 Agricultural Districts	Page 37
Section 17	B-1 Business District	Page 47
Section 18	Land Use Permits	Page 52
Section 19	Zoning Board of Appeals	Page 54
Section 20	Nuisance Per Se	Page 55

Section 21	Penalties	Page 55
Section 22	Severability	Page 55
Section 23	Survival of Actions	Page 56
Section 24	Solar Energy Systems	Page 56
Section 25	Effective Date	Page 60

## GRANT TOWNSHIP ZONING ORDINANCE OF 1974

AN ORDINANCE to establish zoning districts and prescribe regulations for the use of land within the unincorporated portion of the Township of Grant; to encourage, restrict and prohibit certain land uses; to establish a Board of Zoning Appeals; to provide for the administration and enforcement of the ordinance and to prescribe penalties for the violation of the provisions hereof, pursuant to the power conferred by Act 184, Public Acts of 1943, as amended.

THE TOWNSHIP OF GRANT ORDAINS:

### **SECTION 1 - PREAMBLE:**

A. The purpose of this Ordinance is to protect the public health, safety and general welfare of the inhabitants of the Township of Grant; to provide for adequate light, air and convenience of access; to secure safety from fire and other dangers; to avoid undue concentration of population by regulating and limiting types and locations of buildings and regulating the location of trades, industries, and buildings designated for specific uses; to encourage the use of lands and resources of the Township in accordance with their character and adaptability; to provide for safety in traffic, adequate parking, and reduce hazards to life and property; to facilitate the development of adequate systems of fire protection, education, recreation, water supplies, and sanitary facilities; to conserve life, property, natural resources and the use of public funds for public services and improvements to conform with the most advantageous use of lands, resources, and properties; to meet the needs of the State's citizens for food, fiber, energy, and other natural resources.

Amendment #8, Adopted July 21, 1980.

B. It is the declared public policy of this Township to prescribe a plan for land use designed to promote and protect the public health, safety and general welfare of the inhabitants of the Township.

Section 1, Revised by Amendment #84-1, Adopted October 22, 1984.

C. It is further declared to be the public policy of Grant Township that the requirements of this Ordinance are intended to implement, as appropriate, the goals and objectives of the Grant Township Master Plan, prepared under the requirements of Act 168 of 1959, as amended, being the Township Planning Act.

Added by Amendment #02-03, Adopted August 19, 2002.

**SECTION 2 - TITLE:** This Ordinance shall be known and may be cited as the Grant Township Zoning Ordinance of 1974.

**SECTION 3 - DEFINITIONS:** For the purpose of this Ordinance, certain terms are herein defined. When not inconsistent with the context, words appearing in the present tense shall include the future, words in the singular and plural shall include the plural and singular tenses respectively, and the word "shall" is mandatory and not directory.

**Accessory Building:** A supplemental building or structure on the same lot, or part of the main building occupied by or devoted exclusively to an accessory use.

Accessory Use: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

Adult: A person 18 years of age or older.  
Added by Amendment #2006-05, Adopted August 21, 2006.

Adult Book or Video Store: An establishment having a substantial or significant portion of its business devoted to books, magazines, periodicals, films or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; as defined herein.  
Definition added by Amendment #97-23, Adopted October 14, 1997.

Adult Cabaret: A cabaret which regularly features go-go dancers, strippers, or similar entertainers; or waiters, waitresses or other employees showing specified anatomical areas or specified sexual activities. Definition added by Amendment #97-23, Adopted October 14, 1997.

Adult Motion Picture Theater: An establishment regularly used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observing by patrons therein. Definition added by Amendment #97-23, Adopted October 14, 1997.

Adult Novelty Store: An establishment that has a substantial or significant portion of its business devoted to the sale of devices, which stimulate human genitals, or devices designed for sexual stimulation. Definition added by Amendment #97-23, Adopted October 14, 1997.

Adult Panorama: An establishment having a substantial or significant portion of its business devoted to an entertainment use where patrons view in individual viewing booths, films, tapes, or live entertainment showing specified sexual activities or specified anatomical areas.  
Definition added by Amendment #97-23, Adopted October 14, 1997.

Agri-tourism: A use of Agricultural land or buildings that is not a general farming or agricultural use (define by the Michigan Department of Agriculture Generally accepted Management Practices (GAMPS). The intent of the use being, to bring the public on to the farm operation as a source of revenue or for public education about agriculture. Adopted June 15, 2020  
Amendment # 2020-02

Ambient Sound Level: The amount of background noise including sources that are constant and/or periodic at a given location prior to the installation of a Wind Energy System, that is measured on the dB(A) weighted scale as defined by the American National Standards.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequency excluding radar signals, wireless telecommunication signals or other communication signals. Definition added by Amendment #02-05, Adopted August 19, 2002.

Antique Market: A market usually found outside where antiques 25 years and older are sold  
Effective date December 24, 2010.

Bed & Breakfast: A home occupation in an owner occupied dwelling unit wherein up to four (4) bedrooms are used for transient guest use for compensation and prearrangement. Meals may

be served to overnight guests only. Definition added by Amendment #2004-09, Adopted September 20, 2004.

Billboard: An outdoor sign advertising services, products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold or conducted upon the premises upon which the billboard is located. Definition added by Amendment #93-4, Adopted March 21, 1994.

Building: Any structure, intended for shelter, housing or enclosure of persons, animals, or chattels.  
Adopted January 21, 2019 Amendment 2019-02.

Burlesque Hall: An establishment, which regularly features entertainers showing specified anatomical areas or specified sexual activities.  
Definition added by Amendment #97-23, Adopted October 14, 1997.

Cabaret: A cafe, restaurant or bar where patrons are entertained by performers who dance or sing or play musical instruments. Definition added by Amendment #97-23, Adopted October 14, 1997.

Communication Tower or Telecommunication Tower: All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals/including, but not limited to radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS) and cellular telephone towers. Not included in this definition are citizen band radio facilities; short wave receiving facilities, radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. Definition added by Amendment #02-05, Adopted August 19, 2002.

Condominium Subdivision also known as Site Condominium: A type of ownership under the provisions of Act 59 of 1978, as amended, where individuals own a building envelope consisting of a dwelling, the land immediately around it, and own in common with others the balance of the property, including open space, utility easements, access, drainage areas and other common areas. The property is not divided. Definition added by Amendment #00-5, Adopted May 15, 2000.  
Amended by Amendment #2004-05, Adopted September 20, 2004.

Day Care Center: A facility, other than private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where parents or guardians are not immediately available to the child. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop in center.  
Definition added by Amendment #00-3, Adopted May 15, 2000.

Decibel: Unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on a dB(A) weighted scale as defined by the American National Standards Institute.

Decommissioning: The process of terminating operation of a Wind Energy System and completely removing all related buildings, structures, foundations, access roads and equipment.

District: An area of the Township of Grant for which zoning regulations governing land use are uniform. Revised by Amendment #97-2, Adopted October 14, 1997.

Dwelling: Any building or structure or part thereof occupied as the home, residence or sleeping place of one or more persons, either permanently or transiently except tents, travel trailers, campers and other sporting and recreational facilities. Definition added by Amendment #84-2, Adopted October 22, 1984.

Dwelling-One Family: A dwelling occupied by but one (1) family, and so designated and arranged as to provide living, cooking and kitchen accommodations for one (1) family only.

Dwelling-Two Family: A dwelling occupied by but two (2) families and so designated and arranged as to provide independent living, cooking and kitchen accommodations for two (2) families only.

Enterprise: Any use devoted to manufacturing, retailing, wholesaling or production of goods or services, entertainment, distribution, leasing or renting. Definition added by Amendment #93-4, Adopted March 21, 1994.

Existing Building: A building existing or for which the foundations are in place or upon which there has been substantial work done, prior to the effective date of this Ordinance, or any amendment thereto.

Existing Use: A use of premises, or buildings, or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance, or any amendment thereto.

Family Day Care Home: A private home in which 1, but not more than 6 minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or guardian, except children related to an adult member of the family. Definition added by Amendment #00-3, Adopted May 15, 2000.

Farmers Market: A market at which farmers and non-wholesalers sell Michigan grown agricultural products directly to consumers. Effective December 24, 2010.

Frontage: That portion of property that fronts the road on which the address for the parcel is given. Definition added by Amendment #99-2, Adopted May 15, 2000.

Group Day Care Home: A private home in which 7, but not more than 12 minor children are received for care and supervision for periods of less than 24 hours a day unattended by parent or guardian, except children related to an adult member of the family. Definition added by Amendment #00-3, Adopted May 15, 2000.

Highway: Any public thoroughfare in Grant Township; including Federal and State Roads and highways, where and whether of depressed surface, or elevated construction.

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the

dwelling for dwelling purposes, does not change the character thereof and which does not endanger the health, safety, and welfare of any other persons residing in that area for reasons of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Provided further, that no article or services are sold or offered for sale on the premises, except as such is produced on the premises by occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, or outdoor storage. Definition added by Amendment #84-2, Adopted October 22, 1984.

Large Wind Energy System: A wind energy system defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 30 Kilowatts (kW)

Licensed Adult Foster Care Facility: A governmental or nongovernmental establishment that provides foster care to adults. An adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.  
Added by Amendment #2006-05, Adopted August 21, 2006.

Lot: The parcel of land on which one (1) principal building and its accessories are located or intended to be located, together with any open spaces required by this Ordinance.

Lot-Nonconforming: A real estate parcel existing as a separate lot at the time of the effective date of the adoption of the Grant Township Zoning Ordinance or any subsequent amendment to the Zoning Ordinance. Definition added by Amendment #03-06, Adopted June 16, 2003.

Lots of Record: Those real estate parcels existing as legally separate pieces of property at the time of the effective date of an adopted zoning ordinance or any subsequent amendment to a zoning ordinance.

Manufactured Home: A single family manufactured living unit, minimum 24 feet wide and minimum 800 square feet, which is transported to a site as two (2) or more modules, which is so constructed as to permit permanent occupancy as a dwelling or sleeping place by one (1) or more persons. Definition added by Amendment #03-02, Adopted June 16, 2003.

Manufactured Home Park: An area upon which three (3) or more occupied mobile and/or manufactured homes are placed or intended to be placed, designed or intended to be used as living facilities for one or more families, on a continual or non-recreational basis, and which is licensable under Act 243 of the Public Acts of 1959, as amended.  
Amended by Amendment #03-02, Adopted June 16, 2003.

Migrant Agricultural Workers: Migrant/seasonal workers used on a temporary basis in agricultural operations.

Nonconforming Use: An existing use of land or buildings which was lawful prior to the effective date of this Ordinance, or any amendment thereto, and which does not conform with the current use requirements of the district in which it is located.



Nonconforming Building: An existing building employed in a lawful use prior to the effective date of this Ordinance or any amendment thereto, which use does not conform with the current use requirements of the district in which it is located.

Non Functional System: A system that is not generating electricity.

Occupied Building: A residence, school, hospital, church, public library, business, or other building used for public gatherings.

Open Space: The area within an open space residential development, not individually owned, which is designed and intended to conserve environmental features for the common use and enjoyment of the residents of the development. Such open space may contain accessory structures and improvements appropriate for recreational purposes, as provided by this ordinance.

Definition added by Amendment #00-7, Adopted September 18, 2000.

Open Space Residential PUD:

Definition added by Amendment #00-7, Adopted September 18, 2000. Deleted by Amendment #2004-07, Adopted September 20, 2004.

Open Space Preservation: A land development technique outlined in Act 177 of 2001, that allows a landowner to develop the same number of dwelling units on fifty (50) percent or less of the land area of a parcel as would be allowed on the entire parcel under conventional development regulations provided that the lands left as open space is dedicated as such by legal means.

Definition added by Amendment #04-03, Adopted February 16, 2004.

Owner: Individual or entity, including their respective successors and assigns, that have an equity interest or own a Wind Energy System in accordance with this ordinance.

Operator: Entity responsible for the day-to-day operation and maintenance of a Wind Energy System.

Private Road: Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides principal means of access to abutting properties.

Definition added by Amendment #93-4, Adopted March 21, 1994.

Recreational Trail: A pathway used for activities such as walking, jogging, biking, skiing, horseback riding, motorcycling and snowmobiling.

Definition added by Amendment #96-3, Adopted May 20, 1996.

Recreational Unit: A vehicular-type structure, 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 vehicle which is self-powered. Recreational unit shall include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis mounted campers.

Riding Stable: An enterprise in which six (6) or more horses are kept for commercial use, including rent or hire by the hour or day and/or boarding horses. Definition added by Amendment #96-1, Adopted May 20, 1996.

Roadside Stand: A structure for the display and sale of agricultural related products on a seasonal basis, with no space for customers within the structure itself.  
Definition added by Amendment #96-2, Adopted May 20, 1996.

Shadow Flicker: The moving shadow, casted by the sun shining through the rotating blades of a Wind Energy System.

Sign: Any device, structure, fixture or placard using graphics, symbols and or written copy, designed specifically for the purpose of advertising or identifying an establishment, product, goods or services, or any message to the general public.  
Definition added by Amendment #93-4, Adopted March 21, 1994.

Sign-Off Premise: An outdoor sign of thirty-two (32) square feet or less, advertising products, goods, services, activities, persons or events, made, produced, assembled, stored, distributed, leased, sold or conducted within Grant Township, but located off the premises of which the above activity occurs. Definition added by Amendment #93-4, Adopted March 21, 1994.

Sign-Portable: Any sign not permanently attached to the ground or other structure. A sign designed to be transported, including but not limited to signs on wheels, converted to "A" frames, menu and sandwich boards. Signs attached to vehicles parked and visible from the public right-of-way, unless vehicle is used in daily operation of an enterprise.  
Definition added by Amendment #93-4, Adopted March 21, 1994.

Small Wind Energy System: A wind energy system as defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of less than 30 kilowatts (kW)

Solar Energy Systems:

**Large**: "Large solar energy system" shall mean a utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying no more than 2 ½ acres of land, and that will be used to produce utility power to off-site customers.

**Medium**: "Medium solar energy system" shall mean a private on-site or utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows or roof-panels, and associated control or conversion electronics, occupying no more than 1 acre of land that will be used to produce utility power to on-site uses and off-site customers.

**Small**: "Small solar energy system" shall mean a single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than 2,000 sq. ft. of land, and that will be used to produce utility power primarily to on- site users.

Greenbelt: A 30 foot buffer of plants, grasses and shrubs to create a natural environment space. Shrubs and trees within the buffer should be placed a minimum 15 feet from property lines to avoid any conflict with overgrowth. The greenbelt needs to be maintained to avoid noxious weeds and promote a healthy environment.

Specified Anatomical Areas are defined as:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered. Definition added by Amendment #97-23, Adopted October 14, 1997.

Specified Sexual Activities are defined as:

1. Human genitals in a state of sexual stimulation or arousal,
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Definition added by Amendment #97-23, Adopted October 4, 1997.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground. January 21, 2019 Amendment 2019-02

Substantial or Significant Portion: A business will be deemed to have a substantial or significant portion of its stock in trade or services if it meets one of the following criteria:

1. Thirty-five (35) percent or more of the stock, materials, or services provided are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or both.
2. Thirty-five (35) percent or more of the usable floor area of the building is used for the sale, display, or provision of services distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or both.
3. The advertising (on sign, in publications, on television or radio and/or other media forms) associated with business, describes or relates to specified sexual activities, specified anatomical areas, or both. Definition added by Amendment #97-23, Adopted October 14, 1997.

System Useful Life:

The period of time expressed in years that a Wind Energy System would be expected to remain in operation.

Temporary or Portable Building: A building placed on property that does not have a permanent foundation. Adopted January 21, 2019- Amendment 2019-02

Total Height: The vertical distance measured from the ground level at the base of a tower to the uppermost vertical extension of any blade of the turbine.

Travel Trailer: Definition added by Amendment #82-2, adopted 10-22-1984.

Definition removed by Amendment 2021-04, adopted 10-18-2021

Unit: All parcels of land either owned by or leased to the applicant that will define the Wind Farm.

Yard Sale: Also known as a garage sale, rummage sale, tag sale, attic sale, moving sale, junk sale, etc., is an informal, irregularly scheduled event for the sale of used goods by private individuals at their residence, and includes fund raising events by nonprofit groups. (Definition added by Amendment 2021-03 adopted 10-18-2021)

**SECTION 4 -PROHIBITIONS**: Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof, and no new building, structure, or part

thereof shall hereafter be located, erected, constructed, reconstructed, altered, or used for purposes other than in conformity with the provisions of this Ordinance.

**SECTION 5 - ACCESSORY BUILDINGS AND USES:** Nothing contained herein shall be deemed to prevent the erection or maintenance of accessory buildings and uses, which are not at variance with the requirements of the particular zoning district.

**SECTION 6 - NONCONFORMING USES:** At the discretion of the owner, the lawful use of any buildings, structure, land or premises existing prior to the effective date of this Ordinance, may be continued, but no such building or structure .or land use shall be enlarged or extended, except as provided herein.

**SECTION 7 - APPLICATION FOR EXTENSION OF NONCONFORMING USE:** The extension of any nonconforming use in any existing building or structure or any addition to or alteration of any existing building or structure for the purpose of extending such nonconforming use and the extension of a nonconforming use throughout a given lot or parcel of land, provided such lot or parcel of land was in common ownership and of public record as of the effective date of this Ordinance, may be granted by the Township Board of Zoning Appeals following application for hearing therefore by the owner. No hearing shall be held by the Board of Zoning Appeals until after notice of the time and place of such hearing and the purpose thereof has been published in a newspaper of general circulation in the Township at least eight (8) days prior to the said hearing date. In its discretion, the Board may also require that notice thereof be given by certified mail to the owners of adjacent property. The cost of giving notice shall be paid by the applicant. If on such hearing, it shall appear that the proposed addition, alternation, or extension of such nonconforming use is contrary to the purpose of this Ordinance or injurious to the neighborhood where situated, the Board shall deny the application.

**SECTION 8 - CHANGES IN NONCONFORMING USES:** No nonconforming use shall be changed to any other nonconforming use and any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use.

**SECTION 8.A - CHANGES IN NONCONFORMING LOTS:** No nonconforming lot shall be reduced or enlarged except in compliance with the current lot size standards in the zoning district in which the nonconforming lot is located.  
Added by Amendment #03-07, Adopted June 16, 2003.

**SECTION 9 - DISCONTINUATION OF NONCONFORMING USES:** If the nonconforming use is discontinued through vacancy, lack of operation or any other means, for a continuous period of twelve (12) months, the right to resume such use shall terminate and no use shall be made of such building or land except in conformity with this Ordinance, provided, however, that the Township Board of Zoning Appeals may hear an application for resumption of such former use if filed by the owner within six (6) months of the abandonment. Such application shall be processed in the same manner as provided in Section 7 above. Revised by Amendment #97-3, Adopted October 14, 1997.

**SECTION 10 - REPAIR OF NONCONFORMING USES:** Nothing contained in this Ordinance shall bar or prevent the owner from making such repairs and reinforcements in any nonconforming building as may be necessary in the interest of public safety or to secure the continued advantageous use of such building, but the right to make repairs shall not constitute a right to alter, enlarge, or extend the said use.

**SECTION 11 - DESTRUCTION OF NONCONFORMING USES:** Nothing in the Ordinance shall bar or prevent the owner from reconstructing, repairing, restoring, and resuming the use of any nonconforming building damaged by fire, collapse, explosion, acts of God or acts of the public enemy occurring after the effective date of this Ordinance, if the expense of such restoration does not exceed fifty percent (50%) of the fair market value of such building at the time the damage is sustained, but any such restoration shall be completed within one hundred eighty (180) days following the date of the damage, otherwise such use shall terminate.

**SECTION 12 - DISTRICTS:** For the purpose of this Ordinance, the Township of Grant is hereby divided into the following zoning districts, as defined on the Zoning Map of Grant Township, Grand Traverse County, Michigan:

**R-1 Residential District** - Section 4 west of Karlin Road, Sections 5 & 8 of Grant Township Amended by Amendment #2006"07, Adopted May 21,2007.

**R-2 Residential District** -Sections 3, 4 east of Karlin Road, 6, 7, 9,10,16 (Excluding 40 acres in SE corner of Sec. 16, 17, 18, 19 & 20 of Grant Township. Amended by Amendment #2002-04, Adopted August 19, 2002. Amended by Amendment #2006-07, Adopted May 21, 2007.

**A-1 Agricultural District** - The West ½ of Section 13, Section 14, the South ½ of Section 15, and the SE ¼ of the SE ¼ of Section 16, the East ½ of Section 21 and the South ¼ of the West ½ of Section 21, Section 22, the North ½ of Section 23 and the NE ¼ of the SE ¼ of Section 23, the SE ¼ of Section 26, S ½ of the SW ¼ Section 27, Section 28, the NW ¼ and the East ½ of Section 33, Section 34, Section 35, Section 36, except the North ½ of the East 5/8 of the South ½ of the East 5/8 of the South ½ of the SE ¼ .

**A-2 Agricultural District** - Section 1, Section 2, Section 11, Section 12, the East ½ of Section 13, the North ½ of Section 15, the North ¾ of the West ½ of Section 21, the South ½ of Section 23, except the NE ¼ of the SE ¼ , Section 24, Section 25, the North ½ and the North ½ of the SW ¼ Section 26, Section 27 except the S ½ of the SW ¼, Section 29, Section 30, Section 31, Section 32, the SW ¼ of Section 33.

**B-1 Business District** (See Map)

**MH-1 Manufactured Housing Community District** - The south ½ of the east 5/8 of the SE ¼. SEC.36 T25N R12W 50 A.

Amendment #10, Adopted July 21, 1980.

Section 12- A-1, Description added by Amendment #84-3, Adopted October 22,1984.

Section 12-R-1, Description revised by Amendment #00-10, Adopted March 19, 2001

Section 12-R-2, Description revised by Amendment #00-10, Adopted March 19, 2001.

Section 12-MH-1, Description added by Amendment #02-01, Adopted August 19, 2002.

Section 12-A-1, Description revised by Amendment #02-04, Adopted August 19, 2002.

Section 12-MH-1, Description revised by Amendment #03-08, Adopted July 21, 2003.

**SECTION 13 - ZONING MAP:** The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of Grant Township, Grand Traverse County, Michigan, which accompanies and is made a part of this Ordinance. Said map shall at all times be available for examination and shall be kept with the records of the Township Clerk. Except

where referenced on said map to a street line, highway line or other designated line by dimensions shown on said map, the district boundary lines of highways, streets, or alleys as they existed at the time of the adoption of this Ordinance, but where a district line obviously does not coincide with the lot lines or such center lines or where it is not designated by dimensions, the said district boundary line shall be deemed to be four hundred (400) feet back from the nearest street line parallel to which it is drawn. All property not otherwise designated on said map is declared to be within the Rural Residential District. Where a district boundary line as established in this Section or as shown on the Zoning Map divides a lot, which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals according to rules and regulations which may be adopted by it.

**SECTION 14. GENERAL REQUIREMENTS FOR ALL DISTRICTS:** The following requirements are imposed upon all land located within the Township of Grant.

1. Repealed by Amendment #11, Adopted July 21, 1980.

1.1 Temporary or portable buildings are permitted on vacant land if all of the following conditions are met:

- a. All setbacks are compliant.
- b. The temporary/portable building is not a nuisance per se.
- c. Can not be used as a dwelling.
- d. Size cannot exceed 150 sq. ft.

(Amendment 2021-06, adopted 10-18-2021)

1.2 RU's (Recreational Unit) will be permitted in all districts on vacant land if all of the following conditions are met:

- a. Must be compliant with all setbacks. For health and safety reasons a 30 foot distance shall be kept between RU's.
- b. Up to three quest RU's are permitted. (no quest RU to exceed a 2 week stay)
- c. RU's are considered temporary, therefore, attachments such as porches, decks, pergolas, skirting, custom steps, custom awnings, extras, etc., are not permitted.

(Amendment 2021-07 adopted 10-18-2021)

- d. No rentals or commercial use. (d added by amendment 2022-003 effective 11-21-2022)

2. No building or structure, temporary or permanent, shall be placed or erected within sixty (60) feet to the ordinary high watermark of any stream, lake or watercourse, provided, however, that a water pumping facility may be installed closer than the said sixty (60) feet if it does not exceed four (4) feet in height above the finished grade and, provided, further, that nothing herein set forth shall preclude the placement of any portable dock at the water's edge.

Revised by Amendment #00-8, Adopted March 19, 2001

3. No more than one (1) dwelling shall be erected or located upon a parcel of land. No existing parcel of land may be split in such a way as to reduce the lot size and road frontage below the minimums provided in each zoning district (amendment 2023-05 adopted 3-20-2023).

4. Each lot shall have the minimum road frontage (public or approved private) for the district in which it is located (amendment 2023-05 adopted 3-20-2023). No building or part thereof, including porches, breezeways, and extension, shall be erected or located within a front yard clearance of thirty (30) feet from the contiguous road right-of-way line. If the property abuts on more than one (1) road right-of-way, then this front yard setback shall apply to the road facing the front of the dwelling. If it is not possible to ascertain the front yard from the foregoing, then the Zoning Administrator shall designate the front yard taking into consideration the actual or probable development of adjacent properties and compatibility therewith.

5. Deleted by Amendment #93-3, March 21, 1994.

6. Essential public services, such as drains, sewers, pipes, conduits, wires, cables and poles, but not including buildings and substations, and towers, such as radio, cellular and television are hereby declared exempt from the provisions of this Ordinance.

Section 14-#6 Revised by Amendment #97-4, October 14, 1997.

Section 14-#6 Repealed by Amendment #84-4, Adopted October 22, 1984.

Section 14-#7 through #8 re-numbered by Amendment #84-4, Adopted October 22, 1984.

7. The Zoning Administrator may issue land use permits to lots of record where healthful, safe sanitary water source and waste disposal systems are available. The setback requirements shall conform to those provided in this Ordinance. However, in the case of lots of record where set back requirements cannot be met, a variance may be issued by the Zoning Board of Appeals.

Section 14-#7 Revised by Amendment #97-5, Adopted October 14, 1997.

8. Repealed by Amendment #11, Adopted July 21, 1980.

9. The use of privately owned water front land to provide access to the water's edge for a select, membership, property owners' association, or property owners within an area development, shall be prohibited. Public access sites are not affected by this provision.

(a) On private property, docks and launch ramps for use by more than the resident water front property owner shall be prohibited.

(b) Minimum lot width at water's edge shall be one hundred fifty (150) feet measured at the ordinary high water mark. Revised by Amendment #00-9, Adopted March 19, 2001

10. The following list of manufacturing uses are absolutely prohibited in the Township of Grant, but such enumeration shall not preclude the Grant Township Planning Commission from refusing to authorize additional manufacturing uses:

(a) Ammonia, chlorine or bleaching powder manufacture.

(b) Animal black, lampblack, or bone black manufacture.

(c) Cement, lime, gypsum or plaster of paris manufacture.

(d) Creosote manufacture or treatment

(e) Distillation of coal, petroleum, refuse, grain, wood, or bones, except in the manufacture of gas. This section is not intended to prohibit the production of alcohol for a motor vehicle fuel for personal use.

(f) Explosive manufacture or storage.

(g) Fertilizer manufacturing.

(h) Fish curing, smoking or packing, fish oil manufacture or refining.

(i) Garbage, offal, dead animals, refuse, fats, incineration, reduction or storage except by the municipality, its agents or contractors.

- (j) Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal refuse or offal.
  - (k) Junkyards.
  - (l) Petroleum or flammable liquids refining.
  - (m) Slaughtering of animal, stockyards, hide rendering plants.
  - (n) Smelting of aluminum, copper, iron, tin or zinc ore.
  - (o) Storage, curing or tanning of raw, green or salted hides' or skins.
  - (p) Sulfurous, sulfuric, nitric, picric, carbolic or hydrochloric, or other corrosive acid manufacture.
  - (q) The storage or disposal of radio active or toxic materials.
- Section 14- #9 & #10, Adopted by Amendment #84-4, Adopted October, 1984

11. No topsoil mining or removal from existing site or lot shall be allowed. Any excess topsoil created by site construction or development shall be redistributed on the parcel.  
Section 14-#11, Adopted by Amendment #91-2, Adopted November 18, 1991.

12. Off premise signs may be erected in all districts provided they have thirty-two (32) square feet or less of display area and do not exceed a total height of eight (8) feet. Signs shall be erected in a permanent manner, be free standing and observe setbacks for the district they are located in. No enterprise shall exceed the maximum of two (2) off premises signs. Illumination is prohibited except in the B-1 Business District. Structural soundness and a readable message must be maintained. Signs shall be located one hundred and twenty (120) feet from a residence. All off premise signs shall conform to these requirements unless excluded, provided for or restricted in Section 17(a) #5. Signs six (6) square feet or less are exempt if they conform to the definition of off premises signs and are displayed for thirty (30) days or less in a calendar year.  
Section 14-#12, Adopted by Amendment #93-5, Adopted March 21, 1994.

13. When private road development occurs in Grant Township, the following minimum private road standards shall apply. No person, firm or corporation shall hereafter divide any land without providing for public or permanent private easements for access to such divided lands with said private easements to conform to these minimum requirements:

(a) Every structure hereinafter erected or moved shall be on a parcel abutting a public road or an approved private road and with access to the road to provide safe, convenient access for serving fire protection and any required off-street parking. No resultant lot from any land division shall have road frontage less than that required for the district it is located in.

(b) All private roads constructed in Grant Township shall be constructed in a good and workmanlike manner upon the parallel to the centerline of a permanent right-of-way easement duly recorded with Grand Traverse County Register of Deeds. Right-of-way easements, while not required to be dedicated, will be reserved for future dedication and preclude any development within the designated area. All plans as submitted for approval must show the private road easement, including a legal description, the grades for the roads and any drainage facilities and structures.

(c) There shall be a clear vision zone at corners of intersecting roads or junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of twenty-five (25) feet from the



point of intersection and within which area no obstruction to vision shall be. This section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of anticipated traffic volumes or geographic conditions.

(d) Requirements for all private road easements:

(1.) Unless otherwise stated in this ordinance, easements shall be a minimum of sixty six (66) feet wide. The Grant Township Planning Commission or its agent may require additional width to the right-of-way easement to insure adequate construction in specific situations.

(2.) The right-of-way easement width on curved portions of roads shall be the same as for tangent portions.

(3.) The minimum distance between private road outlets on a single side of a public road shall be six hundred (600) feet.

(e) A drainage plan shall be submitted on a topographic map, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be diverted beyond the limits of that private road onto adjacent roads or property unless appropriate easements are provided.

(f) All roads constructed in Grant Township shall be constructed so as to sufficiently control storm water runoff, permit effective storm water drainage, prevent soil erosion and have all required storm water and soil erosion control permits. Private roads shall be laid out to the greatest extent feasible to achieve the following objectives:

(1.) Not on soils classified as "hydric" (wetland soils) by the USDA Soil Conservation Service.

(2.) Along fence rows or the edges of the open fields or other open spaces adjacent to any woodlands.

(3.) Within marginal area of woodlands (marginal areas shall extend a maximum of two hundred (200) feet into the interior of woodlands).

(4.) On areas not considered prime or unique farmlands or forestlands

(5.) In locations least likely to impact scenic vistas.

(g) Deleted by Amendment 03-10, Adopted December 15, 2003.

(h) Deleted by Amendment 03-10, Adopted December 15, 2003.

(i) A private road serving or to serve a minimum of two (2) and a maximum of twelve (12) lots, parcels or condominium units shall at a minimum meet all of the following standards:

(1) Shall be located on a right-of-way easement a minimum of sixty-six (66) feet wide.

(2) Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be, at a minimum, road grade gravel.

(3) Have a roadbed not less than twenty (20) feet wide.

(4) Be constructed over adequate culverts where necessary.

(5) Paving shall be required in those areas that have grades greater than three (3) percent. Pavement in said areas shall be a minimum of eighteen (18) feet in width and other than pavement width, meet or exceed County Road Commission standards for materials, thickness and roadbed construction. (Grade shall be determined by finding the difference in elevations at stations located at one hundred (100) feet intervals along the centerline of the final road grade.)

(6) Shall have a maximum length of two thousand (2,000) feet.  
Amended by Amendment 03-10, Adopted December 15, 2003.

(j) A private road serving or to serve more than twelve (12) lots, parcels or condominium units shall meet design specifications and standards in #9 above, with the following exceptions:

(1) Have a roadbed not less than twenty-four (24) feet wide unless it connects two public roads in which case all County Road Commission standards shall be met.

(k) If more than twenty-five (25) lots have access to a private road then a second means of access meeting the requirements of this ordinance (either a public or approved private road) shall be provided. Amendment #97-6, Adopted October 14, 1997.

(l) Construction permits from the Grand Traverse County Road Commission are required for connection to County roads. No land use permit shall be issued on any private road until such is approved by the Grant Township Planning Commission.  
Revised by Amendment #97-6 & #97-7, Adopted October 14, 1997.

(m) Application for road construction shall be made at the same time as a land division occurs creating a lot(s) without frontage on an existing public road. Prior to approval by the Grant Township Planning Commission, the applicant will prepare and provide three (3) sets of:

(a) Three (3) sets of Engineered road construction plans.

(b) Three (3) sets of Drainage plans.

(c) Eight (8) copies each of the Road Maintenance Agreement, Hold Harmless Agreement, 8x11" copies of the site plan, and Deed restrictions satisfactory to the Grant Township attorney, signed by applicant/owner, providing for:

(1). A method of initiating and financing of such road, to keep the road in usable condition. Revised by Amendment #97-8, Adopted October 14, 1997.

(2). A workable method of apportioning the costs of maintenance and improvements to current and future users.

(3). That if repairs and maintenance are not made within six (6) months of the date of notice from the Grant Township Zoning Administrator, Grant Township may bring the road up to County Road Commission standards and assess owners of parcels on the private road for the cost of all improvements, plus an administrative fee.

(4). Notice that no Grant Township funds are to be used to build, repair or maintain the private road.

(5). Easements to the public for purpose of emergency and other public services

(6) A provision that the owners of all of the property shall refrain from prohibiting, restricting or limiting in any manner the ingress or egress of other owners or their guest. Normal ingress or egress shall include use by family, guests, invitees, vendors, trades-persons, delivery persons and others having a need to use the road.

Revised by Amendment #99-4, Adopted January 17, 2000.

The Grant Township Zoning Administrator shall review plans for the private road and forward recommendation to the Grant Township Planning Commission. When the Grant Township Planning Commission has approved the road plans, a construction permit will be issued by the Zoning Administrator. Upon completion of the road, a site inspection will be made by the plan

Engineer, who shall forward his/her recommendation in writing w/engineer's seal, to the Grant Township Zoning Administrator who shall be responsible for granting final approval.  
Paragraph amended by Amendment #03-03, Adopted June 16, 2003.

All private roads shall be designated as such, have a sign and name approved by the Grant Township Planning Commission, meet county sign standards and be erected by the property owner. Private road signs shall also include the wording "Private Road" in a minimum of four (4) inch letters and "Not maintained by the Grand Traverse County Road Commission." in a minimum of two (2) inch high letters. Address numbering shall meet County requirements.

An application fee is to be established by the Grant Township Board. Before final approval, the cost of review of plans and inspection by the Grant Township Zoning Administrator of the private road and drainage shall be paid for by the applicant/developer.  
Paragraph amended by Amendment #03-03, Adopted June 16, 2003.

All purchasers of property where the private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, conforming to the following "This parcel of land has private road access across a permanent - (Insert size of easement as required by this ordinance, determined by the number of lots or units served) foot easement which is a matter of record and part of the deed. This notice is to make the purchaser aware that this parcel of land has ingress and egress over this easement only."

Neither the County nor Grant Township has any responsibility for maintenance or improvements across this easement. This is the responsibility of the owner of record. The United States Postal Service and the local school district are not required to traverse this private road and may provide service only to the closest public access.

Paragraph Revised by Amendment #97-9, Adopted October 14, 1997.

Section 14-#13, Adopted by Amendment #93-6, March 21, 1994.

14. Condominium Subdivision: Developments under the Condominium Act, Public Act 59 of 1978, as amended, shall meet current Grant Township Zoning Ordinance requirements within the district the development is located. Section 14-#14 Adopted by Amendment #00-4, May 15, 2000.

Plan Application: Condominium Subdivision applications shall follow the provisions of Section 14B Site Plan Review and proceed per that Section. A fee, as set by the Township Board, must accompany all site plans prior to review by the Planning Commission. In addition, the following information shall also be required:

(a) Condominium Plan, Protective Covenants and Deed Restrictions: The condominium subdivision developer shall submit seven (7) copies of the condo sub plan, proposed protective covenants and deed restrictions, and master deed. The name of the proposed project shall be subject to approval of Grant Township to eliminate duplicate names or names that are similar to existing developments.

(b) State the intended use of the proposed condo, such as residential single family, two family and multiple family housing. Also common elements, site proposed for parks, playgrounds, schools or other public uses.

(c) A map of the entire area scheduled for development and all contiguous land owned by the" proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.

(d) A site report as required by the Michigan Department of Environmental Quality. The site report is required if the proposed condo sub is not to be served by public water and sewer.

(e) The location and types of all significant existing vegetation, water courses and water bodies. flood plains and water retention areas.

(f) Soil types. In the event soils or vegetation indicate wetlands may be present, a wetlands determination by the Michigan Department of Natural Resources as to the existence of any wetlands on the property may be required.

(g) Preliminary Engineering Plans: The proprietor shall submit seven (7) sets of preliminary engineering plans for streets, water, sewer/septic systems and other required public improvements. The plans shall contain enough information and detail to enable the Planning Commission to make a determination as to conformance of the proposed improvements to applicable township regulations and standards.

Final approval shall be as specified in Section 148, 'part C "Action on Application and Plans." Additional Text to #14. Condominium Subdivision Added by Amendment #2004-05, Adopted September 20, 2004.

#### 15. Communication Tower:

(a) Purpose: The purpose of this section is to establish standards for the location of communication towers, wireless telecommunication towers, alternative tower structures and antennas. Grant Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the township. The township also recognizes the need to protect the scenic beauty of the township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this ordinance seeks to:

- (1) Protect all areas from potential adverse impact of towers and antennas and encourage the location of towers in nonresidential areas.
- (2) Minimize the total number of towers throughout the community.
- (3) Encourage the joint use of new and existing tower sites rather than the construction of additional towers.
- (4) Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact.
- (5) Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.
- (6) Consider the public health and safety of telecommunication towers and alternative tower structures.
- (7) Avoid potential damage to adjacent property from tower failure.

(b) Setbacks and Height: The following setback requirements shall apply to all towers for which a Special, Use Permit is required; provided however, that the Grant Township

Planning Commission may reduce 'the standard setback requirements if the goals of this Ordinance would be better served thereby:

- (1) A tower must be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line.
- (2) Guide wires and accessory buildings must satisfy the minimum zoning district setback requirements.

(c) Security Fencing: Communication towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6) in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Grant Planning Commission may waive such requirements, as it deems appropriate.

(d) Landscaping: The following requirements shall govern the landscaping surrounding towers for which a Special Use Permit is required; provided however, that the Grant Planning Commission may waive such requirements if the goals of this Ordinance would be better served thereby.

- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4) wide outside the perimeter of the compound.
- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived.
- (3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(e) State or Federal Requirements: All towers must meet or exceed the standards and regulations of the FAA, the FCC, and any other agency of the State or Federal Government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by the Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal Agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(f) Aesthetics and noise: Towers and antennas shall meet the following requirements:

- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable Standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (4) Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power, which generates noise able to be

heard by a person of normal aural acuity at adjoining property lines or public property; however, this sectional shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.

(g) Lighting: Towers shall not be artificially lighted unless the applicant demonstrates that the tower must be such a height as to require lighting pursuant to appropriate regulatory authority. Applicant shall demonstrate that the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(h) Compliance with Codes: Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as a structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association as amended from time to time.

(i) Interference with Residential Reception: Towers shall be located so that they do not interfere with television and radio reception of neighboring residential areas.

(j) Signs: No signs shall be allowed on an antenna or tower, except any sign required on said antenna or tower by law, and excepting a single sign no larger than one foot by two feet (1'x2') located at the base of a tower or on the exterior of any fence surrounding the tower facility, which provides the name of the owner or operator of the tower facility and a phone number where same may be reached in case of emergency.

(k) Spacing:

(1) Towers shall be located no closer than one (1) mile from an existing telecommunications tower or alternative tower structure, as measured in a straight line between the base of the existing tower and the base of the proposed tower.

(2) A tower shall not be located within two hundred feet (200) or three hundred percent (300%) of the height of the tower, whichever is greater, of a one-family, two family, or multiple family dwelling unit, church, school, or other structure normally used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the one, two or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.

(l) Abandoned Antennas and Towers: Any antenna or tower that is not operated for a continuous period of twelve (12) months shown by examination of the premises or other means the Planning Commission shall give the operator written notice of their intention to prove the antenna or tower to be abandoned. Within thirty (30) days following receipt of the notice, the owner or operator shall have an opportunity to submit evidence that the use is continuing. If the Planning Commission proves that the owner or operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use. If abandonment is found, the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within

said ninety (90) days shall be grounds to remove the tower or antenna at the owners' expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond, irrevocable letter of credit, cashier's check or other acceptable security equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting or incidental structure(s) as a condition of a Special Use Permit given pursuant to this section.

(m) Additional Standards for Communication Towers and Alternative Tower Structures: In addition to the to the standards set forth in a particular zone and the standards set forth above, the uses below must meet the following additional standards:

(1) Application requirements: The following information shall be provided in support of an application to construct a wireless telecommunication tower or alternative tower structure.

- (a) Construction plans certified by a Michigan licensed Structural Engineer. The plans shall indicate the manner in which the proposed tower is designed to collapse.
- (b) A map depicting the existing and known proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures, within Grant Township as well as the proposed service area radios.
- (c) The name, address and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated the tower owner.
- (d) A statement, which indicated the applicant's intent to allow the co-location of other antenna.

(2) Evidentiary requirements: The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Grant Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, alternative tower structure or alternative technology can accommodate the applicant's proposed antenna must establish that:

- (a) No existing towers or alternative tower structures are located within the geographic area, which meet applicant's engineering requirements.
- (b) Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are

unreasonable. Costs exceeding new tower developments are presumed to be unreasonable.

(f) Other limiting factors exist that render existing towers and potential alternative tower structures unsuitable.

(g) Alternative technology that does not require the use of towers or alternative tower structures such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

Section 14-#15 Adopted by Amendment #02-05, Adopted August 19, 2002.

16. Review of Applications and Plans: It is the policy of Grant Township that in the event professional assistance is deemed necessary by the Planning Commission or the Township Board for the competent review of proposals by an applicant, then, in that event, the Township reserves the right to retain a suitable professional to conduct an independent review and report his/her findings to Grant Township. Any professional fees resulting from such review as authorized by Grant Township found necessary to comply with the intent and purpose of this Ordinance, shall be paid by the applicant prior to the issuance of a land use permit. Professional fees assessed to an applicant under this Section shall not exceed the actual costs to the Township, nor shall they be in excess of charges that are standard in the industry or profession. Added by Amendment #03-04, Adopted June 16, 2003.

17. Yard Sales. Yard sales shall be permitted if the following conditions are met:

- a. Sales shall not operate for more than three consecutive days, unless a national holiday falls on a Monday, in which case sales may take place for four consecutive days including the holiday Monday.
- b. All material and displays shall not be set out more than one day prior to the sale or remain out more than one day after the last day of the sale,
- c. Sales shall not occur more than three times per calendar year.
- d. Sales are conducted entirely on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants.
- e. No goods purchased for resale may be offered for sale.
- f. No portion of the sale shall be located in the Road Right of Way or conducted in such a manner as to impede the flow of traffic and /or access to other property in the vicinity.
- g. Any deviation from the above conditions must be approved by the Zoning Administrator prior to the sale.

#### SECTION 14A - SPECIAL USE PERMITS:

Revised by Amendment #00-6, Adopted September 18, 2000

Section 14A.1 -Intent and Purpose: It is the intent and purpose of this Ordinance to provide a set of procedures and standards for special uses of land or structures that will maintain sound provisions for the protection of the health, safety, convenience, and general welfare of the inhabitants of the Township of Grant. For clarification purposes, based on the requirements of Section 205 of the Michigan Zoning Enabling Act, MCL 125.3205, review and approval of the use of property for the extraction, by mining, of valuable natural resources shall be governed by Section 14E (Last sentence added by amendment 2023-02, effective March 30, 2023.).



Section 14 A.2 - Review and Approval: The special land uses and activities eligible in a respective zoning district in the Township of Grant may be permitted only after review and approval of the Grant Township Planning Commission. Following approval by the Planning Commission, such special uses shall also be subject to site plan review and approval provided for in Section 148 of this Ordinance.

Section 14 A.3 - Permit Procedure: Request for a special use permit shall be made by filing with the Township Zoning Administrator the following:

- (a). A permit fee as determined by resolution of the Township Board based upon the cost of processing the permit and as shall be on file with the Township Clerk.
  - 1. Review of Applications and Plans: It is the policy of Grant Township that in the event professional assistance is deemed necessary by the Planning Commission or the Township Board for the competent review of proposals by an applicant, then, in that event, the Township reserves the right to retain suitable professionals to conduct an independent review and report their findings to Grant Township. Any professional fees resulting from such review as authorized by Grant Township found necessary to comply with the intent and purpose of this Ordinance, shall be paid by the applicant prior to the issuance of a Special Use Permit. Professional fees assessed to an applicant under this Section shall not exceed the actual costs to the Township.

**ESCROW DEPOSITS FOR VARIABLE COSTS AND EXPENSES.**

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be used to pay professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application.

- a. The funds shall be managed by the Township Treasurer and shall be deposited before the cost or expense is incurred.
  - 1. The funds will not be deposited in an interest bearing account. .
  - 2. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate.
  - 3. Costs incurred to manage the account may be debited to the account.
- b. Upon request by the applicant, the Township shall provide copies of any written reports and statements of expenses for the professional services rendered.
- c. The Township shall provide written notice and a request for additional escrow deposit to the applicant if at any time the sums on deposit appear

insufficient to cover anticipated costs and expenses.

1. The applicant shall promptly deposit additional funds in accordance with the written request from the Township.
  2. If additional funds are not promptly deposited the Township may issue a stop work order, cease review or table action on the application, deny zoning permits or certificates of zoning compliance associated with the application or take no further action to process the project.
- d. Where the Township determines that sums deposited appear likely to exceed anticipated costs and expenses, those excess funds shall be promptly returned to the applicant.
- e. Sums remaining in the account when the project is completed shall be promptly returned to the applicant.
- (b). A copy of the completed application form for special use permit, which shall contain at a minimum the following information:
1. Name and address of applicant.
  2. Legal description, property parcel number and street address of the subject parcel of land.
  3. Area of the subject parcel of land stated in acres or, if less than one acre, in square feet.
  4. Present zoning classification on parcel.
  5. Present and proposed land use.
  6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns and local traffic volume.
  7. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Township Zoning Administrator or the Grant Township Planning Commission.
- (c). The application, together with all required data, shall be transmitted to the Grant Township Planning Commission for review. Revised by Amendment #97-10, Adopted October 14, 1997.

Section 14 A4 - Standards for Decisions: In evaluating a proposed special use permit, the Grant Township Planning Commission shall consider the following factors upon which to base their decision and/or approval:

1. The similarity and compatibility of the proposed special use with permitted uses in the respective zoning district.
2. Whether or not the proposed use would create a traffic hazard to a greater degree than the permitted uses in that district.
3. Whether or not the proposed use would create obnoxious or harmful noise or odors.
4. Location in relation to roads and adjacent residential areas.
5. Buffering lights and noise from adjacent residential uses where appropriate.
6. Preservation of elements of the natural environment such as trees, natural landforms, shore areas and drainage patterns.
7. Safety factors, such as access for fire and police.
8. Relationship to shore and stream preservation principles where appropriate.

9. The special use is one that is listed in the district in which the special use is being proposed.

Added by Amendment #97-11, Adopted October 14, 1997.

Section 14 A5 - Decision of Planning Commission: After adequate review and study of any application for a special use permit, and after proper notice to all persons as required by Act 184 of 1943, as amended, the Grant Township Planning Commission shall approve or disapprove the application. Any person, who has applied for a special use permit and shall feel aggrieved by the decision of the Grant Township Planning Commission, may appeal to the Grant Township Board of Zoning Appeals.

Section 14 A.6 Permit Expiration: A special use permit issued pursuant to the requirements of the Ordinance shall be valid for a period of one year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningful toward completion by the end of this period, the special use permit shall be null and void.

#### SECTION 14B - SITE PLAN REVIEW:

Section 14B.1 - Intent and Purpose: It is the intent and purpose of this Ordinance to provide for consultation and cooperation between the land developer and/or the applicant for a special use permit and the Grant Township Planning Commission. As used in this Ordinance, "site plan" includes the documents and drawings required by the Ordinance to insure that a proposed land use or activity is in compliance with local ordinances, State and Federal statutes.

Section 14 B.2 - Review and Approval: Special land uses and activities eligible in a respective zoning district in the Township of Grant may be permitted only after a site plan review and approval of the Grant Township Planning Commission.

Section 14 B.3 - Procedure: Each application for a site plan review shall include the following:

(a). Sketch Plan Review: Preliminary sketches of proposed site and development plans shall be submitted for review to the Grant Township Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Grant Township Planning Commission to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs that might be necessary for final site plan approval. Such sketch plans shall include, as a minimum, the following:

1. The name and address of the applicant or developer, including names and addresses of and officers of a corporation or partners of a partnership, together with telephone numbers
2. Legal description, property parcel number and street address of the subject parcel of land.
3. Sketch plans showing tentative site and development plans.
4. The Grant Township Planning Commission shall not be bound by any tentative approval given at this time.

Revised by Amendment #97-12, Adopted October 14, 1997.

(b). Application Procedure: Request for final site plan review shall be made by filing with the Township Clerk the following:

1. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with Township Clerk for public information.
2. Seven (7) copies of the completed application form for site plan review, which shall contain at a minimum the following information:
  - (a) Name and address of applicant.
  - (b) Legal description, property parcel number and street address of the subject parcel of land.
  - (c) Area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
  - (d) Present zoning classification on parcel.
  - (e) Present and proposed land use.
  - (f) Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns and local traffic volumes.
3. Seven (7) copies of the proposed site plan, which shall include at a minimum the following information. Amendment #97-13, Adopted September 15, 1997.
  - (a) A scale drawing of the site and proposed development thereon, including the date, name address of the preparer.
  - (b) Property parcel number (from the Assessment Role of the Township).
  - (c) The topography of the site and its relationship to adjoining land.
  - (d) Itemization of existing man-made features.
  - (e) Dimensions of setbacks.
  - (f) Location, heights and sizes of structures and other important features.
  - (g) Percentage of land covered by buildings and that reserved for open space.
  - (h) Dwelling unit density where pertinent
  - (i) Location of public and private right-of-ways and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those on the site.
  - (j) Curb-cuts, driving lanes, parking and loading areas.
  - (k) Location and type of drainage, sanitary sewers, storm sewers and other facilities.
  - (l) Location and nature of fences landscaping and screening.
  - (m) Proposed earth changes.
  - (n) Signs and on-site illumination.
  - (o) Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Township Zoning Administrator or the Planning Commission.

(c). Action on Application and Plans:

1. Upon receipt of the plans and application in complete form, the Township Clerk shall record the date of the next scheduled meeting of the Grant Township Planning Commission as the file date and transmit seven (7) copies thereof to the Chairman of the Planning Commission; one copy to the Township Zoning Administrator and one copy to be retained by the Township Clerk. Revised by Amendment #97-13, Adopted October 14, 1997.

2. A hearing shall be scheduled by the Chairman of the Grant Planning Commission for a review of the application, plans and of the recommendations of the Grant Township Planning Commission and the Township Zoning Administrator with regard thereto. Members of the Grant Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be held within forty-five (45) days of the date of the receipt of the plans and application to the Grant Township Clerk.
3. The applicant shall be notified of the date, time and place of the hearing on his application not less than three (3) days prior to such date.
4. At the conclusion of the hearing, the Grant Township Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this Ordinance and criteria herein contained. Any modifications or alterations required by the Grant Township Planning Commission shall be stated in writing, together with the reasons therefore, and delivered to the applicant. The Grant Township Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant. Revised by Amendment #97-14, Adopted October 14, 1997.
5. Two (2) copies of the approved final site plan, with any required modifications thereon, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Grant Township Planning Commission for identification of the final approved plans. If any variances from this Ordinance have been obtained from the Grant Township Planning Commission, the minutes concerning the variances, duly signed shall also be filed with the Township records as a part of the site plan and delivered to the applicant for his information and direction.

(d). Criteria for Review: In reviewing the application and site plan and approving, disapproving or modifying the same, the Grant Township Planning Commission shall be governed by the following standards:

1. That there is 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 assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the Township or the Grand Traverse County Road Commission.
2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects there upon owners and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of this Ordinance are complied with unless an appropriate variance there from has been granted by the Township Zoning Board of Appeals.
6. That all buildings and structures are accessible to emergency vehicles.

7. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education- improvements; recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

8. That a plan for erosion control and storm water discharge has been approved by appropriate public officials.

(e). Conformity to Approve Site Plan: Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Grant Township Planning Commission. If construction and development does not forthwith conform to such approved plan, the Grant Zoning Administrator shall notify the developer of the violation of the site plan approval issued by the Grant Township Planning Commission. This notice shall be sent, Certified Mail - Return Receipt Requested to the developer at his last known address. Upon notification of the violation, all further construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Grant Township Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and the intent of this Ordinance.

Revised by Amendment #97-15, Adopted October 14, 1997.

(f). Term of Approval of Site Plan: Approval of the site plan shall be valid for a period of one (1) year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one (1) year, the site plan approval shall become null and void and a new application for site plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

(g). Amendment to Site Plan: A proposed amendment, modification or alternation to a previously approved site plan shall be submitted to the Grant Township Planning Commission for review in the same manner as the original application was submitted and reviewed.

Amendment #11, Adopted July 21, 1980.

#### SECTION 14C-OPEN SPACE PRESERVATION:

Added by Amendment #00-7, Adopted September 18, 2000. Revised by Amendment #04-03, Adopted February 16, 2004.

Section 14C.1 - Intent and Purpose: The intent and purpose of this section is to implement the goals of the future land use plan of Grant Township, by identifying the ecological character of the natural resources and direct new development into areas that protect and maintain the rural and natural character of Grant Township.

Section 14C.2 - Districts Affected: Open Space Residential Developments will be considered under Site Plan Review requirements, outlined in Section 148 of this Ordinance, in the following Districts:

R-1 Residential, R-2 Residential

Section 14C.3 - Application: The application, review and approval process as outlined in Section 148, Site Plan Review, shall be followed.

The Sketch Plan review specified in Section 148.3 "A" shall include a "yield plan" showing the proposed development as it would be permitted under conventional development regulations in the zoning district where the property is located, as outlined in this Ordinance. The Planning Commission shall use this yield plan in calculating the Open Space Preservation Development Plan dwelling unit density. To qualify as an Open Space Preservation Development, the project must set aside at least fifty (50) percent of the land as permanent open space. Such dedication shall be in the form of a conservation easement, restrictive covenant, or other legal means that runs with the land. The form of the open space dedication may be required to be approved by the Township Attorney, at applicant's expense, and shall be filed with the Grand Traverse County Register of Deeds prior to the issuance of any land use permit in connection with this development. The applicant's plan may concentrate the total development that would be allowed on the entire parcel as shown on the yield plan on a portion of the parcel, but in no event shall the resulting lot size be less than one (1) acre with less than two hundred (200) feet of frontage on a public or approved private road. All other regulations of the zoning district, such as building height, setbacks, minimum floor area, etc. remain in full effect as outlined in the District Regulations. To encourage the use of this Section, the number of dwelling units allowed shall be increased by twenty (20) percent for Open Space Residential Developments. Resulting fractional dwelling units shall be rounded up if greater than 5, and rounded down if less than 5.

Access: All access to the interior roads of the proposed development, and the development itself, shall comply with the private road regulations of Grant Township and shall not create or use more than two (2) access points to a public road, unless approved by the Grant Traverse County Road Commission.

Added by Amendment #04-03, Adopted February 16, 2004.

**SECTION 14D- WIND ENERGY SYSTEMS:** (this entire section created by amendment 2009-01

Effective March 5, 2010

(a). PURPOSE AND GOALS.

The purpose of this section is to establish guidelines for siting Wind Energy Systems.

The goals are:

1. To enable the safe, effective and efficient use of wind energy systems to generate electricity.
2. Preserve and protect public health, safety, welfare and quality of life by minimizing adverse impacts of a Wind Energy System.
- 3 To establish standards and procedures by which the siting, installation, operation, and maintenance of a Wind Energy System shall be governed.

(b) APPLICABILITY.

This section applies to all Wind Energy Systems proposed to be constructed after the effective date of the amendment creating this section, Amendment # 2009-001

(c). TEMPORARY USES.

#### Anemometers.

1. The construction or installation of an anemometer tower shall require a building permit and shall conform to all applicable local, state and federal safety, construction, environmental, electrical, and communications codes, and any FAA requirements.
2. An anemometer shall be subject to the minimum requirements for height, setback, location, safety requirements, and decommission that correspond to the size of the Wind Energy System that is proposed to be constructed on the site.
3. An Anemometer shall be permitted for no more than eighteen (18) months. The Planning Commission may grant a six (6) month extension to this limit.

#### (d). REGULATIONS AND REQUIREMENTS.

##### SMALL WIND ENERGY SYSTEMS.

This type of system shall be considered a use by right in all zoning districts, provided that the applicant obtains a land use permit, any required building permits, and that all siting and design requirements for Small Energy Systems can be met.

#### (a). Siting and Design Requirements.

1. A land use permit and building permit are required.
2. A site plan is required.
3. One small wind energy system per parcel is allowed in the R1 and R2 districts provide the parcel has an existing dwelling.
4. In the A1 and A2 districts, one small wind energy system per parcel. More than one system per parcel may be allowed by special use permit, provided that two thirds of the electricity generated is used on site.
5. Not allowed in the front yard (area between dwelling and public or private road) area. This restriction may be removed by the Planning Commission via Special Use Permit.
6. Set back from any property line is 110% of the total height of the system.
7. Set backs from any existing over head electrical transmission lines shall be documented in writing from the utility company owning the lines.
8. Noise emanating from the operation of the Small Energy System shall not exceed 50 dB(A) measured at the property line.
9. Color must be a non- reflective industry standard.
10. If the system is to be connected to existing utility company lines, written documentation of approval from that company shall be provided.
11. Any and all Federal, State, and Local electrical and construction codes pertaining to this system shall be followed.
12. Applicant shall provide written documentation that the system will not interfere with radio and television reception, and other communication systems.
13. No lighting is allowed unless required by the FAA.
14. Towers with heights up to 100 feet may guy wires, towers that are taller than 100 feet shall be free standing.
15. If guy wires are used to stabilize the tower, they shall be covered with a suitable material from the ground to a height of six feet so as to be noticeable.
16. Only wind turbines that are UL certified and systems that are certified by a program recognized by the American Energy Association will be allowed.

#### (b). Decommissioning

1. If a system is deemed to be non-functional, the land owner shall have 12 months to either repair the system so that it is functional or remove the system.



2. At the time a land use permit is obtained an acceptable plan shall be submitted for removing the system.

## LARGE WIND ENERGY SYSTEMS

This type of system may be allowed only by Special Use Permit the A1, A2 and R2 districts.

### (a). Siting and Design Requirements.

1. "Upwind" turbines are the only type allowed.
2. One LARGE WIND ENERGY SYSTEM (one tower with one generator) per parcel. Multiple systems will be addressed under Wind Farms.
3. Color must be a non- reflective industry standard color and shall apply to all structures associated with the system.
4. Artificial lighting is not permitted unless required by the FAA.
5. Advertising and/or decorative displays on any part of the system is prohibited.
6. Vibration shall not be humanly perceptible beyond the property lines on which the system is located.
7. Shadow flicker:  
Owner and/or operator shall conduct an analysis of potential shadow flicker at all occupancies buildings with direct line of sight to the system. If analysis determines that shadow flicker may affect any occupants of a building for more than 30 hours per year, then a plan shall describe measures that installer will take to eliminate or mitigate the effects. Shadow flicker on a occupied building shall not exceed 30 hours per year.
8. Guy wires shall not be permitted.
9. All electrical controls power lines, and electrical system components shall be placed underground (wiring to connect the generator to the tower is exempt).
10. Setback from property lines shall be 110% of the total height of the system.
11. Setback from any habitable structure or structure housing animals shall be 110% of the total height of the system.
12. Setback from any public road or permitted private road shall be 110% of the total height of the system.
13. Noise emanating from the operation of the systems shall not exceed 50db(A) at any property line of the parcel where the system is located.
14. Documentation that the system will not interfere with radio and television reception, and other communication systems shall be provided.
15. Written evidence from a qualified individual that the site is feasible for a Large Wind Energy System.
16. Provisions for a road to access all parts of the system. Minimum width of road shall be 14 feet and shall have a minimum of a 6 inch deep sand base and a minimum surface depth of 6 inches of road gravel (23A).
17. Grant Township reserves the right to consult with third party experts in determining if a requirement is being fulfilled. The cost of any third part fees shall be paid by the applicant to Grant Township before a potential permit granted.

### (b). Permit Application Requirements.

1. Name of property owner(s), address and parcel number.
2. Name and address of owner(s) and operator of the proposed system.
3. A site plan that shows what is currently on the parcel and everything that will be placed on and buried in the parcel when the system is operational. Site plan shall be scale with dimensions clearly shown.

4. The proposed type of Large Wind Energy System including the manufacturer and model, generating capacity, dimensions of tower and blades, and drawings or blueprints for entire system.
5. Certification from a registered engineer that the rotor and over-speed control have been designed for the proposed use on the proposed site.
6. Documented compliance with applicable federal, state, and local regulations, including but not limited to, safety, construction, environmental, electrical, communications, and FAA requirements.
7. Proof of liability insurance.
8. Evidence of an interconnect agreement between applicant and the utility company the system will provide electricity to.
9. A plan for removing the system, which shall give an estimated cost and a method for financing the removal of the system.
10. Name and telephone number of contact person (either owner or operator).
11. Any other information that the Planning Commission may request.
12. Signature of applicant.

(c). Decommissioning.

1. Within 12 months after a system ceases to operate, it shall be operating or completely removed.
2. All roads and other improvements made for the system shall be removed and the site stored to its original state and shall meet with the land owners approval.
3. All foundations shall be removed to a depth of 60 inches below grade. If any foundation is left after this requirement is met, then it shall be identified on a map and recorded with the deed to the property at the County Register of Deeds Office.
4. If the site is not returned to agriculture, then it shall be seeded and stabilized to prevent erosion.

## WIND FARMS

Wind farms may be allowed by Special Use Permit in the A1 and A2 zoning districts.

(a). Siting and Design Requirements.

1. "Upwind" turbines are the only type allowed.
2. One windmill per forty (40) acres is the maximum density.
3. All parcels leased by an applicant shall be considered one unit for the purpose of setbacks. Perimeter property line setbacks (i.e. property lines between leased and non-leased parcels) of the unit shall be 110% of the total height of the system.
4. Set back from habitable structure or structure housing animals shall be 110% of the total height of the system.
5. Setback from any public road or permitted private road shall be 110% of the total height of the system.
6. Written evidence from a qualified individual that the site is feasible for a Wind Farm.
7. Guy wires shall not be permitted.
8. All electrical controls power lines, and electrical system components shall be placed underground.
9. Artificial lighting is not permitted unless required by the FAA.
10. Advertising and/or decorative displays on any part of the system is prohibited.

11. Vibration shall not be humanly perceptible beyond the perimeter property lines of unit that makes up the Wind Farm.
12. Color must be a non- reflective industry standard color and shall apply to all structures associated with the system.
18. Shadow flicker:
13. Owner and/or operator shall conduct an analysis of potential shadow flicker at all occupancies buildings with direct line of sight to the system. If analysis determines that shadow flicker may affect any occupants of a building for more than 30 hours per year, then a plan shall describe measures that installer will take to eliminate or mitigate the effects. Shadow flicker on an occupied building shall not exceed 30 hours per year.
14. Noise emanating from the operation of the system shall not exceed 50 dB(A) at any property line between the unit and non- leased property. If the noise emanating from the operation of the system shall exceed 50 dB(A) at any property line within the unit then the applicant shall secure a legal document from the affected property owner/owners giving permission for the noise to exceed 50 dB(A).
15. Setback from any existing overhead electrical transmission lines shall be a minimum of 110% of the total height of the system and more if the owner of the existing lines show a reasonable cause why the distance should be farther.
16. Documentation shall be provided that the system will not interfere with radio and television reception, and other communication systems
17. Provisions for a road to access all parts of the system. Minimum width of road shall be 14 feet and shall have a minimum of a 6-inch deep sand base and a minimum surface depth of 6 inches of road gravel (23A).
18. Applicant shall provide an avian and wildlife impact analysis that conforms to State and Federal wildlife agency recommendations.
19. Grant Township reserves the right to consult with third party experts in determining if a requirement is being fulfilled. The cost of any third part fees shall be paid by the applicant to Grant Township before a potential permit granted.

(b). Permit Application Requirements.

1. List showing property owner(s) address and parcel number of all property leased by the applicant that will make up the unit for the proposed Wind Farm.
2. Name and address of owner(s) and operator of the proposed Wind Farm.
3. A site plan that shows what is currently on the parcel and everything that will be placed on and buried in the parcel when the Wind Farm is operational. Site plan shall be scale with dimensions clearly shown.
4. The proposed type of apparatus to be used including the manufacturer and model, generating capacity, dimensions of tower and blades, and drawings or blueprints for entire system.
5. Certification from a registered engineer that the rotor, and over-speed control have been designed for the proposed use on the proposed site.
6. Documented compliance with applicable federal, state, and local regulations, including but not limited to, safety, construction, environmental, electrical, communications, and FAA requirements.
7. Proof of liability insurance.
8. Evidence of an interconnect agreement between applicant and the utility company the Wind farm will provide electricity to.
9. The phases of construction with a construction schedule timeline and a projected completion date. A projected useful life of the Wind Farm.

10. A written complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the Wind Farm. The process shall include a time limit for acting on a complaint. Shall not preclude local government from becoming involved in a complaint resolution and shall provide a telephone number where a representative of the project can be reached during the normal business hours
11. A detailed method that will ensure funds are available for decommissioning the Wind Farm.
12. Name and telephone number of contact person (owner or operator if not the same person).
13. Any other information that the Planning Commission may request.
14. Signature of applicant.

(c). Decommissioning.

1. If any one or all generators do not operate for a period of 120 days, the applicant shall have 18 months to bring the non-operating generator or generators into operation or remove the non-operating generator or generators (including towers and any other physical improvements made to the property).
2. All roads and other improvements made for the Wind Farm shall be removed and the site restored to its original state and shall meet with the land owners approval.
3. All foundations shall be removed to a depth of 60 inches below grade. If any foundation is left after this requirement is met, then it shall be identified on a map and recorded with the deed to the property at the County Register of Deeds Office.
4. If the site is not returned to agriculture, then it shall be seeded and stabilized to prevent erosion.

## **SECTION 14E. SPECIAL LAND USE FOR EXTRACTION OF NATURAL RESOURCES**

### **1. GENERAL INTENT**

This Section 14E (adopted by amendment 2023-03, March 20, 2023, effective March 30, 2023) of the Zoning Ordinance is intended to provide the procedure and standards for review and approval of applications seeking to use property for the extraction, by mining, of valuable natural resources in accordance with the provisions of MCL 125.3205 (3)-(7), enacted by Act 113, PA 2011 ("Act 113"). As used in this Section, "the extraction by mining of natural resources" shall include earth removal, quarrying, gravel processing and mining, as used in Section 14F of the Zoning Ordinance. As described and explained in this Section, approval of an application shall require special land use approval based on the ultimate determination on whether the proposed extraction operation would result in "very serious consequences" as that term is understood in Act 113. Therefore, the special standards in this Section shall apply rather than the usual standards in this Zoning Ordinance for the review of special land use applications.

If an approval is granted under this Section to use property for the extraction, by mining, of valuable natural resources, such approval shall be subject to the operation and permit requirements specified in Section 14F of the Zoning Ordinance, as amended.

In conformance with Act 113, the application and approval process under this Section shall be divided into two parts.

First, a preliminary hearing will be held to determine the extent of need for and public interest in the natural resource(s) sought to be extracted on the applicant's property, including the quantity and quality of the natural resource located on the property. This part of the process is required as explained by the Michigan Court of Appeals in order to determine the precise calibration for the standard of review under the "very serious consequences" test (as explained in greater detail below in this Section).

After the preliminary proceedings are completed, a public hearing and review shall be conducted at the request of an applicant to determine whether the special land use for the extraction of natural resources proposed in the application would result in "very serious consequences." The Planning Commission shall conduct the public hearing and make findings and a recommendation to the Township Board, and the Township Board shall make the final special land use determination.

## **2. FINDINGS BY TOWNSHIP BOARD AS A FOUNDATION FOR THIS ORDINANCE SECTION**

The Township Board recognizes that, as the Michigan Supreme Court observed in *Kyser v Kasson Township*, 486 Mich 514, 518 (2010) ("*Kyser*"): the exercise of the zoning authority under MCL 125.3201(1) and (3) is an empowerment of the township board to plan and zone for a broad range of purposes. These provisions reveal the comprehensive nature of the ZEA. It defines the fundamental structure of a zoning ordinance by requiring a zoning plan to take into account the interests of the entire community and to ensure that a broad range of land uses is permitted within that community. These provisions empower a township to plan for and regulate a broad array of land uses, taking into consideration the full range of planning concerns that affect the public health, safety, and welfare of the community.

The provisions of Act 113 direct that:

In subsection (3), it is directed that an ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

In subsection (4), it is directed that a person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources

Act 113 further specifies that the standards in *Silva v Ada Township*, 416 Mich. 153 (1982) ("*Silva*") shall be applied in reviewing an application to permit the extraction of natural resources.

Based on the authority provided to the Township Board in MCL 125.3202(1) to “provide by ordinance for the manner in which the regulations . . . shall be determined and enforced or amended,” the Township Board finds that review and approval of a special land use for the extraction of natural resources would be most effective and efficient if based on the procedures and terms of this Section.

The Township Board finds that a careful review process, based on standards understood by the Planning Commission, Township Board, the applicant, and the general public, is critical to protecting the public health, safety, and welfare as intended in the Michigan Zoning Enabling Act.

**3. PRELIMINARY REVIEW PROCESS BACKGROUND TO DETERMINE THE EXTENT OF NEED FOR, AND PUBLIC INTEREST IN, THE NATURAL RESOURCES PROPOSED TO BE EXTRACTED**

- A. The purpose for having a preliminary hearing and review is founded on direction given by the Michigan Supreme Court and Michigan Court of Appeals with regard to the “very serious consequences” standard, which was codified as part of Act 113 in MCL 125.3205(4) with the specification that a showing of “Need” for the resources to be extracted is to be the *initial burden* that must be met by the applicant. While it might be argued that a showing of need is not required until a party challenges a zoning decision denying a proposed use, the Michigan Court of Appeals explains that the “need” issue must be ascertained in order to know how to apply the “very serious consequences” standard. In the adoption of the “no very serious consequences” standard in its *Silva v Ada Township* opinion, the Michigan Supreme Court discussed a *variable level of public interest*, that is, need for the resources proposed to be extracted: “[t]he public interest of the citizens of this state who do not reside in the community where natural resources are located in the development and use of natural resources requires closer scrutiny of local zoning regulations which prevent development.” 416 Mich at 160. A more detailed explanation on this point was as provided by the Court of Appeals in *American Aggregates Corp v Highland Township*, 151 Mich App. 37, 42-46 (1986), where it was clarified that the public interest, that is, the “Need” factor, is required to inform the ultimate decision on “no very serious consequences,” noting that the entire foundation of the stricter “no very serious consequences” test (as compared to the standard that applies to nearly all other uses) rests on the important public interest involved in extracting and using natural resources. Therefore, the degree and extent of need and demand for the extraction of the specific natural resources located on the applicant's land is an indispensable factor in reviewing the “no very serious consequences” issue. The Court referred to this as a sliding scale determination of whether “very serious consequences” exist in the landowner's specific situation. If the Need for a specific landowner's resource is very high, the consequences resulting from the extraction of the resource will not reach the level of “very serious” as readily as in the case where Need in the specific resource is relatively low. Accordingly, this Section 14E makes provision for a preliminary determination on the extent of need for the applicant's resources in order to inform the ultimate decision on whether the applicant's proposal would result in “very serious consequences.”
  
- B. The preliminary proceeding to determine the extent of need shall be commenced by the applicant filing an application for a determination with regard to the extent of Need for

the Natural Resources proposed to be extracted on the property, including a determination on the duration of the need. Act 113 specifies that the “Need” for the natural resources shall be determined with regard to the need for the resources by the person or in the market served by the person. Need must be reviewed based on the extent that the particular natural resources proposed to be extracted from applicant’s property can be reasonably supplied from other viable sources within the geographic area proposed to be supplied by the property at issue, that is, within the geographic area in which there would be other extractive operations available or already providing a supply of the same natural resources. The geographic area for this analysis is to be determined by considering factors including, but not limited to the economic feasibility of transporting the natural resources to the locations of demand, as well as other factors relevant to feasibly providing a supply of the natural resources to the locations of demand.

#### **4. APPLICATION TO DETERMINE NEED FOR NATURAL RESOURCES [APPLICATION NO. 1]**

- A. The application form for the **Need** determination preliminary hearing and review shall be approved by resolution of the Township Board.
  
- B. The application for the **Need** determination shall include:
  - 1) A Use Plan, which shall provide a plan reflecting the intended location and use of the property which is the subject of the application.
  
  - 2) A plan showing the location of all proposed haul routes.
  
  - 3) A description of each type of natural resource proposed to be mined, including the quantity and quality of the natural resources for the intended market.
  
  - 4) A description of the names and locations of all places anticipated to create the need, that is the demand, for the natural resources from the property within the foreseeable future, including the type of use to be made by the resources, such as building construction, road building, and the like.
  
  - 5) A description of the names and locations of all properties and operations which exist, or have been approved, for the extraction of any of the natural resources proposed to be extracted on the property, along with a specification with regard to each property of the type of natural resource extracted, and an estimate of the remaining useful life for the particular natural resource on each of such other properties and operations.
  
  - 6) Calculations and facts leading to a conclusion on the extent of need which is not being met, and could not be met, from the existing sources for each type of natural resource proposed to be extracted on the property. This calculation must apply past experience and take into account that new properties and operations will likely to be approved in the foreseeable future on other properties within the market area.

- 7) A fact-based estimate of the expected duration of the proposed extraction operation on the property.
- 8) The average and maximum number of loaded trucks per day anticipated to leave the proposed operation on a full business day during the operating season.

## 5. HEARING PROCESS TO DETERMINE NEED

- A. For purposes of this preliminary administrative review process, the Planning Commission shall conduct a hearing on the application. Prior to the hearing, the Township shall review the application and documentation submitted in support of the application, and report any deficiencies to the applicant within a reasonable time. The hearing shall not be noticed until the applicant has cured the deficiencies found to exist in the application.
- B. This preliminary hearing shall begin with an introduction by the person designated by the Planning Commission chairperson. The applicant shall then be given the opportunity to present proofs on the need issue consistent with the application submitted. At the completion of the applicant's presentation the Township, through its representatives, may address and offer evidence or argument on these issues.<sup>1</sup> Members of the public shall then have the opportunity to address and offer evidence or argument on these issues. If requested, the applicant shall be provided with an opportunity to rebut evidence and argument presented, but for efficiency purposes shall not be permitted to duplicate evidence on matters included in applicant's earlier presentation. Likewise, any new matters addressed by the applicant may be rebutted by representatives of the Township and members of the public. The hearing shall then be closed.
- C. Following completion of the hearing, either at the same meeting at which the hearing was held, or at a later meeting, the Planning Commission shall, based on the record made, adopt findings and recommendations on the extent of need demonstrated by the applicant. Township representatives may assist the Planning Commission with the articulation of its findings and recommendations.
- D. The Planning Commission shall forward its findings and recommendation on the degree of need for the applicant's natural resources to the Township Board which shall, taking into consideration the evidence from the hearing and the Planning Commission's recommendation, then make its own findings and conclusions on the extent of need demonstrated. The Township Board may conduct a further hearing at its discretion.
- E. Because the matter of the extent of need for the natural resources is indispensable to the ultimate determination of "very serious consequences," the findings and conclusions made by the Township Board are subject to appeal by the applicant or other interested party to the circuit court prior to the next part of the process at which the Township must determine the issue of "very serious consequences."

---

<sup>1</sup> The Township may retain its own experts, and conduct its own analysis, as part of the Need determination and may charge the costs of its experts and analysis to the applicant under the terms of the escrow procedures as set forth in Section 14A.3 of this Zoning Ordinance.



**6. DETERMINATION OF WHETHER THE PROPOSED EXTRACTION OF NATURAL RESOURCES WOULD RESULT IN VERY SERIOUS CONSEQUENCES**

- A. Once the Township Board has completed its decision making on the extent of Need for the natural resources proposed to be extracted in accordance with Subsection 5, above, the applicant may apply to proceed further for final special land use approval under this Subsection 6 and Subsection 7 to determine whether the proposed extraction of natural resource would result in very serious consequences. The remainder of this Subsection 6 provides the standards for determining very serious consequences. Subsection 7 provides for an additional more detailed application and other requirements for final approval.
- B. The standards for determining whether the proposed extraction of natural resources would result in "very serious consequences" shall be the *Silva* standard, as articulated in Act 113.
- 1) Act 113 specifies that the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless it would result in very serious consequences. The applicant shall have the initial burden of showing that no very serious consequences would result from the extraction, by mining, of the natural resources. In determining under this Section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied, as directed in Act 113.
  - 2) The applicable standards are explained in the holdings in cases interpreting *Silva v Ada Township*, such as, *American Aggregates Corp. v. Highland Township*, 151 Mich App. 37 (1986).
  - 3) The standards provided in this Subsection 6 that are the standards in Act 113, with explanations to assist in the understanding of the applicable considerations by the Planning Commission, Township Board, the applicant and the public, and shall guide interpretation and decision of "no very serious consequences" with regard to an application for special land use approval under this Section.

**C. Act 113 Standards of Review**

The following guiding standards are provided. These are based on the standards and framework provided in Act 113, MCL 125.3205(5) (a)- (f) for the purpose of determining whether the applicant has proven that "no very serious consequences" would result from the applicant's proposed extractive operation and haul route. These standards are intended to assist the Township in reviewing an application under the Act 113, and shall guide decision making on the ultimate decision on whether the applicant has proven that "no very serious consequences" would result from the applicant's proposed extractive use and haul route. The weight and relevance of each of these standards shall be determined by the Township Board, in its discretion, taking into consideration the extent of Need and public interest in the specific natural resources proposed to be extracted from applicant's property, as well as all other relevant facts and circumstances. As part

of the Township's review of the following standards as part of the "no very serious consequence" determination, the Township may retain its own various experts and the applicant shall be responsible for the costs of these experts in accordance with the escrow provisions of Section 14A.3 of this Zoning Ordinance. The guiding standards are as follows:

### **1) Existing Land Uses**

- (a) The relationship and impact of applicant's proposed use and associated activities with and upon existing land uses anticipated to be impacted, particularly those properties in the vicinity of the property and along the haul route(s).
- (b) The impact upon the public health, safety and welfare from the proposed use, including haul route(s), considering, among other things, the proposed design, location, layout and operation in relation to existing land uses.

### **2) Property Values**

- (a) The impact of applicant's proposed use and associated activities on property values in the vicinity of the property and along the proposed haul route(s) serving the property.
- (b) The effect on the general demand for and value of properties in the Township anticipated to be caused by the proposed use, including use of the haul route(s).
- (c) The impacts considered in this subsection 2) may take into consideration: the number and type of vehicles proposed; machines and equipment to be used in the operation; location and height of buildings, equipment, stockpile or structures; location, nature and height of walls, berms, fences and landscaping; and all other aspects of the proposed use.

### **3) Pedestrian and Traffic Safety**

- (a) The impact of the proposed use and associated activities on pedestrian and traffic safety in the vicinity of the property and along the proposed haul route(s) serving the property.
- (b) Consistency with and authorization of the proposed use and haul route(s) under state, county, and/or local regulations that have been established for roadways, including regulations applicable to the use of roads for proposed haul route(s).
- (c) The impact of the proposed use, including haul route(s), on vehicular and pedestrian traffic, particularly in relation to hazards reasonably expected in the district(s) impacted, taking into consideration the number, size, weight, noise, and fumes of vehicles, vehicular control, braking, and vehicular movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and driveways and other means of access, off-street parking and provisions for pedestrian traffic. Consideration

shall be given to the interaction of heavy vehicles used for the use with children, the elderly and the handicapped.

- (d) Whether the proposed use and associated activities would result in a hazard to children attending schools or other activities within the Township.
- (e) Overall, the impact of the proposed use, including haul route(s), on children, older persons, and handicapped persons, with consideration to be given to the extent to which such persons shall be required to forego or alter their activities.

#### **4) Identifiable Health, Safety, and Welfare Interests**

- (a) If the property has been designated in the Master Plan as an appropriate site for heavy industrial use, this shall weigh in favor of the applicant under this provision, subject to consideration of the specific scope and impact of the operation and associated activities. Similarly, if the property has been designated in the Master Plan for non-industrial use, this shall weigh in favor of determining that the proposed Use would result in a very serious adverse consequence.
- (b) The impact of applicant's proposed use and associated activities on identifiable health, safety, and welfare interests in the Township.
- (c) The impact of the proposed use, including haul route(s), upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration. In determining whether a proposed use amounts to a very serious consequence, the standards for the stated impacts contained within the Township's regulatory ordinance, as the same may be amended, will be considered, along with any one or a combination of components proposed for the use that have unique qualities relating to these impacts (such as crusher noise and vibration).
- (d) The extent of impact of the proposed use, including haul route(s), on economic development and on the character and features that defines the community, or on development in other units of government that will be impacted by the use, including haul route(s).
- (e) The impacts of the proposed use on the planning, functioning and spirit of the community, factoring into such consideration whether the proposed use would be likely to render the applicable regulations in the zoning ordinance on other properties in the area unreasonable. This review shall analyze whether the heavy industrial nature of the proposed use would undermine reciprocity of advantage by creating impacts and character that would raise a reasonable question whether residential zoning restrictions on area property would represent arbitrary limitations on the use and enjoyment of such area property.
- (f) The operation of the proposed use, including the haul route(s), shall be evaluated in light of the proposed location and height of buildings or structures and location, nature and height of stockpiles, walls, berms, fences and landscaping, and all other proposed aspects of the overall use, including whether such

improvements would interfere with or discourage the appropriate development and use of adjacent land and buildings.

- (g) The extent to which the proposed use, including haul route(s), would be likely to cause limitations on the use and enjoyment of other property in the vicinity (zoning district or districts, as impacted) in which it is to be located and along the haul route(s), and the extent to which the proposed use would likely be detrimental to existing and/or other permitted land uses and future redevelopment in the manner specified in the Master Plan.
- (h) The extent to which the proposed use, including haul route(s), would likely be detrimental to the development of new land uses in the zoning districts impacted.
- (i) The burden from the proposed use, including haul route(s), on the capacity of public services, infrastructure or facilities.
- (j) The burden of the proposed use, including haul route(s), on retail uses, arts and culture, equestrian activities, non-motorized vehicle travel or recreation, school use, parks, playgrounds, residential uses, and the likely creation of physical vulnerability or degradation of any uses and resources, including the creation of the need for added public or private expenditures for maintenance of buildings, structures, and infrastructure.
- (k) The extent to which the proposed use, including haul route(s), would cause diesel fumes, dust, truck noise or physical/mental health issues, including along the haul route(s).
- (l) The nature and extent of impact from the proposed use, including haul route(s), in relation to environmental resources in the Township, including air, ground water, surface water, soils, agricultural and farm usage, and wetlands. In determining impacts, the cumulative effect upon all environmental resources shall be evaluated.

## **5) Overall Public Interest in the Proposed Extraction**

- (a) The overall public interest in the extraction of the specific natural resources on the property both in absolute terms and in relative terms in relation to the need for resources and the adverse consequences likely to occur.
- (b) Public interest in the proposed use, as measured against any inconsistencies with the interests of the public as are proposed to be protected in Master Plan for the area to be impacted by the use and haul route(s).
- (c) Public interest in the proposed extraction, as measured against any inconsistencies with regard to physical, historic, and economic interests in relation to the use and haul route(s).
- (d) Public interest in the proposed extraction, as measured against any likely creation of valid environmental concerns, including without limitation

impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.

- (e) Public interest in the proposed extraction, as measured against public costs likely to be caused by the proposed use, including haul route(s), considering alternative supplies of natural resources.

**7. FINAL APPLICATION FOR SPECIAL LAND USE APPROVAL TO DETERMINE WHETHER VERY SERIOUS CONSEQUENCES WOULD RESULT FROM THE PROPOSED MINING ACTIVITY**

**[APPLICATION NO. 2]**

**A. Second Application.**

In order to determine whether “very serious consequences” would result from the proposed use the applicant shall submit a second and separate application form to be approved by the Township Board.

**B. Name, address, contact information and land survey.**

The application shall include the name, address and other contact information for the owner as well as the operator of the proposed site, along with a boundary survey of the property proposed to be mined, sealed by a registered land surveyor or engineer, and a general description of the materials, methods, and techniques that will be utilized for the mining operations.

### C. Site Plan.

The application shall include a site plan, at a scale of at least one (1) inch per two hundred (200) feet, drawn on a topographic map with the same scale, showing the location of the perimeter of the site, buildings, equipment, processing area, parking for equipment, area for truck stacking and loading, stockpiles, roads, berms, or other features necessary to the mining operations. The site plan shall also include an aerial photograph showing the property in substantially the condition as on the date of the application, enlarged to a scale of one inch equals 200 feet, from original photograph flown at a negative scale no smaller than one inch equals 660 feet. The date of the aerial photograph shall be shown, and shall have been flown at such time as the foliage shall be off of on-site trees.

In addition to the requirements of Section 14B Site Plan Review, the site plan shall include and/or show or demonstrate all of the following, [and the applicant shall disclose whether it will object to one or more elements (which may otherwise be relied on by the Township in determining no very serious consequences)]:<sup>2</sup>

- 1) North point, scale and date.
- 2) Location, width and grade of all easements or rights-of-way on or abutting the property.
- 3) Location of all existing and proposed structures on the property.
- 4) Site drainage features and flow directions indicated.
- 5) Location of any bodies of water and wetlands on the proposed site or within (one thousand five hundred) 1,500 feet.
- 6) Areas to be used for ponding.
- 7) Depth to groundwater.
- 8) Processing, loading and storage areas.

---

<sup>2</sup> Note that setbacks and other dimensions shown are **minimum** standards and the Township retains the discretion under its special use permit review authority to modify those standards based upon the input of experts such as mining experts, land use experts, sound engineers and others who are employed by the Township to assist in the application review. In fact, the applicant should **expect** that many of the setback and other standard will be modified to protect the health, safety and welfare of neighboring property owners and others based upon expert review. The minimum standards cannot be changed to be less restrictive without a variance from the Zoning Board of Appeals.

- 9) Proposed fencing, gates, parking, signs and berms.
- 10) Existing and proposed ingress-egress roads, plus on-site roads and proposed surface treatment, and means to limit dust.
- 11) Setback lines for all activities of the site.
- 12) A soil erosion and drainage plan shall be submitted as provided by the Grand Traverse County Soil Erosion Officer under Michigan Public Act No. 347 of 1972.
- 13) The approximate date of commencement of the excavation and the duration of the operation.
- 14) Amount and type of material or resource to be removed.
- 15) Method of extracting and processing, including the disposition of overburden or topsoil.
- 16) Equipment proposed to be used in the operation of the excavation.
- 17) Location and type of processing plants, temporary and permanent.
- 18) Proposed hours and days of operation.
- 19) A description and location of each type of natural resources deposits proposed to be extracted.
- 20) A description showing the sequence of mining, including proposed phasing, if applicable.
- 21) A description of the surface overburden removal and storage plans.
- 22) A description of the minimum and maximum depth from grade level, and from the surface level of a water body from which each type of natural resource will be excavated, with each location and depth shown on the site plan referenced above.
- 23) An estimate of the maximum period of time to complete operations.
- 24) All mining operation areas shall be shown at a minimum of five hundred feet from any lake, stream or wetland.
- 25) All mining operation areas and all ingress and egress roads shall be shown at a minimum of fifty (50) feet from any adjoining property line.
- 26) All mining operation areas shall be shown at a minimum of five hundred (500) feet from any church or public park.

- 27) All mining operation areas shall be shown at a minimum of one thousand (1,000) feet from schools, hospitals, or nursing homes.
- 28) All mining operation areas and all ingress and egress roads shall be shown at a minimum of three hundred (300) feet from any existing house.
- 29) All ingress and egress roads shall show the most direct route to a public right-of-way and meet site plan approval.
- 30) All ingress and egress roads will require a legal driveway permit not including ingress and egress roads contained within the mining operation.
- 31) The site plan shall show the following minimum setbacks of equipment used for screening and crushing:(1) Not less than 300 feet from the nearest public roadway; (2) Not less than 200 feet from the nearest adjoining non-residential property line [property not containing a single family home], (3) not less than 400 feet from the nearest residential property line, and (4) not less than 450 feet from an existing single family or other residence.
- 32) A description of all proposed haul routes to be used to transport natural resources from the mining area to all freeways or state trunk line highways proposed to transport natural resources to destinations, other than for local deliveries. All extraction operations shall be located near an all-season primary road, and best efforts shall be made to minimize the increase in truck traffic through areas developed primarily for residential purposes. In this regard trucks used to transfer the natural resources shall follow a route that poses the least interference with other traffic, minimizes traffic through residential areas, and uses public streets constructed for high volumes of heavy truck traffic. Truck traffic shall comply with any truck route ordinances and all road commission regulations.
- 33) A description and location of berms or other equivalent screening and buffering of the active mining area shall be established along the boundary lines of the premises where such lines abut a public highway, abut privately owned property which is improved for residential or commercial purposes, and at such places as are necessary to screen or buffer processing equipment from the view and impact of a person standing at ground level on any parcel of land improved for residential purposes located adjacent to or which fronts on any of the roads forming the boundaries of the mining site. When constructed along public highways, the berm shall be of a sufficient height to screen processing equipment from the view of the general public using the highway.
- 34) Text stating the approximate average, as well as the maximum number, of trucks leaving the extraction property on any one day shall be certified by the applicant in the application.
- 35) Text describing the processing activities including, but shall not limited to, washing screening, transporting, crushing, and blending of stone, sand, gravel, and other materials. In describing the wash plant, the design and other specifications, including depth and water transportation facilities, and the amount, depth and



source of water to be utilized in processing, and the anticipated means and location of disbursement of such water following use.

- 36) A plan indicating any proposed structures to be built on the site, the final grade, i.e., post mining topography of the excavation, any water features included in the reclamation and methods planned to prevent stagnation and pollution, landscaping, or vegetative planting, and areas of cut or fill.
- 37) The method of disposing of any equipment or structures used in the operation, upon completion of the excavation.

#### **D. Grading Plan.**

A map or plan disclosing the final grades, elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities. Such plan shall be submitted to the Grand Traverse County Cooperative Extension Office and to the Grand Traverse Soil & Water Conservation District for recommendation to the Grant Planning Commission.

#### **E. Operating Practices**

- 1) Operating practices proposed to be used to minimize noise, dust, air contaminants and vibration.
- 2) Amount and source of water to be utilized in processing.
- 3) Methods to prevent: a) Pollution of surface water or groundwater; b) Adverse effects on the quantity and quality of surface water and ground water off the property and c) Adverse effects on wetlands both on and near the property.

## **F. Reclamation Plan.**

The applicant shall submit a detailed **Reclamation Plan** for the post-mining reclamation of the property. The Reclamation Plan shall include:

- 1) A general plan shown on an aerial photograph.
- 2) A reclamation contour map.
- 3) A text description of reclamation methods and materials proposed for renewal of topsoil and replanting, including a proposed sequence of reclamation, indicating the time sequence within which each area to be mined will be reclaimed as mining operations progress.
- 4) A series of drawings showing the conditions before commencing operations and also showing the alterations to be made. The drawings shall have the same scale as the vertical aerial photograph (required in the application under Subsection 7 C. showing: a) the acreage for each item b) each phase of reclamation, reflecting the sequence of each phase in relation to all others, c) location and boundaries of all permanent water areas and d) distances of all reclamation areas and water areas from property boundaries.
- 5) A restoration contour map shall be prepared to the same base as site plan required above to indicate the grade and slopes to which excavated areas shall be reclaimed, and a general indication of the distance of such reclaimed areas from the property boundaries. Such grade and slope designations shall be included with respect to areas proposed to be beneath the surface of permanent water areas. Side slopes around the active extraction-area perimeter shall have a grade not exceeding one (1) vertical foot per three (3) horizontal feet. The banks adjacent to any submerged areas shall have a grade not exceeding one (1) vertical foot per five (5) horizontal feet, out to a depth of five (5) feet.
- 6) A description of the methods and materials proposed for reclamation shall include topsoiling and the amount and type of plantings.
- 7) A description showing how reclamation shall be implemented in a manner that prevents washout and erosion, using appropriate grading, turf, vegetation, soil, overburden, shrubs, and trees, as necessary, and performed in accordance with the approved reclamation plan. Topsoil shall not be removed from the site unless authorized in the permit.

## **G. Text, drawings and plans addressing all of the Act 113 Very Serious Consequence standards.**

In a Report, with factual presentation and reference to exhibits where appropriate, the applicant shall describe and explain how the mining activity will not cause very serious consequences under each of the Act 113 standards identified in Subsection 6. C.

## H. Review Process at the Planning Commission

- 1) Prior to conducting a public hearing on the application, the Township shall review the application and documentation submitted in support of the application and report any deficiencies to the applicant and the Planning Commission within a reasonable time. The public hearing on the application shall not be noticed until the applicant has cured the deficiencies found to exist in accordance with this procedure. The Planning Commission may request a preliminary presentation for informational purposes prior to conducting a public hearing.
- 2) Prior to the Public Hearing, as part of the Township's review of the following standards as part of the "no very serious consequence" determination under Act 113, the Township may retain its own various experts for the purpose of reviewing all aspects of the proposed mining operation in the context of the Act 113 standards. Under a protocol for the hiring of experts, the Township Supervisor, Township Zoning Administrator and Chairperson of the Planning Commission, in conjunction with the Township Attorney, as necessary, shall consult about the possible need for such experts, which could include, but not be limited to, land use planners, sound engineers, mining engineers, property appraisers, traffic engineers, and others. The foregoing Township officials can then make a recommendation to the Township Board about the need to enter contracts with the foregoing experts. The Township Board may then enter contracts with these experts at its discretion. The applicant shall be informed of these contracts and shall deposit in the escrow account sufficient funds to pay for the costs of these experts in accordance with the escrow deposit provisions of this Zoning Ordinance.
- 3) The Planning Commission shall conduct a public hearing on the application to determine whether the applicant can and does satisfy the applicant's burden of proof that "no very serious consequences" shall result from applicant's use of the property and haul route(s) based on the Act 113 standards above. The hearing shall begin with an introduction by the Planning Commission chairperson, or a person designated by the chairperson. The applicant shall then be given the opportunity to make the showings required in this ordinance. At the completion of the applicant's presentation, either at the same meeting or at a subsequent meeting if additional time is needed in order to thoroughly address the subject matter, the Township, through its representatives, may address and offer evidence or argument on the issues, including the experts reports received under the protocol in Subsection 7. H. 2. Members of the public shall then have the opportunity to address the Commission and offer evidence or argument on the issues. If requested, the applicant shall be provided with an opportunity to rebut evidence and argument presented, but for efficiency purposes shall not be permitted to duplicate evidence on matters included in applicant's earlier presentation. Likewise, any new matters addressed by the applicant may be rebutted by representatives of the Township and members of the public. The public hearing shall then be closed.
- 4) After the public hearing has been closed, either at the same meeting at which the public hearing was completed, or at a later meeting held within a reasonable time, the Planning Commission shall, based on the evidence presented, adopt findings and recommendations on whether the applicant has made a sufficient showing on whether

there would be "no very serious consequences" as a result of the proposed use, including haul route(s), applying the Act 113 standards, above, as interpreted in accordance with applicable principles and law. Township representatives may assist the Planning Commission with the articulation of such findings and recommendations.

- 5) Following all of the hearing procedures and requirements specified above, the Planning Commission shall forward to the Township Board its findings and recommendations on whether the proposed special land use should be approved.

#### **I. Planning Commission Recommendation on Special Land Use Application**

- 1) A recommendation on the special land use application shall be made based on the Act 113 standards, above.
- 2) The recommendation may consist of an approval, an approval with conditions, or a denial.
- 3) A recommendation of approval, with or without conditions, shall be deemed to incorporate the site plan and associated specifications in the record approved by the Planning Commission, including the applications materials submitted (as modified in the approval), and all representations made by the applicant in the review proceedings.
- 4) A recommendation of approval shall state a termination date for the effect of the approval consistent with the application and proceedings conducted in response to the application.
- 5) The recommendation shall include a statement of reasons why the applicant has been approved, or why it has failed to satisfy its burden of proof based on the standard of "no very serious consequences."

#### **J. Review Process at the Township Board**

- 1) The Township Board shall, taking into consideration the evidence from the public hearing, the Planning Commission's recommendation, and any additional evidence presented to the Township Board, act on the application for special land use approval. The Township Board may also conduct an additional public hearing at its discretion. The Township Board may also engage in the separate hiring of experts under a protocol mirroring that of Subsection 7. H. 2.
- 2) The Board's action may consist of approval, approval with conditions, or denial, and the Board shall state the reasons for its decision, which shall be based on the evidence in the record.
- 3) An approval shall also state in detail the specifications of the approval.

#### **K. Fees**

The applicant for a special land use under this Section 14E shall pay as a fee the Township's costs and expenses incurred in the review and evaluation of and action on

the application. An escrow shall be established in an amount specified by Township Board resolution, and additional reasonable amounts shall be contributed as required in order to complete the process of review and approval. Any unexpended amounts from such escrow shall be returned to the applicant.

#### **L. Effect of Approval**

- 1) Approval of a special land use under this Section 14E shall authorize the owner of the property to apply for a permit for construction and operation of the use under Section 14F.
- 2) The approval under this Section 14E shall expire following a period of two (2) years from the date of the minutes in which the approval is granted, unless:
  - a. The period for securing permits and commencing bona fide construction is extended by the Township Board for good cause within the effective period; or
  - b. Approved bona fide development for the approved operation pursuant to building and other required permits and permit issued by the Township under this Section 14E and Section 14F, commences within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
- 3) In the event that bona fide development has not commenced within the permissible period of time calculated under this Subsection, the special land use shall be void and of no effect.

### **SECTION 14F. REGULATIONS FOR THE OPERATION AND PERMITTING OF USES APPROVED FOR THE EXTRACTION BY MINING OF NATURAL RESOURCES UNDER SECTION 14E. (Adopted by amendment 2023-04, March 30, 2023, effective March 30, 2023)**

#### **1. GENERAL INTENT**

Upon the approval of a use for the extraction by mining of natural resources under Section 14E of the Zoning Ordinance, a person shall then have the right to seek approval of a permit to operate the use under this Section 14F. A person shall not have the right to begin constructing or operating the use of extraction by mining of natural resources unless and until a permit for the operation of such use is granted under this Section 14F. This Section 14F is not intended to establish standards for determining whether the use of extraction by mining of natural resources shall be permitted or denied. Rather, this Section 14F is solely intended to regulate the specifications for the operation of the use. The specifications for the operation of the use of extraction by mining of natural resources shall be as follows, as administered and approved by the Planning Commission:

#### **2. SPECIFIC PERFORMANCE STANDARDS FOR EARTH REMOVAL, QUARRYING,**

## **GRAVEL PROCESSING MINING OPERATIONS:**

- A. **Maximum depth of excavation.** shall not be below existing ground water table.
- B. **Location:** Where necessary, the applicant may be required to construct and/or improve a road to accommodate the truck travel necessitated by the operation as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the deterioration of existing roads, which are not "all weather" roads. An "all weather" road is a state highway or road that does not require seasonal weight and speed restrictions. It is further our intent that all access roads shall be considered part of the operation.
- C. **Stockpiling.** Stockpiling is the component of a mining operation that allows the operator to have a ready supply of extracted material. No stockpile shall be higher than 25 feet above the grade of the area situated between the stockpile and adjoining property; provided, the height of a stockpile and the nature of the materials stockpiled shall not result in materials recurrently blowing from a stockpile onto adjacent property.
- D. **Setbacks:** for above listed operations are as follows:
- 1) All operations shall be a minimum of fifty (50) feet from any public right-of-way, not including ingress and egress roads.
  - 2) All operations shall be a minimum of five hundred (500) feet from any lake, stream or wetland.
  - 3) All operations and all ingress and egress roads shall be a minimum of fifty (50) feet from any other property line.
  - 4) All Operations shall be a minimum of five hundred (500) feet from any church or public park.
  - 5) All operations shall be a minimum of one thousand (1,000) feet from schools, hospitals, or nursing homes.
  - 6) All operations and all ingress and egress roads shall be a minimum of three hundred (300) feet from any existing house or adjacent property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties.
  - 7) All ingress and egress roads shall be by the most direct route to a public right-of-way and meet site plan approval.
  - 8) All ingress and egress roads will require a legal driveway permit and be blacktopped from the public right-of-way into the mining operation a minimum distance to be specified by the Grant Planning Commission.
  - 9) All operations shall maintain no greater than a 1:3 gradient on perimeter

excavations.<sup>3</sup>

**E. Permanent Processing Plant.**

The permanent processing plant and/or processing equipment: shall be located Not less than 300 feet from the nearest public roadway or property line; Not less than 200 feet from the nearest adjoining non-residential property line, and (3) not less than 450 feet from the nearest residential property line. Further, it shall, where practicable, be located at a lower level than the surrounding terrain, to lessen visual and noise impact. In addition, the foregoing shall apply to the stockpiling or loading of materials, and to the location of transportation equipment.

---

<sup>3</sup> Note that setbacks and other dimensional or other standards shown in this Section 14F are **minimum** standards which remain subject to whatever setbacks or other standards may have been imposed by the Planning Commission and/or Township Board under the process and authority provided for in the approval process within Section 14E of this Zoning Ordinance, and otherwise reflective of the conditions available as part of special land use permit approval under the Zoning Enabling Act (Public Act 110 of 2006). In fact, the applicant should **expect** that many of the standard setbacks and other minimum standards under this Section 14F may be modified (i.e. exceeded) to protect the health, safety and welfare of neighboring property owners, and others, based upon the review under Section 14E. In the event the standards have been modified under Section 14E, those standards shall **replace** and **supersede** the standards in this Section 14F. The minimum standards cannot be made less restrictive without a variance from the Zoning Board of Appeals.

## **F. Sight Barriers.**

Sight Barriers shall be provided along road rights-of-way and the Grant Planning Commission may require barriers along other boundaries where the operation is proposed, which lack natural screening. The following minimum standards shall apply:

- 1) Screening: A continuous screen at least six (6) feet in height is required to provide maximum screening of the site. The six (6) feet in height requirement will be waived if specified planted trees are the choice.
  - a) This landscape buffer may consist of either earthen berms and/or living material such as existing vegetation and/or specified planted trees, to be approved by the Grant Planning Commission.
  - b) Berms shall be constructed with slopes not to exceed a 1: 3 gradient with sides sloped, designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm.
  - c) Maintenance. The applicant shall maintain such screen in a healthy condition free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death, or the next appropriate planting period, whichever comes first.

## **G. Nuisance Abatement.**

- 1) All equipment shall be maintained and operated in such a manner as to eliminate, as far as practicable, excessive noise and vibrations, which are not necessary in the operation of such equipment.
- 2) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of equipment and methods of operations designed to avoid any excessive dust or dirt or other air pollution injuries. Interior roads used in the operation shall have their surface treated to minimize any such nuisance.
- 3) Hours. Hours of operation shall be as follows:
  - (a) Activities involving the extraction, stockpiling, on-site movement, sale of earth materials and/or any other activity involving ingress and egress by commercial/industrial vehicles and/or equipment, shall be carried on exclusively between the hours of 7:00 a.m. and 7 p.m. Monday – Saturday. No activity is allowed on Sunday.
  - (b) Equipment maintenance and repair may be carried on at any time between the hours of 7:00 a.m. and 7:00 p.m.; however, emergency repairs may be made during other hours with the condition that the Township Supervisor, or the Supervisor's designee shall be given



advance notice of, and shall approve that such activities qualify under this provision.

(c) No activities on the property shall occur on Sunday with the exception of emergency repair activity required to permit the commencement of operations on the following Monday morning; however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 a.m. or later than 7:00 p.m.

(d) The use of explosives of any kind shall only be permitted if authorized in the permit issued under this article, and in addition, shall only be authorized upon 14 days' advance written notice to the Supervisor.

(e) The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.

(f) Crushing and screening shall limited to the period from 8 a.m. to 6 p.m. Monday – Friday and 8 a.m. to noon on Saturday.

4) Noise Regulations. Noise regulations shall be as follows and shall not be exceeded by any mining operation:

Zoning District of Receiving Property	Daytime	Evening	Night
All Zoning Districts	55dBA	50dBA	45dBA
(Measured at exterior wall on 1 <sup>st</sup> floor of residence)	50dBA	50dBA	45dBA
All noise levels are otherwise measured at the lot line of all properties adjoining the property containing the mining operation.			

**H. Reclamation of excavated or mined areas:**

1) Intent. Earth removal, quarrying, gravel processing and mining, shall be considered temporary uses. It is our intent to provide for the proper and timely reclamation of excavated or mined sites.

2) A performance guarantee shall be posted with the Grant Township Board to cover the estimated costs of reclamation. "Performance Guarantee" as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit, acceptable to the Township. The amount of guarantee shall be not less than two thousand (\$2,000) dollars per acre proposed to be excavated or mined in the following twelve (12) month period, in accordance with this ordinance and the applicant's filed plan. The guarantee shall remain in effect until the reclamation is completed

and the site is approved by the Grant Township Board.

- 3) Reclamation shall be completed as agreed upon by the Grant Planning Commission and applicant in an approved site plan.
- 4) Inactivity at a site for a continuous twelve (12) month period shall constitute, for this purpose termination of the operation's activity and require that reclamation of that site begin.
- 5) Upon the failure of any applicant to perform reclamation of the operations site in a proper and timely manner, as agreed to in the approved site plan, the performance guarantee will be forfeited. The Grant Township Board shall use the funds to cover the cost of restoring the site and administrative costs incurred in so doing. Any costs in addition to those covered by the "performance guarantee" shall remain the responsibility of the applicant.
- 6) Standards controlling reclamation:
  - a) The reclamation process shall not include a landfill, dump, recycling center, or any other refuse center.
  - b) The excavated areas shall not collect stagnant water and not permit the same to remain therein.
  - c) The surface of such area which is not permanently submerged be graded or backfilled with non-noxious, non-flammable and noncombustible solids as necessary to produce a surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - d) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - e) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a one-year period. Where used, topsoil shall be applied to a minimum depth of four inches, sufficient to support vegetation.
  - f) Vegetation shall be restored within one (1) year by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
  - g) Maintenance:
    - i. Slopes and surfaces shall be maintained as agreed in the site

plan.

- ii. Erosion shall be filled and the surface restored.
- iii. All unhealthy and dead material shall be replaced within one (1) year of damage or death, or the next appropriate planting period, whichever comes first.
- iv. Upon cessation of operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

**I. Liability Insurance.**

All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated areas exist, in the amount of not less than one million (\$1,000,000) dollars for each person or property injured or damaged and not less than three million (\$3,000,000) dollars for injury or damage to more than one person or one person's property, arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the township clerk. Added by Amendment 98-1. Adopted June 26, 1998.

**3. INSPECTION, NON-COMPLIANCE AND REMEDIES**

- A. The Zoning Administrator, or his or her designated agent, shall be responsible for inspections and compliance under this Ordinance
- B. In addition to discretionary inspections, the Zoning Administrator shall make regular inspections during operations and reclamation with such frequency as shall be necessary to ensure and monitor compliance under all of the circumstances, and, further, shall utilize the services of such experts as the Township Board shall authorize for such purpose. The Zoning Administrator shall make quarterly [OR OTHER FREQUENCY] reports to the Township Board concerning compliance with this Ordinance.

**C. Notice of Violation; Remedial Period; Hearing**

- 1) Should the Zoning Administrator, or his designate, and/or his agent, discover any noncompliance with the terms and conditions of this Ordinance and/or the permit issued under this Ordinance, and/or with any other applicable law, ordinance or regulation, the Zoning Administrator shall prepare a notice of this fact detailing the violations, and shall send copies of same to the Operator and to the

Township Board. Within 15 days following such notice, the Operator shall advise the township, in writing, whether or not it concurs that a violation exists; and, if it is agreed that a violation does exist, the Operator shall immediately commence steps to remedy the violation, and continue such action without delay. If the Operator does not agree, it shall, within the same period of time, state the reasons for such lack of agreement. For good cause, the Zoning Administrator may shorten the period to less than 15 days for the Operator's response.

- 2) The Operator shall correct any and all violations on an immediate basis (to the extent feasible considering the nature of the violation). Corrections shall be made as soon as possible, and in all events corrections shall be made within a period not to exceed 60 days from the date of the violation notice unless, due to circumstances beyond Operator's control, completion of the corrective measures are not possible within such period, in which event the Operator may, upon approval of the Township Board, sought within the 60-day period, be given reasonable additional time by the Board within which to make the correction.
- 3) In the event of a dispute with respect to the existence of a violation, the Township Board shall set a reasonable time for a hearing, either before the Township Board or before a hearing officer designated by the Township Board, and shall notify the Operator of the time, date and place of the hearing. After a review of the reasons stated by the Operator for its position that no violation exists, the township may, in its discretion, include in the notice of hearing, responsive allegations with respect to the claimed violation.
- 4) In the event the Operator has concurred that a violation exists, but has not remedied the same in a timely manner as provided for in this Section, a notice of violation shall be sent and a hearing thereon established utilizing the same form and procedure as set forth in subsections above of this section with respect to the notice and hearing on a violation.
- 5) At the hearing, the disputed violation, or the failure to timely cure a violation, shall be considered, which consideration may be adjourned from time to time. Such consideration shall include a hearing conducted at the meeting or meetings, and shall further include the opportunity of the Operator to appear in person, or by a duly authorized representative to present argument, witnesses and other evidence on behalf and in the defense of the Operator, or, in addition to or in lieu thereof, to file a written presentation prior to the initiation of the meeting. The Operator shall also be afforded the opportunity to examine individuals who have made statements or submitted other evidence supporting the existence of a violation or the failure to timely cure a violation; provided, such examination shall be limited in scope to matters relating directly to the statements made and evidence submitted. The Township Board, or the hearing officer appointed by the Board, shall likewise have the opportunity to examine witnesses who present evidence favorable to the Operator. The hearing shall also include an attempt to ascertain whether the Operator made a reasonable effort to prevent the occurrence of the violation, or to cure the same in a timely manner.
- 6) If a hearing officer conducts the hearing, a detailed report shall be submitted to the Township Board, along with a record of the hearing officer proceedings. The report may include a recommendation.

#### **D. Suspension; Emergency Suspension; Revocation**

- 1) In the event the Township Board shall determine that a violation of this Ordinance exists, or that the Operator has failed to cure a violation in a timely manner, the Township Board is authorized to take the following action, considering whether the Operator made a reasonable effort to prevent the occurrence of a violation and/or cure the same in a timely manner: (a) If the violation constitutes the first uncured violation, and/or the first failure to cure a violation in a timely manner, and the same has not resulted in damage to person or property, the board is authorized to suspend the permit for a period of up to one month; (b) If the Operator has previously had one uncured violation and/or one failure to cure a violation in a timely manner, and there is an additional uncured violation and/or failure to cure a violation in a timely manner, and/or if any violation or failure to cure a violation results in property damages, the board is authorized to suspend the permit for a period of up to three months; or (c) If the Operator is found to be in violation of this Ordinance on a third occasion, and/or if the Operator is found to have failed to cure a violation in a timely manner for the third time, or any combination of these, and/or if there are violations and/or failure to cure in excess of three, and/or if a violation has resulted in personal injury of one or more individuals, the Township Board may, after a further hearing proceeded by a notice of grounds to the Operator, suspend the permit for a period of up to one year, or revoke the permit permanently.
- 2) In the event the Township Board shall determine, in its discretion, that serious and irreparable harm and damage is likely to occur to person or property, or that an impairment or pollution of the environment is likely to occur, the township board may order an emergency summary suspension of the permit, which shall become effective upon service of same upon the Operator. The township board shall thereafter, as soon as is practical, conduct a hearing with the same notice and procedural standards set forth in the above subsections of this section pertaining to violation hearings, to determine whether: (1) To revoke the suspension order; or (2) To continue the suspension order for a fixed period of time. or (3) To revoke the permit permanently. The board shall state reasons for its determination. If the Operator wishes to expedite the hearing procedure, the Operator may waive the advanced notice requirement and proceed immediately to a hearing. Following the entry of a determination by the Township Board to suspend the permit under this subsection, the institution of a lawsuit in the circuit court, or other court, shall not, without the order of the court, constitute a stay of the suspension. The procedures and remedial action authorized under this section shall be in addition to, and not in lieu of, additional actions the Township may seek, including the institution of district court or circuit court proceedings.

#### **E. Penalties.**

- 1) In addition to the administrative process provided for above, the civil infraction penalties stated in this Section may be enforced by the Township:

- 2) The following civil fines shall apply in the event of a determination of responsibility, for a municipal civil infraction, unless otherwise specifically designated in the text of this Ordinance:
  - a. *First offense*: The civil fine for a first offense violation shall be in an amount of \$300.00, plus costs and other sanctions, for each offense.
  - b. *Repeat offense*: The civil fine for any offense that is a repeat offense shall be in an amount of \$500.00 or more if determined appropriate by the Court, plus costs and other sanctions for each offense.
- 3) In addition to ordering the respondent determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Ordinance.
- 4) Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- 5) In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought.
- 6) The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
- 7) A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

**F. Other Legal Action.**

The procedures and remedial actions authorized under this Ordinance shall be in addition to, not in lieu of, additional actions the township may take pursuant to other township ordinances or laws of the State of Michigan.

SECTION 15 - R-1 & R-2 RESIDENTIAL DISTRICTS - USES PERMITTED: No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses: R-2 District Added by Amendment #00-10, Adopted March 19, 2001.

1. One (1) family detached dwellings, provided, however, the same contain a minimum of eight hundred (800) square feet area of enclosed living space and a minimum of twenty-four (24) feet in width. Amendment #12, Adopted July 21, 1980.
2. Two (2) family detached dwelling, provided however each unit must meet the minimum requirements for a One (1) family detached dwelling. Each unit must contain a minimum of eight hundred (800) square feet area of enclosed living space and be a minimum of twenty-four (24) feet in width. Effective March 30, 2020  
Section 15-1, Revised by Amendment #90-1, Adopted October 12, 1990.  
Section 15-1, Revised by Amendment #01-07, Adopted October 15, 2001.
3. Deleted by Amendment #97-16, Adopted October 14, 1997.
4. Deleted by Amendment #97-16, Adopted October 14, 1997.

5. Home occupations provided, however, that there be no external evidence of such occupation, except a name plate not exceeding six square (6) feet in area and without illumination.

Section 15-5. Revised by Amendment #84-5, Adopted October 22, 1984.

6. Governmental buildings and public parks, except that the latter shall not provide overnight occupancy. Amendment #12, Adopted July 21, 1980.

7. Deleted by Amendment #03-01, Adopted June 16, 2003

Section 15-, Added by Amendment #84-5, Adopted October 22, 1984.

Section 15-7., Amended by Amendment #90-1, Adopted October 12, 1990.

8. Section 15-8., Added by Amendment #84-5, Adopted October 22, 1984.

Section' 15-8., Deleted by Amendment #97-18, Adopted October 14, 1997.

9. All residential sites that do not have a garage at the time of the house construction or installation shall have an outside storage structure built with a minimum floor area of sixty-four (64) square feet.

Section 15-9. Amended by Amendment #03-01, Adopted June 16, 2003

10. All occupied residential sites will have installed a defined driveway to house parking area and/or garage, which is to be fully maintained for fire protection access.

11. Deleted by Amendment #03-01, Adopted June 16, 2003.

Revised by Amendment #97-19, Adopted October 14, 1997.

12. All manufactured homes shall be placed on foundations approved by the Grand Traverse County Construction Code Office.

Section 15-12 Amended by Amendment #03-01, Adopted June 16, 2003.

Section 15-9 through 12, Added by Amendment #90-1, Adopted October 12, 1990.

13. The Family Day Care Center shall be allowed by right.

Added by Amendment #00-3, Adopted May 15, 2000.

14. Open Space Preservation as regulated by Section 14C.

Added by Amendment #04-03, Adopted February 16, 2004.

15. Temporary or Portable buildings will be limited to (two) 2 per residence and not to exceed a total of 300 square feet. Buildings shall be maintained in good working order and not be a nuisance to neighbors. Buildings shall be located in the rear of the property if possible. Amendment 2021-01 Feb. 15, 2021

16. Recreational Units (RU's) amendment 2021-02 Feb. 15, 2021

Recreational Units may be parked in view of neighbors if all the following conditions are met:

- a) RU's shall be maintained in good working order.
- b) RU's cannot be a nuisance to neighbors.
- c) Only 1 (one) RU per lot with an existing residence is permitted.
- d) RU's cannot be plumbed (sewer and water) to the existing sewer and water lines of the residence on the parcel.
- e) Guest RU's can only be on site for a maximum of (four) 4 weeks at a time, and no more than (three) 3 times annually.
- f) RU's are considered temporary, therefore items such as porches, decks, pergolas, skirting, custom steps, custom awnings, extras, etc. are not permitted.
- g) No rentals or commercial use. (f and g added by amendment 2022-04 effective 11-21-2022)

#### SECTION 15 (a) - SPECIAL USES PERMITTED BY GRANT TOWNSHIP PLANNING

COMMISSION: Special Use Permits shall be issued only to a parcel or adjoining parcel on which the owner or operator resides on said parcel, with the exception of governmental agencies, public utilities and the business district. The Township Planning Commission may authorize the following special uses, subject to special requirements such as setback, yard,

area, building height and screen requirements, provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in Section 14 A and Section 14B of this Ordinance: Amendment #12, Adopted July 21, 1980.

Revised by Amendment 96-5, Adopted May 20, 1996.

- 1. Multiple family dwellings.
- 2. (Tourist Homes removed by amendment 2023-05 Adopted 3-20-2023)  
Motels and resorts.

Revised by Amendment #2004-09, September 20,2004.

- 3. Offices and clinics of physicians and other professional persons, excepting veterinarians.
- 4. Golf courses and country clubs, public or private
- 5. Utility and public service structures.
- 6. Deleted by Amendment #00-2, May 15, 2000.
- 7. Manufacturing of any type provided such manufacturing is not listed in Section 14 (10) of this ordinance.

Revised by Amendment #2004-09, September 20, 2004.

- 8. Churches. Added by Amendment #97-17. Adopted October 14,1997.
- 9. Public, charter and private schools. Added by Amendment #97-17, Adopted September 15,1997.
- 10. Deleted by Amendment #01-05, Adopted October 15, 2001.  
Added by Amendment #98-1, Adopted January 18,1999.
- 11.Group Day Care Center.  
Added by Amendment #2000-03, Adopted May 15, 2000.
- 12. Bed & Breakfast  
Added by Amendment #2004-09, Adopted September 20, 2004.
- 13. Licensed Adult Foster Care Facilities  
Added by Amendment #2006-05, Adopted August 21, 2006
- 14. Large Wind Energy Systems and Wind Farms only in the R2 district.  
Added by Amendment 2009-01 Effective date 03-05-2010

**SECTION 15 (b) - SPECIAL REQUIREMENTS & RESTRICTIONS WITHIN THE R-1 & R-2**

**RESIDENTIAL DISTRICTS:** The following requirements and restrictions shall expressly apply to land located within the R-1 & R-2 Residential Districts:

Revised by Amendment #00-10, Adopted March 19, 2001.

Revised by Amendment #01-03, Adopted October 15, 2001.

**1. RESIDENTIAL R-1:** each lot in this district shall have a minimum of one (1) acre and two hundred (200) feet of road frontage. Within the Village of Karlin and the Delorme and Shorna subdivisions, each lot shall have a minimum of eleven thousand (11,000) square feet with one hundred (100) feet of road frontage. Each lot shall have side yards clear of any buildings or structures of not less than fifteen (15) feet on each side.

Amendment #12, Adopted July 21,1980.

Revised by Amendment #99-1, Adopted January 17, 2000.

Revised by Amendment #00-10, Adopted March 19, 2001.

Revised by Amendment #04-04, Adopted February 16, 2004.

(a). No poultry, livestock, or animals other than household pets shall be allowed on any parcel at any time. This restriction also prohibits the raising or housing of dogs, cats, or other animals for commercial purposes. Doghouses are allowed, provided that both the doghouse and surrounding area are kept in a neat and orderly fashion.

Added by Amendment #2006-02, Adopted May 21, 2007.



2. RESIDENTIAL R-2: each lot in this district shall have a minimum of two and one-half (2 ½ ) acres and two hundred (200) feet of road frontage. Each lot shall have side yards clear of any buildings or structures of not less than fifteen (15) feet on each side.  
Added by Amendment #00-10, Adopted March 19, 2001.

(a). Agricultural enterprises devoted to the production of food and other products of the land are allowed, provided the parcel of land so used is not less than five (5) acres in area, owner resides on said parcel. The family garden for personal consumption is the exception to the above. All farm animals must be properly housed, fenced, maintained, and controlled following MSU Extension guidelines. The keeping of livestock shall comply with the Generally Accepted Agricultural and Management Practices (GAAMPS) as produced by the Michigan Department of Agriculture to deter any noxious odor, noise or other nuisance. Manure must be composted so as not to be objectionable or offensive.  
Added by Amendment #2006-02, Adopted May 21, 2007.

(b). The maximum number of farm animals allowed is based on the following schedule:

5 acres	2 farm animals
6-7 acres	3 farm animals
8-9 acres	4 farm animals
10-14 acres	5 farm animals
15 or more acres	6 farm animals

Added by Amendment #2006-02, Adopted May 21, 2007.

(c). The following applies to the residential keeping of horses by the landowner or renter:

1. A barn must be provided allowing for 120 square feet of area per horse.
2. All buildings, corrals, manure piles, or enclosures for horses shall be set back at least one hundred (100) feet from the property line.
3. Corrals to be provided shall contain not less than 200 square feet of area per animal.
4. Fencing shall be a minimum of four and one-half (4 1/2) feet in height, shall be constructed of suitable materials and maintained to insure containment.
5. All manure piles must be composted.
6. The keeping of horses as provided for in this section shall comply with all regulations and provisions of the Grand Traverse County Health Department and the United State Department of Agriculture.

Added by Amendment #2006-02, Adopted May 21, 2007.

3. Each lot shall have a rear yard, clear of any buildings or structures, of not less than fifteen (15) feet in depth.  
Section 15 (b)-2 Renumbered as #3 by Amendment #00-01, Adopted March 19, 2001.

4. In measuring any side or rear yards, no portion of a road right-of-way shall be included. In individual cases, where any of the foregoing clearances would work a hardship, application may be made to the Board of Zoning Appeals for a variance from said requirements, subject to such terms and conditions as the Board deems necessary to protect adjacent property and to prevent conditions which may become objectionable or hazardous.  
Section 15 (b)-3 Renumbered as #4 by Amendment #00-01, Adopted March 19, 2001.

5. Deleted by Amendment #97-20, Adopted October 14, 1997. Section 15 (b)-4 Renumbered as #5 by Amendment #00-01, Adopted March 19, 2001.

6. Deleted by Amendment 2006-02, Adopted May 21, 2007.

7. The use of the following as storage buildings, in these districts is prohibited: semi trailers, school buses, van bodies, tankers and any other object that is or ever was a motor vehicle. Section 15 (b)-7 Added by Amendment 01-01, Adopted January 21, 2002

8. Accessory building when constructed before the erection of the primary dwelling shall be prohibited. Section 15 (b)-8. Added by Amendment #01-04, Adopted October 15, 2001.

9. Fences

- a. Fences in Residential Districts shall not exceed six (6) feet in height, measured from the ground to the uppermost portion of the fence, on side and rear yards.
- b. Fences erected within the front yard in either district shall not exceed three and one half (3 ½) feet in height.
- c. Fences shall not be erected within any public right-of-way in either district.
- d. Fences shall not be erected or maintained in either district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connected two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
- e. Fences will not be constructed/placed closer to the lake than any built structure permanently attached to the dwelling.
- f. Fences shall not be constructed of discarded materials. Added by Amendment #04-02, Adopted February 16, 2004.

**SECTION 15 (c) - BUILDING HEIGHTS:** No building shall be located in this district having more than two and one-half (2 ½) stories or more than thirty-five (35) feet in height above ground level. For purposes of this Section "ground level" is defined to mean the grade level of the building. If there is more than one grade level, then the grade level of that part of the building, which, faces on a public street or highway shall be the controlling grade level. If more than one street or highway and grade is involved, the part facing upon the street providing primary and direct access to the building shall be used. If the controlling grade level cannot be determined using the foregoing criteria, then the controlling grade level shall be that which results in the lowest building height. Revised by Amendment #97-22, Adopted October 14, 1997.

**SECTION 15 (d) - VARIANCES:** Application may be made to the Zoning Board of Appeals for a variance in the building height restriction. Such application shall be handled in the same manner as the extension of a nonconforming use. The Zoning Board of Appeals shall have power to grant a variance in individual cases upon a showing that such variance will not be injurious to the surrounding neighborhood or restrictive of the property rights of adjacent owners.

**SECTION 16 - A-1 & A-2 AGRICULTURAL DISTRICTS** Section A-1 & A-2 Agricultural Districts Added by Amendment #2004-01, Adopted August 21, 2006. Amended by Amendment #2005-01, Adopted August 21, 2006.

**A-1 AGRICULTURAL DISTRICT:**

This district contains the best agricultural soils, and currently, the most intensively farmed land in the township. The Grant Township Master Plan proposes to preserve this land base for production agriculture, and on those parcels more suited for, because of topography, forestry.

**A-1 Agricultural District** - This district shall include the following: The West ½ of Section 13, Section 14, the South ½ of Section 15, and the SE ¼ of the SE ¼ of

Section 16, the East 1/2 of Section 21 and the South 1/4 of the West 1/2 of Section 21, Section 22, the North 1/2 of Section 23 and the NE 1/4 of the SE 1/4 of Section 23, the SE 1/4 of Section 26, S 1/2 of the SW 1/4 Section 27, Section 28, the NW 1/4 and the East 1/2 of Section 33, Section 34, Section 35, Section 36, except the North 1/2 of the East 5/8 of the South 1/2 of the East 5/8 of the South 1/2 of the SE 1/4 .

**SECTION 16 (a) - SPECIAL REQUIREMENTS & RESTRICTIONS WITHIN THE A-1 AGRICULTURAL DISTRICT:**

1. LOT SIZE AND SETBACKS: Each lot in this district shall have a minimum size of not less than ten (10) acres and six hundred and sixty (660) feet of frontage on a public or an approved private road. Each lot shall have side and rear yards, clear of any buildings or structures, of not less than fifteen (15) feet in width.

a. A land owner is allowed an option to the above lot size requirement when creating new parcels from an existing parcel. Based on the total number of splits that would be allowed under the Grant Township land Division Ordinance at a lot size of ten (10) acres, a land owner may divide up to that number of one and one quarter (1 1/4) acre lots with two hundred (200) feet of frontage on a public or an approved private road.

**Example**

Original parcel size (starting at base divisible by 10 and going up to but not including the next division of 10)	Number of splits allowed at 10 acre lot size	Number of 1 1/4 acre lots allowed plus remainder of parent parcel
Less than 20 acres	0 splits	0 lots + remainder
20 to 30 acres	2 splits	2 lots + remainder
30 to 40 acres	3 splits	3 lots + remainder
40 to 50 acres	4 splits	4 lots + remainder
50 to 60 acres	5 splits	5 lots + remainder
150 to 160 acres	15 splits	15 lots + remainder

The one and one quarter (1 1/4) acre lots shall be on one side or corner of the original lot, shall be contiguous with each other and a minimum of one lot shall have at least two hundred (200) feet of frontage on an existing public road. No more than fifty (50) percent of the existing road frontage of the original lot may be used to satisfy road frontage requirements of any newly created lots. If this option is chosen, the remainder of the original lot shall be dedicated to "open space" by legal means that run with the land.

**PROPERTY MAY BE DIVIDED USING ONE OR THE OTHER OF THE ABOVE METHODS, BUTTHE TWO METHODS MAY NOT BE COMBINED.**

2. Any use, either permitted or by special use permit that, as a normal course of activity, removes topsoil from the parcel, is prohibited unless an equal amount of similar topsoil is replaced.

**SECTION 16 (b) - USES PERMITTED:** No building or structure or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- 1. General farming and agricultural uses, including any buildings normally associated with farming and agricultural uses.
- 2. Raising and/or grazing of farm animals and poultry, provided, that the use is following generally accepted management practices as adopted by the Michigan Department of Agriculture. This use shall include any single purpose buildings or structures used in production animal agriculture.
- 3. Nurseries, green houses and tree plantations.
- 4. Farmers Markets and Roadside stands for the sale of agricultural products.
- 5. One (1) family detached dwellings, provided, however, the same contain a minimum of eight hundred (800) square feet of enclosed living space area and a minimum of twenty-four (24) feet in width.
- 6. Garages and other accessory buildings are allowed, provided that their use is either associated with an agricultural use or a one (1) family dwelling.
- 7. Housing for Migrant Agricultural Workers. All housing (regardless of whether licensing is required by the Michigan Agricultural Labor Camp Licensing Law) shall follow the regulations established by that law with regard to Construction Codes, including, but not limited to, structural, electrical, plumbing, mechanical, water and sewer. Migrant / seasonal workers are allowed occupancy during the operator's field season for a maximum of 9 months and must be employed by the operator during this time. Setbacks shall be 50' (with screening) from an existing dwelling. This shall be considered an accessory use to agriculture. If the agricultural use ceases, the housing use ceases.
- 8. On parcels that have a residence, recreational units may be parked on the parcel if all the following conditions are met:
  - a) RU's shall be maintained in good working order.
  - b) RU's cannot be a nuisance to neighbors.
  - c) Multiple RU's per parcel or residence are not permitted.
  - d) RU's cannot be plumbed (sewer and water) to the existing sewer and water lines of the residence on the parcel.
  - e) Guest RU's can only be on site for a maximum of (four) 4 weeks at a time, and no more than (three) times annually.
  - f) RU's are considered temporary, therefore items such as porches, decks, pergolas, skirting, custom steps, custom awnings, extras, etc., are not permitted.
  - g) No rentals or commercial use. ( No. 8 added by amendment 2022-005 effective 11-21-2022)

**SECTION 16 (c) - SPECIAL USES PERMITTED BY THE GRANT TOWNSHIP PLANNING COMMISSION:** Special use permits shall be issued only for a parcel or adjoining parcel on which the owner or operator resides on said parcel. The Grant Township Planning Commission may authorize the following special uses, subject to special requirements such as setback, yard area, building height and screening requirements, provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in Section 14A and 14B of this Ordinance.

1. Home occupations, provided, however, that there be no external evidence of such occupation, except a nameplate not exceeding six (6) square feet in area and without illumination.
2. Horse farms, but not including riding stables or boarding stables.
3. Family day care.
4. Hunting Preserve. (added by amendment 2010-3) Effective 3-05-2010
5. Large Wind Energy Systems and Wind Farms. (added by amendment 2009-01) Effective date 3-05-2010
6. Agri-tourism

**SECTION 16 (d) - BUILDING HEIGHT:** No building shall be located in this district having more than two and one-half (2 ½) stories or more than thirty-five (35) feet in height above ground level, except that nonresidential buildings permitted in this district may rise to a maximum height of fifty (50) feet above ground level, PROVIDED, HOWEVER, that height restrictions shall not apply to silos. For the purposes of this Section, "ground level" is defined to mean the grade level of the building. If there is more than one grade level, then the grade level of that part of the building, which faces on a public street or highway, shall be the controlling grade level. If more than one street or highway and grade is involved, the part facing upon the street providing primary and direct access to the building shall be used. If the controlling grade level cannot be determined using the foregoing criteria, then the controlling grade level shall be that which results in the lowest building height. "Non-residential" as used herein, means any building used for purposes other than human habitation, whether transient or permanent.

**SECTION 16 (e) -VARIANCE:** Application may be made to the Zoning Board of Appeals for a variance to the building height restriction. Such application shall be handled in the same manner as the extension of a nonconforming use. The Zoning Board of Appeals shall have the power to grant a variance in individual cases upon a showing that such variance will not be injurious to the surrounding neighborhood or restrictive of the property rights of adjacent owners.

**A-2 AGRICULTURAL DISTRICT:**

This district generally contains soils that are less productive than soils in the A-1 district. Woodlands, marshy areas and topography separate this area from the more intensely farmed A-1 district.

**A-2 Agricultural District** - This district shall include the following: Section 1, Section 2, Section 11, Section 12, the East ½ of Section 13, the North ½ of Section 15, the North ¾ of the West ½ of Section 21, the South ½ of Section 23, except the NE ¼ of the SE ¼, Section 24, Section 25, the North ½ and the North ½ of the SW ¼ Section 26, Section 27 except the S ½ of the SW ¼, Section 29, Section 30, Section 31, Section 32, the SW ¼ of Section 33.

**SECTION 16 (f) - SPECIAL REQUIREMENTS & RESTRICTIONS WITHIN THE A-2 AGRICULTURAL DISTRICT:** The following requirements and restrictions shall expressly apply to land located within the A-2 Agricultural District.

**1. LOT SIZE AND SETBACKS:** Each lot in this district shall have a minimum size of not less than two and one-half (2 ½) acres and three hundred and thirty (330) feet of frontage on a public or an approved (see Section 14, #13) private road. Each lot shall have side and rear yards, clear of any buildings or structures of not less than fifteen (15) feet in width.

2. Any use, either permitted or by special use permit, that, as a normal course of activity, removes topsoil from the parcel, is prohibited unless an equal amount of similar topsoil is replaced.

SECTION 16 (g) - USES PERMITTED: No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. General farming and agricultural uses, including any buildings normally associated with farming and agricultural uses.
2. Raising and/or grazing of farm animals, poultry and fur bearing animals, provided that the use is following generally accepted management practices as adopted by the Michigan Department of Agriculture. This use will include any single purpose buildings or structures used for farm animal production.
3. Nurseries, green houses and tree plantations.
4. Farmers Markets and Roadside stands for the sale of agricultural products.
5. Horse farms, but not including riding stables or boarding stables.
6. Any use permitted and as regulated in the R-1 & R-2 Residential Districts excluding Open Space Preservation Section 14C of this ordinance.

Section 16 (g) Amended by Amendment #2005-1, June 28,2006.

7. Housing for Migrant Agricultural Workers. All housing (regardless of whether licensing is required by the Michigan Agricultural Labor Camp Licensing Law) shall follow the regulations established by that law with regard to Construction Codes, including, but not limited to, structural, electrical, plumbing, mechanical, water and sewer. Migrant / seasonal workers are allowed occupancy during the operator's field season for a maximum of 9 months and must be employed by the operator during this time. Setbacks shall be 50' (with screening) from an existing dwelling.

This shall be considered an accessory use to agriculture. If the agricultural use ceases, the housing use ceases.

Section 16 (h) - SPECIAL USES PERMITTED BY THE GRANT TOWNSHIP PLANNING

COMMISSION: Special Use Permits shall be issued only for a parcel or adjoining parcel on which the owner or operator resides on said parcel. The Grant Township Planning Commission may authorize the following special uses, subject to special requirements as setback, yard area, building height and screening requirements, provided, however that any request for a special use permit shall be subject to the requirements for review and approval set forth in section 14A and Section B of this Ordinance.

1. Dude ranches, archery ranges, gun and skeet clubs, hunting preserves, recreational camps and reservations.
2. Manufacturing of any type, provided such manufacturing is not listed in Section 14, #10 of this Ordinance.
3. Large Wind Energy Systems and Wind Farms. Added by Amendment 2009-01 effective 3-05-2010
4. Riding stables with perimeters clearly marked. All buildings, corrals, manure piles or enclosures for animals shall be set back at least two hundred and fifty (250) feet from any property line abutting a Residential District, shall have fifteen (15) feet set backs from buildings, structures, corrals and manure piles, except where the adjoining lot has an existing building or structure, then one hundred (100) feet set backs must be met for all buildings, structures, corrals and manure piles. There shall be a designated trailer parking area, with a set back of one hundred (100) feet from the center of the road, not to exceed one space per customer. Adequate off-street parking is provided for all customers.

5. Animal hospitals, veterinary clinics and kennels.
6. Family Day Care.
7. Home occupations, provided, however, that there is no external evidence of such occupation, except a nameplate not exceeding six (6) square feet in area and without illumination.
8. Licensed Adult Foster Care Facilities.  
Added by Amendment 2006-05, Adopted August 21, 2006.
9. Agri-tourism
10. Earth Removal, Quarrying, Gravel Processing and Mining. Added by amendment 98-01. Adopted June 26, 1998. This section was deleted entirely and replaced with Section 14E, and 14F (amendment 2023-05 March 20, 2023, effective March 30, 2023 ).

**SECTION 16 (j) - BUILDING HEIGHT:** No building shall be located in this district having more than two and one-half (2-1/2) stories or more than thirty-five (35) feet in height above ground level, except that nonresidential buildings permitted in this district may rise to a maximum height of fifty (50) feet above ground level, PROVIDED, HOWEVER, that height restrictions shall not apply to silos. For purposes of this Section, "ground level" is defined to mean the grade level of the building. If there is more than one grade level, then the grade level of that part of the building, which faces on a public street or highway, shall be the controlling grade level. If more than one street or highway and grade is involved, the part facing upon the street providing primary and direct access to the building shall be used. If the controlling grade level cannot be determined using the foregoing criteria, then the controlling grade level shall be that which results in the lowest building height. "Non-residential" as used herein, means any building used for purposes other than human habitation, whether transient or permanent.

**SECTION 16 (k) - VARIANCE:** Application may be made to the Zoning Board of Appeals for a variance in the building height restriction. Such application shall be handled in the same manner as the extension of a nonconforming use. The Zoning Board of Appeals shall have power to grant a variance in individual cases upon a showing that such variance will not be injurious to the surrounding neighborhood or restrictive of the property rights of adjacent owners.

**SECTION 17 (a) - B-1 BUSINESS DISTRICT USES PERMITTED:** No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part for other than one or more of the following specified uses:

1. Any use permitted by right in Section 15 (1) through (7) of the R-1 & R-2 Residential Districts, except Open Space Residential Developments as permitted and regulated by Section 14C.  
Amendment #14, Adopted July 21, 1980.  
Revised by Amendment #00-10, Adopted March 19, 2001.  
Revised by Amendment #04-03, Adopted February 16, 2004.
2. Repealed by Amendment #14, Adopted July 21, 1980.
3. Repealed by Amendment #14, Adopted July 21, 1980.
4. Any retail, wholesale or professional service establishments are permitted to operate in an already existing commercial building by obtaining a land use permit. Any change from residential use or new construction, must be by special use permit.  
Section 17- #4., Added by Amendment #84-7, Adopted October 22, 1984.
5. Illumination of off premise signs is permitted providing the illumination is shielded, directed toward the sign and does not cause glare to traffic or adjacent properties. Signs portable in nature are permitted, provided they remain portable.

Section 17-#5, Added by Amendment #93-7, Adopted March 21, 1994.

SECTION 17 (b), SPECIAL USES PERMITTED BY GRANT TOWNSHIP PLANNING

COMMISSION: The Grant Township Planning Commission may authorize the following special uses, subject to special requirements as setback, yard, area, building height and screening requirements, provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in Section 14 A and Section 14 B of this Ordinance:

1. Roadside stands for the sale of agricultural products.
2. Amusement enterprises, including billiard or pool hall, bowling alley, dance hall, nightclub, skating rink and drive-in theater.
3. New or used automobile, boat and farm implement display, leasing, sales and repair operations but not including junkyards or stripping operations.
4. Carpenter, electrical, plumbing, heating, sheet metal, printing, publishing, lithographing, upholstering, paper hanging, decorating or sign painting shops
5. Drive-in restaurants.
6. Gasoline service stations.
7. Funeral homes.
8. Laundry or cleaning plants and operations.
9. Public and private automobile parking lots.
10. Wholesale establishments.
11. Retail business and service establishments.
12. Motels, tourist courts and tourist homes.
13. Artist studios and galleries.
14. Manufacturing of any type provided such manufacturing is not listed in Section 14 (10) of this

ordinance. Section 17(b)-#13 & #14, Added by Amendment #84-7, Adopted October 22, 1984.

15. Billboards may be established only in the B-1 zoning district by obtaining a special use permit, provided they meet the requirements stated in Section 17(c) of this ordinance and comply with the Highway Advertising Act of 1972.

Section 17 (b)-#15, Added by Amendment #93-8, Adopted March 21, 1994.

16. Recreational trails shall be a minimum of twenty (20) feet in width. Trails shall be emergency vehicle and handicapped accessible. Fencing shall be six (6) feet in height and on both sides of the trail, with restrooms provided.

Section 17 (b)-#16, Added by Amendment #96-6, Adopted May 20, 1996.

17. Day Care Center
18. Bed and Breakfast
19. Farmers Market
20. Antique Market
21. Sexually Oriented Businesses

A. PURPOSE:

It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated or when one or more of them are located near a residential zone, or other uses frequented by children. In these circumstances such uses have a deleterious effect upon the adjacent area. Special regulation of these uses is necessary to ensure that the adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and businesses. These special regulations are itemized as follows. These controls are for the purpose of preventing concentration of these uses within any one area and to prevent deterioration or blighting of a nearby residential neighborhood or



commercial area. These controls do not legitimize activities, which are prohibited by other chapters of this code or by state law. Uses subject to these controls and referred to herein as Regulated Uses are as follows:

1. Adult book or video stores
2. Adult cabaret
3. Adult motion picture theaters
4. Adult novelty stores
5. Adult panorama
6. Burlesque halls
7. Bed & Breakfast

Added by Amendment #2004-09, Adopted September 20, 2004.

The above terms and others used in this chapter are defined in alphabetical order in Section 3 DEFINITIONS of the Grant Township Zoning Ordinance.

B. PERMITTED USES: None of the Regulated Uses listed in 17A. are permitted without a Special Use Permit as explained in Section 14 of the Grant Township Zoning Ordinance and unless:

1. The use is located within a B-1 zoning district. A Regulated Use is not allowed in any other zoning district even if it incorporates B-1 zoning district uses.
2. Persons operating a Regulated Use shall not permit any person under the age of 18 to be on the premises of said Regulated Use either as an employee or as a customer.
3. Hours of operation of the Regulated Use shall be limited to 8:00 a.m. to 10:00 p.m.
4. Adult products or services or any picture or other representation thereof, shall not be displayed so as to be visible from the street or neighboring property.
5. Off-street parking shall be provided the same as other non-adult businesses of the same nature (e.g. retail sales, eating and drinking establishment); except that all areas of the parking lot shall be illuminated from dusk until one hour after the business closes.
6. The management shall be responsible for maintaining a minimum of six (6) feet between patrons and entertainers at all times.
7. All display areas and restrooms will be handicap accessible.

If a Regulated Use is to be considered, these procedures will be followed:

- a. The Grant Township Planning Commission Secretary will serve notice on all owners and occupiers of all property within three-hundred (300) feet of the proposed use.
- b. Said notice will include a postcard addressed to the Grant Township Planning Commission Secretary, containing spaces for stating approval or disapproval of the proposed Regulated Use and include space for commentary.
- c. The total number of postcards or other written responses returned prior to the public hearing will be tallied and considered.

C. CONDITIONS AND LIMITATIONS: The Grant Township Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or the protection of the public interest. Any evidence and any guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

D. EXPANSION AND DISCONTINUANCE USE:

1. Once established, a Regulated Use shall not be expanded in any manner without first applying for and receiving the approval of the Grant Township Planning Commission.
  2. If a Regulated Use is discontinued and events cause the area to not be available for the location of a Regulated Use, the use may not be re-established without applying for and receiving the approval of the Grant Township Planning Commission.
  3. Approval of the Grant Planning Commission required by this Section shall be pursuant to the following procedures:
    - a. The Grant Township Planning Commission Secretary will serve notice on all owners and occupiers of all property within three-hundred (300) feet of the proposed use.
    - b. Said notice will give a minimum of thirty (30) days from the mailing of the notice until the Grant Township Planning Commission's public hearing on the matter.
    - c. Said notice will include a postcard addressed to the Grant Township Planning Commission Secretary, containing spaces for stating approval or disapproval of the proposed Regulated use and include space for commentary.
    - d. The total number of postcards or other, written responses returned prior to the hearing will be tallied and considered.
  4. Approval of the Grand Township Planning Commission required by this shall be pursuant to the following standards.
    - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this ordinance will be observed.
    - b. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
    - c. That the establishment of a Regulated Use or an additional regulated use in the area will not be contrary to any neighborhood conservation, nor will it interfere with any urban renewal.
    - d. That all applicable State laws and local ordinances will be observed.
- Section 17 (b)-#17, Added by Amendment #97-23, Adopted October 14, 1997.

SECTION 17 (c) -SPECIAL REQUIREMENTS & RESTRICTIONS WITHIN THE B-1 BUSINESS DISTRICT:

Revised by Amendment #01-03, Adopted October 15, 2001.

The following requirements and restrictions shall expressly apply to land located within the B-1 District:

1. Proper access shall be provided for the delivery of merchandise and supplies without impeding vehicular or pedestrian traffic.
  2. Adequate off-street parking shall be provided at the minimum rate of one parking place for each anticipated employee, plus one additional space for each three hundred (300) square feet of total enclosed building space.
  3. No goods, supplies, merchandise, parts, refuse, scrape or discarded equipment or machinery shall be stored out of doors, except as may be authorized by the Grant Township Planning Commission upon application made in the same manner as for special use.
- Amendment #14. Adopted July 21, 1980.

The Zoning Board of Appeals may approve such outside storage subject to location and screening requirements and such other conditions as it deems necessary to protect adjacent property and to prevent conditions, which may become objectionable or hazardous.

4. Each lot in this district shall have a minimum size of not less than twelve thousand (12,000) square feet and one hundred (100) feet in width. Each lot shall have minimum side yards at least five (5) feet in width on each side and a front yard setback at least fifteen (15) feet from the contiguous right-of way line. No building or part thereof shall be built or placed within the side or front yard clearance.

Amendment #14, Adopted July 21, 1980.

5. A billboard shall be erected as a freestanding structure in a manner that will withstand all wind and forces, which normally occur in the area. The billboard shall be maintained structurally sound and with a readable message. Illumination shall be steady without interruption, directed only onto the billboard surface and shielded to avoid glare to traffic and adjacent property. Oscillating, rotating or strobe type lights are prohibited. Billboards constructed in a "V" type fashion, directing a message in opposite directions shall be considered one billboard. Other configurations stacking, tandem, etc. shall be prohibited. Maximum size of a billboard's display area shall not exceed three hundred (300) square feet, not including the base, if the base does not serve as display area. Maximum height shall not exceed twenty (20) feet from the natural grade of the land it is located on. Billboards shall conform to all setbacks in this district and shall not be located within five hundred (500) feet of another billboard abutting either side of the same highway. The preceding is not intended to limit, prohibit or infringe on off premise signs pertaining to enterprises located within Grant Township, with a display area of thirty two (32) square feet or less.

Section 17 (c) 5. Added by Amendment 93-9, March 21, 1994.

SECTION 17 (d) - BUILDING HEIGHT: No building shall be located in this district having more than two and one-half (2-1/2) stories or more than thirty-five (35) feet in height above ground level, except that nonresidential buildings permitted in this district may rise to a maximum height of fifty (50) feet above ground level. For purposes of this Section, "ground level" is defined to mean the grade level of the building. If there is more than one grade level, then the grade level of that part of the building that faces on a public street or highway shall be the controlling grade level. If more than one street or highway and grade is involved, the part facing upon the street providing primary and direct access to the building shall be used. If the controlling grade level cannot be determined using the foregoing criteria, then the controlling grade level shall be that which results in the lowest building height. "Non-residential", as used herein, means any building used for purposes other than human habitation, whether transient or permanent.

SECTION 17 (e) - VARIANCES: Application may be made to the Zoning Board of Appeals for a variance in the Building Height restrictions or the Special Requirements enumerated in Section 17 (c). Such application shall be handled in the same manner as the extension of a conforming use. The Zoning Board of Appeals shall have power to grant a variance in individual cases upon a showing that such variance will not be injurious to the surrounding neighborhood or restrictive of the property rights of adjacent owners. With respect to applications for relief from the Special Requirements of Section 17 (c), there shall be a further showing that compliance would work a hardship on the applicant.

**SECTION 18 - LAND USE PERMIT:** No person, shall erect, place, or move any building or structure, nor shall any person make an addition to any existing building or structure, or change or establish a new use for any land within any zoning district without first obtaining a Land Use Permit therefore. Application shall be made to the Zoning Administrator for such permit, on forms to be supplied by him/her. The Zoning Administrator shall have the power to require proof of ability to meet all public health standards and applicable state and local laws, regulations and ordinances.

Section 18, Revised by Amendment #84-8, Adopted October 22, 1984.  
Section 18, Revised by Amendment #97-24, Adopted October 14, 1997.

**SECTION 18 (a) - OTHER REQUIREMENTS:** Before issuing a Land Use Permit the Zoning Administrator shall have the power to make an on-site inspection, or to require the applicant to furnish an inspection report from a representative of the Soil & Water Conservation District or the Tri-County Health Department supporting the proposed use, when the administrator believes it to be in the interest of the public health, safety or welfare to do so. Any conditions or alterations recommended by the report shall be included in the Land Use Permit if issued. The Zoning Administrator shall also require such additional data as plat plans, site surveys, building plans to scale, and any other documentary material necessary to ascertain that the application conforms to the requirements of the Ordinance.

Revised by Amendment #97-25 & 26, Adopted October 14, 1997.

**SECTION 18 (b) - DELETED** Amendment #7, Adopted May 21, 1979.

**SECTION 18 (c) - APPEALS:** Appeals from the decision of the Zoning Administrator denying any Land Use Permit shall be made to the Zoning Board of Appeals within the time limited and in accordance with the rules of said Board of Appeals from any other decision or action of the Zoning Administrator.

**SECTION 18 (d)**

Repealed by Amendment #84-9, Adopted October 22, 1984.

**SECTION 18 (e)**

Repealed by Amendment #84-9, Adopted October 22, 1984.

**SECTION 18 (f) - LAND USE PERMITS - EXPIRATION:** Every Land Use permit issued under this Ordinance by the Zoning Administrator shall be valid for a period of twelve (12) months from the date of issue, during which time the use permitted thereby shall be fully implemented. The Zoning Administrator, on application duly made prior to the expiration date of said permit, without the fee and for good cause shown, may extend the duration of said permit for an additional six (6) months. Thereafter, the permit shall immediately expire, and further development shall be prohibited unless application is made for a new Land Use Permit and the proper fees and approval secured therefore.

**SECTION 18(g)**

Repealed by Amendment #15, Adopted July 21, 1980.

**SECTION 18(h) – Review of Applications and Plans:** It is the policy of Grant Township that in The event professional assistance is deemed necessary by the Planning Commission or the Township Board for the competent review of proposals by an applicant, then, in that event, the Township reserves the right to retain suitable professionals to conduct an independent review and report their findings to Grant Township. Any professional fees resulting from such review

as authorized by Grant Township found necessary to comply with the intent and purpose of this Ordinance, shall be paid by the applicant prior to the issuance of a land use permit. Professional fees assessed to an applicant under this Section shall not exceed the actual costs to the Township.

#### ESCROW DEPOSITS FOR VARIABLE COSTS AND EXPENSES.

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be used to pay professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application.

1. The funds shall be managed by the Township Treasurer and shall be deposited before the cost or expense is incurred.
  - a. The funds shall not be deposited in an interest bearing account.
  - b. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate.
  - c. Costs incurred to manage the account may be debited to the account.
2. Upon request by the applicant, the Township shall provide copies of any written reports and statements of expenses for the professional services rendered.
3. The Township shall provide written notice and a request for additional escrow deposit to the applicant if at any time the sums on deposit appear appear insufficient to cover anticipated costs and expenses.
  - a. The applicant shall promptly deposit additional funds in accordance with the written request from the Township.
  - b. If additional funds are not promptly deposited the Township may issue a stop work order, cease review or table action on the application, deny zoning permits or certificates of zoning compliance associated with the application or take no further action to process the project.
4. Where the Township determines that sums deposited appear likely to exceed anticipated costs and expenses, those excess funds shall be promptly returned to the applicant.
5. Sums remaining in the account when the project is completed shall be promptly returned to the applicant. (Section 18(h) added by amendment 2022-006 effective date 11-21-2022)

**SECTION 19 - ZONING BOARD OF APPEALS:** There is hereby created a Zoning Board of Appeals, whose members shall be appointed in accordance with Section 18 of Act 184 of the Public Acts of 1943, as amended. Said Board shall perform those duties and exercise those powers provided by said Statute, together with such additional powers as specified in this Ordinance. This Board shall consist of five (5) members. Said Board shall develop its own rules of procedure and fee schedule, which, in turn, must be approved by the Township Board.

The term of each member shall be three (3) years, except that of the members first appointed, two shall be for two (2) years, and the rest for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Members shall be selected to represent the various interests of the Township.

It shall be the duty of the Zoning Administrator, who shall be appointed by and on such terms determined by the Township Board, to administer this Ordinance and to enforce the provisions contained herein. The Zoning Board of Appeals shall interpret this Ordinance, make decisions on matters coming within its jurisdiction and instruct the Zoning Administrator as to the steps necessary to enforce its decision.

- 1. Appeals: The Appeals Board (AB) shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or any other body or official in administering or enforcing the provisions of this ordinance. Within this capacity the AB may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The AB shall have all the powers of the body or official that made the decision subject to the appeal.

The Appeals Board shall reverse or otherwise modify the decision subject to the appeal only if it finds that the action or decision appealed:

- a. was arbitrary or capricious, or
  - b. was based upon an erroneous finding of material fact, or
  - c. constituted an abuse of discretion, or
  - d. was based on the erroneous interpretation of the Zoning Ordinance or zoning law, or
  - e. did not follow required procedures.
- 2. Variances: The Appeals Board shall have the power to authorize specific variances from specific site development standards contained in this Ordinance, such as lot area and width requirements, off street parking, and sign requirements. The Appeals Board will not have the power to authorize variances from requirements pertaining to permitted uses in a district.

The standards that must be met in order to authorize a variance are:

- a. There are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances specific to the property such as narrowness, shallowness, shape or topography, that do not generally apply to other property or uses in the same district, and shall not be evaluated in
- b. The practical difficulty or special condition or circumstance is not a result of the actions of the applicant.

- c. The variance will only relate to the property described in the variance application.
- d. The variance will be in harmony with the purpose of the Ordinance.
- e. The variance will not cause an adverse effect upon surrounding property including property values, use and enjoyment of property in the neighborhood.
- f. The strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome.
- g. The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

The standards must be accompanied by evidence supporting the applicants claims and the board will issue a record of the proceedings. (Numbers 1 and 2 added by amendment 2022-01 effective 11-21-2022)

**SECTION 20 - NUISANCE PER SE:** Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under the Rural Zoning Act is a nuisance per se. (Section 20 amended by amendment 2022-002 effective 11-21-2022) (previously amended by Amendment #03-05, June 16, 2003).

**SECTION 21 - PENALTIES:**

1. Any person, partnership, limited liability company, corporation, or association who creates maintains a nuisance per se as defined in Section 20 or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute separate and distinct offense under the provisions of this Ordinance.
  2. The Township Zoning Administrator and the Township Supervisor are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
  3. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.
- Amended by Amendment #03-05, June 16, 2003.

**SECTION 22 - SEVERABILITY:** If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

**SECTION 23 - SURVIVAL OF ACTIONS:** This ordinance supersedes and replaces the Grant Township Interim Zoning Ordinance of 1970, which expires by operation of law on January 25, 1974. Any proceedings commenced or rights or causes of action accruing during the period the Interim Zoning Ordinance was in effect are hereby expressly preserved and declared to survive, and likewise, any actions or orders of the Zoning Board of Appeals taken or issued pursuant to the Interim Zoning Ordinance shall remain in full force and effect.

**SECTION 24- SOLAR ENERGY SYSTEMS:**

**SMALL SOLAR ENERGY SYSTEMS**

Small solar energy systems (no more than 2,000 sq. ft.) may be installed and operated in all districts, provided the following requirements are met.

Requirements:

1. Obtain a Special Use Permit application/guidelines from the Zoning Administrator.
2. Submit a site plan, (approved by a State Certified Engineer) drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.
3. Approval from the Planning Commission.
4. All installations must follow the Grand Traverse County Building Codes.

A. Solar energy systems may not exceed five (5) feet above the existing roof surface.

B. Solar water or swimming pool heating systems may not exceed five (5) feet above the existing roof surface.

C. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard but shall not be closer than the setbacks from any property line.

D. In no instance shall ground mounted solar panels exceed twenty (20) feet in height in residential zones and must meet a 30-foot Greenbelt requirement. Any mechanical equipment used, as part of the solar system, shall be screened (and maintained) from view from any public street, residential district or agricultural district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission. Although the Planning Commission may wave some planting restrictions if existing natural features will remain to provide adequate natural screening.

E. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected, and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a state certified engineer.

F. If an impervious surface will be located on the site, the site plan shall include a drainage plan prepared by a state certified engineer showing how storm water runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of



detergent, frequency and quantity of use, and storm water quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

G. A yearly report must be submitted to the Township Supervisor showing how much power was produced and sold (no report would indicate abandonment). If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed to be unsafe or inconsistent with current building codes, the current owner shall repair the system to good working order within 6 months, (a letter will be sent to the current owner stating this). At that point if the system is not operating or compliant with federal, state or local codes, it shall be removed in its' entirety at the owner's expense, (a letter will be sent to the current owner stating this). Removal of the system must be completed within six months of receipt of letter. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its pre-constructed state and is ready for development as another use.

## 2. MEDIUM SOLAR ENERGY SYSTEMS

Medium solar energy systems (no more than 1 acre of land) may be installed and operated in the A-1, A-2 and R2 districts, provided the following requirements are met.

Requirements:

1. Obtain a Special Use Permit application/guidelines from the Zoning Administrator.
2. Submit a site plan, (approved by a State Certified Engineer) drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.
3. Approval from the Planning Commission
4. All installations must follow the Grand Traverse County Building Codes.

A. Solar energy systems may not exceed five (5) feet above the existing roof surface.

B. Solar water or swimming pool heating systems may not exceed five (5) feet above the existing roof surface.

C. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard but shall not be closer than thirty (30) feet from any property line.

D. In no instance shall ground mounted solar panels exceed twenty (20) feet in height in residential zones and must meet a 30-foot Greenbelt requirement. Any mechanical equipment used, as part of the solar system, shall be screened (and maintained) from view from any public street, residential district or agricultural district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission. Although the Planning Commission may wave some planting restrictions if existing natural features will remain to provide adequate natural screening.

E. Medium solar facilities proposed in agricultural zones are encouraged to locate on predominantly non-tillable farmlands.

F. Any mechanical equipment, used as part of the solar system, shall be screened from view from any public street, residential district or agricultural district by use of a masonry screen wall,

evergreen vegetation, or other screening of a similar effectiveness and quality, as determined by the Planning Commission.

G. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected, and adjacent properties shall be protected from unreasonable glare and radiation. It is a requirement to submit a report from a state certified engineer.

H. The applicant shall submit documentation to verify compliance with this section, the application shall include a drainage plan prepared by a registered civil engineer showing how storm water runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, quantity and source of water, and storm water quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. Applicant shall demonstrate the use of well water shall not negatively impact the function of existing wells in the area.

I. A yearly report must be submitted to the Township Supervisor showing how much power was produced and sold (no report would indicate abandonment). If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed to be unsafe or inconsistent with current building codes, the current owner shall repair the system to good working order within 6 months, (a letter will be sent to the current owner stating this). At that point if the system is not operating or compliant with federal, state or local codes, it shall be removed in its' entirety at the owner's expense, (a letter will be sent to the current owner stating this). Removal of the system must be completed within six months of receipt of letter. Removal shall include removing post, equipment, panels, foundations, and other items so that the ground is restored to its pre-constructed state and is ready for development as another use.

J. The Applicant shall post a performance guarantee (cash, letter of credit or bond deemed acceptable by the Township attorney) to cover the cost of removal of the equipment, structures and foundations related to the solar system in the event of abandonment or failure to comply with federal, state or local laws (after being given reasonable time to remedy the problem).

### 3. LARGE SOLAR ENERGY SYSTEMS

A. Large solar energy systems (no more than 2 ½ acres) may be installed and operated in the A-1 and A-2 and R2 districts provided the following requirements are met.

Requirements:

1. Obtain a Special Use Permit application /guidelines from the Zoning Administrator.
2. Submit a site plan, (approved by a State Certified Engineer) drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.
3. Approval from the Planning Commission
4. All installations must follow the Grand Traverse County Building Codes.

A. Solar energy systems may not exceed five (5) feet above the existing roof surface.

B. Solar water or swimming pool heating systems may not exceed five (5) feet above the existing roof surface.

C. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard but shall not be closer than thirty (30) feet from any property line.

D. In no instance shall ground mounted solar panels exceed twenty (20) feet in height in residential zones and must meet a 30-foot Greenbelt requirement. Any mechanical equipment used, as part of the solar system, shall be screened (and maintained) from view from any public street, residential district or agricultural district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission. Although the Planning Commission may wave some planting restrictions if existing natural features will remain to provide adequate natural screening.

E. Large solar facilities proposed in agricultural zones are encouraged to locate on predominantly non-tillable farmlands.

F. Any mechanical equipment, used as part of the solar system, shall be screened from view from any public street, residential district or agricultural district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, as determined by the Planning Commission.

G. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected and adjacent properties shall be protected from unreasonable glare and radiation. It is a requirement to submit a report from a state certified engineer.

H. The applicant shall submit documentation to verify compliance with this section, the application shall include a drainage plan prepared by a registered civil engineer showing how storm water runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, quantity and source of water, and storm water quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. Applicant shall demonstrate the use of well water shall not negatively impact the function of existing wells in the area.

I. A yearly report must be submitted to the Township Supervisor showing how much power was produced and sold (no report would indicate abandonment). If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed to be unsafe or inconsistent with current building codes, the current owner shall repair the system to good working order within 6 months, (a letter will be sent to the current owner stating this). At that point if the system is not operating or compliant with federal, state or local codes, it shall be removed in its' entirety at the owners expense, (a letter will be sent to the current owner stating this). Removal of the system must be completed within six months of receipt of letter. Removal shall include removing post, equipment, panels, foundations, and other items so that the ground is restored to its pre-constructed state and is ready for development as another use.

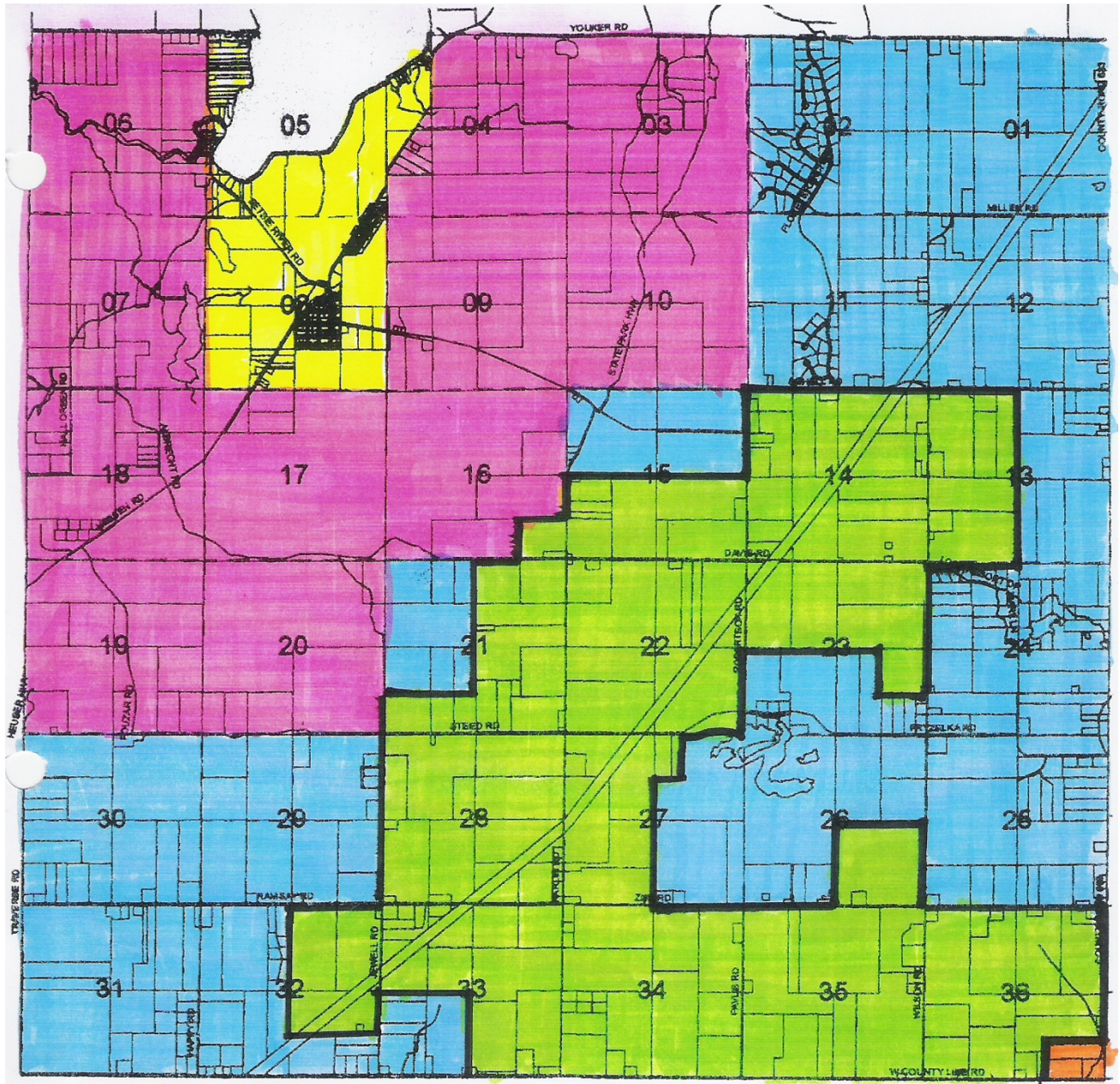
J. The Applicant shall post a performance guarantee (cash, letter of credit or bond deemed acceptable by the Township attorney) to cover the cost of removal of the equipment, structures and foundations related to the solar system in the event of abandonment or failure to comply with federal, state or local laws (after being given reasonable time to remedy the problem).

**SECTION 25 - EFFECTIVE DATE:** This Ordinance shall be effective on January 25, 1974.

Dated January 22, 1974

THE TOWNSHIP BOARD OF THE TOWNSHIP OF GRANT Grand Traverse County, Michigan

ERNEST O'BRIEN, Supervisor



Business District located within the R-1 District

R-1 Residential District

R-2 Residential District

A-1 Agricultural District

A-2 Agricultural District

Manufactured Home Park District

ZONING MAP OF GRANT TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN  
 Revised by Amendment #2006-07, Adopted May 21, 2007.

**B-3 BUSINESS DISTRICT**



Revised by Amendment #06-03, Adopted August 21, 2006